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27 January 2020

To: All Councillors

As a Member or Substitute of the **Planning Committee**, please treat this as your summons to attend a meeting on **Tuesday, 04 February 2020** at **6.00pm** in the **Council Chamber, Town Hall, Matlock DE4 3NN**.

Yours sincerely



Sandra Lamb
Head of Corporate Services

AGENDA

SITE VISITS: The Committee is advised a coach will leave the Town Hall, Matlock at 3.10pm prompt. A schedule detailing the sites to be visited is attached to the Agenda.

1. APOLOGIES/SUBSTITUTES

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

2. APPROVAL OF THE MINUTES OF THE PREVIOUS MEETING

Planning Committee – 14 January 2019

3. INTERESTS

Councillors 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 Councillor, her/his partner, extended family and close friends. Interests that become apparent at a later stage in the proceedings may be declared at that time.

4. APPLICATIONS FOR DETERMINATION

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

PUBLIC PARTICIPATION

To provide members of the public **WHO HAVE GIVEN PRIOR NOTICE** (by no later than 12 Noon on the working day prior to the meeting) with the opportunity to express 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 www.derbyshiredales.gov.uk/attendameeting. Alternatively email committee@derbyshiredales.gov.uk or telephone 01629 761133.

	Page No.
4.1 APPLICATION NO. 19/01152/FUL (Site Visit)	06 – 15
Proposed renovation and extension of social club building at Hurst Farm Social Club, Hazel Grove, Matlock	
4.2 APPLICATION NO. 19/01285/FUL (Site Visit)	16 – 25
Removal of Existing Buildings and Erection of 1 No. Dwellinghouse on Land to the North of North Barn, Farm Lane, Matlock	
4.3 APPLICATION NO. 19/01317/FUL (Site Visit)	26 – 31
Single-storey rear extension at Derwent Valley Vets Ltd, 110 Dale Road, Matlock	
4.4 APPLICATION NO. 19/01182/VCOND	32 – 46
Variation of condition 2 of planning permission 15/00279/FUL to allow for the retention period of the solar equipment to be extended to 40 years at Lady Hole Solar Farm, Bradley	
4.5 APPLICATION NO. 19/01231/VCOND	47 – 60
Variation of condition 3 of planning permission 15/00089/FUL to allow for the retention period of the solar equipment to be extended to 40 years at Solar Farm at Dayfields Farm, Dayfield Lane, Atlow	
4.6 APPLICATION NO. 19/01274/FUL	61- 86
Hybrid planning application comprising of an outline planning application (all matters reserved) for up to 367 dwellings (with integrated open space), up to 10 hectares of employment land (B1, B2 and B8 business uses), a commercial hub incorporating A1 (Shops) /A2 (Professional/ Financial services), A3 (Restaurants and Cafes)/A4 (Drinking Establishments), D1 (Non-Residential Institutions) and C1 (Hotels) uses and associated highways and drainage infrastructure and a full planning application for the erection of 1no. Industrial unit (B1, B2 and B8 business uses) with access via roundabout and link road and for the formation of an attenuation pond AT Ashbourne Airfield, A52, Ashbourne, Derbyshire	

5. INFORMATION ON ACTIVE AND CLOSED ENFORCEMENT INVESTIGATIONS 87 – 94

6. APPEALS PROGRESS REPORT 95 - 106

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

Members of the Committee

Councillors Jason Atkin (Chairman), Richard Bright (Vice Chairman)

Robert Archer, Matthew Buckler, Sue Bull, Sue Burfoot, Tom Donnelly, Richard FitzHerbert, David Hughes, Stuart Lees, Joyce Pawley, Garry Purdy and Peter Slack.

Nominated Substitute Members

Jacqueline Allison, Martin Burfoot, Paul Cruise, Helen Froggatt, Chris Furness, Susan Hobson, Michele Morley, Tony Morley, Peter O'Brien, Mike Ratcliffe, Mark Salt, Steve Wain and Mark Wakeman.

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

SITE VISITS

Members will leave the Town Hall, Matlock at **3.10pm prompt** for the following site visits:

	Page No.
3.20pm APPLICATION NO. 19/01152/FUL HURST FARM SOCIAL CLUB, HAZEL GROVE, MATLOCK To assess the proposals in terms of the character and appearance of the building and the amenity of neighbouring residents	06 – 15
3.45pm APPLICATION NO. 19/01285/FUL LAND TO NORTH OF NORTH BARN, FARM LANE, MATLOCK For members to appreciate the site and the impact of the development on the nearby heritage asset.	16 – 25
4.10pm APPLICATION NO. 19/01317/FUL DERWENT VALLEY VETS LTD, 110 DALE ROAD, MATLOCK. To enable Members to assess the impact of the development on heritage	26 - 31
4.30pm RETURN TO TOWN HALL, MATLOCK.	

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.

APPLICATION NUMBER		19/01152/FUL	
SITE ADDRESS:		Hurst Farm Social Club, Hazel Grove, Matlock	
DESCRIPTION OF DEVELOPMENT		Proposed renovation and extension of social club building	
CASE OFFICER	Mr. G. A. Griffiths	APPLICANT	Hurst Farm Social Club
TOWN	Matlock	AGENT	Hope Design Ltd
WARD MEMBERS	Cllr. P Cruise Cllr. S. Flitter Cllr. D. Hughes	DETERMINATION TARGET	20 th December 2019
REASON FOR DETERMINATION BY COMMITTEE	District Council involvement in the proposed development	REASON FOR SITE VISIT (IF APPLICABLE)	To assess the proposals in terms of the character and appearance of the building and the amenity of neighbouring residents.

MATERIAL PLANNING ISSUES

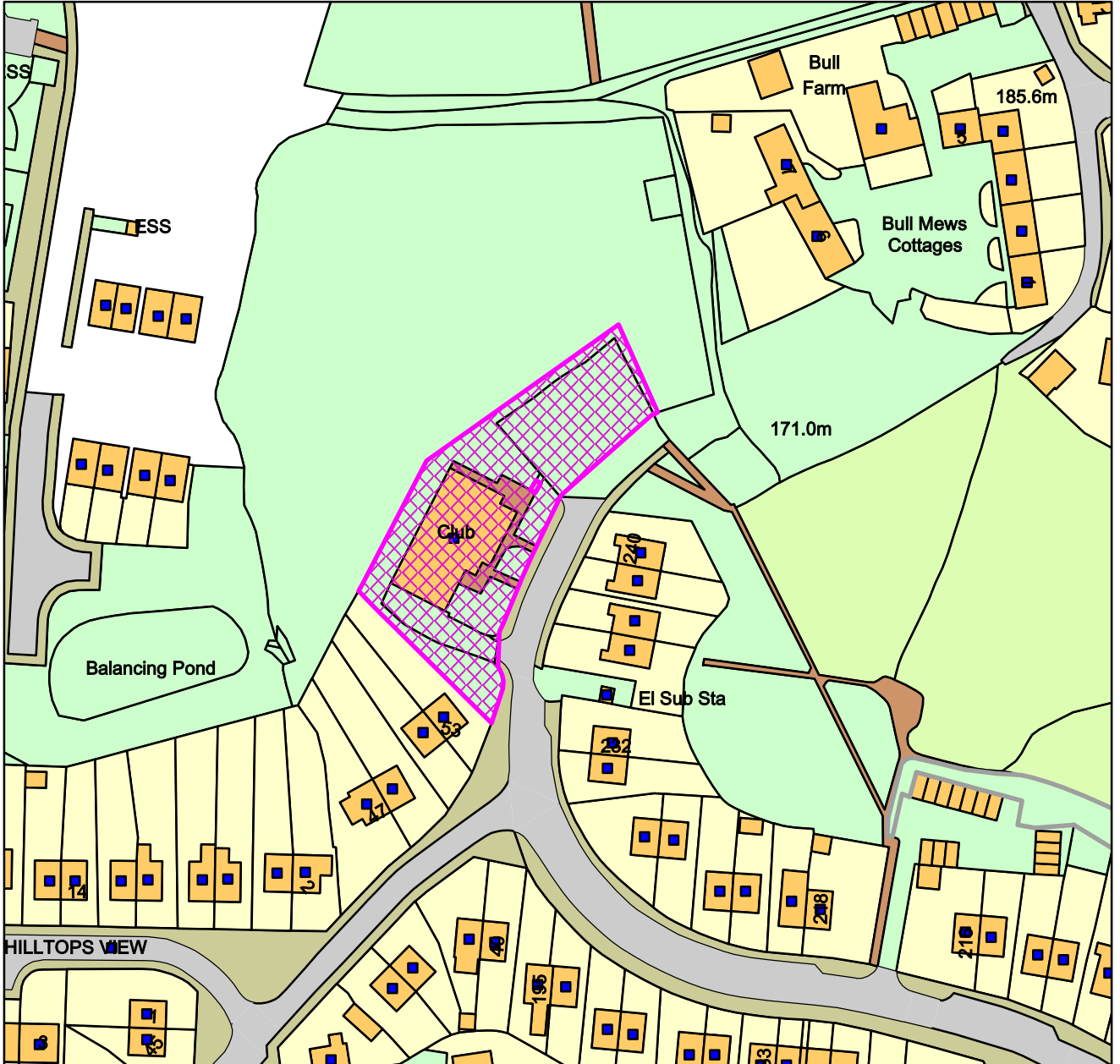
- Principle of the development
- Impact on the character and appearance of the building
- Impact on residential amenity
- Climate change
- Accessibility and highway matters

RECOMMENDATION

Approval

19/01152/FUL

Hurst Farm Social Club, Hazel Grove, Matlock



Derbyshire Dales DC

1:1,250

Date: 24/01/2020

100019785

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

1. THE SITE AND SURROUNDINGS

- 1.1 The site is the Hurst Farm Social Club which has formed a central part of the community for some 60 years.
- 1.2 The Social Club is a brick and render building located on Hazel Grove at the northern end of Hurst Farm residential estate. The building is set to the western side of the Hazel Grove and has a car parking area to the north and a service area to the south. The site is adjacent to dwellinghouses on its east, west and south sides and there is a field to the north which then leads onto the residential developments off Asker Lane.





2. DETAILS OF THE APPLICATION

- 2.1 Full planning permission is sought to extend and modify the building to seek to improve this as a facility for the local and wider community. The applicant has submitted documents detailing how they have engaged with the community in the summer of 2018 in formulating the proposals and have submitted a design presentation of initial ideas.
- 2.2 The applicant has also submitted a Design and Access Statement. This advises that, the Social Club forms part of a wider regeneration project for the estate which is being spearheaded by the District Council and its partners. In order to accommodate the aspirations of the community, the Social Club requires modernisation and reconfiguration. It is hoped that the project will also appeal to a broader user group, to offer flexible spaces and opportunities for new initiatives, and to progress from an 'old stereotypical reputation.' The proposals are as follows.

Extensions and Alterations

- 2.3 The building is proposed to be extended and altered over two phases. Phase 1 would see the dimensions of the building remain largely the same. Areas which are proposed to be increased are within the pool/function room, where a new covered balcony is proposed to the east side of the building adjacent to the main entrance. The pool room is proposed to have a pitched roof over it which would project over half of the proposed balcony area. This is to seek to transform the space and to reduce the level of maintenance to the flat roofs.
- 2.4 The extension would be constructed with new brick to match the existing, with steel cladding and a steel profile roof above. The balcony would be formed with a steel mesh balustrade. It is proposed that a ribbon of metal cladding would be provided along the verge between the walls and the remaining areas of flat roof. It is proposed that stone cladding would be provided on the three exposed sides of the flat roofed, front projecting element of the building.
- 2.5 In Phase 2, additional volume is proposed with a flat roofed extension with profile metal sheets. The applicant advises that this reflects upon the original planning permission for the building but which was not undertaken. The additional floor area would be some 68.2sqm. A ramped access with a metal mesh screen, to allow inclusive access to the first floor, would lead up from the car park to a balcony, with the same metal balustrade, and up to the front of the access into this upper part of the building.

Landscaping

- 2.6 Much of the landscaping surrounding the building would be maintained other than the necessary upgrading of paths and stairs to allow for improved accessibility. Phase 1 would include a new retaining wall and a new graded, sloping bank to the rear that meets up with the edge of the car park. As part of Phase 2, the new access ramp is proposed from the car park to the first floor level and it is envisaged that the grassed areas will be used for outdoor seating areas and a picnic spot.

Proposed Facilities

- 2.7 There are currently three main spaces within the building, with ancillary rooms serving those spaces. These are the pool and bar room and a multi-purpose/function room on the ground floor and offices in the lower ground floor/basement. These spaces are proposed to remain with the same functions but to be reconfigured to modernise the spaces.
- 2.8 The basement would provide more space to be able to be rented out as offices, studios and meeting rooms and would have its own toilet and kitchen facilities to allow it to function independently of the main part of the building. The cellar serving the bar would also be at this level.
- 2.9 The ground level would offer more flexibility, with folding partitions, to have a multi-purpose function room allowing activities to occur simultaneously. The ancillary rooms are proposed to be improved with disabled access to toilets and baby changing facilities introduced. The design of the building also introduces a reception area, a central kitchen and storage facilities.
- 2.10 Phase 1 would be to also create the farm shop, which will operate by selling produce supplied by the market garden with the aim of promoting healthy eating and sustainability. Phase 2 is to create a further, rentable, multi-purpose function room in an extension above the building. This could also be integrated with the ground level function room to provide increased capacity for larger events.

Initiatives

- 2.11 These include a community market garden, farm shop/café and heritage walks.

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
 - PD1 Design and Place Making
 - PD7 Climate Change
 - HC15 Community Facilities and Services
 - HC17 Promoting Sport, Leisure and Recreation
 - HC21 Car Parking Standards
- 3.2 National Planning Policy Framework
- 3.3 National Planning Practice Guidance

4. RELEVANT PLANNING HISTORY

MAT/463/26	Outline application for proposed Social Club	Granted
MAT/764/26	Social Club	Granted

5. CONSULTATION RESPONSES

Town Council

- 5.1 - no comments

5.2 Environmental Health (DDDC)

- satisfied with the measures to control noise levels in the community.

Local Highway Authority (Derbyshire County Council)

- 5.3
- would recommend that a parking layout is sought by condition
 - formal demarcation of the spaces would be more efficient than the existing arrangement

6. REPRESENTATIONS RECEIVED

- 6.1 None.

7. OFFICER APPRAISAL

Policy Principle

- 7.1 There are several Policies in the Adopted Derbyshire Dales Local Plan (2017) which are particularly relevant to the consideration of this application. Policy S1 advises that developments should seek to make a positive contribution towards the achievement of sustainable development, which includes improving the economic, environmental and social conditions of the area wherever possible. This Policy also advises of the need to take into account the impact of climate change.
- 7.2 Policy S3 (Development Within Defined Settlement Boundaries) advises that planning permission will be granted where the proposed development is of a scale and design that is compatible with the character, appearance and amenity of the part of the settlement in which it is located and would have appropriate access and parking provision.
- 7.3 Policy PD1 (Design and Place Making) advises that there is a requirement that the new development creates well designed, socially integrated, high quality places and should respond to the challenge of climate change whilst also contributing to local distinctiveness and sense of place.
- 7.4 Policy PD7 (Climate Change) advises that the District 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 resilience to increased temperatures and promoting the use of sustainable design and construction techniques to secure energy efficiency through building design.
- 7.5 Policy HC15 (Community Facilities and Services) advises that the District Council will seek to maintain and improve the provision of local community facilities and services. This will be achieved by supporting proposals which protect, retain or enhance existing community facilities.
- 7.6 Policy HC17 (Promoting Sport, Leisure and Recreation) advises that development proposals involving the provision of new sports, cultural, leisure and recreational facilities, or improvements and extensions to such facilities, will be permitted provided that they are connected to, and associated with, existing facilities and located on a site that relates well to the settlement hierarchy, which are capable of being accessed by a range of transport modes and by disabled people and those with restricted mobility. This would be dependent on the development not having an adverse impact on the character and appearance of its surroundings and would not create unacceptable problems in terms of the relationship between the proposal and neighbouring uses.
- 7.7 Policy HC21 (Car Parking Standards) seeks to ensure that the vehicular parking for new development is provided in accordance with adopted standards or where the developer can

justify their own level of parking provision. The matters raised by these policies are considered below.

Impact on the Character and Appearance of the Area

- 7.8 The design ethos that the applicants have submitted is that the alterations to the building to reflect back upon their having been a farmstead on the site prior to the Social Club being developed some 60 years ago.
- 7.9 The building is currently constructed with red/brown brick elevations. There has been some brick infill, not quite matching, to an area of the lower ground floor windows on the south facing elevation. The upper part of the elevation, below the flat roof, has what appears to be a metal banding which is deteriorating. There are also rendered areas.
- 7.10 It is proposed that stone be introduced to the projecting element of the building on the front elevation. However, rather than reflecting upon traditional, random rubble stone elevations or traditional stone blockwork, it has been proposed, on Officer advice, that the stonework comprises split faced, Birchover stone cut with narrow bed heights to a similar size to the brickwork with a variety of lengths. This is considered to be a contemporary twist on the rural vernacular but is more in keeping with, and will more readily integrate with, the extensive sections of brick that would remain on the building.
- 7.11 The initial scheme proposed significant sections of timber panelling. However, in taking a design ethos of traditional farm buildings, it was recognised these were largely of stone construction and not timber; timber was rarely used historically as a building material for traditional agricultural buildings in Derbyshire Dales. There were also rendered sections proposed on the building.
- 7.12 The building currently has a limited number of materials used in its construction and the proposal to introduce further materials raised concern with respect to their over-proliferation. In addition to the above materials, it was proposed to add cement render to the lower ground floor (south west facing) elevation, with the brickwork retained above this, and timber cladding leading up to the metal roof. This was considered to create a discordant elevation. Likewise, when viewing the south east elevation, there was the existing brickwork, with a rendered element, vertical and horizontal timber panelling, a timber sunscreen, a stone clad central section and metal roof and balustrades.
- 7.13 Given the above, Officers considered there to be a proliferation of differing materials on these main elevations. To address this, it was advised that the timberwork could be more appropriately replaced with metal cladding to bring greater harmony to the building, albeit the timber sunscreen in the east facing gable of the extension was considered acceptable as a reference to 'Yorkshire Boarding'. It was also considered that the use of metal would be more recognisable as a material used on farm buildings, particularly in the modern era, and on farm buildings of some size and, in that respect, would support the design ethos that was advocated to a greater extent. It was considered that this would give a contemporary appearance to the building and the use of metal would also be likely to render fewer costs in the future compared to the maintenance of the timber facings.
- 7.14 The applicant has taken on board these comments and amended the scheme. The materials are now mainly brick with metal roofs and detailing. The windows are also proposed to be of metal construction, as are the balconies and the access ramp proposed as part of the Phase 2 extensions. The front projecting, flat roofed element is proposed to be faced with stone which would be visible on all its sides to reflect upon this being a single entity to which the principal part of the building abuts. The stone faced element also houses a farm shop. This is proposed to be accessed by staff from a side door and all sales conducted from a serving hatch. The hatch is proposed to have a roller shutter for security at night which would reflect on the colour of the metal cladding.

7.15 Given the alterations to the scheme, Officers consider that the building will have a more homogenous appearance which has been aided by reducing or limiting the use of materials.

Impact on Neighbour's Amenity

7.16 There are neighbouring residential properties adjacent to the site and there have been some complaints received with regard to noise from the premises in the past. However, this is an established premises and persons residing in the area would be aware of this facility and its potential for generating some disturbance. It is appreciated that extending the facility, and improving it, is likely to generate more visitors/customers to the premises but the impact that this has locally has to be weighed against the benefit to the wider community.

7.17 It would be expected that the visiting members of the community would have regard to the context of the site and that appropriate site management could address most potential causes of disturbance. It is considered that the physical changes proposed to the building will not lead to a significant additional impact with respect to current levels of overlooking and privacy.

7.18 In terms of comings and goings, delivery vehicles will mainly park on the service road to the front of the building and barrels can be delivered straight to the cellar via the door at basement level (south west elevation). Deliveries to the bar and kitchen will use the main entrance (south east elevation) and deliveries to the farm shop will use the staff door (north east elevation). These deliveries can make use of the central ramped pathway that leads up to the stone clad wall and the pathway is proposed to be widened to accommodate such tasks.

Climate Change

7.19 The proposals are an upgrading of an existing facility which is a sustainable form of development. It will bring opportunities into the local area which may reduce the need to travel outside it. Whilst there are no proposals to create a positive impact on climate change, such as the integration of renewable sources of energy, this has a cost burden on the development which is seeking improvements to a facility largely through public funding which has its limitations. To this end, it is considered that the proposal is acceptable in the context of this policy.

Accessibility and Highway matters

7.20 The development is very much a facility at the heart of the community and can be accessed by walking, cycling and public transport in the form of the regular bus service to Hurst Farm and the surrounding area.

7.21 There will obviously be visits made in the private vehicle. Whilst the car park would be likely to witness an increased level of parking associated with the functions and day to day operation, and the car park will also be impinged upon slightly as part of the Phase 2 development, it is considered by the Local Highway Authority that the development would be acceptable but request that the existing car park be demarcated. However, it is the view of Officer's that the extent of alterations proposed under Phase 1 do not justify such a requirement but it is considered reasonable, with the development of Phase 2 of the proposals, and with the potential for further traffic, that the demarcation of the car parking spaces be a requirement at that point.

Conclusion

7.22 This is considered a worthy project to improve the facilities for the local community and to breathe a fresh vibrancy into the use of the building at the heart of the local community and with the hope that this will extend to the wider community to increase its viability and longevity. It is also proposed to provide opportunities for a range of activities to support social and physical wellbeing.

7.23 In terms of the alterations, it is considered the amended scheme strikes the right balance in the use of materials and meeting the aims of the design brief. It is considered that the materials proposed will serve to modernise the building and that this can be a coherent, phased change to the building. Given the above, it is recommended that planning permission be granted subject to conditions on materials and landscaping being submitted for approval and the provision of demarcated parking spaces on the implementation of Phase 2.

8. RECOMMENDATION

That planning permission be granted subject to the following conditions:

1. Condition ST02a Time Limit on Full

Reason:

Reason ST02a

2. The development hereby approved shall be carried out in accordance with the amended plans Amended Drawing Nos. HD-HFSC-BD01 (Rev. J), BD02 (Rev. J), BD03 (Rev. J), BD04 (Rev. J), BD05 (Rev. J), BD06 (Rev. J), BD07 Rev. J) and BD08 (Rev. J) received on 20th January 2020 except insofar as may otherwise be required by other conditions to which this permission is subject.

Reason:

To define the permission and to ensure the satisfactory character and appearance of the development to comply with Policies S1, S3, PD1, HC15 and HC17 of the Adopted Derbyshire Dales Local Plan (2017).

3. Prior to the materials being applied to the building, details/samples of the following shall be submitted to and approved in writing by the Local Planning Authority:
 - a) the metalwork to the roof, elevations, panels, ramp and its supports and the balustrades;
 - b) the cedar for the sunscreen, to detail its width and depth;
 - c) the rainwater goods and external pipework;
 - d) window and door frames and their depth of recess;
 - e) the rooflights;
 - f) the glazed canopy;
 - g) the roller shutter to the farm shop;
 - h) any grilles and details of any externally mounted ventilation/extraction systems; and
 - i) the signage to the front wall (this may require express advertisement consent).

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

Reason:

To ensure the satisfactory character and appearance of the development to comply with Policies S1, S3, PD1, HC15 and HC17 of the Adopted Derbyshire Dales Local Plan (2017).

4. Prior to the stonework being applied to the building, a sample panel measuring 1m x 2m of the stonework shall be provided on the site, for approval in writing by the Local Planning Authority, and the stone facings shall thereafter be provided in accordance with the approved sample panel.

Reason:

To ensure the satisfactory character and appearance of the development to comply with Policies S1, S3, PD1, HC15 and HC17 of the Adopted Derbyshire Dales Local Plan (2017).

5. Prior to each Phase of the development being implemented, a landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority, and the landscaping shall be implemented in accordance with the approved details in the first planting season after each phase of the building being occupied

Reason:

To ensure the satisfactory character and appearance of the development to comply with Policies S1, S3, PD1, HC15 and HC17 of the Adopted Derbyshire Dales Local Plan (2017).

6. Prior to Phase 2 of the development being implemented, a scheme for demarcating car parking spaces on the car park to the north of the building shall be submitted to and approved in writing by the Local Planning Authority, and the shall be implemented in accordance with the approved details prior to Phase 2 of the development being brought into use.

Reason:

To ensure the provision of adequate and clearly defined parking spaces to address the potential need for increased parking provision as a result of Phase 2 of the development to comply with Policies S1, S3, PD1, HC15 and HC17 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, engaged in a positive and proactive dialogue with the applicant which resulted in the submission of the scheme.
2. This decision notice relates to the following documents:

Block Plan 1:1250 received on 25th October 2019

Block Plan 1:500 received on 25th October 2019

Amended Drawing Nos. HD-HFSC-BD01 (Rev. J), BD02 (Rev. J), BD03 (Rev. J), BD04 (Rev. J), BD05 (Rev. J), BD06 (Rev. J), BD07 Rev. J) and BD08 (Rev. J) received on 20th January 2020

Design and Access Statement received on 25th October 2019

Design Presentation – Initial Ideas Document received on 25th October 2019

Hurst Farm Consultation Findings Phase 1 – A Community Engagement Process for Hurst Farm Document received on 25th October 2019.

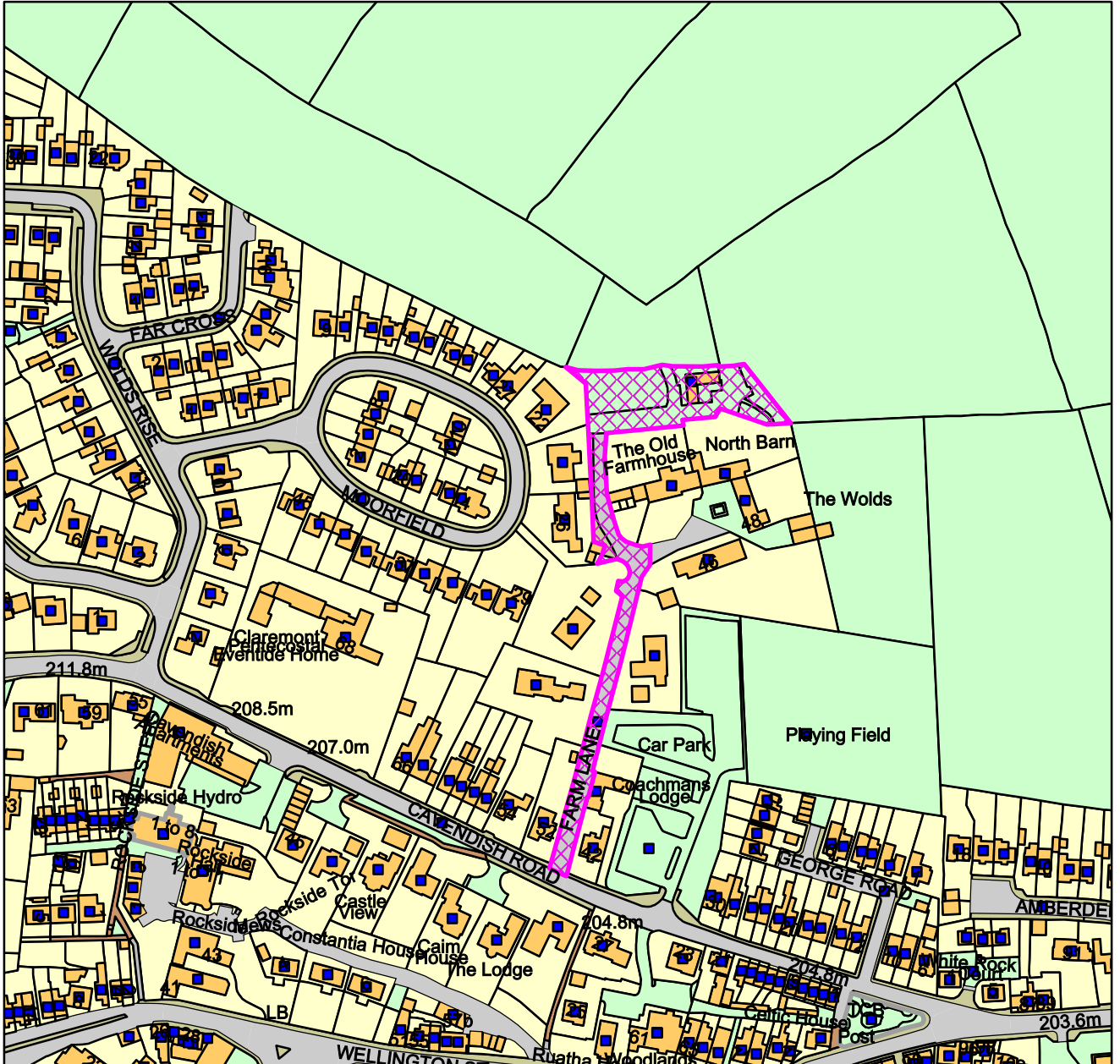
APPLICATION NUMBER		19/01285/FUL	
SITE ADDRESS:		Land to the North of North Barn, Farm Lane, Matlock	
DESCRIPTION OF DEVELOPMENT		Removal of Existing Buildings and Erection of 1 No. Dwellinghouse	
CASE OFFICER	Sarah Arbon	APPLICANT	Mr Bunting
PARISH/TOWN	Matlock Town	AGENT	Grey Richards Trowell Architecture
WARD MEMBER(S)	Cllr S Burfoot Cllr M Burfoot Cllr S Wain	DETERMINATION TARGET	20.01.20
REASON FOR DETERMINATION BY COMMITTEE	Power of delegation overridden by Cllr Martin Burfoot	REASON FOR SITE VISIT (IF APPLICABLE)	For members to appreciate the site and the impact of the development on the nearby heritage asset.

MATERIAL PLANNING ISSUES
<ul style="list-style-type: none"> – Principle of Development – Impact on the Setting of the Heritage Asset – Impact on Trees – Residential Amenity – Highway Safety

RECOMMENDATION
Approval with conditions

19/01285/FUL

Land to the North of North Barn, Farm Lane, Matlock



Derbyshire Dales DC

1:2,500

Date: 24/01/2020

100019785

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

1.0 THE SITE AND SURROUNDINGS

1.1 The site is located to the north of North Barn which is a building (now residential) forming part of the former 'Wolds Farm'. The earliest part of the (former) farmstead dates from 1634 (date plaque) and the group has later 18th, 19th & 20th century alterations and additions. The Tithe map of 1849 depicts the farmstead occupying an isolated location on this land high above the town of Matlock. However, later 19th, and 20th century town expansion development has been built on land to the west and south of the farmstead. In this regard, whilst this 20th century development has had an impact on the original isolated setting of the farmstead the surviving open land to its north, east (beyond the existing extent of curtilage or grounds pertaining to the farmhouse / farmbuildings) has retained a sense of the former open & rural setting/context of the farm grouping. It is of interest, however, that from the 1960s to the late 1970s two, large, linear agricultural buildings were erected on the land now occupied by the stable block and its associated land to its west.

The farmstead (known as The Wolds) was listed grade II in 1971. At the time of listing the buildings now known as 'The Old Farmhouse', 'North Barn', East Cottage' and 'South Barn' were all in the same ownership and in that regard the farmhouse itself, being the principal listed building and the attached barns and the detached southern barn would all be deemed as curtilage-listed and come under the protection of the principal listed building. The date of construction of the stable block (built in the mid-90s) is such that it is not deemed a curtilage listed building. Residential conversion of the farm buildings commenced in 1978 through to 1985.



2.0 DETAILS OF THE APPLICATION

2.1 The proposed development includes the removal of a later 20th century, single-storey, 'L' shaped stable block with a pitched roof (approved in the mid-1990s) and its replacement with a new dwelling comprising a linear form (on an east/west axis), similar to the axis of the Old Farmhouse & attached North Barn and South Barn. This proposed dwelling is to be single-storey with a pitched roof and stone clad walls.

3.0 PLANNING POLICY AND LEGISLATIVE FRAMEWORK

1. Adopted Derbyshire Dales Local Plan (2005)
 - S2: Settlement Hierarchy
 - S3: Development within Defined Settlement Boundaries
 - PD1: Design and Place Making
 - PD2: Protecting the Historic Environment
 - PD6: Trees, Hedgerows and Woodlands
 - HC1: Location of Housing Development
 - HC19: Accessibility and Transport
 - HC21: Car Parking Standards

2. National Planning Policy Framework
National Planning Practice Guidance

4.0 RELEVANT PLANNING HISTORY:

0495/0230 – Erection of Stable Block – Granted

5.0 CONSULTATION RESPONSES

Matlock Town Council

5.1 No objection

Derbyshire County Council (Highways)

5.2 No objection subject to a parking condition.

Derbyshire Wildlife Trust

5.3 The survey undertaken is sufficient and there are no objections subject to conditions relating to ecological enhancements and works within the bird breeding season.

Design and Conservation Officer (Derbyshire Dales)

5.4 Considers the Heritage Statement to be comprehensive indicating the changes to the setting/context of the former 'Wolds Farm' post 1978 with its division and residential conversions which has altered the farmstead context. The proposal would replace an existing stable building and is similar in terms of impact. The proposed building is simple in its form and detailing and provided that external materials are conditioned, it would be acceptable with a neutral impact on the setting of the Listed Farmhouse adjacent.

Conservatory Advisory Forum

5.5

- Noted the setting and context of the listed and curtilage-listed buildings forming the former historic farmstead.
- Considered the replacement of the current stable block (in the location identified) with a simple linear building to be acceptable in this context and setting.
- The chosen design genre is 'agricultural' in inspiration but the elevations of the proposed building do not convey this and it is stylistically confusing.
- Considered that the elevational treatment required further re-refinement. Discussed that the western end of the building should be more solid with a larger ratio of walling to any openings; the rear (north) should be as blank as possible and the larger glazed sections should be deeply inset. CAF considered that the use of timber cladding was inappropriate and should be omitted.
- Considered that the width of the building should be reduced slightly and the roof pitch angle lowered slightly.
- it was considered that the choice of stone for the stonework cladding, in its type, sizing, tooling and method of laying etc. would be critical to the success of this building in this particular context and setting.

Trees and Landscape Officer (Derbyshire Dales)

5.6 The proposed loss of 3 trees is not considered significant and the existing conifer hedge on the northern boundary would be replaced with new native hedgerow. An Arboricultural Method Statement should be secured by condition to protect the retained trees. The proposal is considered to have very limited impact on the landscape with an existing building on the site.

Cllr Martin Burfoot

- 5.7 Has a number of observations regarding this application, including the listed status of these outbuildings, with the implication that they are within the curtilage of the listed farmhouse. If curtilage listed they question that 'are they not, therefore, subject to many restrictions, especially about demolition and the distance, as well as adequate screening of any new development from the buildings?' Another concern raised is the increased use of Farm Lane. They also comment that the proposed building appears to be excessively large and the design out of character and out of context with the nearby historic, 17th century buildings.

Cllr Steve Wain

- 5.6 It is viewed essential that the new build is complementary to both the Old Farm House and North Barn - both in relatively close proximity. It is also assumed that this Application also complies with the relevant Policy documentation of the District Council. No current objection.

6.0 REPRESENTATIONS RECEIVED

- 6.1 A total of 2 representations have been received. A summary of the representations is outlined below:
- I have no objections and wish the applicant success.
 - The proposal would infringe on the Grade II Listed Farmhouse and its curtilage.
 - The Conservation Officer comments on the Gritstone Road scheme are noted citing the importance of the setting of the farmstead buildings and a requirement to provide a landscape buffer.
 - A new building to the north, within the curtilage of the Listed Building would go against the Conservation Officer's comments.

7.0 OFFICER APPRAISAL

The following material planning issues are relevant to this application:

- Principle of Development
- Impact on the setting of the Heritage Asset
- Impact on trees
- Residential Amenity
- Highway Safety

Principle of Development

- 7.1 The site is located within the settlement boundary of Matlock immediately adjacent the strategic site of Gritstone Road which is allocated for housing up to 430 dwellings. The Old Farmhouse to the south is Grade II listed and all the barns are considered to be curtilage-listed. Relevant Policies in the Local Plan are S2, S3, PD1, PD2 and HC19. The site is considered to be a sustainable location adjacent to the market town of Matlock as defined by Policy S2. Policy S3 states that planning permission will be granted for development where the proposal is of a scale, density, layout and design that is compatible with the character, appearance and amenity of the part of the settlement in which it would be located. The access and parking should be adequate. Policy PD1 requires development to be of a high quality that respects the character and context of the townscapes and landscapes.
- 7.2 The principle of a dwelling in this location is considered acceptable as it is within the settlement boundary and the Gritstone Road housing allocation is immediately to the north, in accordance with Policies S2 and S3.

Impact on the setting of the Heritage Asset

- 7.3 As the stable block to be demolished is a relatively modern building, which is not curtilage listed, the development would not result in the total loss of significance of a heritage asset, however, the close proximity of the new building is such that it has the potential to impact on the setting of the Grade II Listed Farmhouse and associated farm buildings which requires careful consideration.
- 7.4 Policy PD2 requires proposals that affect a heritage asset and/or its setting to demonstrate how it has taken into account of design, form, scale, mass, the use of appropriate materials and detailing, siting and views away from and towards the heritage asset. The application is accompanied by a detailed Heritage Statement (HS) which assesses the existing scenario and details the potential impacts of the proposed new dwelling. The HS clearly identifies the changes to the setting/context of the former 'Wolds Farm' post 1978 with its division and residential conversions. Apart from the conversion of the farmbuildings, the gardens and grounds pertaining to each residential unit, including the farmhouse itself, have changed significantly and altered the historic farmstead context. For example, the garden to the Old Farmhouse was always located on its southern side (and which still survives), however, this property now has an extensive private garden to its northern side occupying what was once agricultural land. The conversion of the farmbuildings included the absorption of adjacent land to provide them with private and separate gardens/grounds.
- 7.5 Whilst there have been clear and significant modern changes to the former farmstead, the setting and context of the designated heritage assets is of importance. The submitted HS has considered and assessed this matter and identifies that the proposed development replaces (all be it to a slightly different shape, but in a very similar location) the existing stable block. In terms of the proposed buildings location, scale, height and orientation its potential impact on the setting/context of the heritage assets would be little different than the current stable block, although it is acknowledged that it is to be built with a cladding of stone and would require private garden space adjacent to it. In this regard, the development could be deemed as constituting a neutral impact on the heritage assets appertaining to the curtilage/grounds associated with the heritage assets.
- 7.6 Amendments to the size and position of windows and the recessed area set behind 2 stone piers have been negotiated in order to depict the attributes of an agricultural building. Appropriate stonework type, coursing, sizing and tooling is considered to be important and should be conditioned with natural stone and slate or Staffordshire Blue tiles being proposed. The absence of any rooflights is considered to be a positive proposal in relation to the roofscape of the development.
- 7.7 The proposal of a rectangular building is considered to assimilate with the general linearity and general character of the existing farmstead. The existing buildings to the immediate south would retain the character and layout of a main farm house with the attached barns enclosing the (former) working yard which is typical of farmsteads in the area. The proposal is considered to have a neutral impact on the setting of the Listed Buildings to the south and its scale and design is in context with the immediate area in accordance with Local Plan Policies PD1 and PD2. With conditions to control future extensions and alterations within the curtilage of the new dwellinghouse, officers are satisfied that the development will result in no adverse effects on the setting of the adjacent Grade II listed farmhouse and curtilage listed outbuildings.

Impact on trees

- 7.8 The Councils Trees and Landscape Officer has assessed the trees on site and does not consider the loss of the 3 trees to be significant. A native hedge shall replace the conifer hedge on the southern boundary and this shall be secured through a landscaping condition together with an Arboricultural Method Statement to protect retained trees.

Residential Amenity

- 7.9 Policy PD1 requires development achieves a satisfactory relationship to adjacent development in relation to visual intrusion, overlooking, shadowing and overbearing impacts. Development should contribute positively on an area's character, relationship to adjacent buildings and landscape features and reflect the design quality of the site's context. The nearest dwelling 'North Barn' is to the south at a lower land level than the site and is in the same ownership as the application site. There is a distance of 29m from the nearest rear windows of this single storey barn. Low level walls separate the curtilage of North Barn from the site. The Old Farmhouse would be 30m from the front elevation of the proposal building and the rear garden of this property is screened by 2m high hedging. The Gritstone Road development proposal (18/01242/EIA) is immediately adjacent to the northern boundary and on the illustrative masterplan there is an area of public open space of 14m in depth adjacent to the boundary with this site. The Reserved Matters application for this part of the site would need to take account of any permission on this site. The proposal is not considered to have a significant impact on the residential amenity of neighbouring properties and thus accords with Local Plan Policy PD1.

Highway Safety

- 7.10 Local Plan Policy HC19 seeks to ensure development can be safely accessed and would not lead to an increase in on-street parking to the detriment of the safe and efficient operation of the highway network. Policy S3 requires proposals to have a layout, access and parking provision appropriate to the proposed use, site and its surroundings. Adequate parking and turning within the site can be accommodated and the access is considered suitable in terms of highway safety with the Highways Authority raising no objection. The proposal therefore accords with Local Plan Policy HC19.

Conclusion

- 7.11 The proposal is within the settlement boundary of Matlock adjacent to a strategic housing site and, as such, new residential development on the site is considered to be acceptable in principle. Due to the changes to the setting and context of the Listed Building and its curtilage and the fact the proposal replaces an existing stable building it is considered to have a neutral impact on the setting of adjacent designated heritage assets. The siting, scale and design is considered to reflect the farmstead context and character in accordance with Policies PD1 and PD2. There are no significant impacts on trees and the residential amenity of neighbouring properties. The Highways Authority considers the access suitable in accordance with Policy HC19. A recommendation of approval with conditions 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 approved shall not be brought into use until its designated parking and manoeuvring area has been laid out, hard surfaced, sealed and drained to the satisfaction of the Local Planning Authority as confirmed in writing. The areas provided shall be maintained thereafter free from any impediment to its designated use.

Reason: In the interests of highway safety in accordance with Adopted Derbyshire Dales Local Plan Policy HC19.

3. This permission relates solely to the amended plan no. 002 received by the Local Planning Authority on the 21st January 2020.

Reason: For the avoidance of doubt.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any statutory instrument amending, revoking and/or replacing that Order, the dwelling hereby permitted shall not be enlarged, extended or altered, and no buildings, gates, walls, fences or other means of enclosure (except as authorised by this permission or allowed by any condition attached thereto) shall be erected on the site without the prior grant of planning permission pursuant to an application made to the Local Planning Authority in that regard.

Reason: To maintain control in the interest of preserving the character and amenity of the area, having regard to the setting and size of the development, the proximity to existing neighbouring properties and adjacent heritage assets in accordance with Derbyshire Dales Local Plan Policies PD1 and PD2.

5. No stripping or demolition works shall take place between 1st March and 31st August inclusive unless a survey to assess the nesting bird activity on the site during this period and a scheme to protect the nesting birds has first been submitted to and approved in writing by the Local Planning Authority. No trees, hedges or structures shall be removed between 1st March and 31st August inclusive other than in accordance with the approved bird nesting protection scheme.

Reason: In order to safeguard protected and/or priority species from undue disturbance and impacts in accordance with the Adopted Derbyshire Dales Local Plan Policy PD3.

6. Prior to any works to construct a building or boundary treatment, a scheme of biodiversity enhancement (namely the incorporation of bat roosting bricks, bird nesting boxes or cups hedgehog passage holes in fencing) shall be submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall also include a method of communicating the purpose of such biodiversity enhancement measures to occupiers of the dwelling(s). The approved scheme shall be implemented so that physical measures are incorporated before the first occupation of each respective dwelling and thereafter retained and maintained in situ.

Reason: In order to safeguard and enhance habitat on or adjacent to the site in order to secure an overall biodiversity gain in accordance with the Adopted Derbyshire Dales Local Plan Policy PD3.

7. Before works begin on any external surface stonework details of the stone origin, type and proposed surface finish (tooling) to all external surfaces shall be submitted, in sample form, to the Local Planning Authority. The works shall thereafter be carried out in accordance with the approved details.

Reason:

In the interests of preserving the character and appearance of the adjacent Listed Building in accordance with the Adopted Derbyshire Dales Local Plan Policy PD2.

8. Concurrently with the submission of the external stonework details (the subject of condition 7), a 2 square metre sample panel of those materials and type of pointing (showing laying pattern, mortar mix and method of application) to be used shall be erected on site for inspection before works commence on the construction of the exterior walls of the building. The development shall thereafter be constructed in accordance with the approved details.

Reason:

To assist in the selection of appropriate materials in the interests of preserving the character and appearance of the adjacent Listed Building in accordance with the Adopted Derbyshire Dales Local Plan Policy PD2.

9. Details of all new external window and door joinery and/or metal framed glazing, including timber boarding / blanking panels shall be submitted to and approved in writing by the Local Planning Authority prior to installation. The submitted details shall include depth of reveal, details of heads, cills and lintels, elevations at a scale of not less than 1:10 and horizontal/vertical frame sections (including sections through glazing bars) at not less than 1:2. The works shall be carried out in accordance with the approved details.

Reason: In the interests of preserving the character and appearance of the adjacent listed building and its setting in accordance with the Adopted Derbyshire Dales Local Plan Policy PD2

10. A sample roofing tile shall be submitted to and approved in writing by the Local Planning Authority prior to being fixed to the roof. The development shall thereafter be constructed in accordance with the approved details.

Reason: To ensure a satisfactory external appearance of the development in accordance with the Adopted Derbyshire Dales Local Plan Policy PD2.

11. Prior to erection, details of the design, external appearance and decorative finish of all railings, fences, gates, walls, bollards and other means of enclosure shall be submitted to and approved in writing by the Local Planning Authority. The development hereby approved shall be carried out in accordance with the approved details prior to the development being first brought into use.

Reason: In the interests of visual amenity and the character and appearance of the area in accordance with the Adopted Derbyshire Dales Local Plan Policies PD1 and PD2.

12. A scheme of hard and soft landscaping shall be submitted to and approved in writing by the Local Planning Authority within 56 days of the commencement of development, the details of which shall include :-

- a) An Arboricultural Method Statement including measures for the protection of retained vegetation during the course of development ;
- b) all plant species, planting sizes, planting densities, the number of each species to be planted and plant protection;
- c) grass seed mixes and sowing rates;
- d) finished site levels and contours;
- e) hard surfacing materials;

Reason: To ensure a satisfactory landscaped setting for the development in accordance with the Adopted Derbyshire Dales Local Plan Policy PD1.

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 design.
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.

This decision notice relates to the following documents:

Location Plan No 001

Drawing No. 002 received on the 21st January 2020

Design and Access Statement dated November 2019

Heritage Statement

Highways Statement

Protected Species Survey



Planning Committee 4th February 2020

APPLICATION NUMBER		19/01317/FUL	
SITE ADDRESS:		Derwent Valley Vets Ltd. 110 Dale Road, Matlock.	
DESCRIPTION OF DEVELOPMENT		Single-storey rear extension	
CASE OFFICER	Mr. Ecclestone	APPLICANT	Derwent Valley Vets Ltd.
PARISH/TOWN	Matlock Town	AGENT	Mr. Yeomans.
WARD MEMBER(S)	Cllr. M. Burfoot Cllr. S. Burfoot Cllr. Wain	DETERMINATION TARGET	14 th January 2020
REASON FOR DETERMINATION BY COMMITTEE	Power of delegation overridden by Cllr Martin Burfoot.	REASON FOR SITE VISIT (IF APPLICABLE)	To enable Members to assess the impact of the development on heritage assets.

MATERIAL PLANNING ISSUES

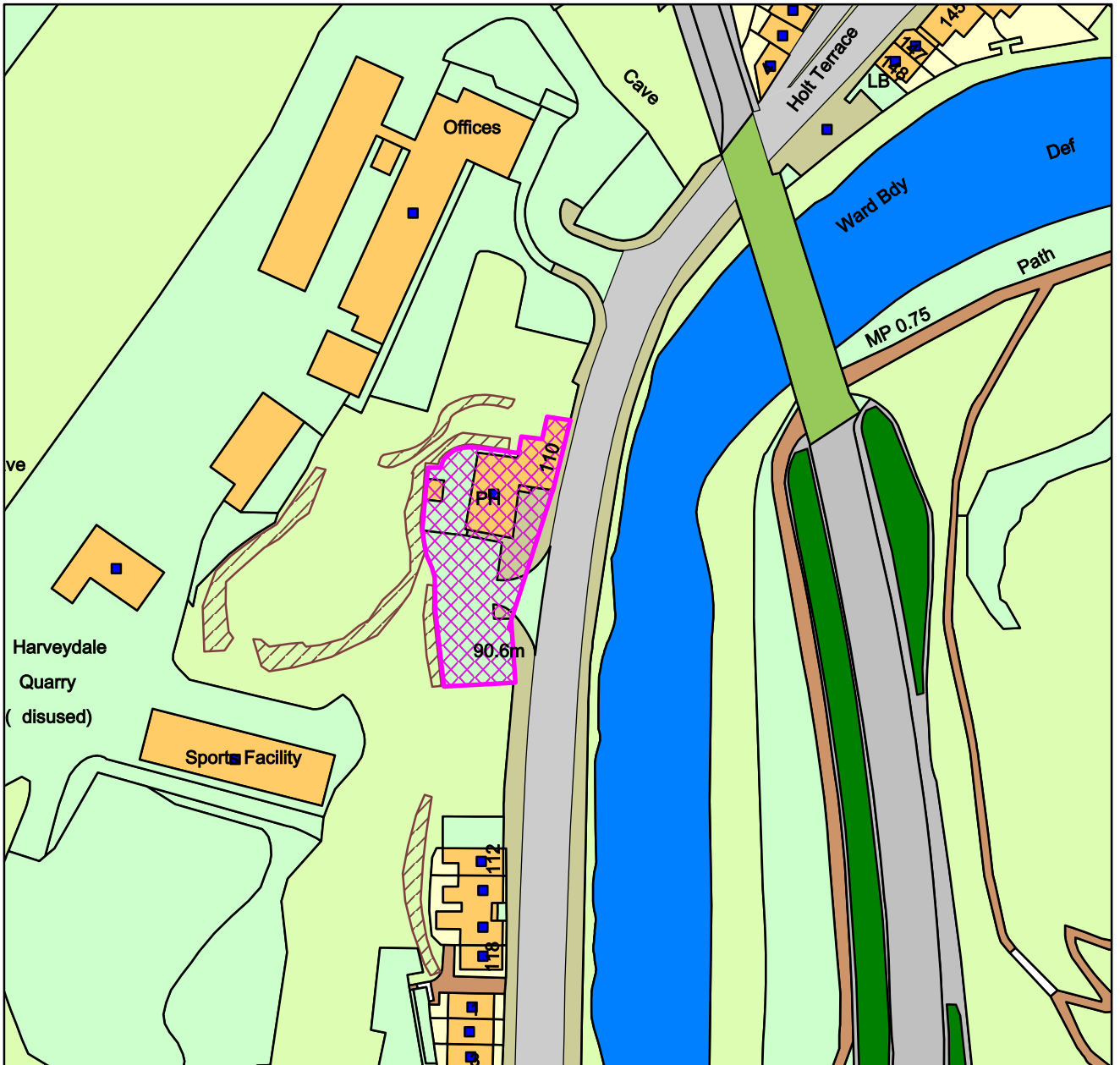
- Impact of the proposed extension on the special character, appearance and significance of the Grade II Listed Building and its setting.
- The impact on the character and appearance of this part of Matlock Dale Conservation Area.

RECOMMENDATION

Refusal

19/01317/FUL

Derwent Valley Vets Ltd, 110 Dale Road, Matlock



Derbyshire Dales DC

1:1,250

Date: 24/01/2020

100019785

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

THE SITE AND SURROUNDINGS

Derwent Valley Vets is situated at the southern end of Matlock, off the A6. For many years, it was the Boat House Public House, before it was converted into a Vets in 2015. It is a Grade II Listed Building (Listed 1972) and also lies within the Conservation Area. The building stands in two, staggered parts – a white rendered section which stands close to the pavement and a stone-built section is stepped back. It has a carpark to the side and is viewed against the backdrop of a cliff face and mature trees.



DETAILS OF THE APPLICATION

The proposal is for a large, single-storey, flat-roof rear extension. It will form a flush rear extension, covering the whole width of the rear elevation. It will extend out to the rear by 9.8m at its furthest point and replace a series of existing outbuildings. The extension will accommodate a new operating theatre, isolation, dog and cat wards, a dark room and storage space associated with the established use of the site as a veterinary practice / centre.

PLANNING POLICY AND LEGISLATIVE FRAMEWORK

Adopted Derbyshire Dales Local Plan (2017)

S3: Development Within Defined Settlement Boundaries

PD1: Design and Place Making

PD2: Protecting The Historic Environment

EC1: New and Existing Employment Development

National Planning Policy Framework (NPPF)

National Planning Practice Guide

RELEVANT PLANNING HISTORY

15/00764/LBALT	External and internal alterations and replacement of signage.	Approved
15/00763/FUL	Change of Use of former Public House and accommodation to veterinary centre (Use Class D1).	Approved

CONSULTATION RESPONSES

Town Council

No comment.

Conservation Advisory Forum

The quality of the submission, for an extension to a Grade II Listed Building, was poor. Noted the absence of any assessment or consideration of the heritage values and significance of the Listed Building or its setting / landscape impact within the Conservation Area.

The extension was very large and attached to most of the rear side of the stone built part of the Listed Building. This elevation was of significance in its architectural quality retaining its original character, layout and detailing (doors, stonework, sash windows etc.) The subsuming of this ground-floor part of the elevation was considered inappropriate and disrespectful.

The concept of an extensive flat-roof extension was alien and incongruous to the existing architectural attributes, details and form of the host building.

Whilst an extension may be possible, the submitted scheme / design was not appropriate and would be harmful to the significance of the Listed Building and Conservation Area. Any proposed extension would require very careful and skilful architectural design, detailing and assessment of the heritage assets.

Strongly object to the submitted scheme and concluded that the submitted scheme would be harmful to the Grade II Listed Building and to the character and appearance of the Conservation Area.

Matlock Civic Association

The proposed large, flat-roof extension is out of character with the existing building. This is a very attractive traditional building with gritstone walls and a slate roof. Any extension should build on this character – the present proposal simply ignores it.

The existing building has an original section with a simple gable roof. There is also a very old extension which is set further from the road which also has a simple gable roof.

From this analysis, it follows that the extension should have a pitched slate roof. It could echo the form and materials of the existing building.

We urge that the proposal be refused and an alternative, more appropriate design invited.

Conservation and Design Officer (DDDC)

The applicant / agent has sought no pre-application advice or guidance from the Local Planning Authority in terms of their proposal(s).

The property is a Grade II Listed Building (Listed 1972) located within the Matlock Dale Conservation Area. The property is prominently sited immediately adjacent to the A6. The property dates from the early 19th Century and comprises a principal block (rendered) and an attached service building (stonework) set back to its southern side (its east and south elevations of coursed and tooled sandstone and its west elevation of coursed rubble limestone / sandstone). Formerly a Public House, the property is now used as a veterinary practice.

The application submission (for Planning Permission) contains no written statement by the agent and, thus, no reference to the heritage status, values and significance of the building as being Listed or within the Conservation Area.

To the rear (west) of the stone built part of the Listed Building, and the limestone rock face, is a service yard, screened from the carpark by a vertical boarded timber fence and containing four single-storey detached outbuildings, all of an ephemeral nature and form.

The proposal is to remove these structures and fencing and erect a new single-storey (flat-roofed) extension to the west side of the stone built part of the Listed Building. Its southern wall (facing the carpark) is to be of 'coursed gritstone matching existing' with two doors with 'natural gritstone heads'. The west and north elevations of the extension are to be of 'fair faced concrete blockwork'. No details of the proposed roof covering are provided.

Proposed extensions to Listed Buildings require very careful consideration, assessment of potential impacts and site analysis in order to provide base-line information for design proposals for an extension or additions deemed appropriate and suitable to the special character and appearance of the host building. The submitted scheme displays none of this and the result is a poor and ill-conceived extension to this important and significant Listed Building. This is exacerbated by the scale and form of the proposal, its functionality-driven layout, the token use of some stonework, the objectionable use of 'concrete blockwork' and its expansive flat roof. Furthermore, the proposed extension abuts onto the ground-floor rear elevation of the Listed Building with no finesse or assessed consideration.

The 1990 Act requires Local Planning Authorities to have special regard to the desirability of preserving a [Listed] Building or its setting or any features of special architectural or historic interest which it possesses. It is considered that the proposals would be harmful to the special character, appearance and significance of the Listed Building and its setting. Furthermore, it is also considered that the proposals would neither preserve nor enhance the character and appearance of this part of the Conservation Area.

REPRESENTATIONS RECEIVED

None.

OFFICER APPRAISAL

1. Whilst Development Plan Policies support the appropriate expansion of existing employment sites / business uses, the benefits associated with such development needs to be weighed against any harm caused to heritage assets in this case, in accordance with the aims of Policy PD2 of the Adopted Derbyshire Dales Local Plan (2017) and guidance contained within the National Planning Policy Framework. The impacts the proposal will have on the special character, appearance and significance of this Grade II Listed Building and the character and appearance of this part of Matlock Dale Conservation Area are therefore important considerations.
2. Policy PD2 of the Adopted Derbyshire Dales Local Plan seeks to conserve heritage assets in a manner appropriate to their significance. Paragraph 193 of the National Planning Policy Framework states 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 (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Paragraph 196 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.

3. The principal building, with its original, rendered elevations and stone window surrounds and the adjoining stone built section, dates from the early 19th Century. Its significance lies in the fact that it pre-dates the Victorian expansion of Matlock and has remained relatively intact since its construction. The proposed single-storey, flat-roof, rear extension will form a flush rear extension off the stone built section of the Listed Building, extending directly off the rear and covering the whole width of the rear elevation. It is proposed to extend out to the rear by 9.8m, which is more than the width of the gable-end of the principal building (9m).
4. Extensions to Listed Buildings require very careful consideration in order to deliver the requirements of the owner but, of equal importance, to protect the special architectural character and appearance of the Listed Building and its setting. A large and expansive flat-roofed extension, attached to the entire rear elevation of the stone built section, is considered to appear as an over-sized, disrespectful and incongruous addition to the Grade II Listed Building in this case. It will result in less than substantial harm to this important heritage asset and the character and appearance of this part of the Matlock Dale Conservation Area when viewed from the A6.
5. The proposed extension, by reason of its siting, scale, form and design, will appear as an incongruous addition that will harm the special character, appearance and significance of this Grade II Listed Building and its setting and the character and appearance of this part of the Conservation Area. Whilst the harm caused is considered to be less than substantial, the public benefit associated with the provision of a larger veterinary facility (in terms of job creation / service provision) is not considered to outweigh the harm caused in this case. A recommendation of refusal is put forward on this basis.

RECOMMENDATION

Planning Permission be refused for the following reason:

The proposed extension, by reason of its siting, scale, form and design would appear as an incongruous addition to this Grade II Listed Building that would harm its special character, appearance and its setting and the character and appearance of this part of Matlock Dale Conservation Area. Without any overriding public benefit the development would be contrary to Policies S3, PD1 and PD2 of the Adopted Derbyshire Dales Local Plan (2017) and guidance contained within the National Planning Policy Framework (2019).

NOTE TO APPLICANT

This Decision Notice relates to the following documents:

Drawings numbered 1, 2, 3 and 4, received by the Council on 19th November 2019.

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.

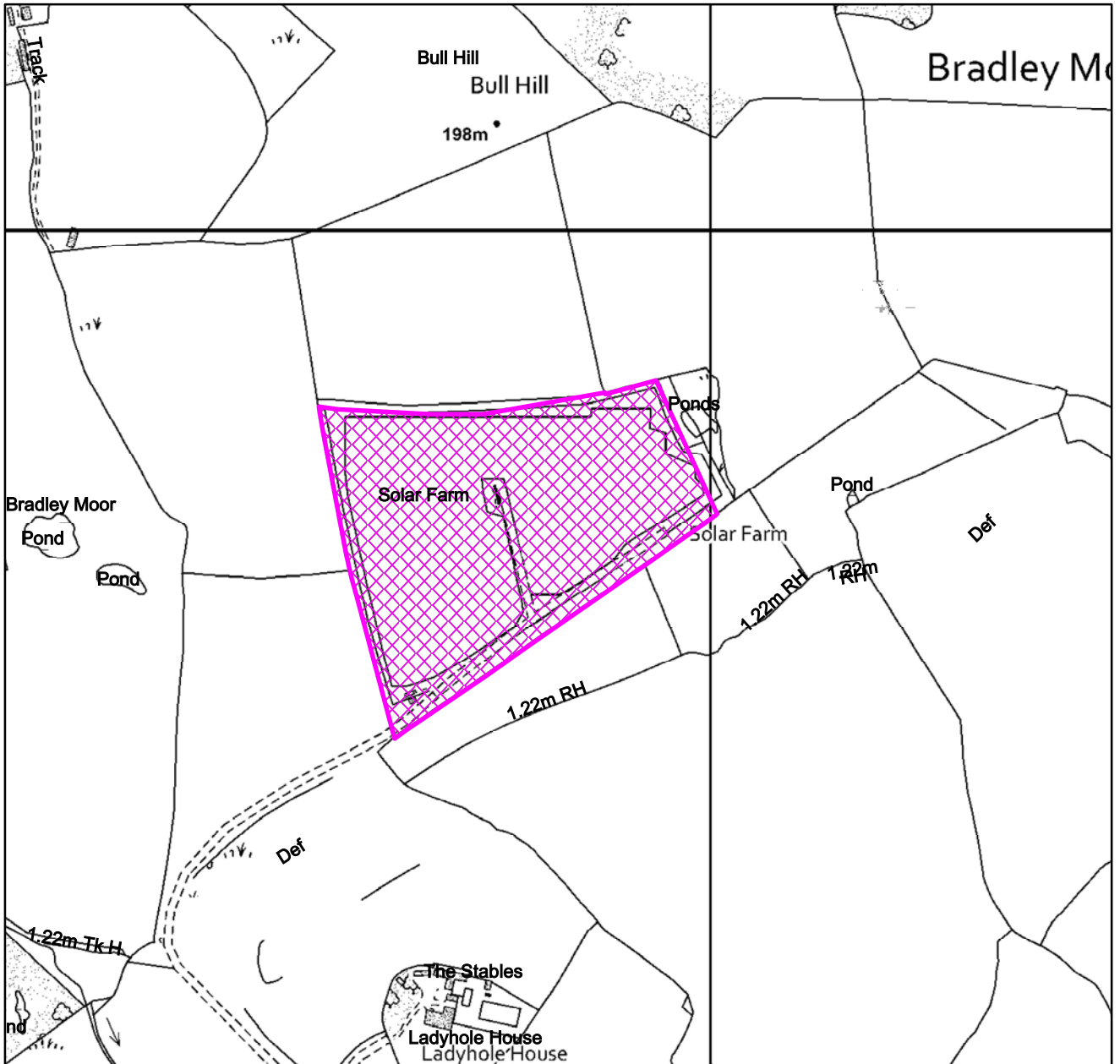
APPLICATION NUMBER		19/01182/VCOND	
SITE ADDRESS:		Lady Hole Solar Farm, Bradley	
DESCRIPTION OF DEVELOPMENT		Variation of condition 2 of planning permission 15/00279/FUL to allow for the retention period of the solar equipment to be extended to 40 years	
CASE OFFICER	Sarah Arbon	APPLICANT	Ladyhole Solar Ltd
PARISH/TOWN	Bradley	AGENT	Quintas Energy Ltd
WARD MEMBER(S)	Cllr A Shirley	DETERMINATION TARGET	28.02.20
REASON FOR DETERMINATION BY COMMITTEE	Major application	REASON FOR SITE VISIT (IF APPLICABLE)	N/A

MATERIAL PLANNING ISSUES
<ul style="list-style-type: none"> • The Scope of a Section 73 Planning Application • Policy Context • Compatibility of the Scheme with the Aims of National Policy in relation to Locational Choices • Impact on Heritage Assets and Below Ground Archaeology • Impact on Landscape Character and Appearance • Impact on Ecology • Highway Safety

RECOMMENDATION
Approval with conditions

19/01182/VCOND

Lady Hole Solar Farm, Bradley, Derbyshire



Derbyshire Dales DC

1:5,000

Date: 24/01/2020

100019785

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Telephone: (01629) 761100.
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1.0 THE SITE AND SURROUNDINGS

- 1.1 The site comprises of an existing solar farm in open countryside to the north of Lady Hole Farm and south of the A517 (Belper Road) between Ashbourne and Bradley. The field covers an area of 5.3 hectares and rises in a northerly direction. It is bound on all sides by hedgerows with scattered, mature hedgerow trees. A small copse of trees is located to the north east.
- 1.2 A public footpath is routed along the southern boundary of the field (Public Footpath no. 23 Bradley) and others traverse fields on either side close by. The wider area is sparsely populated with farmsteads and individual households scattered along Lady Hole Lane and Moorend to the south and east. The Airfield Industrial Estate at Ashbourne is some distance away to the west. Lady Hole House, the nearest residential dwelling is located approximately 400m to the south of the field, beyond a belt of trees which line the access road to this property. The nearest listed buildings are Hole In the Wall (Grade II) which is located approximately 0.9km to the east and Firs Farm Barn 0.8km to the south east.



2.0 DETAILS OF THE APPLICATION

- 2.1 Planning permission is sought for the variation of condition 2 of permission 15/00279/FUL which granted permission for change of the use of the agriculture land to a 3MW solar farm and associated infrastructure for a period of 25 years. Condition 2 reads:

Other than in respect of the temporary construction compound the permission hereby granted is for the proposed development to be retained for a period of not more than 25 years from the date that electricity from the development is first supplied to the grid, this date to be notified in writing to the Local Planning Authority upon commissioning. By no later than the end of the 25 year period the solar panels shall be decommissioned and they and all related above ground structures shall be removed from the site. Six months before the due date for

decommissioning of the solar panels a scheme for the restoration of the site shall be submitted to and approved in writing by the Local Planning Authority. The restoration scheme shall be implemented in accordance with the approved details.

- 2.2 The solar farm's grid connection date was the 16th March 2016 and this application seeks to extend the length of the planning permission to 40 years from this date, an extension of 15 years from the 25 years already granted. The solar farm comprises of rows of frame mounted solar panels with the arrays running east to west across the field and set approximately 3 – 4m apart. The raised back edge of each array is no more than 2.2 metres high above ground level. The panels are non-reflective glass structures with a metal surround mounted on frames.
- 2.3 Various non-material amendments have been made in recent years to change the CCTV cameras, location of access track which now runs through the centre of the field and locations of the associated inverter cabins, Distribution Network Operator (DNO) and customer substations.
- 2.4 No hedgerows or hedgerow trees were removed as part of the development with weak hedgerows strengthened with additional planting and a new hedgerow established along the northern side of the footpath which runs along the southern boundary and additional trees planted in the hedgerow along the south east boundary. The hedgerows are maintained to a height of 3m.
- 2.5 The original development included a swale in the drainage design, however, a subsequent Flood Risk Assessment was undertaken which demonstrated that such a feature was not required and as it was not secured by condition, approval by a non-material amendment was considered appropriate.
- 2.6 The application is accompanied by the following reports: -

Planning, Design and Access Statement
Covering Letter

Appeal Decision APP/M0933/W/18/3204360 Kirkby Moor Wind Farm, Grizebeck
Officer Report Delegated for Application PA19/06250 Land at Wilton Farm, Trerulefoot, Cornwall

3.0 PLANNING POLICY AND LEGISLATIVE FRAMEWORK

- 3.1 Adopted Derbyshire Dales Local Plan (2017)
- S4: Development in the Countryside
 - 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
 - HC19: Accessibility and Transport

- 3.2 National Planning Policy Framework
National Planning Practice Guidance

4.0 RELEVANT PLANNING HISTORY:

15/00279/FUL	Change of use of land to 3mw solar farm with associated infrastructure	PERC	23/07/2015
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15/00279/DCOND	Discharge of Condition(s) 5 & 6	DISFUL	16/10/2015
15/00279/AMD	Non-material amendment - Amendments to construction/surface treatment of access track to approved 3Mw solar farm	PER	05/10/2015
15/00279/AMD/2	Non-material amendment - Update of site layout plan to reflect as-built layout showing minor changes to the layout of the solar PV panels, associated access roads and omission of swale	PER	24/08/2017
15/00279/AMD/3	Non-material amendment - Alterations to CCTV system	PER	07/12/2018

5.0 CONSULTATION RESPONSES

Osmaston and Yeldersley Parish Council

5.1 No objection.

Derbyshire County Council (Highways)

5.2 No objections

Peak and Northern Footpaths Society

5.3 No objections

Derbyshire Wildlife Trust

5.4 No comments.

Natural England

5.5 No comment.

Archaeologist (Derbyshire County Council)

5.6 There is no archaeological objection to the extension.

Lead Local Flood Authority (Derbyshire County Council)

5.7 No objections in principle. The infiltration method for disposal of surface water requires justification and soil compaction should be considered. Easement widths to allow for the maintenance of the swale are required.

Ramblers Association

5.8 No objection provided that the requirements for the landscape screening as per section 1 Screening for Environmental Impact Assessment are carried with regard to views for walkers from Bradley FPs 1, 3, 4 & 23. Bradley FP 23 runs adjacent to the solar farm development and should remain open and unaffected both during and after any works.

Environmental Health (Derbyshire Dales)

5.9 No objections.

6.0 REPRESENTATIONS RECEIVED

6.1 No representations have been received.

7.0 OFFICER APPRAISAL

- 7.1 The following material planning issues are relevant to this application:
- Scope of a Section 73 planning application
 - Policy Context
 - Compatibility of the scheme with the aims of National Policy in relation to locational choices
 - Impact on Heritage Assets and Below Ground Archaeology
 - Impact on Landscape Character and Appearance
 - Impact on Ecology
 - Highway Safety

The Scope of a Section 73 planning application

- 7.2 Section 73 of the Town and Country Planning Act 1990 provides that an application may be made for planning permission for a development, without complying with conditions applied to a previous planning permission for that development. When considering such applications a planning authority may decide whether to grant planning permission subject to different conditions to those previously imposed, remove such conditions that are subject to the application, or refuse to alter the conditions (i.e. leave the previous conditions intact).
- 7.3 In considering such applications a planning authority may only consider the question of the conditions, and not fundamentally alter the nature of the existing permission. Whilst planning authorities may reconsider conditions other than those which are the subject of the application, it is likely to be considered unreasonable for restrictions to be imposed which do not fairly relate to the issues in contention.
- 7.4 Prior to validation of this application the *Finney v Welsh Ministers & Other* 2019 Court of Appeal case was reviewed as it related to a Section 73 application in which the applicant sought to change of the height of the wind turbines previously granted. The Court of Appeal held that Section 73 may not be used to obtain a varied planning permission when the change sought would require a variation to the terms of the “operative” part of the permission. The agent contends that as only the time limit is being varied the requirements for decommissioning, removal of the installation and restoration of the land remain in place and suggests that only Condition 2 be changed together with a requirement to review decommissioning arrangements on extension. The Inspector’s appeal decision in the *Kirkby Moor Wind Farm, Grizebeck* (ref: APP/M0933/W/18/3204360) dated 29th July 2019 was referred to for confirmation of the position for extending time limits (relating to renewable installations). This decision related to the refusal of a Section 73 application to extend the time limit of a wind turbine permission and was allowed on this basis that it constituted ‘empowering’ and did not engage Footnote 49 to Paragraph 154 of the NPPF. Whilst, the use of a Section 73 application was not addressed in this decision, it could be inferred that in allowing the appeal it was considered lawful. Since this decision, Cornwall Council in a delegated report for an identical Section 73 application to extend the time limit of a solar farm from 25 to 40 years took the view that the timescale could be changed through a Section 73 application on the basis of a legal opinion on this ‘Kirkby Moor’ appeal decision. It is the view of officer’s having read these decisions that the timescale for renewable schemes can be altered under Section 73, where controlled by condition.
- 7.5 The proposal under consideration is therefore is to vary condition 2 of planning permission 15/00279/FUL which restricted the life of the solar farm / installation to 25 years from the date when electricity is first exported from the solar farm to the electricity grid (Grid Connection Date) to extend the productive lifetime of the installation to a period of 40 years from the date of commissioning of the facility, effectively until 17th March 2056.

- 7.6 The wording of Condition 2 partly reflected the fact that the proposed development was considered on the basis that it was to be temporary and reversible. It also tied in with the timescale for the feed-in-tariff which was 25 years (with their financial viability being uncertain post this subsidy) and a projection of likely effective productive lifetime of solar panels.
- 7.7 In providing evidence to demonstrate that panels “frequently produce energy long after their warranty expires” the agent has made reference to a 2012 study by the US Government’s National Renewable Energy Laboratory. This study found that the average degradation rate for panels is between 0.5% to 0.8% per year. In terms of the lifespan of solar panels the Energy Informative notes the following:
- A 33W solar panel (Arco Solar 16-2000) actually outperformed its original factory specifications 30 years after it was manufactured.
 - World’s first modern solar panel still works after 60 years.
 - Kyocera has reported several solar power installations that continue to operate reliably and generate electricity even though they are nearly 30 years old.
- 7.8 The agent Quintas Energy states that the solar panels installed on this site are high quality and can be expected to have a useful life at the higher end of the range. The panels are guaranteed for 25 years but are likely to produce electricity for longer than that without a reduction in power that would render them unviable. The lease extension to be agreed with the landowner has been expressed as an option to extend the lease for five years at a time, therefore, if at any point after the current 25 year period the PV panels degrade to a point that would make them unviable, this will be anticipated based on the detailed and continuous monitoring of production and the plant will be decommissioned earlier. With regard monitoring, the agent has confirmed that remote monitoring of production is continually improving with developing technology down to single panels. Thus allowing the owners of the solar farm to increase performance by replacing poorly performing panels and maintaining peak performance, as one poorly performing panel can affect production of a whole row.
- 7.9 The agent in clarifying why the time limit in Condition 2 was not challenged in 2015 when permission was granted states that at the time it was not known that solar panels could continue to generate energy without losing as much production as previously assumed and that renewable energy can now be financially viable independent of government subsidies.
- 7.10 In the assessment of this application it is considered pertinent to provide an update on the National and Local Plan policies together with a summary of the assessments undertaken to inform the original decision.

Policy Context

- 7.11 A review of the current policy context of renewable installations is considered appropriate to outline the general approach advocated by the government reflected in the National Planning Policy Framework, Planning Practice Guidance and Local Plan Policies.
- 7.12 The National Planning Policy Framework makes it clear in paragraph 148 that the planning system should support the transition to a low carbon future in a changing climate through the support of renewable and low carbon energy and associated infrastructure.
- 7.13 Paragraph 154 in relation to determining applications advises that Local Planning Authorities should not require applicants to demonstrate the overall need and recognise that even small-scale projects provide a valuable contribution to reducing greenhouse gas emissions. It goes on to advise that unless material considerations indicate otherwise local

planning authorities should approve applications if their impacts are (or can be made) acceptable.

7.14 The Planning Practice Guidance published by government provides some specific guidance on renewable and low carbon energy. It restates that the need for renewable energy does not automatically override environment protections and the planning concerns of local communities. As with other types of development it stresses that it is important that the planning concerns of local communities are properly heard in matters that directly affect them.

7.15 In relation to ground mounted solar photovoltaic farms it states the following: -

The deployment of large-scale solar farms can have a negative impact on the rural environment, particularly in undulating landscapes. However, the visual impact of a well-planned and well-screened solar farm can be properly addressed within the landscape if planned sensitively.

Particular factors a local planning authority will need to consider include: -

- Encouraging the effective use of land by focussing large scale solar farms on previously developed and non-agricultural land, provided that it is not of high environmental value;
- Where a proposal involves greenfield land, whether (i) the proposed use of any agricultural land has been shown to be necessary and poorer quality land has been used in preference to higher quality land; and (ii) the proposal allows for continued agricultural use where applicable and/or encourages biodiversity improvements around arrays.
- That solar farms are normally temporary structures and planning conditions can be used to ensure that the installations are removed when no longer in use and the land is restored to its previous use.
- The proposals visual impact, the effect on landscape of glint and glare and on neighbouring uses and aircraft safety.
- The extent to which there may be additional impacts if solar arrays follow the daily movement of the sun.
- The need for, and impact of, security measures such as lights and fencing.
- Great care should be taken to ensure heritage assets are conserved in a manner appropriate to their significance, including the impact of proposals on views important to their setting. As the significance of a heritage asset derives not only from its physical presence, but also from its setting, careful consideration should be given to the impact of large scale solar farms on such assets. Depending on their scale, design and prominence, a large scale solar farm within the setting of a heritage asset may cause substantial harm to the significance of the asset.
- The potential to mitigate landscape and visual impacts through, for example, screening with native hedges;
- The energy generating potential, which can vary for a number of reasons including, latitude and aspect.

- The approach to assessing cumulative landscape and visual impact of large scale solar farms is likely to be the same as assessing the impact of wind turbines. However, in the case of ground-mounted solar panels it should be noted that with effective screening and appropriate land topography the area of a zone of visual influence could be zero.
- 7.16 Policy PD7 of the Adopted Local Plan although not specific to solar farms, is considered to be broadly consistent with the thrust of current government policy on this matter in addressing the move to a low carbon future by promoting a development strategy that seeks to mitigate global warming, adapts to climate change and respects our environmental limits. Specifically this policy supports renewable energy installations that would not have significant adverse impacts with the appropriate assessments on landscape and heritage impacts (amongst other things).
- 7.17 Policy PD5 seeks to protect, enhance and restore the landscape character, recognising its intrinsic beauty with development required to retain natural features including trees, hedgerows that contribute to the landscape character and setting of the development and managed appropriately in the future.
- 7.18 Policy S4 protects and enhances the landscape's intrinsic character and distinctiveness whilst also facilitating sustainable rural community needs. It states that planning permission will be granted for development where it comprises renewable energy development in accordance with Policy PD7.
- 7.19 Policy PD2 seeks to conserve heritage assets in a manner appropriate to their significance, requiring proposals to be informed by relevant evidence and demonstration of how the proposal has taken account of siting and views away from and towards the heritage asset to minimise harm.
- 7.20 The Derbyshire Dales Landscape Sensitivity Study August 2015 does not include the application site within the adjacent study areas of Ashbourne and Bradley which are identified as areas of high landscape sensitivity.
- 7.21 From this policy background, the key considerations in this case are the compatibility of the scheme with the aims of national policy on solar farms within the scope of a Section 73 planning application. A summary of the assessments made to inform the original 2015 solar farm application now follows.

Compatibility of the scheme with the aims of National Policy in relation to locational choices

- 7.22 Paragraph 170 of the National Planning Policy Framework requires planning policies and decisions should recognise the intrinsic character of the countryside and benefits including economic and other benefits of the best and most versatile agricultural land. This is defined in the annex to the National Planning Policy Framework as land in grades 1, 2 and 3a.
- 7.23 In the original 15/00279/FUL application Fisher German LLP were instructed to investigate the quality of the agricultural land and concluded that the land had a Grade 3b classification which is of moderate quality and accords with the guidance.

Impact on Heritage Assets and Below Ground Archaeology

- 7.24 The 2015 application was accompanied by an Archaeological Assessment and Separate Heritage Statement. The Heritage Statement identified 24 listed buildings within 2km of the application site and concluded that none of these would be adversely affected by the proposed development. The setting of a scheduled ancient monument within 5km of the

site and Ashbourne Conservation Area were also considered. It is concluded, however, that there is no indivisibility between the proposed development and these heritage assets and as a consequence, no resultant harm.

- 7.25 In terms of the impact of the development on any below ground archaeology, geophysical survey information revealed that the archaeological potential over the main body of the site to be very limited. A Written Scheme of Investigation was submitted and approved as required by condition 5 of permission 15/00279/FUL in accordance with paragraph 189 of the NPPF.
- 7.26 In the assessment of the 2015 application the location of the site relative to nearby heritage assets, local landform / topography, intervening boundary vegetation and existing built development was such that it was concluded that there would be no harm to their special character and setting. Although the site would be seen from Firs Farm, the nature of its use, is such, that views of the development (which would in part be filtered by existing and proposed vegetation) would not adversely affect its special setting.

Impact on landscape character and appearance

- 7.27 The site falls into the National Character Area 68: Needham and South Derbyshire Claylands, and within the Settled Village Farmlands landscape type as assessed by Derbyshire County Council in 2003, and pulled together in The Landscape Character of the Derbyshire Dales [“LCDD”]. Here it is described as characterised by ‘a medium scale pastoral landscape on gently rolling upland plateaux. A sense of elevation with extensive views filtered by scattered hedgerow trees and small woods’ (LCDD: 69-70).
- 7.28 The original application was accompanied by a Landscape and Visual Impact Assessment and supporting photomontages. This document concluded that the site and its surroundings would have a medium sensitivity to change and that the development would result in low magnitude change to the receiving landscape, based on land coverage, the size and height of the panels and fact that they would be contained within one field boundary.
- 7.29 The solar farm’s grid connection date was the 16th March 2016 (3 years and 10 months ago) and the resultant landscape screening was predicted in photomontages at 7 to 10 years as such it has not progressed to the optimal screening level as yet. However, the existing solar farm has been viewed from similar viewpoints to B and C in the LVAI and it is considered that the installation occupies a comparatively small area which is well contained by the undulating landform and surrounding vegetation. Wider views are substantially filtered by intervening field boundary hedgerows, hedgerow trees and small blocks of woodland. Within close views it is only from public rights of way within the immediate vicinity that the development is particularly apparent in the short – medium term. This impact is beginning to be mitigated by the additional hedgerow and tree planting secured through the landscaping scheme.
- 7.30 The panels themselves sit low within the surroundings. They were driven into the ground and as a consequence have little or no impact on the fabric of the landscape. When they are removed the land can revert to agriculture having suffered no lasting impact. None of the existing landscape features (trees / hedges) have been removed. Additional planting has been undertaken as part of the application and maintained / managed in order to successfully accommodate the development.
- 7.31 There is likely to be no more than a slight to moderate adverse impact on visual amenity as a result of the development (moderate when viewed from the A50, Lady Hole Lane and the of public rights of way which run close to and cross through the site). Additional / supplementary landscaping helps filter some of these views so that there is only slight

adverse impact on visual amenity. There are no other solar farms within this area and as such there was no cumulative landscape effect. Given the comparatively limited landscape and visual effect, the proposal was not considered to conflict with local plan landscape protection policies.

Impact on Ecology

- 7.32 The 2015 application included an Ecology Report, Biodiversity Management Plan and Great Crested Newt Survey Report. The Ecology Report looks generally at the implications of the development on habitat, Great Crested Newts, Water Voles, Otter and White-Clawed Crayfish, Bats, Birds, Reptiles and Badgers.
- 7.33 It concluded that the low impact nature of the installation of solar panels and associated infrastructure would have no effect on the habitats of the statutory and non-statutory protected sites. The habitats to be directly affected by the development are considered to be of moderate ecological value, being confined to improved grassland with some scrub and intact species poor hedgerows with trees. The panels are mainly sited 10m from the boundary hedgerows and would not affect the improved grassland habitat, which has been enhanced with wildflowers. The development included enhancing the sites biodiversity including new and infill mixed native species hedgerows and hedgerow trees around the boundary of the site to improve habitat connectivity for species moving around the site. The original solar farm had no adverse ecological impacts and habitat creation would improve biodiversity on the site and in the local area.

Highway Safety

- 7.34 The Local Highway Authority has no objection to the variation of condition to extend the timescale by 15 years. Highways conditions 8 and 9 on permission 15/00279/FUL related to modifying the existing access to Ladyhole Lane and wheel washing. Once construction was complete the Highway Authority did not object to the modified access being restored to pre-construction width etc. Once installations are complete limited maintenance and monitoring is undertaken with low levels of vehicles accessing the site and as such the extension to the timescale would have a limited impact on highway safety in accordance with Local Plan Policy HC19. The scheme of supplementary landscaping has ensured that there is no adverse landscape impact along Lady Hole Lane. The existing public Rights of Way adjoining the solar farm were not considered to be adversely affected by the proposed development.

Conclusion

- 7.35 In considering this application, it is acknowledged that with appropriate maintenance solar panels are now able to perform in excess of the 25 year time frame previously anticipated for this form of technology; and that extending the timescale for operation of the solar farm will enable it to generate electricity for a longer period with minimal additional cost and without additional disturbance to the land or local amenity. Global evidence has demonstrated that the technology has performed far in excess of the initial performance predictions.
- 7.36 The consideration of the overall planning balance on this application requires an assessment of its adverse impacts and conflict with the development plan and national guidance to be weighed against the benefits to be derived from this substantial renewable energy installation. Following decommissioning there are likely to be long term benefits relating to enhancements made to landscape elements and biodiversity.
- 7.37 The landscape character of this area has undoubtedly changed as a result of the development and there is a degree of public visibility of the site from public rights of way

and local roads but is considered to be no more than minor adverse and this is likely to be no more than slight with the introduction of supplementary landscaping which has been planted. Whilst there is a degree of conflict with local plan policy PD5, the harm is comparatively limited for a major renewable installation such as this when weighed in the planning balance.

- 7.38 The impacts on highway safety, heritage assets and ecology are not significant in planning terms.
- 7.39 The National Planning Policy Framework makes it clear in paragraph 148 that the planning system should support the transition to a low carbon future by amongst other things encouraging the development of renewable energy, it is considered that the benefits of the provision of renewable energy of this scale being increased with production extended by 15 years should be given significant weight in the balancing exercise.
- 7.40 The degree of harm that would result from the proposed extension of the timescale of the solar installation for a further 15 years is considered to be limited and would still be temporary with land restored after decommissioning. On balance, it is considered that the benefits of the generation of renewable energy for an additional 15 years would outweigh the limited harm on landscape character.

8.0 RECOMMENDATION

That planning permission be granted subject to the following conditions:

1. The development hereby permitted shall be retained and maintained in accordance with the following plans:
 - 1:45000 Scale Site Location / Ordinance Survey Plan;
 - General Layout Drawing 1.1 Rev 3 as amended by Non-Material Amendment application 15/00279/AMD/2;
 - 1:2750 Scale Site Location Plan / Aerial Photograph numbered 00011-39-101 A;
 - 1:50, 1:30 and 1:20 Scale Proposed DNO Cabin, Switchgear and Control Room Buildings, Switchgear and Transformer Cabin, Solar Panel Array, Perimeter Fencing Proposed Access Track Cross Section Plan No.00011-39-206;
 - Security Camera Layout Plan No. Ladyhole Rev A.
 - Flood Risk Assessment dated August 2016 by Waterco Consultants as amended by Non-Material Amendment application 15/00279/AMD/2

Reason: For the avoidance of doubt.

2. The permission hereby granted is for the development to be retained for a period of not more than 40 years from the date that electricity from the development was first supplied to the grid the (Grid Connection Date) which was the 16th March 2016. By no later than the end of the 40 year period the solar panels shall be decommissioned and they and all related above ground structures shall be removed from the site. Six months before the due date for decommissioning of the solar panels a scheme for the restoration of the site shall be submitted to and approved in writing by the Local Planning Authority. The restoration scheme shall be implemented in accordance with the approved details.

Reason: To ensure the satisfactory restoration of the site in accordance with Adopted Derbyshire Dales Local Plan Policies PD5 and PD7 and the National Planning Policy Framework 2019.

3. CCTV cameras on site shall be maintained in accordance with the details as approved in the non-material amendment application 15/00279/AMD/3 with details contained in the

applicant's letter dated 8th November 2018 and Security Camera Layout Plan No. Ladyhole Rev A.

Reasons: For the avoidance of doubt and in the interests of residential amenity in accordance with Adopted Derbyshire Dales Local Plan Policy PD7.

4. Other than the bulk head light to the DNO cabin, this permission does not convey any authorisation to erect any security or flood lighting. No such lighting shall be installed without the prior written approval of the Local Planning Authority.

Reason: In the interests of the visual amenities of the locality in accordance with Adopted Derbyshire Dales Local Plan Policies PD5 and PD7.

5. The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material shall be as agreed within the Written Scheme of Investigation – Archaeological Watching Brief by Archaeological Research Services Ltd 2015. 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.

Reason: To ensure adequate recording of any below ground archaeology in accordance with guidance contained within the National Planning Policy Framework (2019).

6. The landscaping works shall be undertaken in accordance with proposed mitigation planting plan no. LSF 130315 and the Landscape Management Plan by Greenlight Environmental Consultancy and thereafter maintained in accordance with the approved details.

Reason: In the interests of the visual amenities of the locality in accordance with Adopted Derbyshire Dales Local Plan Policies PD1 and PD5.

7. The measures set out in the Ecology Report by Greenlight Environmental Consultancy to safeguard protected species and enhance biodiversity shall be fully implemented and maintained for the life of the development.

Reason: To safeguard protected species and ensure the creation of new habitat in the interests of enhancing biodiversity in accordance with the aims of Policy PD3 of the Adopted Derbyshire Dales Local Plan (2017) and guidance contained within the National Planning Policy Framework (2019).

9.0 NOTES TO APPLICANT:

1. The Local Planning Authority considered the application as submitted to be acceptable. On this basis, there was no need to engage with the applicant in a positive and proactive manner to resolve any planning problems and permission was granted without negotiation.
2. The application site is affected by and located close to a number of public Right of Way. The routes must remain unobstructed on their legal alignment at all times and the safety of the public using them 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. Please note that:-
 1. The granting of planning permission is not consent to divert or obstruct a public right of way.

2. If it is necessary to temporarily obstruct a right of way to undertake development works then a temporary closure is obtainable from the County Council. Please contact 01629 533190 for further information and an application form.
 3. If a right of way is required to be permanently diverted then the Council that determines the planning application (The Planning Authority) has the necessary powers to make a diversion order.
 4. Any development insofar as it will permanently affect a public right of way must not commence until a diversion order (obtainable from the planning authority) has been confirmed. A temporary closure of the public right of way to facilitate public safety during the works may then be granted by the County Council.
 5. To avoid delays, where there is reasonable expectation that planning permission will be forthcoming, the proposals for any permanent stopping up or diversion of a public right of way can be considered concurrently with the application for the proposed development rather than await the granting of permission.
3. Any works affecting bird nesting habitat, such as scrub, hedgerows or trees should be conducted outside the bird nesting season (1st March – 31st July). Under the terms of the Wildlife and Countryside Act 1981 and Countryside and Rights of Way Act 2000, it is an offence to disturb nesting birds or roosting bats. The work hereby approved does not override the statutory protection afforded to these species and you are advised to seek expert advice if you suspect that the demolition would disturb any protected species.
 4. This decision notice relates to the following documents:
 - 1:45000 Scale Site Location / Ordinance Survey Plan;
 - General Layout Drawing 1.1 Rev 3 as amended by Non-Material Amendment application 15/00279/AMD/2;
 - 1:2750 Scale Site Location Plan / Aerial Photograph numbered 00011-39-101 A;
 - 1:50, 1:30 and 1:20 Scale Proposed DNO Cabin, Switchgear and Control Room Buildings, Switchgear and Transformer Cabin, Solar Panel Array, Perimeter Fencing
 - Proposed Access Track Cross Section Plan No.00011-39-206;
 - Security Camera Layout Plan No. Ladyhole Rev A.
 - Flood Risk Assessment dated August 2016 by Waterco Consultants as amended by Non-Material Amendment application 15/00279/AMD/2
 - Construction Traffic Management Plan by tpa;
 - Ecology Report and Biodiversity Management Plan prepared by Greenlight Environmental Consultancy;
 - Statement of Consultation;
 - Land Classification Survey prepared by Fisher German LLP;
 - Landscape and Visual Impact Assessment prepared by Greenlight Environmental Consultancy;
 - Desk Based Archaeological and Heritage Statements prepared by Wyvern Heritage and Landscape received by the District Council on the 22nd and 24th April 2015 and Written Scheme of Investigation – Archaeological Watching Brief by Archaeological Research Services Ltd 2015.;
 - Amended Planning, Design and Access Statement received by the District Council on the 19th May 2015, and;
 - Great Crested Newt Survey Report prepared by Greenlight Environmental Consultancy received by the District Council on the 19th June 2015.
 5. 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.

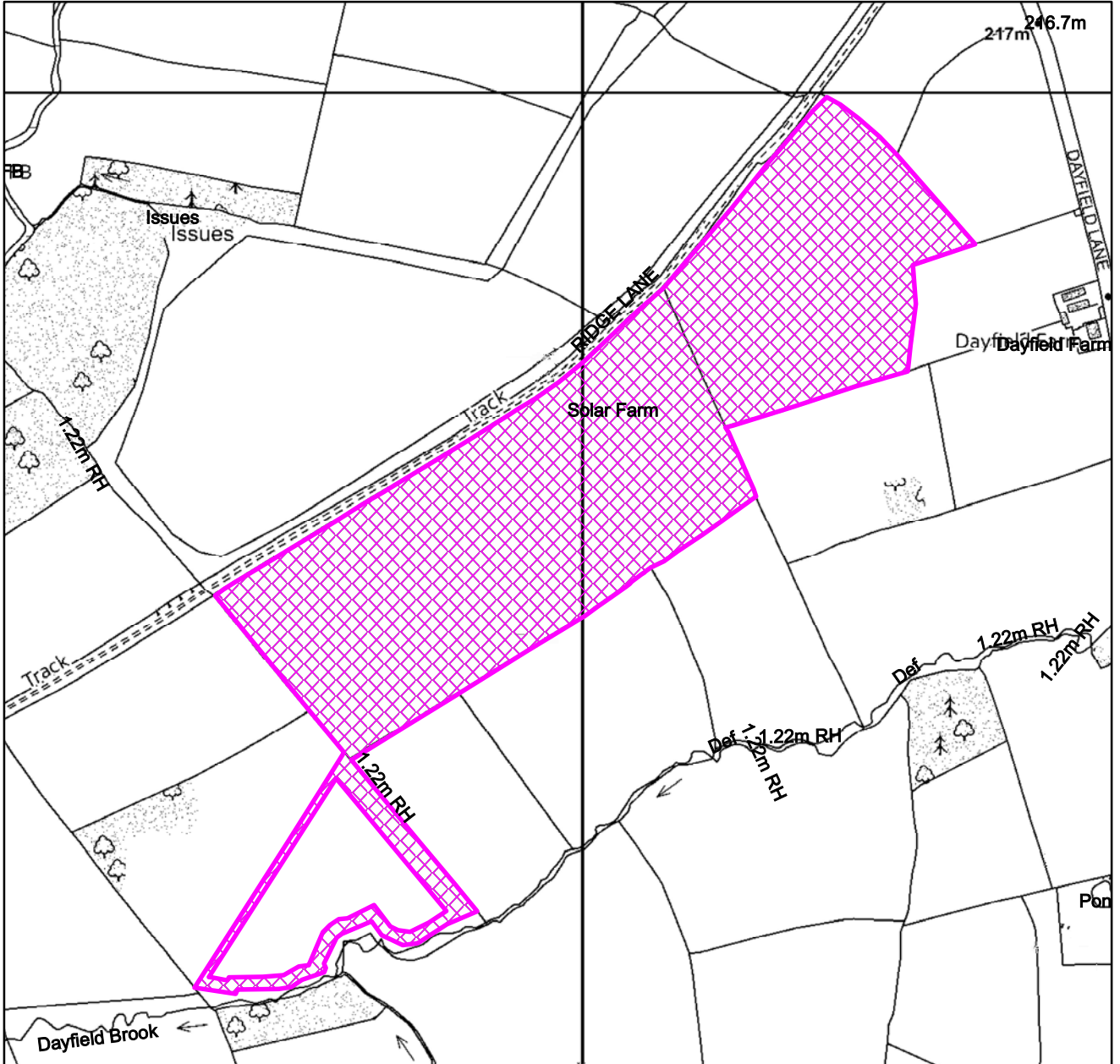
APPLICATION NUMBER		19/01231/VCOND	
SITE ADDRESS:		Solar Farm at Dayfields Farm, Dayfield Lane, Atlow	
DESCRIPTION OF DEVELOPMENT		Variation of condition 3 of planning permission 15/00089/FUL to allow for the retention period of the solar equipment to be extended to 40 years	
CASE OFFICER	Sarah Arbon	APPLICANT	Dayfields Solar Ltd
PARISH/TOWN	Atlow	AGENT	Quintas Energy Ltd
WARD MEMBER(S)	Cllr L Rose OBE	DETERMINATION TARGET	27.02.20
REASON FOR DETERMINATION BY COMMITTEE	Major application	REASON FOR SITE VISIT (IF APPLICABLE)	N/A

MATERIAL PLANNING ISSUES
<ul style="list-style-type: none"> The Scope of a Section 73 Planning Application Policy Context Compatibility of the Scheme with the Aims of National Policy in Relation to Locational Choices Impact on Heritage Assets Impact on Landscape Character and Appearance Impact on Ecology Highway Safety / Public Rights of Way

RECOMMENDATION
Approval with conditions

19/01231/VCOND

Solar Farm at Dayfields Farm, Dayfield Lane, Atlow



Derbyshire Dales DC

1:5,000

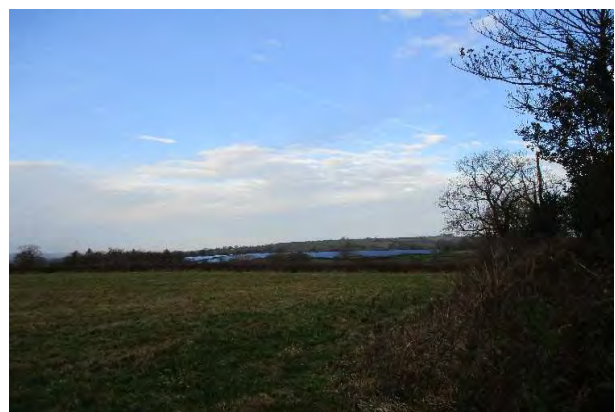
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1.0 THE SITE AND SURROUNDINGS

- 1.1 The application site comprises of an existing solar farm land located between Ridge Lane and Dayfields Brook. The main component of the site is two fields which have a frontage to Ridge Lane. The fields are enclosed with hedgerows with individual hedgerow trees. The larger western rectangular field has a high point at its north-eastern corner and slopes down to both the west and south. The eastern field is irregular in shape and slopes down from north-west to south-east.
- 1.2 Ridge Lane is a claimed byway largely enclosed on both sides by mature vegetation. Immediately to the west of the site is a public footpath which runs north / south crossing Dayfields Brook before continuing south to meet the Ashbourne / Hulland Ward road. The line of Dayfields Brook is bounded by woodland and the wider locality has pockets of woodland.



2.0 DETAILS OF THE APPLICATION

- 2.1 Planning permission is sought for the variation of condition 3 of planning permission 15/00089/FUL which was refused at committee on the 22nd July 2015 and subsequently allowed at appeal on the 18th December 2015 for change of the use of the agriculture land to a 5.4MWp solar farm and associated infrastructure for a period of 25 years. Condition 3 reads:

This permission shall expire within 25 years from the date when electricity is first exported from the solar farm to the electricity grid (the 'First Export Date'). Written notification of the First Export Date shall be given to the Local Planning Authority no later than 14 days after this event.

- 2.2 The solar farm's grid connection date was the 21st March 2017 and this application seeks to extend the length of the planning permission to 40 years from this date, an extension of 15 years from the 25 years already granted.

- 2.3 The panels are sited on south facing racks attached into the ground on poles. The racks are angled with the leading edge approximately 0.8m above the ground and the back of the rack a maximum of 3m off the ground. The scheme also included the provision of inverter substation buildings (9.7m x 3.1m x 3.2m high) located along the western and northern boundary, a 33kv substation building (6m x 5.6m x 5.3m high), a switchgear building (2.6m x 4m x 3.1m high) and communications building (7.2m x 3m x 2.4m high) all located in the south-west corner of the site. An internal access road runs from an existing gate on Ridge Lane virtually the entire length of the northern boundary just inside the fields and turn down the western boundary before terminating where the service buildings are to be clustered.
- 2.4 A 2.4m weld mesh fence runs along the inside of the hedgerows that bound the site. A 2.4m pair of weldmesh gates are sited at the access. There are two hedgerows running north-west / south-east across the larger field with all external hedgerows allowed to grow to 3m and managed at that height with gaps infilled with native hedgerow species.
- 2.5 The application is accompanied by the following detailed reports:-

Planning, Design and Access Statement
Covering Letter

Appeal Decision APP/M0933/W/18/3204360 Kirkby Moor Wind Farm, Grizebeck
Officer Report Delegated for Application PA19/06250 - Land at Wilton Farm, Trerulefoot, Cornwall

3.0 PLANNING POLICY AND LEGISLATIVE FRAMEWORK

- 3.1 Adopted Derbyshire Dales Local Plan (2017)
- S4: Development in the Countryside
 - 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
 - HC19: Accessibility and Transport
- 3.2. National Planning Policy Framework
National Planning Practice Guidance

4.0 RELEVANT PLANNING HISTORY:

15/00089/FUL	Change of use of land to solar farm with associated infrastructure	REF	23/07/2015 Allowed at Appeal 9/3/16
15/00089/DCOND/1	Discharge of conditions: 5, 6, 7, 8, 9 and 10	DISFUL	04/10/2016
15/00089/AMD	Non-material amendment - changes to layout (panels, building locations and numbers, tracks and hardstanding), inverters, substations, storage/comms and panels.	PER	22/09/2016
15/00089/AMD/1	Non-material amendment - Minor amendment to the route of an internal	PER	29/08/2017

access road, reducing the overall coverage area of internal road on the site.

15/00089/AMD/2

Non-material amendment - Alterations to CCTV system PER

15/11/2018

5.0 CONSULTATION RESPONSES

Atlow Parish Council

5.1 No objection.

Derbyshire County Council (Highways)

5.2 No objections

Peak and Northern Footpaths Society

5.3 No objections

Derbyshire Wildlife Trust

5.4 No comments.

Natural England

5.5 No comment.

Archaeologist (Derbyshire County Council)

5.6 There is no archaeological objection to the extension.

Lead Local Flood Authority (Derbyshire County Council)

5.7 No objections in principle. The infiltration method for disposal of surface water requires justification and soil compaction should be considered. Easement widths to allow for the maintenance of the swale are required.

Ramblers Association

5.8 No objection provided that Bradley FP 29, Atlow FP 16 and Ridge Lane remains unaffected for walkers, cyclists and horse riders both during and after the development with tree and hedge planted to mitigate impacts.

Environmental Health (Derbyshire Dales)

5.9 No objections.

6.0 REPRESENTATIONS RECEIVED

6.1 No representations have been received.

7.0 OFFICER APPRAISAL

7.1 The following material planning issues are relevant to this application:

- Scope of a Section 73 planning application
- Policy Context
- Compatibility of the scheme with the aims of National Policy in relation to locational choices
- Impact on Heritage Assets and Below Ground Archaeology
- Impact on Landscape Character and Appearance
- Impact on Ecology
- Highway Safety

The Scope of a Section 73 planning application

- 7.2 Section 73 of the Town and Country Planning Act 1990 provides that an application may be made for planning permission for a development, without complying with conditions applied to a previous planning permission for that development. When considering such applications a planning authority may decide whether to grant planning permission subject to different conditions to those previously imposed, remove such conditions that are subject to the application, or refuse to alter the conditions (i.e. leave the previous conditions intact).
- 7.3 In considering such applications a planning authority may only consider the question of the conditions, and not fundamentally alter the nature of the existing permission. Whilst planning authorities may reconsider conditions other than those which are the subject of the application, it is likely to be considered unreasonable for restrictions to be imposed which do not fairly relate to the issues in contention.
- 7.4 Prior to validation of this application the *Finney v Welsh Ministers & Other* 2019 Court of Appeal case was reviewed as it related to a Section 73 application in which the applicant sought to change of the height of the wind turbines previously granted. The Court of Appeal held that Section 73 may not be used to obtain a varied planning permission when the change sought would require a variation to the terms of the “operative” part of the permission. The agent contends that as only the time limit is being varied the requirements for decommissioning, removal of the installation and restoration of the land remain in place and suggests that only Condition 2 be changed together with a requirement to review decommissioning arrangements on extension. The Inspector’s appeal decision in the *Kirkby Moor Wind Farm, Grizebeck* (ref: APP/M0933/W/18/3204360) dated 29th July 2019 was referred to for confirmation of the position for extending time limits (relating to renewable installations). This decision related to the refusal of a Section 73 application to extend the time limit of a wind turbine permission and was allowed on this basis that it constituted ‘empowering’ and did not engage Footnote 49 to Paragraph 154 of the NPPF. Whilst, the use of a Section 73 application was not addressed in this decision, it could be inferred that in allowing the appeal it was considered lawful. Since this decision, Cornwall Council in a delegated report for an identical Section 73 application to extend the time limit of a solar farm from 25 to 40 years took the view that the timescale could be changed through a Section 73 application on the basis of a legal opinion on this ‘Kirkby Moor’ appeal decision. It is the view of officer’s having read these decisions that the timescale for renewable schemes can be altered under Section 73, where controlled by condition.
- 7.5 The proposal under consideration is therefore is to vary condition 3 of planning permission 15/00089/FUL which restricted the life of the solar farm / installation to 25 years from the date when electricity is first exported from the solar farm to the electricity grid (First Export Date) to extend the productive lifetime of the installation to a period of 40 years from the date of commissioning of the facility, effectively until 21st March 2057.
- 7.6 The wording of Condition 3 partly reflected the fact that the proposed development was considered on the basis that it was to be temporary and reversible. It also tied in with the timescale for the feed-in-tariff which was 25 years (with their financial viability being uncertain post this subsidy) and a projection of likely effective productive lifetime of solar panels.
- 7.7 In providing evidence to demonstrate that panels “frequently produce energy long after their warranty expires” the agent has made reference to a 2012 study by the US Government’s National Renewable Energy Laboratory. This study found that the average degradation rate for panels is between 0.5% to 0.8% per year. In terms of the lifespan of solar panels the Energy Informative notes the following:

- A 33W solar panel (Arco Solar 16-2000) actually outperformed its original factory specifications 30 years after it was manufactured.
 - World's first modern solar panel still works after 60 years.
 - Kyocera has reported several solar power installations that continue to operate reliably and generate electricity even though they are nearly 30 years old.
- 7.8 The agent, Quintas Energy states that the solar panels installed on this site are high quality and can be expected to have a useful life at the higher end of the range. The panels are guaranteed for 25 years but are likely to produce electricity for longer than that without a reduction in power that would render them unviable. The lease extension to be agreed with the landowner has been expressed as an option to extend the lease for five years at a time, therefore, if at any point after the current 25 year period the PV panels degrade to a point that would make them unviable, this will be anticipated based on the detailed and continuous monitoring of production and the plant will be decommissioned earlier. With regard monitoring, the agent has confirmed that remote monitoring of production is continually improving with developing technology down to single panels. Thus allowing the owners of the solar farm to increase performance by replacing poorly performing panels and maintaining peak performance, as one poorly performing panel can affect production of a whole row.
- 7.9 The agent in clarifying why the time limit in Condition 3 was not challenged in 2015 when the appeal was allowed states that at the time it was not known that solar panels could continue to generate energy without losing as much production as previously assumed and that renewable energy can now be financially viable independent of government subsidies.
- 7.10 In the assessment of this application it is considered pertinent to provide an update on the National and Local Plan policies together with a summary of the assessments undertaken to inform the original decision.

Policy Context

- 7.11 A review of the current policy context of renewable installations is considered appropriate to outline the general approach advocated by the government reflected in the National Planning Policy Framework, Planning Practice Guidance and Local Plan Policies.
- 7.12 The National Planning Policy Framework makes it clear in paragraph 148 that the planning system should support the transition to a low carbon future in a changing climate through the support of renewable and low carbon energy and associated infrastructure.
- 7.13 Paragraph 154 in relation to determining applications advises that Local Planning Authorities should not require applicants to demonstrate the overall need and recognise that even small-scale projects provide a valuable contribution to reducing greenhouse gas emissions. It goes on to advise that unless material considerations indicate otherwise local planning authorities should approve applications if their impacts are (or can be made) acceptable.
- 7.14 The Planning Practice Guidance published by government provides some specific guidance on renewable and low carbon energy. It restates that the need for renewable energy does not automatically override environment protections and the planning concerns of local communities. As with other types of development it stresses that it is important that the planning concerns of local communities are properly heard in matters that directly affect them.
- 7.15 In relation to ground mounted solar photovoltaic farms it states the following: -

The deployment of large-scale solar farms can have a negative impact on the rural environment, particularly in undulating landscapes. However, the visual impact of a well-planned and well-screened solar farm can be properly addressed within the landscape if planned sensitively.

Particular factors a local planning authority will need to consider include: -

- Encouraging the effective use of land by focussing large scale solar farms on previously developed and non-agricultural land, provided that it is not of high environmental value;
- Where a proposal involves greenfield land, whether (i) the proposed use of any agricultural land has been shown to be necessary and poorer quality land has been used in preference to higher quality land; and (ii) the proposal allows for continued agricultural use where applicable and/or encourages biodiversity improvements around arrays.
- That solar farms are normally temporary structures and planning conditions can be used to ensure that the installations are removed when no longer in use and the land is restored to its previous use.
- The proposals visual impact, the effect on landscape of glint and glare and on neighbouring uses and aircraft safety.
- The extent to which there may be additional impacts if solar arrays follow the daily movement of the sun.
- The need for, and impact of, security measures such as lights and fencing.
- Great care should be taken to ensure heritage assets are conserved in a manner appropriate to their significance, including the impact of proposals on views important to their setting. As the significance of a heritage asset derives not only from its physical presence, but also from its setting, careful consideration should be given to the impact of large scale solar farms on such assets. Depending on their scale, design and prominence, a large scale solar farm within the setting of a heritage asset may cause substantial harm to the significance of the asset.
- The potential to mitigate landscape and visual impacts through, for example, screening with native hedges;
- The energy generating potential, which can vary for a number of reasons including, latitude and aspect.
- The approach to assessing cumulative landscape and visual impact of large scale solar farms is likely to be the same as assessing the impact of wind turbines. However, in the case of ground-mounted solar panels it should be noted that with effective screening and appropriate land topography the area of a zone of visual influence could be zero.

7.16 Policy PD7 of the Adopted Local Plan although not specific to solar farms, is considered to be broadly consistent with the thrust of current government policy on this matter in addressing the move to a low carbon future by promoting a development strategy that seeks to mitigate global warming, adapts to climate change and respects our environmental limits. Specifically this policy supports renewable energy installations that would not have significant adverse impacts with the appropriate assessments on landscape and heritage impacts (amongst other things).

- 7.17 Policy PD5 seeks to protect, enhance and restore the landscape character, recognising its intrinsic beauty with development required to retain natural features including trees, hedgerows that contribute to the landscape character and setting of the development and managed appropriately in the future.
- 7.18 Policy S4 protects and enhances the landscape's intrinsic character and distinctiveness whilst also facilitating sustainable rural community needs. It states that planning permission will be granted for development where is comprises renewable energy development in accordance with Policy PD7.
- 7.19 Policy PD2 seeks to conserve heritage assets in a manner appropriate to their significance, requiring proposals to be informed by relevant evidence and demonstration of how the proposal has taken account of siting and views away from and towards the heritage asset to minimise harm.
- 7.20 The Derbyshire Dales Landscape Sensitivity Study August 2015 does not include the application site within the adjacent study areas of Ashbourne and Bradley which are identified as areas of high landscape sensitivity.
- 7.21 From this policy background, the key considerations in this case are the compatibility of the scheme with the aims of national policy on solar farms within the scope of a Section 73 planning application. A summary of the assessments made to inform the original 2015 solar farm application together with the Inspectors assessment now follows.

Compatibility of the scheme with the aims of National Policy in relation to locational choices

- 7.22 Paragraph 170 of the National Planning Policy Framework requires planning policies and decisions should recognise the intrinsic character of the countryside and benefits including economic and other benefits of the best and most versatile agricultural land. This is defined in the annex to the National Planning Policy Framework as land in grades 1, 2 and 3a.
- 7.23 An independent report on land quality was submitted with the application which identified the land as being grade 4 on the Provisional Land Classification Map. This was then followed up with site analysis. The land was assessed as permanent pasture which was suitable for grazing but has never been used for arable cropping. Analysis of the soil structure and texture against MAFF guidelines led to the conclusion that the land is grade 4 poor quality and accords with the guidance.

Impact on Heritage Assets

- 7.24 The Planning Design and Access Statement and Landscape and Visual Impact Appraisal contain analysed the impact of the development on designated heritage assets. A total of 11 assets were analysed for impact on their setting. Two scheduled monuments and nine listed buildings are present within 1.5km of the site. All of the listed buildings and one of the scheduled monuments lie on land to the north and north-west on lower ground around Atlow over the brow of the hill and as a consequence have no intervisibility. The other scheduled monument at Old Hall, Hulland lies some distance to the south-east with intervening topography preventing impact on setting. Hulland Conservation Area lies to the south-east but extensive screening and topography mitigate any direct intervisibility. Therefore in this instance distance, topography and screening mean that impacts are considered minimal not significant in the consideration of the planning merits of the application.

Impact on Landscape Character and Appearance

- 7.25 The sites lies within National Character Area 50 – Derbyshire Peak Fringe and Lower Derwent and within the Local Landscape Character Area – Settled Plateau Farmlands, which lies between the Peak District National Park and the more urban landscape to the east. It comprises gently rolling countryside with many river valleys and extensive deciduous woodland along valley slopes. Field patterns are irregular with small to medium sized fields and hedgerows of mixed native species and with hedgerow trees and isolated copses contributing to the landscape’s wooded character. The landscape is predominately rural with scattered farmsteads and isolated dwellings and is picturesque and of high quality. The undulating topography and presence of trees and hedgerows reduces the scope for medium and long range views.
- 7.26 The application was accompanied by a Landscape and Visual Impact Assessment which included an assessment of the Zone of Theoretical Visibility supporting with photomontages from 11 viewpoints within 5km of the site. It was the Inspector’s view that from close range views from Ridge Lane, from FP 29 and FP 16 the visual impact would be severe. In midrange views from Gorse Lane, including from Footpath 14, looking west from Atlow Lane and looking north from the A517 and from Footpath 29, more distant views of the panels would be available and partially screened by trees and intervening topography. The Zone of Theoretical Visibility indicated that there was no intervisibility between existing or consented solar schemes and therefore the cumulative impact on the wider landscape was limited. The Inspector therefore concluded that the harm would occur in the local and midrange views.
- 7.27 The Council sought an independent assessment prior to the committee which concluded that the scheme as originally submitted could not be assimilated into the landscape without moderate to substantial harm to the local character of the upper reaches of Dayfield Brook Valley with corresponding harm likely to the visual amenity of users of public footpath Bradley 29. The assessment concluded that this could be reduced by the reintroduction of field boundary hedgerows with additional tree planting and this was included in amended plans.
- 7.28 The Inspector included the following in the planning balance section of her decision:-

The proposal would have a significantly harmful impact on the appearance of the countryside in local views. It would have a more moderate impact on the wider landscape in mid-range views which could in part be mitigated. These effects would be temporary and reversible and the more severe aspects of this harm would be localised. I therefore attribute moderate weight to the harm arising to the rural landscape. It would lead to the temporary loss of the site from use by grazing, although this is not ‘best and most versatile’ and some limited grazing could continue to occur between the rigs. This reduces the harm that would arise and I attribute limited weight to it.

Impact on Ecology

- 7.29 Derbyshire Wildlife Trust made no comments on this variation application and they assessed the submitted ecological report with the original application had no objection in principle to the scheme and recognised the potential for the scheme to deliver biodiversity benefits. The reintroduction of native hedgerows and additional tree species increased these benefits.

Highway Safety / Public Rights of Way

- 7.30 The Local Highway Authority has no objection to the variation of condition to extend the timescale by 15 years. A Construction Management Plan dated July 2016 was approved as submitted for the discharge of condition 8. Once installations are complete limited maintenance and monitoring is undertaken with low levels of vehicles accessing the site and as such the extension to the timescale would have a limited impact on highway safety in accordance with Local Plan Policy HC19.

The Planning Balance

- 7.31 In considering this application, it is acknowledged that with appropriate maintenance solar panels are now able to perform in excess of the 25 year time frame previously anticipated for this form of technology; and that extending the timescale for operation of the solar farm will enable it to generate electricity for a longer period with minimal additional cost and without additional disturbance to the land or local amenity. Global evidence has demonstrated that the technology has performed far in excess of the initial performance predictions.
- 7.32 The consideration of the overall planning balance on this application requires an assessment of its adverse impacts and conflict with the development plan and national guidance to be weighed against the benefits to be derived from this substantial renewable energy installation. Following decommissioning there are likely to be long term benefits relating to enhancements made to landscape elements and biodiversity.
- 7.28 The landscape character of this area has undoubtedly changed as a result of the development and there is a degree of harm on the appearance of the countryside in local views. Thus there is a degree of conflict with local plan policy PD5, however, the harm is comparatively limited for a major renewable installation such as this when weighed in the planning balance. The Inspector took this view, giving substantial weight to the provision of renewable energy and concluding that the harm would be outweighed by this benefit.
- 7.29 The impacts on highway safety, heritage assets and ecology were not significant in planning terms.
- 7.30 The National Planning Policy Framework makes it clear in paragraph 148 that the planning system should support the transition to a low carbon future by amongst other things encouraging the development of renewable energy, it is considered that the benefits of the provision of renewable energy of this scale being increased with production extended by 15 years should be given significant weight in the balancing exercise.
- 7.31 The degree of harm that would result from the proposed extension of the timescale of the solar installation for a further 15 years is considered to be limited and would still be temporary with land restored after decommissioning. On balance, it is considered that the benefits of the generation of renewable energy for an additional 15 years would outweigh the identified harm on the local landscape character.

8.0 RECOMMENDATION

That planning permission be granted subject to the following conditions.

1. The development hereby permitted shall be retained and maintained in accordance with the following plans:
1:25,000, 1:10,000 and 1:5,000 Location Plans
General Layout Drawing No. 1.1 Rev 3 as amended by Non-Material Amendment application 15/00089/AMD/1;

Landscape Plan dated 11th August 2016
Inverter Station Details Drawing No. 3.4 Rev 1 as amended by Non-Material Amendment application 15/00089/AMD;
Customer sub-station details Plan No.3.13 Rev 1 as amended by Non-Material Amendment application 15/00089/AMD;
Sub Station enclosure plan 280216- Dayfields-DNOC-SEP-160621-r00 as amended by Non-Material Amendment application 15/00089/AMD;
Storage Room Details Plan No.3.12 Rev 1 as amended by Non-Material Amendment application 15/00089/AMD;
Security Camera Layout Drawing No. Dayfields Rev A
Structure Details 23 x 2V Plan No. 3.14 Rev 01 as amended by Non-Material Amendment application 15/00089/AMD;
2.4m Security Fence Plan No. TGC/PV001 Rev A2
Double Gate Detail Plan No. TGC/PV002 Rev A1
Reason: For the avoidance of doubt.

2. This permission shall expire within 40 years from the date when electricity was first exported from the solar farm to the electricity grid (the 'First Export Date') which was the 21st March 2017.

Reason: As the solar panels have a limited working lifespan.

3. Within 6 months of the point where the Solar Farm permanently ceases to produce electricity, or the expiration of this permission, whichever is the sooner, the solar panels together with any supporting apparatus, mountings, cabling, foundations, inverter stations, fencing, CCTV cameras and other associated equipment shall be removed from the land, and the land restored to agricultural use or to the condition to be agreed in writing by the Local Planning Authority. Prior to decommissioning of the site a method statement shall be submitted to and approved in writing by the Local Planning Authority. This shall set out the approach to be taken to remove the array support poles, cable runs and other below ground structures whilst minimising harm to below ground archaeology. The decommissioning of the site shall take place in accordance with the decommissioning method statement.

Reason: To ensure the satisfactory restoration of the site in accordance with Adopted Derbyshire Dales Local Plan Policies PD5 and PD7 and the National Planning Policy Framework 2019.

4. The landscaping and biodiversity enhancements shall be retained and maintained in accordance with the Landscape Plan No. St15545-400-400 dated 11st August 2016 and Management Plan No. ST15545-400-401 dated July 2016 by Wardell Armstrong.

Reason: In the interests of the visual amenities of the locality in accordance with Adopted Derbyshire Dales Local Plan Policies PD1 and PD5.

5. CCTV cameras on site shall be maintained in accordance with the details as approved on Plan No. Security Camera Layout Dayfields Rev A as approved by the non-material amendment application 15/00089/AMD/2.

Reasons: For the avoidance of doubt and in the interests of residential amenity in accordance with Adopted Derbyshire Dales Local Plan Policy PD7.

9.0 NOTES TO APPLICANT:

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

2. The application site is affected by and located close to a number of public Right of Way. The routes must remain unobstructed on their legal alignment at all times and the safety of the public using them 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. Please note that:-
 1. The granting of planning permission is not consent to divert or obstruct a public right of way.
 2. If it is necessary to temporarily obstruct a right of way to undertake development works then a temporary closure is obtainable from the County Council. Please contact 01629 533190 for further information and an application form.
 3. If a right of way is required to be permanently diverted then the Council that determines the planning application (The Planning Authority) has the necessary powers to make a diversion order.
 4. Any development insofar as it will permanently affect a public right of way must not commence until a diversion order (obtainable from the planning authority) has been confirmed. A temporary closure of the public right of way to facilitate public safety during the works may then be granted by the County Council.
 5. To avoid delays, where there is reasonable expectation that planning permission will be forthcoming, the proposals for any permanent stopping up or diversion of a public right of way can be considered concurrently with the application for the proposed development rather than await the granting of permission.
3. Any works affecting bird nesting habitat, such as scrub, hedgerows or trees should be conducted outside the bird nesting season (1st March – 31st July). Under the terms of the Wildlife and Countryside Act 1981 and Countryside and Rights of Way Act 2000, it is an offence to disturb nesting birds or roosting bats. The work hereby approved does not override the statutory protection afforded to these species and you are advised to seek expert advice if you suspect that the demolition would disturb any protected species.

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.

This decision notice relates to the following plans and documents:

1:25,000, 1:10,000 and 1:5,000 Location Plans
 General Layout Drawing No. 1.1 Rev 3 as amended by Non-Material Amendment application 15/00089/AMD/1;
 Landscape Plan dated 11th August 2016
 Inverter Station Details Drawing No. 3.4 Rev 1 as amended by Non-Material Amendment application 15/00089/AMD;
 Customer sub-station details Plan No.3.13 Rev 1 as amended by Non-Material Amendment application 15/00089/AMD;
 Sub Station enclosure plan 280216- Dayfields-DNOC-SEP-160621-r00 as amended by Non-Material Amendment application 15/00089/AMD;

Storage Room Details Plan No.3.12 Rev 1 as amended by Non-Material Amendment application 15/00089/AMD;
Security Camera Layout Drawing No. Dayfields Rev A
Structure Details 23 x 2V Plan No. 3.14 Rev 01 as amended by Non-Material Amendment application 15/00089/AMD;
2.4m Security Fence Plan No. TGC/PV001 Rev A2
Double Gate Detail Plan No. TGC/PV002 Rev A1
Planning, Design and Access Statement by TGC Renewables
Agent's Covering Letter dated 30th October 2019
Flood Risk Assessment ref J-5148-CFM dated 19th January 2015 by H2Ok
Archaeological Desk Based Assessment OSA Report No. OSA14DT26 dated December 2014.
Land Classification Survey dated 22nd December 2014 by Fisher German.
Landscape and Visual Impact Appraisal dated February 2015 by Wardell Armstrong.

Planning Committee 4th February 2020

APPLICATION NUMBER		19/01274/FUL	
SITE ADDRESS:		Ashbourne Airfield, A52, Ashbourne, Derbyshire	
DESCRIPTION OF DEVELOPMENT		Hybrid planning application comprising of an outline planning application (all matters reserved) for up to 367 dwellings (with integrated open space), up to 10 hectares of employment land (B1, B2 and B8 business uses), a commercial hub incorporating A1 (Shops) /A2 (Professional/ Financial services), A3 (Restaurants and Cafes)/A4 (Drinking Establishments), D1 (Non-Residential Institutions) and C1 (Hotels) uses and associated highways and drainage infrastructure and a full planning application for the erection of 1no. Industrial unit (B1, B2 and B8 business uses) with access via roundabout and link road and for the formation of an attenuation pond	
CASE OFFICER	Mr. Jon Bradbury	APPLICANT	F.W. Harrison Commercials Limited
PARISH/TOWN	Osmaston & Yeldersley	AGENT	Planning & Design Practice Limited
WARD MEMBER(S)	Councillor Shirley	DETERMINATION TARGET	20 th February 2020
REASON FOR DETERMINATION BY COMMITTEE	Major Application	REASON FOR SITE VISIT (IF APPLICABLE)	N/A

MATERIAL PLANNING ISSUES

- Site history and principle of development
- The benefits to the sustainable growth of Ashbourne from releasing employment land
- Contribution of the site to meeting housing needs
- Impact on the character and appearance of the landscape
- Impact on heritage assets
- Impact on the highway network
- Meeting infrastructure needs
- Impact on existing and future residents
- Open space and recreation provision
- Impact on wildlife and ecology
- Drainage
- Climate Change
- Planning balance and conclusion

RECOMMENDATION

To delegate authority to the Development Manager to grant planning permission subject to conditions on the completion of the Section 106 Agreement.



1. THE SITE AND SURROUNDINGS

1.1. The application site is a 33.5 hectare parcel of land located to the north-west of the junction of the A52 and Ladyhole Lane immediately to the south-east of Ashbourne Airfield Industrial Estate within the parish of Yeldersley. At its western edge the application site extends to meet the existing access road of the industrial estate. Immediately to the north of this is the Vital Earth composting operation. The site then extends eastwards across the former airfield, now agricultural land crossed by former runways, to incorporate land up to the southern boundary of land and buildings recently utilised by JCB as a training centre.

1.2. The site boundary then returns south-east along the boundary of the airfield to meet Ladyhole Lane. The land to the north at this point is open agricultural land. The site

boundary then extends down Ladyhole Lane to the south-west with open land and former runway to the east. The boundary then follows the rear boundaries of properties to the west of Ladyhole Lane and fronting the A52 to the south before meeting the A52 approximately 160m to the west of the junction opposite a copse of trees. The land to the south of the A52 at this point is open farmland with field boundary hedgerows and hedgerow trees.

- 1.3. To the north of the A52 the site then extends to the west but with the boundary set behind a narrow strip of land in separate ownership before returning north just to the east of the edge of the existing industrial estate with open land to the west at this point.
- 1.4. The site is generally flat, as you might expect for a former airfield, with only the land in the north-east corner having any significant change in levels.
- 1.5. The site is included within the Settlement Framework Boundary for Ashbourne and has plan allocation DS1 for a combination of employment and housing.
- 1.6. The Grade II Listed “Thatched Cottage” sits immediately to the east of the site fronting the A52. Bradley Woods, a Derbyshire Wildlife site, lies close to the northern boundary of the site whilst Osmaston Conservation Area is approximately 500m to the south at its closest point.

2. DETAILS OF THE APPLICATION

- 2.1. The planning application is a hybrid planning application seeking to secure full planning permission for some elements with outline permission for the remainder.
- 2.2. Outline planning permission (with all matters reserved) is sought for the erection of 367 dwellings (with integrated open space), up to 10 hectares of employment land (B1, B2 and B8 business uses), a commercial hub incorporating A1 (Shops) / A2 (Professional / Financial Services), A3 (Restaurants and Cafes) / A4 (Drinking Establishments), D1 (Non-residential Institutions) and C1 (Hotel) uses with associated highways and drainage infrastructure.
- 2.3. Full planning permission is sought for the erection of one industrial unit (B1, B2 and B8 business uses), the access via a roundabout from the A52, the link road through from this to Blenheim Road and the formation of the surface water detention basin.
- 2.4. The components where full planning permission is sought have the following characteristics.
 - The roundabout – The proposed new roundabout will have its centre approximately 225m to the west of the junction of Ladyhole Lane with the A52. The roundabout will have a diameter of 50m and will extend into land on either side of the A52 as a consequence. It will be slightly offset to the north with 20m projecting into the application site and approximately 16m into the agricultural land to the south of the A52. The central island will be 31m in diameter. The roundabout is designed with two lanes on the A52 approaching from the east and west and two lanes on the exit from the application site. Visibility splays of 160m to the east and west along the A52 are achieved through the realignment of the carriageway. The creation of the roundabout, associated footway to the north of the road and visibility splays will require vegetation removal alongside the road. The centre of the roundabout lies approximately 55m from the nearest boundary of the garden to “Thatched Cottage” with the nearest works of the exit carriageway east being 15m away.
 - The link road – This leads north from the new roundabout for approximately 170m before sweeping round to the west for a distance of approximately 300m to meet with the existing Blenheim Road. The link road is designed with a 7.5m main carriageway with verge and footways to either side. A total of 9 new spur roads are to be taken

from this to serve the land to the east, north and south. The link road is to be landscaped with roadside elm trees.

- The detention basin – The basin will sit approximately 60m to the east of the link road with the first eastern road spur approximately midpoint in its length which is a maximum of 140m south to north. The basin is wider at its southern end with a maximum width of 80m. The basin is cut into the contours of the land and this means it will have a depth of approximately 2.5m at its southern end and 5.5m at its northern end. The land also slopes down from west to east which means the western wall at the midpoint is 5.5m with the eastern wall approximately 4m. The basin aligns with the gardens of properties to the south and east being approximately 4m away at the closest points but its bank tops align with the adjoining land levels. The surrounds to the basin are to be landscaped with small trees and shrubs as appropriate. A foul water pumping station will be located to the south-west corner of the detention basin.
- The industrial building – Full details are provided of the first industrial unit to be constructed. This would be located to the south of the link road approximately one-third of the way to the Blenheim Road connection. The building would be served by the fifth spur road working from east to west and would front onto the link road. It will have a rectangular footprint of 60.5m frontage with a depth of 32m and a height of 7.5m. Vehicle access to the unit will be taken from the south via an access from the spur road and a car parking area with 36 spaces will be provided. A landscaping strip is maintained of 7m to the east of the building which incorporates shrub and tree planting and 4.5m to the north with shrub planting. The building will be faced with a brickwork plinth and two colours of cladding above. The building will have double height glazing at the two north facing corners with high level windows in between. The side elevations are largely blank with the south facing elevation incorporating four roller shutter doors and four double height sections of glazing. The submitted floor plans show the potential subdivision of the building into four separate equal sized units. The applicants have requested that this unit can have uses within B1, B2 and B8 use classes. The temporary access required to construct this unit is shown being taken via Blenheim Road and then diagonally from the south-west.

2.5. The outline components of the scheme are as follows:-

2.5.1 A total of 367 dwellings. These are shown on the indicative masterplan to be located to the east and north-east of the new link road on an area of 15.66 hectares. The housing element is shown to extend to the eastern boundary with Ladyhole Lane and up to northern boundary where it abuts the current JCB Training Centre. A landscape buffer is shown between the housing and industrial development to the west where it extends north of the new link road. The overall density of housing proposed allowing for integral greenspace is 23 dwellings per hectare.

2.5.2 To the south and north-west of the link road on the indicative masterplan are commercial and business uses. The largest component is 8-10 hectares of employment land. Also proposed is a hotel (Use Class C1) of up to 80 beds and a commercial hub incorporating A1 (Shops) / A2 (Professional / Financial Services) (up to 500m²), A3 (Restaurant and Cafes) / A4 (Drinking Establishments) (up to 500m²) and D1 (Non-Residential Institutions) (up to 750m²).

2.6. The application is accompanied by the following reports and information. The documents listed have been circulated to consultees for their consideration and where appropriate are discussed in the Officer Appraisal Section of this report:-

- Indicative layout and landscaping plan for whole site
- Detailed designs of the roundabout and link road
- A Flood Risk Assessment and sustainable drainage strategy.

- A Landscape and Visual Impact Assessment
- A Noise Assessment
- An Odour and Bio-Aerosols Assessment
- Ecology Survey
- An Earth Works Strategy
- A Construction Management Plan
- A Transport Assessment
- A Travel Plan
- Archaeological Survey
- A Heritage Assessment
- An Unexploded Ordnance Risk Assessment
- Ground Conditions Report

The applicants in their Planning Design and Access Statement have provided the following summary of the applicant's case:-

- The phasing is likely to involve the link road, roundabout and drainage commencing in the second quarter of 2020. Industrial development is envisaged commencing by first quarter of 2021 and the housing could commence by the second quarter of 2021.
- The Reserved Matters are likely to be submitted in stages for this large mixed use site and may take up to 10 years.
- The Indicative Masterplan sites a community hub to the north-west of the new roundabout as the location offers proximity to the housing and businesses and prominence at the entrance.
- The link road and business park will drain into a new attenuation basin which will provide a buffer from existing residential properties.
- The housing is shown to the eastern side to benefit from proximity to the countryside. The density will vary with lower densities at the edge and landscape buffers will be provided to the eastern boundaries.
- A central spine road will lead from the link road going north to facilitate access to phase 2.
- The first industrial building is detailed and has a contemporary design with visual interest. It has four units suitable for small businesses.
- Planning permission 14/00074/OUT established the principle of development in granting outline permission for 367 dwellings, 8 hectares of employment land, a commercial hub and a link road.
- The roundabout and link road are consented under separate full permissions.
- The new components of the scheme are the hotel and expanded employment provision.
- The hotel would not be of a scale to unduly impact on the town centre.
- The increased employment provision reflects existing plan allocations to the west and north of the original scheme and the roundabout means that the road network will have adequate capacity for all of phase 1 and phase 2.

- The changes proposed do not raise significant planning issues.
- The scheme is considered to be economically, socially and environmentally sustainable.
- The application is accompanied by a sustainable transport strategy which will reduce travel demand, encourage sustainable travel means, discourage car usage and reduce emissions.
- Existing housing will have its amenity protected by the green buffer to the south-east and the siting of the roundabout away from properties.
- New residential development has appropriate separation from the mainstream employment uses.
- The proposal will not have a significant detrimental impact on landscape character and visual amenity.
- The ecology reports have been updated and the intention to compensate for lapwing habitat remains.
- A heritage assessment was previously prepared for the roundabout application and it has been previously concluded that the impacts on heritage are not unacceptable.
- The site is at low risk of flooding but the drainage scheme is capable of handling all the surface water run-off and safeguarding adjoining land from flooding.
- This scheme will facilitate the early start of the scheme in 2020 and will consequently trigger the inward investment, jobs, new homes, commercial and community facilities to the benefit of the town.

During the course of consideration of the application the agents have provided the following further comments: -

- The applicants would like to retain flexibility in the use of the first phase (B1, B2 or B8) in the first 60,000 sqft. This reflects expressed interest from potential users and will allow for early delivery in line with D2N2 timescale.
- The first 20,000 sqft building is only a small proportion of the 8-10 hectares of industrial development and would not preclude the rest of the site coming forward as predominantly B1 and B2 uses with only ancillary B8.
- The applicants reiterate that the masterplan is purely illustrative at this stage and it is important to maintain flexibility to be able to respond to the market once the link road is created.
- The applicants are happy to accept a suitably worded condition which requires them to adhere to policy DS1 in terms of uses and would also be happy to accept a condition requiring agreement of a design framework prior to the commencement of the outline elements of the scheme.
- The applicants state the Council's aspirations in relation to a high quality business environment with attractive land mark building and landscaping at the entrance as this will ensure high quality tenants and help to secure a suitable environment for new housing. They stress that the masterplan for purely illustrative and are happy to agree a subsequent masterplan/ design framework as condition on the outline element of the permission.

- The applicants can confirm that the revised application boundary still allows for the 6-8 hectares of industrial land and a proportion of the 1100 houses to be delivered on the applicants land holding in phase 2. The change in land areas does not jeopardise phase 2.
- In terms of playing pitches whilst they were shown on the illustrative masterplan in the prevised scheme they are not required by policy DS1. The applicants view is that nay playing pitches would be more logically delivered in phase 2 with a greater quantum of housing and perhaps a school.
- In terms of the timeframe for reserved matters the applicants are happy for a condition requiring the first of these to be submitted within 3 years but it is clearly not practical for all of to be submitted within this time frame.
- The applicants subsequently wrote to confirm a willingness to commit to delivering a playing field if deemed necessary their landholding as part of phase 2.

3. PLANNING POLICY AND LEGISLATIVE FRAMEWORK

3.1 Adopted Derbyshire Dales Local Plan (2017):

S1	Sustainable Development Principles
S3	Development Within Defined Settlement Boundaries
S4	Development in the Countryside
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
PD4	Green Infrastructure
PD5	Landscape Character
PD6	Trees, Hedgerows and Woodlands
PD7	Climate Change
PD8	Flood Risk Management and Water Quality
PD9	Pollution Control and Unstable Land
HC2(c)(d)	Housing Land Allocations
HC4	Affordable Housing
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 Employment Development
EC2(a)(b)	Employment Land Allocations
EC6	Town and Local Centres
DS1	Land at Ashbourne Airfield (Phase 1), Ashbourne
DS8	Land at Ashbourne Airfield (Phase 2), Ashbourne

3.2 National Planning Policy Framework

Particularly paragraphs 7, 8, 11, 12, 38, 47, 59, 61, 62, 72, 73, 80, 81, 82, 86, 89, 91, 92, 94, 96, 97, 98, 103, 104, 108, 109, 110, 111, 112, 118, 122, 124, 126, 127, 150, 170, 175, 180, 183, 189, 190, 192, 193, 194, 196

4. RELEVANT PLANNING HISTORY

14/00074/OUT	Residential development (367 dwellings), employment site, commercial and community facilities, link road, access and landscaping – Granted
14/00075/FUL	Formation of vehicular access to employment site – Land to West – Granted
16/00168/FUL	Formation of new link road – Granted
17/01142/FUL	Variation of link road design incorporating enlarged drainage facility and foul pumping station – Granted
18/00767/VCOND	Variation of conditions 6 and 7 of planning application 14/00074/OUT to allow a start to be made on site prior to road improvements being carried out – Granted
CD3/0419/1	Provision of 40m diameter roundabout junction – Granted
CD3/0819/38	Installation of 50m diameter roundabout junction – Granted

5. CONSULTATION RESPONSES

5.1 Osmaston and Yeldersley Parish Council

- The site layout plan differs from the travel plan and they should be the same
- Can't comment on the dwelling element without more details
- Due regard should be given to proximity to Vital Earth
- Queried what would be in the open space and raised concerns over the apparent loss of community pitches
- Ask what is proposed for trees and green space given commitment to carbon neutrality by 2030
- 2019 commitment to Climate Change Emergency means Council should be working to minimising impacts on residents health from traffic and housing / commercial developments
- In relation to the industrial development are concerned about the loss of the buffer between the industrial unit and the housing. Suggest a 200m buffer is still needed
- Raise no objection to the commercial hub
- However highlight reservations about the competition of the commercial hub with Ashbourne Town Centre
- Wish to see how footpath routes will connect to the local school at Osmaston given parking congestion around the school
- The scheme needs to actively encourage people to walk, cycle and use public transport
- The bus pull in on the A52 should be shown on the plans and safe crossing should be provided for people wishing to cross to Ladyhole Lane and the airfield
- The existing pumping station on site, adjacent to the pond, appears to have been overlooked
- Need to ensure that the road and services are in before the first industrial unit is constructed
- Have concerns in relation to the design, calculation, ownership and management of the attenuation pond
- An emergency overflow is required to cover for the potential of the outflow pipe being blocked to safeguard surrounding properties

5.2 Ashbourne Town Council

Object. A further detailed plan is required concerning layout of the businesses and housing. Also have concerns over surface water and sewage and would like to see a detailed report due to the current on-going issues with flooding and smell which could be contrary to plan Policy PD8.

5.3 Local Highway Authority

The design of the 50m ICD roundabout is capable of accepting the traffic movements of both phase 1 and phase 2. This has not conveyed acceptance of phase 2 in transportation terms however as further work would need to be carried out on the whole network to demonstrate that phase 2 development proposals would be acceptable.

The 50m ICD roundabout control on the A52 is considered acceptable in highway safety terms and could be subject of conditional approval.

The link road to Blenheim Road has been previously consented. However this shows a simple 'T' junction arrangement to serve phase 2 where previously a roundabout junction has been shown. A simple 'T' junction is unlikely to be satisfactory to serve the quantum of development and anticipated by this phase and no formal assessment has been submitted. Phase 2 is likely to generate a considerable number of vehicle movements and the developer will need to set aside adequate land so that an appropriate junction can be formed.

Full permission is sought for a single building (unit 5). Approval of this building in the precise location proposed could prejudice a larger or different form of junction being achieved at this location. Whilst it may be feasible to realign the link road north away from unit 5 it would be remiss not to consider the implications at this stage and the potential relocation of unit 5.

In summary the link road is acceptable in principle to cater for the development. However full consideration needs to be given to the internal road network to ensure it does not prejudice phase 2. Approval of unit 5 at this stage could prejudice an alternative size or form of junction.

The Local Highway Authority consider it unwise to determine the application without establishing the nature and preliminary design of the junctions to ensure that plot 5 does not prejudice delivery of phase 2.

Safeguarding access to phase 2 is clearly an important material consideration. Whilst the A52 junction can accommodate phase 2 little consideration has been given to what happens in the site. We seek confirmation as to how an acceptable access to phase 2 is to be safeguarded before conditions or notes can be issued.

Subject to the resolution of the above issues should your authority be minded to determine the application on an 'as-submitted' basis, it is likely that additional highway conditions may be required to preserve the possibility of internal junctions being modified to facilitate access to phase 2 of the site at a later date. We welcome the opportunity to discuss highway conditions should this route be taken.

5.4 County Council Flood Risk Management Team

Have reviewed the information submitted on Flood Risk which relates to the industrial and commercial phase with associated infrastructure and raise no objection subject to conditions.

5.5 Derbyshire Wildlife Trust

Have reviewed the updated ecological appraisal prepared in October 2019 and have the following comments:-

- The report identifies the presence of an estimated 2ha of open mosaic habitat on previously developed land. It is unlikely that this will be retained and compensatory provision will be required. These areas will require further botanical surveys.
- An updated badger survey will be required.
- An updated assessment of potential tree roosts for bats will be required.
- Brown hare could be using the site although they have not been recorded. Measures to ensure they are not impacted during construction will be required.
- Hedgehog are likely to be in the area and the detailed design of the residential area needs to include mitigation.
- The site is known to support breeding Lapwing and Skylark and also has records of Little Ringed Plover. An updated breeding bird survey should be undertaken April – Early June in order to inform mitigation.
- The site is known to support populations of two butterfly species which require protection, the Dingy Skipper and the Small Heath. Further survey work for these is required.

Recommendations:

The need for additional survey work on some species and habitat identified in the ecological assessment is recommended and we support this recommendation. The survey results need to then inform the mitigation measures during the construction phase and ongoing management

The south-west area of the site has supported a colony of Dingy Skipper and Small Heath butterflies. Other habitat in the site could also support these species and a May-June survey is required. It has been previously agreed that a network of suitable habitat be created as part of the commercial scheme. It is important that this is retained but it may need to be supplemented if further colonies are found.

The botanical survey should be updated in May-June to provide further information about habitats of potential value within the site. The likely loss of this open mosaic habitat will need to be mitigated and potentially compensated off-site. The plans submitted do not identify where this will be achieved and the Local Planning Authority should secure a commitment from the developer to do this. The buffers proposed along the eastern and northern boundaries could be used to provide semi-natural habitat or green space but at the moment the development has the potential to result in a net loss of biodiversity.

The impact on Lapwing and Skylark has been addressed with the previous Section 106 Agreement. It would be useful to have an updated survey as recommended (March-June). It would also be useful to assess the land to be offered up for management in compensation. This and the cropping regime be set out the Biodiversity Enhancement and Management Plan. Nesting opportunities for Swifts and other birds should be designed into the scheme.

Conditions are recommended for a Construction Environmental Management Plan and Landscape and Biodiversity Enhancement and Management Plan. These should incorporate the findings from updated surveys. The existing ecological mitigation plan produced in January 2018 relating to the link road and surrounds should be implemented in full. These management plans would sit alongside the Section 106 Agreement and its measures to address loss of Lapwing habitat.

5.6. Environment Agency

The site is not located within a groundwater Source Protection Zone and there are no licensed abstractions in proximity to the site. Based on this the site is not considered to be sensitive with respect to controlled waters.

In relation to land contamination the site was formerly an RAF Airfield and this use could have resulted in contamination. There is a risk of contamination of soils and groundwater beneath the site and mobilisation of any contamination during development.

Generic advice is provided and the Council's Environmental Health team should be consulted over appropriate conditions.

5.7. Natural England

No objection – based on the submitted information Natural England considers that the proposed development will not have significant adverse impact on designated sites and has no objection.

5.8. Derbyshire County Council (Strategic Infrastructure)

Local member comments:-

- Whilst the housing demand in Ashbourne area is understood the comments of Osmaston and Yeldersley Parish Council are supported.
- Concern is expressed that although the new roundabout is going to help with traffic on Blenheim Road the new houses and commercial units will produce too much impact on the new layout.
- It is considered that a new small town is being developed, not just housing but retail shopping, a hotel and public house plus the extension of industrial units. Councillor Bull is not in agreement with this approach and expresses concern over the capability of the single junction to be able to take the additional vehicle movements.
- Concern is also expressed over the increasing number of junctions being proposed on the A52 from the main Blenheim Road junction to where the roundabout is proposed.

Officer Comments:-

Education:

Primary Level – The proposed development falls within and directly relates to the normal area of Osmaston CE (Controlled) Primary School. The proposed development of 367 dwellings would generate the need to provide for an additional 73 primary pupils. Osmaston has a capacity of 105 with 146 currently on roll. This will increase to 158 in the next 5 years. An analysis of recent developments over 10 units suggests a further two pupils will be added to this. Therefore, the normal area primary school, in its current form, will not have capacity for the projected pupil numbers, however, work is ongoing to resolve this situation. In order to ensure that local primary school places be available for pupils moving out the development Derbyshire County Council requests that a contribution to primary education be provided to either the expansion of Osmaston Primary or the next nearest school which is Ashbourne Hilltop. Which will be at capacity by 2024 but it is feasible to expand it to add 70 places.

Secondary Level – The proposed development falls within and directly relates to the normal area of Queen Elizabeth's Grammar School. The proposal would generate the need for an additional 55 secondary and 22 post-16 pupils. QUEGS has a net capacity for 1384 with 1312 currently on roll. The number of pupils is set to decrease to 1189 during the next 5 years. Evaluation of recently approved developments of 11 units or

more shows 730 dwellings resulting in demand for 110 secondary and 44 post-16 places. Analysis of current and future rolls suggests that 36 of the 77 secondary and post-16 pupils can be accommodated.

Mitigation – As the above analysis indicates that there would need to be mitigation and additional school places created the Council requests the following contributions:

£1,133,134.80 for the provision of 70 primary school places
£878,102.28 for the provision of 36 secondary school places

Broadband – The County Council requests that an advisory note be attached to any permission to ensure that measures are put in place to secure access to superfast broadband for future residents and businesses.

5.9. Derby and Derbyshire NHS Clinical Commissioning Group

The development would increase the population of the area by an estimated 918 people. This is calculated to generate 24.1 hours per week of patient appointment time in consulting room use and 6.4 hours per week in treatment room use. It is unlikely that NHS England or NHS Derbyshire and Derbyshire CCG would support a single handed GP development as the solution to sustainably meeting the needs of the development and that the health contribution would ideally be in enhancing capacity/infrastructure with local practices. These are Ashbourne Medical Practice and Ashbourne Surgery.

Of these Ashbourne Medical Practice has some scope to increase its list but Ashbourne Surgery is fully utilised. This raises concern about the ability to meet the needs of housing being constructed and planned for the town.

To meet the accommodation needs of an additional 918 patients requires a financial contribution of £176,256.

5.10 Sports England

In initial consultation response objected to the application as it was unclear that additional sports needs generated by the development would be met.

Following a discussion with officers, having regard to the absence of a plan requirement for pitches in phase 1 and being made aware of the scale of phase 2 and the willingness of the land owner to make provision within the second phase do not wish to maintain objection.

Would welcome early consultation on phase 2 in due course in order that additional/enhanced sports provision can be secured.

5.11. County Archaeologist

Previous assessment of earlier applications concluded that the site overall is of low archaeological significance. No additional archaeological work was requested as a result. This is equally true for the new application.

The site at its south-eastern corner is close to a Grade II Listed building known as “Thatched Cottage” and the development proposals will undoubtedly impact upon the setting of this designated heritage asset. The Local Planning Authority should seek the guidance of its Conservation Officer on this matter.

5.12. Community Development Manager

Should the Ashbourne Pavilion Project proceed the three pitches on the recreation ground will be improved and the additional demands created from the development can be met. If Phase 2 of the development was to include a 3G pitch with public access this would be a way forward.

There is a need and demand already in the south of the Dales and across the whole district for a 3G pitch. Happy for the formerly proposed pitches on Phase 1 not to proceed.

5.13. Economic Development

The development of the Ashbourne Airfield site is a strategic priority both for housing and economic development. It accounts for a third of all new employment development land allocated. The principle of development is, therefore, supported.

The highway infrastructure benefits from a D2N2 grant and already has detailed planning permission. This second access and link to the established Airfield Industrial Estate will help to alleviate existing highway capacity issues and together with new drainage infrastructure will help enable the accelerated development of the business park and housing. The application also includes the first c20,000 sq.ft. industrial unit to catalyse the development.

In order to achieve the high quality business park development envisaged the following points are raised:-

- A final masterplan for the site must be agreed with Officers prior to implementation of the outline consent.
- The key design principles previously agreed for the development of the employment land must be followed.
- Whilst allowing for flexibility of B uses with the first building all future commercial development focus should be retained on B1 and B2 uses and emphasis given within the site marketing and promotion to attracting these users.
- In consultation with the Council careful consideration should be given to the location and siting of the landmark buildings either side of the access with a focus on high quality B1 and C1 uses.
- The development should enable individual occupiers to access high speed broadband.

In relation to the proposed industrial building parking spaces 35 and 36 may need further consideration to allow for vehicle movements and maintain adequate yard space.

The application is supported subject to the comments above.

5.14 Derbyshire Police – Designing Out Crime Officer

No objections to the principle of wider commercial, industrial and residential development within the areas proposed without prejudice to further comments on the detailed scheme that follow.

5.15 Environmental Health

Agree with noise consultants comments that “the industrial units should extend along both the south-east and north-east boundaries of the Vital Earth site to provide sufficient protection against noise for the residential properties. It is recommended that the industrial units acting as noise barriers should be constructed prior to the occupation of any residential properties on the site”.

Request clarification of chosen noise mitigation, site layout and design once this is chosen but happy in principle for either earth bunding or acoustic fencing or the industrial buildings to act as noise barriers to attenuate noise arising from the adjacent industrial estate.

6. REPRESENTATIONS RECEIVED

6.1 None

7. OFFICER APPRAISAL

Site history and principle of development

7.1 The consideration of application 14/00074/OUT pre-dated the adoption of the local plan but the scheme that was approved in outline with all matters reserved was carried forward into the local plan allocation for site DS1: land at Ashbourne Airfield (Phase 1). This allocation covers 39.35 hectares and incorporates land immediately to the north not included in the current proposal.

7.2 The site is allocated for a mixed use development of 367 dwellings (housing allocation HC2(c)) and 8 hectares of employment land (employment land allocation EC2(a) with the employment uses being predominantly B1 and B2 with only ancillary B8 usage. The policy requires:

- A comprehensive masterplan for the development incorporating community facilities proportionate to serve the needs of future residents including a mixed use hub providing some or all of the following uses:-
 - a) Use Class A1 Retail/A2 Financial and Professional (no single units in excess of 300m² and not more than 500m² in total).
 - b) Use Class A3 Restaurants/café/A4 drinking establishments (not more than 500m² in total and not more than one drinking establishment).
 - c) Use Class D1 non-residential institution/community facilities (up to 750m²) and an enterprise centre incorporating small start-up office units (not more than 500m² in total)
- Preparation of a detailed phasing programme to ensure that the employment and residential components happen concurrently.
- The provision of a new access to serve the comprehensive development comprising a new junction from the A52, a link road through to Blenheim Road with no more than 75 dwellings occupied before this link road has been formed.
- Preparation of a transport assessment and travel plan to cover public transport, pedestrian and cycle links to maximise connectivity.
- Preparation of a comprehensive landscaping plan to include retention of landscape features to northern and eastern boundaries, the provision of a buffer between existing and new development, Bradley Wood and the surrounding countryside whilst facilitating green infrastructure linkages.
- The provision of a bund alongside the south eastern and north eastern boundaries of Vital Earth.
- The provision of a landscape buffer to the rear of properties on Ladyhole Lane.
- Tree planting parallel with the A52.
- Provision of an area reserved for wildlife along the north eastern boundary.
- Provision of public open space and green infrastructure on site with links to the wider countryside.

- Provision of the required proportion of affordable housing and an appropriate mix of housing to meet the needs of the community.
- Archaeological assessment.
- Flood Risk Assessment which incorporate SUDs throughout the scheme
- Developer contributions towards the provision of infrastructure, education and other community services.
- Ecological assessment and appropriate mitigation.
- Contamination survey.
- Provision of adequate foul sewerage facilities

7.3 The local plan has also allocated land to the north of the original scheme under local plan allocation DS8: Land at Ashbourne Airfield (Phase 2). This 58.68 hectare site is allocated for mixed use development with housing allocation HC2(d) covering a further 1100 dwellings and employment land allocation EC2(b) a further 6-8 hectares of employment land. This allocation has requirements for educational and community facilities and requires the preparation of a comprehensive masterplan and phasing programme. The scheme under consideration incorporates a small component of this allocated site from its south west corner. It is also important in assessing the current scheme to have regard to the obvious connections between the 2 allocations in terms of access, infrastructure and achieving compatible land uses in proximity to one another.

7.4 Since the original granting of planning permission, with the permission still live until the 30th March 2020, the District Council and County Council have been working with the applicants to secure funding from D2N2 to help accelerate the delivery of this key employment site. This has resulted in consideration of further proposals for the access into the site to ensure that the transport infrastructure is capable of supporting both phase 1 and phase 2.

7.5 The current planning situation can be summarised as the majority of the site having an extant planning permission for the uses and quantum of development now proposed, with the exception of the hotel proposed and the small element of employment provision that breaks into phase 2. This extant permission incorporates 11% affordable housing £2.2 million of education contributions, £243,000 contribution to highway improvements, travel plan costs of £12,500, bus service establishment provision of £250,000 and compensatory land management for lapwings. The scheme was subject to rigorous viability assessment at the time it was considered. Separate full permissions are also in place for the access, link road and detention basin. Whilst the applicants seek a new hybrid permission because of the passage of time, this has to be fully assessed against current plan policies. However this site history and the presence of extant permissions is an important material consideration in the assessment of the scheme which broadly accords with the aims of the allocations.

7.6 A hotel has been introduced into the range of commercial uses as part of community hub. Although this would more typically be located in a town centre location this is not exclusively the case. At 60-80 beds it can complement the extensive business activity on the airfield and is not considered to challenge the viability of the town centre.

7.7 The small component of the second phase being advanced in this application is similarly not objectionable as the overall quantum of employment provision across the 2 phases can be delivered and it will not compromise in any other way the delivery of phase 2.

7.8 Having briefly set out the history and its relationship to the allocations the key themes that emerge in the assessment of this scheme when viewed against plan policy having regard to consultee responses are discussed below: -

- **The benefits to the sustainable growth of Ashbourne from releasing employment land.**

7.9 Ashbourne Airfield is a successful mixed employment site with high levels of occupancy. However, in order to allow business to continue to thrive via new start-ups and expansions, thereby enhancing the employment opportunities within the town promoting its sustainable growth and counterbalancing the significant housing expansion it is important that new employment land is released. The existing access to the industrial estate along Blenheim Road is congested and substantial employment expansion requires new road infrastructure.

7.10 The form of the access to the A52 has evolved since the original permission was granted. The scheme incorporates a roundabout, link road and drainage infrastructure that can serve phase 1. In addition the highway infrastructure has also been designed with the aim of accommodating the projected traffic from phase 2. The provision of housing within phase 1 along with the successful recent bid for a substantial grant from D2N2 should allow for an early start to the project helping to accommodate the growing business needs of current airfield occupants and attracting new businesses and investment. The local plan allocation places the emphasis on delivering jobs through the release of land for B1 and B2 uses with only ancillary B8 uses. This philosophy has been carried forward in discussions with D2N2. The applicant has confirmed that high quality employment provision is the focus of the scheme but has, in order to kick start the provision of business permission, requested greater flexibility within the first unit for which full permission is sought between B1, B2 and B8 uses. Whilst this approach is confined to this first building of 20,000 sqft it is not considered to undermine the overall objective or plan policy. The range and scale of employment opportunities that will be realised by this scheme accords with the aims of plan policies DS1 and DS8 and corporate plan objectives and will facilitate the sustainable growth of Ashbourne.

Contribution of the site to meeting housing needs

7.11 The site has permission for 367 dwellings which will make a significant contribution to meeting housing needs over the plan period. Eleven percent of these were to be affordable units on the basis of the viability assessment undertaken. No particular restriction was placed on the form of the market housing that was to be provided.

7.12 As previously explained this decision in March 2017 pre-dates the adoption for the local plan. The local plan now requires 30% affordable housing under policy HC4 with the proviso that financial viability assessment may suggest that a lesser percentage is justified. In addition plan policy HC11 sets out the councils aspiration in relation to housing mix with a strong emphasis on 2 and 3 bedroom units.

7.13 If planning permission is granted for this scheme it will be a new free-standing permission. Whilst the existence of an extant permission is a factor that can be taken into account in the planning balance the starting point for a scheme is assessment against the up to date planning policies. The applicant having regard to time pressures, the existence of the extant permission and knowledge of costs within the scheme has suggested that re-running the viability assessment is not appropriate in this case. On balance it is considered unlikely that re-running the viability will result in a more favourable policy compliant outcome as in recent times house prices increases have slowed and the cost of delivering the infrastructure for this project has risen. In this context the applicant's suggestion of maintaining the contributions within the original agreement is considered acceptable and a lower percentage of affordable housing that policy requires is considered satisfactory. The precise housing mix has not been previously set by either the applicant or council but in light of the policy

change it is deemed appropriate to have a condition which requires broad accordance with this mix set in policy.

- 7.14 In conclusion on this matter, the scheme though partially in conflict with Policy HC4, will bring forward a major housing allocation of the plan thereby helping to maintain the housing land supply. It will in the process also help facilitate the future release of the much larger housing allocation in phase 2. The contribution to the housing supply and the potential speed with which it can come forward is a significant benefit of the scheme.

Impact on the character and appearance of the landscape

- 7.15 The application site is on the fringe of the built up area. Whilst it can be integrated in sustainability terms through creating public transport links and future residents will have access to a range of facilities and employment the scheme also needs to be assessed for the impact it has on the character and appearance of this location.
- 7.16 The original application was accompanied by a Landscape and Visual Impact Assessment. This concluded that the airfield site as a whole had considerable scope for development. Sensitive locations were identified close to the ridge lines to the north and east which should be protected and the importance of protecting the hamlet at Ladyhole Lane with a landscape buffer was also highlighted.
- 7.17 The council analysed these findings and considered that views from the north and east are filtered by vegetation. Views from properties on Ladyhole Lane are more sensitive and require appropriate screening/separation whilst wider views from the south from Osmaston are distant and have no material impact on its Conservation Area. The scheme as now presented incorporates a roundabout which breaks into land to the south of the A52 and will require greater highway infrastructure in terms of lighting and signage. This will cause some additional harm to the landscape but views are mitigated by the presence of a substantial copse to the south and hedgerows can be newly planted to reinstate the wider character of the landscape. The scheme will undoubtedly damage the rural character of this edge of town locality but as the site is relatively flat the impacts will be relatively localised. They can be further ameliorated by planting along the A52 frontage, the maintenance of an open area to the rear of properties on Ladyhole Lane (the detention basin location) a belt of planting along Ladyhole Lane and enhancement of planting in the north east. The indicative masterplan suggests incorporating these measures in principle but they will need firming up in the establishment of a definitive masterplan before the outline components of the scheme progress. Overall whilst not wishing to downplay the impact of this large scale proposal it can be considered to be accommodated such that its impacts are not substantially adverse in landscape terms and the impact on landscape is not something that weighs significantly against the development.

Impact on Heritage Assets

- 7.18 The site is some distance from Osmaston Conservation Area (0.75km) and the nearest scheduled monument Osmaston Fields Bowl Barrow (1 km) such that they will not be impacted. The site however is adjacent to the grade II listed 'Thatched Cottage' at its south eastern corner where the roundabout and access from the A52 are to be created. The list description for this building described it as a simple vernacular 17th century building with a thatched roof with brick gable end stacks. In recent times the western end of the curtilage to this property has had a substantial brick garage built across its depth at right angles to the A52. The original agricultural setting of the cottage has in part been eroded by 20th century development such as the construction of the airfield in the 1940's and the subsequent establishment of the industrial estate. Dwellings to the south east have also eroded the setting and the relationship to land to the west has been changed by the construction of the garage.

- 7.19 Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that, in the determination of an application, 'special regard' is given to 'the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses.'
- 7.20 Paragraph 190 of the NPPF expects local planning authorities to identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset).
- 7.21 As the NPPF indicates, in considering a development proposal, what has to be assessed with regard to the setting is the effect that any change to the setting from the development would have on the heritage significance of the asset concerned. Paragraph 193 states: '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, irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.'
- 7.22 Policy PD2 of the local plan seeks to conserve heritage assets in a manner appropriate to their significance, taking into account the desirability of sustaining and enhancing their significance and ensuring that development proposals contribute positively to the character and appearance of the built and historic environment. It promotes protection of designated and non-designated heritage assets and their settings, including inter alia, listed buildings, CAs and archaeological sites or heritage features.
- 7.23 The applicant has prepared a Heritage Impact Assessment (HIA). The HIA previously submitted with the roundabout application concludes that neither the listed building, nor any other heritage asset would be significantly affected by the proposal.
- 7.24 Despite the erosion of the agricultural setting, the locality remains semi-rural which does contribute to the significance of the setting of the listed building. Contrary to the HIA, therefore it is acknowledged that there would be some impact upon the setting of the grade II Thatched Cottage adjacent to the site.
- 7.25 However, this application must be considered in the context that outline planning permission exists to develop the site, as does a planning permission for a signalised junction at the site, or a roundabout which would likewise erode the rural character of the locality and some of the contribution which this makes to the setting of the grade II Thatched Cottage. There is also modern development in the form of a substantial double garage building located in the curtilage of the property, immediately adjacent to the application site, which has limited regard to the setting of the building.
- 7.26 Having regard to the nature of the loss of openness and the urbanisation of the existing rural/semi-rural character of the locality, which is associated with the development of the site and its highway infrastructure, it is considered that this would harm the setting of the listed building, however, the level of harm would be 'less than substantial'.
- 7.27 The proposal in this regard is therefore considered to be contrary to Policy PD2 of the local plan, which requires that development proposals contribute positively to the character of the built and historic environment. The proposal is partially contrary to Policy S8 of the local plan, which requires protection and enhancement of the historic environment, in that it would cause harm and have an adverse effect on the setting of a listed building.
- 7.28 It would also be contrary to Paragraph 192 of the NPPF in so far as the proposals would not preserve that local character and distinctiveness which contributes to the heritage asset or its setting.

- 7.29 According to paragraphs 193 and 194 of the NPPF, where there would be harm to the heritage asset (including through potential effects on the setting of the heritage asset), there should be a clear and convincing justification for the development to take place at the location and, if this is demonstrated, the harm weighed against the public benefits of the proposal.
- 7.30 Paragraph 196 provides that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its (the asset's) optimum use.
- 7.31 The 'harm' to the setting of the listed building would, be at a 'less than substantial' scale, whilst remaining a consideration of great weight. To counterbalance this the public benefits to be delivered by this proposal are a factor of sufficient weight to justify the scheme, even having special regard to the desirability of preservation of the setting of the listed building (as required by Section 66), and having regard to the other impacts associated with the development as referred to in this report.
- 7.32 In relation to archaeology the County Archaeologist has confirmed that earlier work to assess the characteristics and interest of the site has satisfied him that no further analysis or conditions are required.

Impact on the highway network

- 7.33 Full permission is sought for the access from the A52 with its associated roundabout and the link road to join Blenheim Road. As can be seen from the site history section of this report the access arrangement has evolved from the initial T-junction proposal approved for permission 14/00074/OUT. With the passage of time and given the subsequent allocation of phase 2 the access arrangements are now designed to accommodate the full quantum of development that may come forward with a 50m diameter roundabout in the A52, and 7.5m access road linking to Blenheim Road.
- 7.34 The Local Highway Authority have carefully considered both the roundabout access arrangement from the A52 and the internal link road. The roundabout design is suitable to deal with traffic generated by this scheme but can also cope with subsequent traffic levels and nature from phase 2 should this come forward in line with the local plan allocation.
- 7.35 In terms of the internal road link to Blenheim Road the Local Highway Authority are satisfied that its alignment and general characteristics are suitable to serve the development and any subsequent phase 2. They have previously in considering application 18/00767/VCOND set a limit on the amount of development that can occur without the link to Blenheim Road being formed of either 2 hectares of employment land or no more than 75 dwellings and when their further comments are received it is anticipated that this will be reiterated.
- 7.36 Although they are generally satisfied with the highway infrastructure proposed they have raised a legitimate and understandable concern over the precise design of the junctions on the link road and their relationship to proposed development that would come forward in phase 2. In particular the junction immediately to the north of proposed unit 5 appears to be designed as the main access through to phase 2. It will consequently need to be designed to take substantial levels of both industrial and residential traffic. The Local Highway Authority have suggested that the simple 'T' junction proposed is unlikely to be suitable and have asked for the likely traffic flows to be modelled to ensure that sufficient space is set aside within the layout for a suitable junction design. This may well require either the realignment of the link road or the re-siting of unit 5. The latter appears to be the less complicated option but modelling the design of this junction needs to occur before a permission can be released in order that the future access junction to phase 2 is fit for purpose.

7.37 Whilst it is regrettable that this has not been factored in prior to submission, it is feasible in planning terms to relocate unit 5 without any other planning consequences. It is hoped that this matter can be resolved in principle prior to committee in order that an updated view from the Local Highway with suggested conditions can be reported to members. There are no overriding highway concerns and it is feasible to safely design the internal road layout.

Meeting Infrastructure Needs

7.38 The consultation response received have highlighted the need to fund both school places and medical facilities. The requirements of the Education Authority have reduced slightly in comparison with those from 2014 whilst the Clinical Commissioning Group request is new and roughly equates to that reduction. The applicant has expressed a willingness to meet both.

7.39 The Local Highway Authority also made detailed requests in relation to the previous schemes which will be included in their subsequent response and these will be taken forward in a modification of the original legal agreement should permission be granted.

Impact on Existing and Future Residents

7.40 The nearest existing residents to the scheme are those along Ladyhole Lane returning along the A52 to the south east and those to the south west along the A52.

7.41 Those residents at the junction of Ladyhole Lane will experience the greatest change to their immediate environment. The new access to an extended industrial estate will generate traffic and noise. In addition the development runs up to the rear of the properties with the provision of the surface water detention basin. Although the detention basin will be a significant engineering intervention it works with the site levels and does not involve any raised embankment. There is limited room around it but its presence if appropriately landscaped will provide significant relief from the access road and development to the east of it. The submitted indicative masterplan suggests housing to the east of the access road. Whilst the precise nature of development in this zone will need to be agreed as part of a condition on the outline permission if the scheme is consented, irrespective of the form of development the separation from existing dwellings should safeguard their amenity. The dwelling most significantly affected is the 'Thatched Cottage' which adjoins the site to the south east. This property will experience some impact from the deceleration and acceleration of vehicles associated with the roundabout. Helpfully this property is screened by a substantial garage at the western end of its garden. When this is combined with the landscaping of the eastern side of the entrance any significant impacts should be mitigated.

7.42 Future residents of dwellings within the site also need to have their amenity safeguarded. The original scheme had a separation of development from Vital Earth. The scheme has been revised to include industrial units in this formerly open area and the separation between new units and new residential properties is shown as a landscaped strip surrounding the potential access to phase 2. Whilst this arrangement could work it will need to be developed as part of a definitive masterplan.

7.43 The ultimate design of the outline scheme will need careful consideration to ensure a harmonious mix of residential and industrial served off the same access road but there is no overriding reason why this should not prove feasible.

7.44 In relation to odours emanating from industrial premises at Vital Earth, Moy Park and Frank Wright the applicants commissioned an Odour Impact Assessment. This has concluded that any impact from these facilities would only be categorised as slight adverse and consequently not significant. No additional mitigation is consequently suggested in relation to the indicative layout submitted.

Open Space and Recreation Provision

- 7.45 Local plan policy HC14 deals with open space and recreation facilities and not surprisingly seeks to both protect existing facilities and promote new provision proportionate to the scale of new development. Policies DS1 (Phase 1) and DS8 (Phase 2) make reference to provision of open space and green infrastructure on site with links to the wider countryside. Policy DS8 also refers to the need to incorporate community and educational facilities proportionate to serve the needs of future residents.
- 7.46 The extant outline scheme, on the indicative masterplan, included the provision of a large and a small playing pitch located in a gap between Vital Earth and the remainder of the site. This provision was not at the request of the council.
- 7.47 The current scheme has removed the playing pitches from the scheme and the space is put to use for the provision of additional employment land. Sports England initially raised concern over this apparent loss but following discussions with officers over the nature of current demand and the potential to locate facilities within phase 2 have removed their objection.
- 7.48 Whilst the wider scheme (phase 1 and phase 2) with over 1400 dwellings will generate the need for playing pitches the councils Community Development Manager is content that this is more logically located within phase 2 and has suggested this should ideally incorporate a 3G astro turf pitch. The applicants own land within phase 2 and are willing to incorporate playing pitch provision within this. Whilst provision will be deferred this approach is considered appropriate and proportionate as it would be difficult to insist on pitch provision to serve the 367 dwellings proposed without plan policy that requires it.
- 7.49 Open space and green corridors will be incorporated into the wider master planning of the site. These will need to include retention of planting along the A52 frontage, enhancement of the rural character of Ladyhole Lane, provision of open space/ a buffer to the rear of properties on Ladyhole Lane and a network of open space and children's play facilities within the residential layout. At a density of 23 dwellings per hectare it should be possible to do this in a creative way which also has regard to the need for sustainable urban drainage.
- 7.50 Overall in terms of open space and green corridor links it is considered that the development can satisfy plan policy.

Impact on Wildlife and Ecology

- 7.51 Derbyshire Wildlife Trust have assessed the ecology reports submitted and also previously assessed the extant outline application. The main elements of ecological interest relate to the use of the site by Lapwing and Skylark for ground nesting, the use of the site by the Dingy Skipper and Small Heath butterflies and the presence and potential loss of up to 2 hectares of Open Mosaic Habitat.
- 7.52 In relation to the ground nesting birds the original permission was subject to a legal agreement with the applicant that secured over time the management of other farmland in their ownership to compensate for the loss of the habitat on the airfield. This element of the legal agreement will be carried forward.
- 7.53 In relation to the Dingy Skipper and Small Heath butterflies the Wildlife Trust have asked for further updated survey work in the spring to inform a masterplan strategy. Whilst the Wildlife Trust have expressed some reservations about the ability to accommodate mitigation within the site it is considered that this is feasible within this extensive site given the large areas of land that will need to remain undeveloped to deal with appropriate drainage, open space landscaping and screening. Conditions have been suggested by the Wildlife Trust and the scheme is considered to broadly accord with plan policy in relation to ecology.

Drainage

7.54 As can be seen within the planning history of the site the requirement for drainage has evolved to meet SUDs requirements. The County Council as Land Drainage Authority have been involved in specifying these requirements. The detention basin within the current scheme is designed as a surface water storage facility for the highway network and the industrial / commercial component of the scheme. It is a substantial basin but has been designed so as not to be intrusive within the environment as it does not project above existing land levels. There is adequate space around it to incorporate appropriate landscaping to soften its impact and it provides breathing space between adjacent properties and the development site. The surface water drainage system has not been designed to serve the residential component of the scheme and this will need to incorporate SUDs facilities within the layout. This can be appropriately conditioned and the scheme submitted accords with policy PD8 of the plan.

Climate Change

7.55 Policy PD7 of the local plan deals specifically with the issue of climate change. Whilst it is pertinent to acknowledge that an extant permission is in place for this development of this site this new planning application should have regard to the policy requirements of the current plan. In wide terms this development will deliver well in relation to climate change. The sustainable growth of Ashbourne with enhanced employment opportunities could reduce out commuting and support a greater range of local services, new public transport facilities will be promoted and congestion on the existing Blenheim Road junction should be lessened.

7.56 Within the scheme, sustainable drainage and a network of open spaces will be provided thereby preventing flooding and avoiding adverse impacts on ecology. The policy however goes beyond this and seeks to encourage new building design to minimise energy usage and the layout of schemes to do the same. Although it is difficult with a predominantly outline scheme to impose precise conditions to achieve this objective it is considered reasonable and proportionate to require the applicant in future submissions to detail how the requirements of plan policy have been addressed in relation to climate change. This can be required as part of the master planning /framework exercise and be carried forward in assessing the reserved matters submissions that will follow.

Planning Balance and Conclusion

7.57 The majority of this application site benefits from an extant planning permission that was granted before the local plan was adopted. The small component of the site that sits outside that original permission is located within a further mixed use plan allocation DS8. The wording of plan policy DS1 covering Ashbourne Airfield phase 1 largely reflects the original permission granted. The current scheme broadly reflects the requirements of the allocation. The only material differences are the inclusion of a modest hotel proposal within the new scheme and the exclusion of playing pitches from the illustrative masterplan. For the reasons set out earlier in the report neither of these changes are objectionable. The highway infrastructure on site benefits from earlier planning permissions and has been designed to meet the requirements of phase 1 whilst also seeking to meet the needs of phase 2. This has been submitted as part of the full component of the hybrid application along with the first industrial unit and the drainage detention basin. Whilst the Local Highway Authority are comfortable with the general form of this they have raised legitimate concerns over the design of the junction to serve phase 2 and the siting of unit 5 which need to be addressed before a decision can be made. The applicants have requested that the first building be afforded greater flexibility of use within B1, B2 and B8. Whilst this flexibility is limited to this building it will allow for development to be kick-started without challenging the overall aim of a B1/B2 industrial estate with only ancillary B8 usage. The applicants are willing to see the remainder of the commercial scheme conditioned both in terms of the usage of the employment units and the components of the commercial hub to align with plan policy.

- 7.58 The applicants have submitted an Illustrative Masterplan. Following the consideration of this by officers and discussions with applicants it is clear that this is fairly fluid in relation to exactly where each use should be accommodated. The applicants are consequently agreeable to a condition on any outline component of the permission which requires first and foremost the agreement of a masterplan/development framework which establishes the location and format of development. This is a sensible way forward as it allows the council/applicants to maintain control over quality and cohesion whilst giving some flexibility to respond to the marketing of the site. The timespan for any permission also needs to have regard to the different ways that the residential and industrial components will come forward and in line with the views of the Local Highway Authority will also need to commit the developer to the early completion of the link to Blenheim Road.
- 7.59 The legal agreement will largely reflect that formerly signed and will provide substantial contributions to education and the health service, help establish a bus service, provide monies to help address highways improvements in the town and secure compensatory provision to address ecology concerns. Affordable housing will also be secured albeit below the requirements of plan policy.
- 7.60 The development of this site, with the help of the recently secured D2N2 grant, can now be accelerated. The scheme broadly accords with the local plan. It will deliver major benefits to the town in terms of much needed new employment opportunity for expansion of existing concerns and new enterprises. This major economic benefit will increase the sustainability of the town and with the expansion of housing will help commerce and services as well.
- 7.61 The scheme will ease congestion at the existing Blenheim Road junction and should help to establish a more comprehensive bus service in the locality. The development of a commercial hub will potentially further reduce unnecessary car journeys. There is some impact on the landscape and existing residents will experience some impact on their amenity but in general terms in relation to environmental sustainability the scheme performs well.
- 7.62 The scheme has 2 areas of conflict with the local plan. The level of affordable housing and the impact on the setting of 'Thatched Cottage'.
- 7.63 In relation to affordable housing it is however pertinent to consider the detailed viability assessment that was previously undertaken. This is a major scheme with very substantial upfront investment in infrastructure and subsequent community provision. In this context the failure to fully accord with plan policy on affordable housing is considered acceptable. The harm to the setting of 'Thatched Cottage' caused principally by the new highway infrastructure has been assessed as less than substantial. Whilst this remains a consideration of great weight the wider public benefits of the scheme are sufficiently weighty to justify approval of the scheme in line with advice in paragraphs 193 and 194 of the NPPF.
- 7.64 In the final analysis the harm that has been identified and conflict with the local plan is outweighed by broad compliance with the development plan and the substantial benefits that will flow from this scheme. Subject to the applicants satisfying the Local Highway Authority in relation to the design of the internal junction that would serve phase 2 with modification to the siting of unit 5 as appropriate and on completion of a modified legal agreement it is recommended that full planning permission and outline planning permission are granted subject to conditions covering the points listed below:-

8. RECOMMENDATION:

Delegated Authority to the Development Manager on the completion of the modified legal agreement to grant hybrid permission in a) full for the roundabout, link road, drainage basin and unit 5 and b) outline for up to 367 dwellings up to 10 hectares of employment land and a commercial hub incorporating A1 (Shops)/A2 (Professional/ Financial Services), A3

(Restaurants and Cafes/ A4 (Drinking Establishment, D1 (Non-residential institutions and CIC Hotels) with associated infrastructure subject to conditions covering the following points.

(a) The Full Permission

1. Time Limit on full permission
2. External Materials for Unit 5
3. Landscaping of Scheme
4. Uses of Unit 5 restricted to B1, B2 and B8
5. Details of design and associated management and maintenance of surface water drainage to be agreed.
6. Details of dealing with surface water run-off during construction phase.
7. Attenuation basin not brought into use until constructed to submitted details.
8. Protection of breeding birds through no removal of trees, shrubs or brambles between 1st March – 31st August.
9. Construction Environmental Management Plan.
10. Landscape and Biodiversity Enhancement Management Plan.
11. Conditions required by the Local Highway Authority.

(b) Outline Permission

1. Time limit on outline with 10 year time period for submission of reserved matters on industrial / commercial elements and 3 years for residential components.
2. Reserved matters requiring submission.
3. Agreement of masterplan / design framework prior to any stage of built development commencing.
4. Phasing plan to be agreed.
5. With exception of Unit 5 employment units shall be confined to B1/B2 use with only ancillary B8 use.
6. The reserved matters submission for the residential component of the scheme shall incorporate full details of proposals for surface water drainage to accord with SUDS.
7. Reserved matters submission to include full details of open space and play equipment provision within the residential layout.
8. Measures to deal with contamination.
9. No more than 9,291m² of employment floorspace or 2 ha of employment land, whichever is greater, shall be developed off an extension to Blenheim Road or no more than 75 dwellings be erected and occupied before the road linking Blenheim Road and the A52 is complete.

10. Restriction on nature of floorspace within commercial hub to accord with Policy DS1 of Local Plan with hotel provision limited to a maximum of 80 beds.
11. Unless otherwise agreed in writing within 24 months from first occupation of any industrial premises or dwelling the new junction with the A52 shall be created.
12. The reserved matters submission for the housing shall include full details of the provision of the affordable housing and shall include a housing mix to broadly accord with the requirements of Policy HC11 of the Adopted Local Plan.
13. The design framework / masterplan to be agreed and subsequent reserved matters submissions shall include details of how the layout and design of buildings is incorporating measures to minimise energy usage in response to climate change to address Policy PD7 of the Adopted Local Plan.
14. Landscape and Biodiversity Enhancement and Management Plan to be agreed.
15. Construction Environmental Management Plan to be agreed.
16. Conditions proposed by the Local Highway Authority.

Ashbourne North

ENF/17/00094	Unauthorised fascia signs at 1 Shawcroft Centre, Dig Street, Ashbourne, DE6 1GF	1 Shawcroft Centre Dig Street Ashbourne Derbyshire DE6 1GD	Pending Consideration
ENF/19/00016	Installation of artificial grass to steps, neon internal signage and spotlights to Grade II Listed Building	5 Church Street Ashbourne Derbyshire DE6 1AE	Pending Consideration
ENF/19/00028	Replacement fascia and hanging sign and repainting of shop front	Costa 14 St John Street Ashbourne Derbyshire DE6 1GH	Pending Consideration
ENF/19/00082	Siting of caravan and alterations to associated access track	Land To The Rear Of Woodcock Delph And Adjacent To Herdsman Close Farm Ashbourne Road Fenny Bentley Derbyshire	Pending Consideration
ENF/20/00003	Installation of solar panels to roof	13 Church Street Ashbourne Derbyshire DE6 1AE	Pending Consideration

Ashbourne South

ENF/17/00038	Unauthorised works to listed building	Avanti Jewellers 2 - 4 Church Street Ashbourne Derbyshire DE6 1AE	Pending Consideration
ENF/18/00125	Breach of Conditions 6 (Soft Landscaping), 7(Landscape Management Plan), 8 (Amenity and Play Areas laid out before first occupation) and 27 (Landscape and Ecological Management Plan) of 14/00722/FUL	Land Formerly Hillside Farm Wyaston Road Ashbourne Derbyshire DE6 1NB	Notice Issued
ENF/18/00164	Unauthorised siting of caravan for residential purposes.	Land To The Rear Of Mayfield Road Cadet Hut Mayfield Road Ashbourne Derbyshire DE6 1AR	Pending Consideration
ENF/18/00222	Breach of condition 16 of planning permission 16/00519/FUL - by failing to provide obscure glazing in the rear 1st floor east elevation windows of plots 4 and 5.	Former R Silcock Clothing Manufacturers Derby Road Ashbourne Derbyshire DE6 1BE	Notice Issued
ENF/19/00040	Breach of Condition 10 (Construction Management Plan) of planning permission 15/00060/OUT	Land Off Lathkill Drive Ashbourne Derbyshire	Pending Consideration

ENF/19/00114	Provision of traffic regulation order and markings to restrict parking secured via section 106 agreement not yet in place, landscaping/ damaged fencing on site and unauthorised signage (banner sign and advanced sign) for local housing site being displayed. Related planning approval 18/00180/FUL	Unit 6 Blenheim Road Airfield Industrial Estate Ashbourne Derbyshire	Pending Consideration
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Brailsford

ENF/17/00058	Unauthorised erection of replacement fencing around boundary of South Lodge, Long Lane, Longford, Derbyshire	South Lodge Long Lane Longford Derbyshire DE6 3DS	Pending Consideration
ENF/18/00009	Unauthorised building works to barn at West Mammerton Farm, Sutton Lane, Longford	Buildings At West Mammerton Farm Sutton Lane Longford Derbyshire	Pending Consideration
ENF/18/00138	Unauthorised change of use of Agricultural land and the erection of a timber built cabin.	Land North East Of Willow Croft New Road Mercaston Derbyshire	Notice Issued
ENF/19/00063	Unauthorised building of hay store. Building in different location to that approved under 16/00946/AGR.	Land North Of Willow Croft New Road Mercaston Derbyshire	Pending Consideration
ENF/19/00095	Has access road been built to correct width and planting on verge (related planning permissions - 16/00567/OUT (outline) and 18/00397/REM and 19/00467/REM (reserved matters))	Land Off Main Road Brailsford Derbyshire	Pending Consideration

Carsington Water

ENF/16/00034	Unauthorised erection of Dog kennels	Four Lane Ends Farm Gibfield Lane Hulland Ward Derbyshire DE6 3EJ	Notice Issued
ENF/18/00013	Building not built in accordance with approved plans	Mulino Lodge Agnes Meadow Lane Kniveton Derbyshire DE6 1JR	Pending Consideration
ENF/18/00179	Unauthorised engineering works to facilitate a standing area for farm machinery and produce.	Land And Buildings Off Wester Lane Ashbourne Road Brassington Derbyshire	Pending Consideration
ENF/18/00196	Works to Holiday Let - Installation of chimney, erection of conservatory and extension to single storey element. Other Works - Caravan hookups, associated timber structure and extension to shower block	New Harboro Farm Manystones Lane Brassington Derbyshire DE4 4HF	Pending Consideration
ENF/19/00066	Breach of Condition 2 (Time Limit for siting of chalet) of planning permission 13/00158/EXF	Mulino Lodge Agnes Meadow Lane Kniveton Derbyshire DE6 1JR	Notice Issued

ENF/19/00067	Unauthorised engineering works to create a raised platform base for the approved building, and a new access and access track onto land off Manystones Lane, Brassington.	Land North Of Wirksworth Dale Brassington Derbyshire	Pending Consideration
ENF/19/00096	Unauthorised change of use of the building known as Shaws Barn, from B8 (Limited storage and distribution) use, to a use including the sale of alcohol.	Shaws Barn Winn Lane Atlow Derbyshire DE6 1NS	Pending Consideration
ENF/19/00148	Unauthorised erection of Car Port.	Henmore Grange Main Street Hopton Derbyshire DE4 4DF	Pending Consideration

Clifton And Bradley

ENF/19/00159	Formation of a new access off a Classified Road	The Flatts Wyaston Road Ashbourne Derbyshire	Pending Consideration
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Darley Dale

ENF/12/00034	Unauthorised demolition of a Listed wall and unauthorised access off the A6 at Dale Road North Darley Dale.	Stancliffe Quarry, Darley Dale, Matlock.	Notice Issued
ENF/17/00016	Breach of pre commencement conditions on planning permission 15/00718/FUL Demolition of existing dwelling and barn and erection of replacement dwelling and swimming pool building.	Former Bent Farm Farley Hill Matlock Derbyshire DE4 5LT	Pending Consideration
ENF/18/00160	The material change of use of the land, edged blue on the attached plan, for the stationing of a shepherds hut for the purposes of human habitation as holiday accommodation with associated hard surfacing and siting of hot tub	Oakstone Farm Old Hackney Lane Hackney Derbyshire DE4 2QJ	Pending Consideration
ENF/19/00102	Continued siting of mobile home (Breach of Condition 1 of Appeal Decision APP/P1045/C/15/3131891)	Woodside Farm Back Lane Darley Moor Matlock Derbyshire DE4 5LP	Pending Consideration

Doveridge And Sudbury

ENF/18/00165	Unauthorised change of use of agricultural building to use as dog kennels and associated building operations	Victory Farm 10 Marston Lane Doveridge Derbyshire DE6 5JS	Notice Issued
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ENF/19/00017	Unauthorised commencement of development prior to correctly discharging planning conditions relating to planning permissions 15/00389/OUT - residential development of upto 70 dwellings and 18/00891/REM - Approval of reserved matters for the erection of 62 dwellings- Land East of Bakers Lane, Doveridge	Land To The East Of Bakers Lane Doveridge Derbyshire	Pending Consideration
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Hulland

ENF/15/00004	Unauthorised engineering works including substantive excavation on land at Common Farm.	Common Farm Mugginton Lane End Weston Underwood Ashbourne Derbyshire DE6 4PP	Pending Consideration
ENF/15/00024	The unlawful use of the buildings outlined and hatched green on the 1:2500 and 1:1000 Scale attached plans, as a dwellinghouse (Use Class C3).	Blackbrook Lodge Farm Intakes Lane Turnditch Derbyshire DE56 2LU	Notice Issued
ENF/18/00155	Replacement agricultural storage building not built in accordance with permission 15/00616/AGR, construction of car park and building being used as a dog training business	Moorside Farm Moor Lane Kirk Ireton Derbyshire DE6 3JZ	Pending Consideration
ENF/18/00174	Unauthorised change of use of land from agricultural land to storage of builders materials and a large container.	Land East Of Les Ardennes Hulland Ward Derbyshire	Pending Consideration
ENF/18/00206	Unauthorised use of site for wood processing and storage	Poplars Farm Belper Road Hulland Ward Derbyshire DE6 3ED	Pending Consideration
ENF/19/00106	Unauthorised engineering works including the creation and extension of a new access, the re-surfacing of an access track and the excavation of new footings around the existing hay barn, on land opposite Hulland Grange, Upper Lane, Hulland Ward.	Hay Barn Upper Lane Hulland Ward Derbyshire	Pending Consideration

Masson

ENF/15/00054	Unauthorised alterations to a Grade II Listed Building.	Rita's Fish Bar 182 South Parade Matlock Bath Derbyshire DE4 3NR	Pending Consideration
ENF/17/00022	Erection of two wooden sheds.	The Cottage Puddle Hill Bonsall Derbyshire DE4 2BA	Notice Issued
ENF/18/00003	Untidy site - Land at Gullivers Kingdom, Adjacent to the upper car park, Matlock Bath, Derbyshire	Gullivers Kingdom Temple Road Matlock Bath Derbyshire DE4 3PG	Pending Consideration

ENF/18/00077	Unauthorised change of use of buildings from fully self contained holiday cottage.	The Carriage House Building 24 Cromford Mill Mill Road Cromford Derbyshire DE4 3RQ	Pending Consideration
ENF/18/00078	The painting of the shopfront with a paint colour that is not approved under the Matlock Bath Conservation Area Article 4 Direction	196-198 South Parade Matlock Bath Derbyshire DE4 3NR	Notice Issued
ENF/18/00140	Commencement on site prior to discharging conditions 3, 4 and 7 of planning application 17/01097/FUL	Outbuilding To The Rear Of 14 - 16 Yeoman Street Bonsall Derbyshire DE4 2AA	Pending Consideration
ENF/18/00177	Unauthorised erection of decking in the rear garden of Ranmoor, Waterloo Road, Matlock Bath	Ranmoor Waterloo Road Matlock Bath Derbyshire DE4 3PH	Pending Consideration
ENF/19/00019	Unauthorised painting of shop front (Article 4), and erection of external hanging lights	Gifts Galore 40 - 42 North Parade Matlock Bath Derbyshire DE4 3NS	Pending Consideration
ENF/19/00086	Breach of condition 16 (paint finish and colour of all external joinery) of planning permission DDD/0697/0381/C - Repainting of premises without prior consent to variation	Unit 5 The Riverside South Parade Matlock Bath Derbyshire DE4 3NR	Pending Consideration
ENF/19/00098	Demolition of wall	13/14/15/16 Alabaster Lane Cromford Derbyshire DE4 3QJ	Pending Consideration
ENF/19/00139	Breach of Conditions - Use of premises as a hotel without compliance with conditions 2, 4, 6 and 7 of planning permission 17/01012/FUL and conditions 2, 3, 6, 7 and 8 of listed building consent 17/01013/LBALT	Cromford Court Derby Road Matlock Bath Derbyshire DE4 3PY	Pending Consideration

Matlock All Saints

ENF/18/00042	Unauthorised alteration of shop frontage	Turkish Delight 57 Dale Road Matlock Derbyshire DE4 3LT	Notice Issued
ENF/19/00044	Erection of verrandah to top of shed	133 Smedley Street Matlock Derbyshire DE4 3JG	Notice Issued
ENF/19/00091	Alleged change of use of Band Hall to business/domestic storage facility	Hall Jackson Road Matlock Derbyshire	Notice Issued

Matlock St Giles

ENF/13/00084	Unauthorised erection of workshop	Phillips Woodware Smuse Lane Matlock Derbyshire DE4 5EY	Notice Issued
ENF/17/00020	Unauthorised use of land for the storage and stationing of caravans.	Duke William Hotel 91 Church Street Matlock Derbyshire DE4 3BZ	Notice Issued

ENF/18/00162	Unauthorised tipping of materials/stone	Land Adjacent To 9 Oak Tree Gardens Tansley Derbyshire	Notice Issued
ENF/18/00171	Alterations to access to the A615	Hill Top Farm Alfreton Road The Cliff Tansley Derbyshire DE4 5JU	Pending Consideration
ENF/18/00178	The development is not in accordance with the approved plans.	Land Adjacent To 9 Oak Tree Gardens Tansley Derbyshire	Pending Consideration
ENF/19/00015	Formation of access onto a classified road (A615)	The Cottage Alfreton Road The Cliff Matlock Derbyshire DE4 5EZ	Notice Issued
ENF/19/00129	Development not lawfully commenced - Failure to discharge pre-commencement conditions of planning permission 13/00067/FUL (Redevelopment of site to provide extended car parking area)	The Old Mill Nottingham Road Tansley Matlock Derbyshire DE4 5FD	Pending Consideration

Norbury

ENF/17/00056	Unauthorised engineering works to facilitate access at Old House Farm, Can Alley, Roston, Derbyshire	Old House Farm Can Alley Roston Derbyshire DE6 2EF	Pending Consideration
ENF/17/00156	Unauthorised engineering works to create a vehicular access to the holiday lets from the Roston Inn car park	Roston Inn Mill Lane Roston Derbyshire DE6 2EE	Pending Consideration
ENF/18/00142	Siting of shipping container	Land Off Rodsley Lane Yeaveley Derbyshire	Pending Consideration
ENF/19/00034	Erection of Building	The Orchard Audishaw Lane Boylestone Derbyshire	Notice Issued
ENF/19/00079	Breach of condition 11 of planning permission 16/00587/FUL - No machinery shall be operated on the site, no process or operations shall be carried out and no deliveries shall be taken at or despatched from the site except between 8:00 and 18:00 hours Monday to Friday and 9:00 and 13:00 on Saturdays or at any time on Sundays and Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.	Mushroom Farm Rodsley Lane Yeaveley Derbyshire DE6 2DT	Pending Consideration
ENF/20/00006	Change of use of land to use for the stationing of caravans for the purposes of human habitation with associated engineering works (4 no. pitches accommodating a total of 5 no. mobile homes, 8 no. touring caravans and 4 no. amenity buildings)	Land East Of Grove Lane Somersal Herbert Derbyshire	Pending Consideration

Wirksworth

ENF/17/00002	Unauthorised engineering operations to create a raised area	11 New Road Bolehill Derbyshire DE4 4GL	Pending Consideration
ENF/17/00018	Unauthorised works to remove a fire surround in a Grade II Listed Building.	Red Lion Hotel Market Place Wirksworth Derbyshire DE4 4ET	Pending Consideration
ENF/17/00023	Breach of conditions on planning permission 14/00891/FUL	Mount Cook Adventure Centre Porter Lane Middleton By Wirksworth Derbyshire DE4 4LS	Pending Consideration
ENF/17/00051	Unauthorised change of use of garage/store to beauty studio.	The Mews 3 Wirksworth Hall Farm Wash Green Wirksworth Derbyshire DE4 4FD	Pending Consideration
ENF/18/00126	Removal of front wall and erection of ply wood replacement	Kenwood Cottage Wash Green Wirksworth Derbyshire DE4 4FD	Pending Consideration
ENF/18/00216	Breach of conditions 3 and 4 of planning permission 15/00793/FUL - Conversion and extension of garage to form dependant relative unit.	38 West End Wirksworth Derbyshire DE4 4EG	Pending Consideration
ENF/19/00004	Installation of hot tub to front of property	Stowe Cottage 4 New Road Middleton By Wirksworth Derbyshire DE4 4NA	Pending Consideration
ENF/19/00059	Without planning permission the stationing of a caravan on the land for the purposes of human habitation	Land To East Of Kings Lot Wood Longway Bank Whatstandwell Derbyshire	Pending Consideration
ENF/19/00140	Engineering works to garden area	Fountain House 13 Main Street Middleton By Wirksworth Derbyshire DE4 4LQ	Pending Consideration

Total Open Cases

73

Enforcement Investigations Closed



In the Month Prior to 24/01/2020

Ashbourne North

ENF/19/00160	Non compliance with planning obligation attached to planning permission 03/09/0735 - Sale of 'The Chalet' separately to remainder of site	Grove Barn Ashbourne Green Ashbourne Derbyshire DE6 1JD	Complied Voluntarily	14/01/2020
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Ashbourne South

ENF/20/00001	Erection of flue	5 Booth Drive Ashbourne Derbyshire DE6 1SZ	Complaint Unfounded	08/01/2020
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Brailsford

ENF/19/00170	Breach of Condition 5 (Tree removals and retentions) of approved planning permission 18/00711/REM	Land At Luke Lane / Mercaston Lane Brailsford Derbyshire	Complied Voluntarily	08/01/2020
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Carsington Water

ENF/18/00175	UNAUTHORISED ERECTION OF A NEW TWO STOREY BUILDING AT BARN 2, WALLANDS FARM, ASHBOURNE ROAD, BRASSINGTON, DERBYSHIRE, DE4 4DB	Wallands Farm Brassington Derbyshire DE4 4DB	Planning Application Received	17/01/2020
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Doveridge And Sudbury

ENF/19/00165	Workshop/ storage building not being built in accordance with approval (scale and siting) (Planning Permission 19/00495/FUL), Unauthorised parking of vehicles/ associated vehicles, required screening not in place	Steve Foster Crane Hire Units 1 To 3 Derby Road Doveridge Derbyshire DE6 5JU	Complaint Unfounded	13/01/2020
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Hulland

ENF/17/00109	Use of the land and agricultural building for business purposes - The site was previously used by County Council vehicles (business being run from site)	Wheel Plant Ltd Winney Hill Farm Hob Lane Kirk Ireton Derbyshire DE6 3LG	Complaint Unfounded	15/01/2020
ENF/20/00009	Alleged unauthorised erection of fence along boundary .	Land Between Blackwall Side And Rose Cottage Main Road Hulland Ward Derbyshire DE6 3EA	Complaint Unfounded	24/01/2020

Total Closed Cases **7**

NOT CONFIDENTIAL - For public release

PLANNING COMMITTEE – 14th January 2020

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
18/00662/LBALT	Brook Cottage, Pethills Lane, Kniveton	WR	Appeal being processed
18/00696/FUL	Norman House, Painters Lane, Brailsford	WR	Appeal being processed
19/00707/FUL	Mulino Lodge, Agnes Meadow Lane, Kniveton	WR	Appeal being processed
19/00554/FUL	Old Barn, Riggs Lane, Marston Montgomery	HOUSE	Appeal being processed
19/00423/FUL	North Farm, North Lane, Brailsford	WR	Appeal being processed
19/00674/FUL	Blackbrook Lodge Caravan and Camp Site, Intakes Lane, Turnditch	WR	Appeal being processed
19/00793/FUL	Land to the rear of Ash Tree Farm, Spend Lane, Ashbourne	WR	Appeal being processed
19/01090/FUL	Keepers Field, Bullhill Lane off Hill Cliff Lane, Ireton Wood	WR	Appeal being processed
Central			
19/00148/OUT	Penzer House, Dale Road South, Matlock	WR	Appeal being processed
18/00687/CLPUD	Building at Back Lane, Two Dales, Matlock, DE4 5LP	WR	Appeal being processed
19/00723/PDA	Grey Spindles Farm, Longload Lane, Middleton	WR	Appeal allowed – a copy of the appeal decision attached

19/00722/FUL	Rear of Sunnyside Terrace, Farley Hill, Farley, Matlock	WR	Appeal allowed – a copy of the appeal decision attached
ENF/19/00059	Land to the east of Kings Lot Wood, Longway Bank, Whatstandwell	WR	Appeal being processed
19/00442/OUT	The Chalet Bungalow, Butts Drive, 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.

Appeal Decision

Site visit made on 21 November 2019

by R Morgan MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 December 2019

Appeal Ref: APP/P1045/W/19/3237731

Grey Spindles Farm, Middleton, Matlock DE4 4NB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015.
 - The appeal is made by Mr & Mrs Renshaw against the decision of Derbyshire Dales District Council.
 - The application Ref 19/00723/PDA, dated 14 June 2019, was refused by notice dated 21 August 2019.
 - The development proposed is change of use of agricultural building to dwelling.
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Decision

1. The appeal is allowed and prior approval is granted under the provisions of Article 3(1) and Schedule 2, Part 3, Class Q(b) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GDPO) for the change of use of an agricultural building to a dwelling at Grey Spindles Farm, Middleton, Matlock DE4 4NB in accordance with the details submitted pursuant to Article 3(1) and Schedule 2, Part 3, Paragraph Q.2 (1) of the GDPO through application Ref 19/00723/PDA, dated 14 June 2019. The approval is subject to the condition that the development must be completed within a period of 3 years from the date of this decision in accordance with Paragraph Q.2 (3) of the GDPO and subject to the attached schedule of additional conditions.

Main Issue

2. The main issue in this appeal is whether the proposal would be permitted development under Schedule 2, Part 3, Class Q of the GDPO.

Reasons

3. Class Q of the GDPO permits development consisting of a change of use of a building and any land within its curtilage from use as an agricultural building to a dwellinghouse. However, there are a number of circumstances where such development is not permitted, which are listed in paragraph Q.1. These circumstances include the site having not been used solely for an agricultural use, as part of an established agricultural unit, on 20 March 2013.
4. The Council considers that in this case, the building proposed to be converted to residential use was not solely in agricultural use and therefore does not benefit from permitted development rights under Class Q.

5. The building is likely to date from 2004/2005 and was described at the time as a hay and machinery store¹. This description fits with the situation that I saw at the time of my visit. The building contained several tractors and a large quantity of tools, materials, machinery and equipment including tyres and cables. The lean-to part of the building was being used for hay storage and housing cattle. In the area surrounding the building were various other vehicles, trailers, containers and other paraphernalia. The building was clearly being used for livestock and storing agricultural equipment.
6. The Council considers that the findings of the planning officer earlier in the year cast some doubt over the use of the building. On visiting the site during the assessment of the application, the planning officer noted the presence of agricultural equipment and machinery in and around the building, but also items which he considered to be non-agricultural in nature, such as a cement mixer, a skip and scaffolding. This prompted concerns that the building may not be solely in agricultural use. In his report, the planning officer commented that the building had the appearance of a workshop, rather than being solely related to agricultural use.
7. The appellant contends that the building was solely in agricultural use on 20 March 2013 and has been ever since, and that the tools and equipment contained in the building are used in connection with the agricultural operation. I agree that the running of a farm operation and maintaining tractors and other agricultural equipment is likely to require tools, machinery and equipment of the type that was being stored in the barn. The workshop appearance of the building does not necessarily imply any alternative, non-agricultural use.
8. I acknowledge that the building items seen by the planning officer could be used for other, non-agricultural purposes. However, it is not unreasonable to expect that building materials such as a skip, cement mixer and scaffolding may be used from time to time for the maintenance of farm buildings and I have no substantive evidence that the degree of storage of any items has led to a material change of use.
9. I consider that, on the balance of probabilities and in the absence of substantive evidence to the contrary, the building was in sole agricultural use on 20 March 2013. It therefore complies with limitation Q.1 of Schedule 2, Part 3, Class Q of the GDPO, and as such benefits from permitted development rights.
10. Having confirmed that the proposal would be permitted development, it is now necessary to consider matters required to be addressed under prior approval in Paragraph Q.2 (1) of the GPDO. During its assessment of the application the Council confirmed that the only matter for which prior approval would be required was the design or external appearance of the building. Based on the evidence before me, I have no reason to disagree with this assessment.
11. The main changes to the appearance of the building would result from the proposed rendering of the blockwork and the insertion of openings for windows and doors. The Council has not raised any particular objections to the proposed alterations to the building, and I agree that, subject to the conditions outlined below, the external appearance of the building would be acceptable.

¹ Agricultural prior notification reference 04/06/0506

Conditions

12. Paragraph Q.2(3) of the GPDO specifies that development under Class Q must be completed within a period of 3 years starting with the prior approval date.
13. Paragraph W(13) of the GPDO allows conditions to be imposed that are reasonably related to the subject matter of the prior approval. To ensure certainty and clarity, it is necessary to impose a condition setting out the approved plans.
14. The Council has suggested conditions requiring submission of details of the materials to be used, including windows and door frames. Given the very limited details provided on the submitted plans, I agree that these conditions are necessary and relevant to the matters requiring prior approval. Conditions requiring the submission and implementation of a scheme of hard and soft landscaping are also necessary to ensure that the external appearance of the building is acceptable.
15. **I have made minor alterations to the Council's suggested conditions to make them more concise and where the level of detail required is excessive and unnecessary.**

Conclusion

16. For the reasons set out above, I conclude that the proposal constitutes permitted development. The appeal is allowed and prior approval is granted.

R. Morgan

INSPECTOR

Schedule of conditions

- 1) The development hereby permitted shall be carried out in accordance with the location plan and proposed plan which were submitted with the application.
- 2) Prior to being provided on the building, details of the following shall be submitted to and approved in writing by the Local Planning Authority:
 - a. Details of any replacement sheeting to the elevations and roof;
 - b. Details of the render colour to the blockwork;
 - c. Details of all windows, doors and door frames, to include their materials, colour and details of their position on the building;
 - d. Details of rainwater goods and other external pipework.

The conversion shall be carried out in accordance with the details approved in this condition and so retained thereafter.

- 3) The building shall not be occupied as a dwellinghouse until a scheme of hard and soft landscaping relating to the curtilage of the dwellinghouse hereby approved has been submitted to and approved in writing by the Local Planning Authority which shall include:
 - a. Details of new planting including the plant species, planting sizes, planting densities, the number of each species to be planted and plant protection;
 - b. Means of enclosure/boundary treatment; and
 - c. Hard surfacing materials.
- 4) All soft landscaping shall be carried out in accordance with the approved details in the first planting and seeding season following the first occupation of the building or completion of the development, whichever is sooner. All shrubs, trees and hedges 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 of planting, 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.
- 5) All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of the development or in accordance with a programme to be agreed in writing by the Local Planning Authority, and so retained thereafter.



Appeal Decision

Site visit made on 21 November 2019

by R Morgan MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23rd January 2020

Appeal Ref: APP/P1045/W/19/3237333

Rear of Sunnyside Terrace, Farley Hill, Matlock DE4 5LT

- 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 M Slack against the decision of Derbyshire Dales District Council.
 - The application Ref 19/00722/FUL, dated 17 June 2019, was refused by notice dated 21 August 2019.
 - The development proposed is a dwelling house – revised scheme to replace permission granted on appeal ref, 17/00809/FUL.
-

Decision

1. The appeal is allowed and planning permission is granted for a dwelling house at rear of Sunnyside Terrace, Farley Hill, Matlock in accordance with the terms of the application, Ref 19/00722/FUL, dated 17 June 2019, subject to the attached schedule of conditions.

Application for costs

2. An application for costs was made by Mrs M Slack against Derbyshire Dales District Council. This application is the subject of a separate Decision.

Main Issues

3. The main issues are the effect of the development on:
 - 1) the character and appearance of the area; and
 - 2) the living conditions of the occupiers of Sunnyside Terrace, with particular regard to outlook.

Reasons

4. This appeal concerns a new dwelling which has previously been granted planning permission on appeal¹. The site comprises an area of previously developed land at the rear of Sunnyside Terrace, which is in a countryside location on the edge of Matlock. The site is accessed via an access track off Farley Hill which is shared with neighbouring properties.
5. The appeal building is a dormer bungalow which is roughly L shaped in form. When I visited the site, the building was under construction. Although not completed, the walls, roof form and position of the window openings were

¹ Planning application ref 17/00809/FUL, Appeal ref APP/P1045/W/17/3189755

clearly apparent. This appeal has come about because the house has not been constructed in accordance with the approved plans.

6. The principle of the development has been established through the previous appeal. The key consideration for this appeal is, therefore, whether the additional footprint and height of the building, over and above that previously consented in application ref 17/00809/FUL, causes harm to the character and appearance of the area and to the living conditions of neighbouring occupiers on Sunnyside Terrace.

Character and appearance

7. In order to ascertain the difference between the approved plans and the dwelling as constructed, detailed measurements were taken by the Council in the presence of the appellant. The planning officer states in his report that the building is 0.4 metres wider and a further 1.7 metres in depth. The height of the building to the ridge has been increased by around 0.2 metres.
8. In addition to the above, the Council contends that the finished floor level of the building has been raised by up to 0.5 metres above the original ground level, so that there is an overall increase in height of 0.7 metres. The appellant has confirmed that the site has a slight slope towards the south and has said that the rear elevation will be approximately at previous ground level, but the southern (front) elevation the floor level will be about 0.35 metres above the original ground level.
9. Notwithstanding that, the finished floor levels were not specified in the approved plans and the need to ensure a completely level site would have been the same if the scheme had been constructed as originally approved. Any increase in the height of the building resulting from increased ground levels do not represent deviations from the permitted scheme. As such, I have given this matter limited weight in this appeal.
10. The Council is concerned that the increase in the height and massing of the building has resulted in overdevelopment of the site. I understand the frustration of the Council and third parties that the building has not been constructed in accordance with the approved plans. However, the additional height compared with the approved plans is 0.2 metres, which is not a significant increase. Any increased massing resulting from the slightly raised ground level at the front of the site would also have occurred under the approved scheme.
11. The increased dimensions of the elevations are also modest. I acknowledge that the building occupies a larger proportion of its plot than neighbouring houses, but sufficient amenity and parking space around the building are retained. Furthermore, the siting of the building has changed within the plot so that it is now slightly further away from the backs of the properties on Sunnyside Terrace. Although now closer to the stables, the difference in height, roof plane and materials mean that the house and stables would still appear as distinct buildings.
12. The site is in an elevated position within an open, rolling landscape, and the building is visible from a number of vantage points. However, the impact of the changes from the approved scheme are not significant in terms of the wider views. The house is seen within the context of the properties which

immediately surround it and does not appear out of scale with its setting. It sits comfortably within the site and is considerably lower in height than the properties on Sunnyside Terrace.

13. As well as the changes to the dimensions of the house, alterations are also proposed to the windows on the rear (north) elevation, specifically the substitution of two patio doors with a single folding door and a change to the design of the large first floor window. These alterations are minor in nature and do not significantly affect the character of the building.
14. I note that the previous Inspector removed permitted development rights for extensions and alterations, having regard to the extent to which the building would fill the site and the proximity of the dwelling to the rear boundaries of properties along Sunnyside Terrace. However, the removal of permitted development rights cannot be taken as an indication that the dwelling is not capable of being enlarged or changed in any way, only that any extensions or alterations which are sought would need planning permission.
15. The changes have not resulted in the development appearing unduly cramped, nor are they of such a scale that the plot has become overdeveloped. I therefore conclude that the proposal does not cause harm to the character and appearance of the area. It complies with Policies S1 and S4 of the Derbyshire Dales Local Plan 2017 which require that developments conserve the intrinsic character and distinctiveness of the landscape.

Living conditions

16. The development has resulted in a new building on what was previously open ground, which is a significant change to the rear outlook from these properties. However, the back gardens of the properties on Sunnyside Terrace are fairly **long and the planning officer's report notes that the building was originally** proposed to be some 23 metres from the main rear elevations and around 30 metres from the nearest windows.
17. The previous Inspector took account of the separation distances, the juxtaposition and orientation of buildings and the height of the proposed dwelling. She concluded that the adjoining properties or gardens would not suffer significant loss of light or overlooking.
18. The house has been constructed some 0.5 metres to the east of the approved plan so is slightly further away from the properties on Sunnyside Terrace and closer to the adjacent stable. Although the western elevation is around 1.4 metres longer and the building is slightly higher, these changes are minor in the context of the overall building, and the increased distance from the properties on Sunnyside Terrace will help to limit any additional effect. The extent of these modest changes **does not alter the previous Inspector's findings** on this matter, nor do they result in unacceptable harm by way of overbearing impact.
19. I conclude on this issue that the proposal does not cause undue harm to the living conditions of the occupiers of Sunnyside Terrace, with particular regard to outlook. As such it complies with Policy PD1 which requires that development achieves a satisfactory relationship to adjacent development and does not cause unacceptable effects.

Other matters

20. Various comments have been made relating to other developments and planning decisions in the area involving the same appellant. However, I have not been provided with any details of these and their relevance to this case is unclear. I have determined this appeal on its own merits.
21. I am content that the information submitted is adequate and is sufficient to enable me to determine the appeal. The Council has measured the building on site and further on-site measurements are not necessary.
22. I note comments about the size of the building compared with the scheme which was granted outline planning consent in 2017², however that is of limited relevance following the subsequent grant of planning permission on appeal in March 2018. The principle of the development has already established including its compliance with national and local planning policy. I have found that the scheme now before me, which involves minor changes to the previously approved scheme, complies with relevant policy.
23. Comments have been made about flood risk and surface water drainage. The previous Inspector found no basis for concluding that the proposal would result in a risk to flooding and I have no reason to conclude that the revised scheme would differ in this respect. Drainage of the site will need to meet the requirements of Building Regulations and the relevant water company.
24. Concerns have been raised about the impact of the larger house on highway matters including the size of the turning area, access in and out of the property, and the number of cars which could be associated with the house. I also note comments about the potential for intensification of the use of the access track and associated concerns about highway safety and impacts on the amenity of neighbours. However, the principle of the residential use of the site has already been accepted and it is not clear how the modest increase in the size of the house would result in any additional highways impacts. A turning area is shown on the submitted plans which reflects that on the approved plan. I further note that **the Council's highways officer did not object to the proposal.**
25. I note comments that mature trees and vegetation have been removed but the landscape and drainage plan shows new planting within the site which would help to soften the development and help it to assimilate into the landscape.

Conditions

26. In the interests of certainty, a condition specifying the approved plans is necessary.
27. In order to ensure a satisfactory appearance, the previously approved scheme included conditions requiring details of materials, hard and soft landscaping and **the provision of a bin storage area. The Council's planning officer has confirmed that the details submitted with the appeal proposal have addressed these conditions, which do not need to be re-imposed.** I have, however, re-imposed condition 4 of the previous permission (now 3) which is concerned with implementing the hard and soft landscaping, and condition 7 (now 2) which requires the implementation and retention of the parking and turning area.

² Planning application reference 16/708/OUT

28. In the interests of the character of the area and to protect the living conditions of neighbouring occupiers, I have also re-imposed the condition removing permitted development rights for alterations and extensions to provide the Council with additional control over any future proposals.

Conclusion

29. For the reasons given, I conclude that the appeal should succeed and planning permission be granted, subject to the attached conditions.

R Morgan

INSPECTOR

Schedule of Conditions

1. The development hereby permitted shall be carried out in accordance with the following approved plans: MS.19.01; MS.19.02; MS.19.03 and the location plan submitted with the application.
2. The dwelling shall not be occupied until space has been laid out within the site for parking and turning in accordance with drawing no. MS.19.03, and that space shall thereafter be kept available at all times for those purposes and kept free from impediment to the designated use.
3. All soft landscaping shown on drawing MS.19.03 shall be carried out in the first planting and seeding season following the first occupation of the building 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 shown on drawing MS.19.03 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.
4. 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 the dwellinghouse hereby approved and no buildings, extensions, gates, fences or walls (other than those expressly authorised by this permission) shall be carried out within its curtilage without the prior written approval of the Local Planning Authority upon an application submitted to it.



Costs Decision

Site visit made on 21 November 2019

by R Morgan MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23rd January 2020

Costs application in relation to Appeal Ref: APP/P1045/W/19/3237333
Rear of Sunnyside Terrace, Farley Hill, Matlock DE4 5LT

- 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 Mrs M Slack for a full award of costs against Derbyshire Dales District Council.
 - The appeal was against the refusal of planning permission for a dwelling house – revised scheme to replace permission granted on appeal ref, 17/00809/FUL.
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Decision

1. The application for an award of costs is refused.

Reasons

2. The National Planning Practice Guidance (PPG) advises that, irrespective of the outcome of the appeal, 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. The PPG sets out examples of behaviour by local planning authorities which may give rise to an award of costs¹. The appellant asserts that in this case, the following is relevant: iii) vague generalised or inaccurate assertions about a **proposal's impact, which are unsupported by any objective analysis**.
4. The planning committee came to a different decision to that recommended by its officers, which it was entitled to do. The Council has confirmed that committee members carried out a site visit to help understand the implications of the development. There were clearly differences in opinion expressed at the meeting, and following a lengthy discussion, a decision was made which was finely balanced but which took account of the facts of the case. The evidence **provided in the Council's statement is sufficient to explain the reasoning behind the reason for refusal**.
5. I conclude that unreasonable behaviour resulting in unnecessary expense during the appeal process has not been demonstrated. For this reason, an award of costs is not justified and the application for costs is refused.

R Morgan

INSPECTOR

¹ PPG Paragraph: 049 Reference ID: 16-049-20140306

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.

[Back to Agenda](#)