

Committee Report Item No: 4

Application No: DER/02/14/00198

Type: Outline (with access)

1. Application Details

Address: Land off North Avenue, Darley Abbey

Ward: Darley

Proposal:

Residential development (45 dwelling), with formation of access road and open space

Further Details:

Web-link to application documents –

<http://eplanning.derby.gov.uk/acolnet/planningpages02/acolnetcgi.gov?ACTION=UNWRAP&RIPNAME=Root.PgeDocs&TheSystemkey=95959>

Outline permission is sought for residential development, of up to 45 dwellings and associated access road on agricultural land to the north and east of North Avenue in Darley Abbey. The application seeks detailed approval for means of access to the development, with all other matters reserved for future approval.

The site is approximately 4.1 hectares in area and comprises of open fields with an unmade track running through it from a gated access from the turning head of North Avenue. The fields are subdivided by hedges and individual trees. The site is in an elevated position in the Derwent Valley. The landscape gently slopes away from the A38/ A6 junction, which is on a raised embankment, towards the River Derwent corridor to the east. It is open in character in this location visible from the riverside path. To the south of the site, there is the Nutwood Local Nature Reserve, which runs alongside the river. The residential area of Darley Abbey is located to the south of the site and Allestree is to the north and west separated by the A38. There are also two existing telecom masts on the northern edge of the site.

An indicative housing layout has been submitted in support of the application, which has been subsequently revised during the course of the application. Access is being determined under this application, although all other layout details are only suggestive of the form and scale of development which could be achieved. Up to 45 dwellings are being proposed and these are shown as being sited to the north of properties on North Avenue, with areas of open space around the edges of the application site. Footpath links are also indicated with North Avenue and to River Derwent. The blue edged land in the ownership of the applicant includes open fields to the east of the application site up to the river corridor.

The location of the vehicular access to the development site has been amended during the application, in response to comments made by the Highways Development Control team. The original access was to be located on the 90 degree bend on North Avenue and gave rise to concerns about visibility on the highway. The current proposed access would be sited onto North Avenue close to the junction with South Avenue. The access road also includes a pick-up / drop off area for the Old Vicarage School.

The application is supported by various documents including; a Design and Access Statement, Visual Impact Assessment, Landscape Assessment, Community Consultation Statement, Site Access Appraisal, Flood Risk Assessment and

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Preliminary Ecological Appraisal. Four appeal decisions relating to residential development, on sites elsewhere in England have also been submitted as part of the submission.

2. Relevant Planning History:

None relevant.

3. Publicity:

Neighbour Notification Letter

Site Notice

Statutory Press Advert

This publicity is in accordance with statutory requirements and the requirements of the Council's adopted Statement of Community Involvement.

The applicant has undertaken pre-application consultation with the local community, which involved a public exhibition and meetings with local stakeholder, the head teacher of Old Vicarage School.

4. Representations:

110 comments and objections have been received to date, to both the original and revised indicative layout. These include objections received from both Councillors Repton and Stanton and from the Darley Abbey Society and Derby Civic Society. The main issues raised are as follows:

- Increase in volume of traffic generated on local roads
- Existing problems with parents and staff parking on Church Lane and South Avenue, for the Old Vicarage School, causing traffic congestion and access issues.
- Site is not allocated for development in Local Plan or Core Strategy
- Development would have detrimental impact on the character of the World Heritage Site and its buffer zone.
- Increase in housing in local area will increase traffic and congestion on local roads
- There would be increase traffic danger for children and pedestrians as a result of the development.
- Traffic signals should be installed at junction of North Avenue and parking restrictions introduced.
- Development may increase flood risk from River Derwent
- Loss of Green Wedge
- There would be difficulties with drainage and foul water from the site
- Development would be detrimental to the village and the character of Darley Abbey

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- New playing field is not necessary in this local area and would encourage anti-social behaviour. (Omitted from the revised masterplan)
- Amenities of nearby residents would be harmed by the development
- Development would have adverse impact on the nearby wildlife site at Nutwood Nature Reserve
- Land unsuitable for housing due to steep slope of the site.
- Proposed drop off area for parents of school would not be used and is unnecessary.
- Increase in noise levels will result from this development, causing disturbance to local residents.
- The access would be inadequate for the number of dwellings.
- The local schools do not have sufficient places to cope with the demand from the development
- Scale of development is excessive for this location.

5. Consultations:

CAAC:

Recommend refusal on grounds that the development does not enhance or preserve the Derwent Valley Mills World Heritage Site.

Highways DC:

The site falls away from North Avenue towards the valley bottom and from the A38 towards the valley bottom. The developer has highlighted this in the Site Access Appraisal (Revision B February 2014) paragraph 2.5 where he says the gradient is 1:9. This degree of steepness is likely to prove difficult to meet adoptable road gradients.

The 6C's Design Guidance which is guidance on the standards for adoptable roads and which is used by many authorities across the Midlands region says the following: "In respect of road gradients table DG1 in the 6C's Design Guide sets out the adoptable standards. You will see this table refers to note (h), which says: "Taking into account the needs of people with impaired mobility, we may be prepared to consider a relaxation on sites with particularly difficult topography. However, relaxations should not form the starting point of longitudinal design. The financial cost of cut/fill is not a material consideration when assessing the ability to achieve gradients to aid walking/cycling."

It is important that the developer understands this and that the Highway Authority will be seeking reasonable gradients when it comes to negotiating the highway layout for this site in the future.

Access to the site

The developer has proposed that vehicular access to the site is via a junction on North Avenue close to the existing "turning head" there is no objection in principle to this. The new access road shows parallel parking along side, the developer should be aware that this is unlikely to be adopted. It is felt that this parking is not likely to be used by parents as South Ave has no parking restrictions on it.

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There are no highway objections subject to conditions to control details of the junction and internal road layout and secure a footway/ cycleway access to North Avenue.

Natural Environment:

Trees

The only individual trees of note, identified in the Preliminary Ecological Appraisal, and shown on the Phase 1 Habitat Plan, are trees 2 and 6. Tree 6 is protected by Tree Preservation Order (TPO) 17. Tree 2 is located outside of the application area, within gardens on North Avenue. The mixed plantation woodland and dense scrub, identified on the Phase 1 Habitat Plan along the embankment with the A6 and A38, are again located outside of the application area and are our responsibility and the Highways Agency respectively.

The hedgerows within the application site were identified as species poor in our Derby City Hedgerow Survey in 2003.

Therefore, in relation to trees 2 and 6, and the mixed plantation woodland and scrub along the embankment with the A6 and A38, no further comment to make other than the usual standard conditions to ensure tree protection measures, such as protective fencing is in place before and during construction works and, where necessary, no dig solutions are implemented in the root protection area. The widening of the landscape buffer along the eastern boundary and additional tree planting to the south east of the site, as detailed in the revised masterplan is welcomed

Rights of Way

There are no recorded public paths within the application site. That is not to say though that rights haven't been established through usage.

A proposed footpath link is shown on the submitted site layout plan, which would utilise the existing access to Holme Nook Farm on the western edge of the site, linking in with the existing footpath from North Avenue out on to Church Lane.

The creation of a new footpath, as detailed in the revised masterplan, providing access to the river to the east and Darley and Nutwood Local Nature Reserve to the south, is welcomed, particularly as the existing permissive path through the nature reserve connects to a track alongside the river off Old Lane, providing access in to the heart of Darley Abbey village. To provide a more connected network though, it would make sense to have a link path from the existing footway on South Avenue, opposite Leafenden Close, across our public open space to the existing permissive path through the nature reserve and the proposed footpath loop which leads to the river.

In relation to potential path routes to the north of the proposed development site, our Rights of Way Improvement Plan proposes a walkway / cycleway to the east of the river, rather than the west, following the line of the existing definitive footpath from Haslam's Lane, through water meadow, coming out on to Ford Lane, Little Eaton, having utilised the subway under the A38. Although there is public open space on the western side of the river, north of the A38, with paths running through it, one of which goes under the A38, no desire lines could be identified using Bing aerial maps, or from a site visit, in-between the A38 and the application site on the western side of the river. We believe this is because Holme Nook Farm is positioned at the narrowest

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point of this land between the river and the A38, meaning it would be unlikely that anyone could walk this route without being challenged.

Housing Strategy:

Supports the development, which will provide much needed affordable homes in the area and will be welcome addition to the area.

DCC Archaeologist:

The agent's letter argues that the route of the Roman road known as 'The Street' (HER 99030) now lies within the proposed 'landscape buffer' at the eastern boundary of the site, and will not therefore be impacted.

This is not the case. The alignment shown on the Derbyshire Historic Environment Record appears to be impacted by the access road and easternmost house plots on the revised masterplan proposals. Tree planting shown in the revised 'landscape buffer' would also impact on any remains of the Roman road through root action. Once side ditches, *agger* bank and metalled surface are all taken into account a Roman road can extend 10-15m in width – much broader than the dimensionless line shown on the HER.

Furthermore, as I suggested previously, the HER alignment of the Roman road is not known with certainty. Indeed, the 'reasonable level of trust' we can place in this location might easily extend 100m either side of the alignment shown on the HER.

The route of this road at the Derby end is not known with certainty, but the suggested alignment is based on detailed map and landscape analysis by Farnsworth and Whirrity (2006), and can certainly be accorded a reasonable level of trust.

There is consequently a requirement for archaeological survey (geophysics and trial trenching), as previously recommended, to establish archaeological significance and impact in line with NPPF para 128. I therefore maintain an objection until the results of archaeological evaluation are submitted.

Environment Agency:

Outline permission should only be given subject to planning conditions to control details of surface water drainage scheme for the development.

Land Drainage:

The Flood Risk Assessment is not adequate, due to a lack of information in regard to the surface water drainage proposals, therefore objections to the application.

Natural England:

The site is in close proximity to Kedleston Park SSSI and Breadsall Railway Cutting SSSI. Providing that the development is carried out in strict accordance with the details of the application, the development will not damage or destroy the interest features for which these sites have been notified. We therefore advise your authority that the SSSIs do not represent a constraint in determining this application.

We would expect the Local Planning Authority to assess and consider the other possible impacts resulting from this proposal on the following when determining this application:

- local sites (biodiversity and geodiversity)
- local landscape character

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- local or national biodiversity priority habitats and species.

Natural England does not hold locally specific information relating to the above. These remain material considerations in the determination of this planning application and we recommend that you seek further information from the appropriate bodies (which may include the local records centre, your local wildlife trust, local geoconservation group or other recording society and a local landscape characterisation document) in order to ensure the LPA has sufficient information to fully understand the impact of the proposal before it determines the application.

You should apply our Standing Advice on protected species, which is a material consideration in the determination of applications.

The proposed development is within an area that Natural England considers could benefit from enhanced green infrastructure (GI) provision. As such, Natural England would encourage the incorporation of GI into this development. Multi-functional green infrastructure can perform a range of functions including improved flood risk management, provision of accessible green space, climate change adaptation and biodiversity enhancement.

We note that the development is located within the Green Wedge and you should refer to local and national planning policies with regards to this matter.

This application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. The authority should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application. This is in accordance with Paragraph 118 of the NPPF.

Derbyshire Wildlife Trust:

In summary Derbyshire Wildlife Trust would advise;

- The application Site sits within an identified Green Wedge which supports some features of biodiversity value. Appropriate weight should be given to this aspect of the Green Wedge's functions when determining the application.
- It is essential that the quantum and location of the landscape buffer zones are protected from change at reserved matters stage and future detailed iterations of the proposal's layout.
- Clarification needs to be sought on the trees which have potential to support bat roosts and additional surveys required if necessary.
- Clarification needs to be sought on the use of a mammal tunnel incorporated into the SUDs swale under the access road.
- Appropriate condition requiring a detailed badger mitigation plan to be submitted as part of any Reserve Matters application should outline permission be granted.
- Additional conditions should be applied to ensure the protection of retained habitats and details of the Ecological Landscape Plan.

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- The LPA should consider the use of the Section 106 for the future management and maintenance of the SUDs attenuation feature and the landscape buffer zones and wildlife area.

English Heritage:

The proposed housing scheme is harmful to the Outstanding Universal Value (OUV) of the Derwent Valley Mills World Heritage Site (WHS) and the significance of the Darley Abbey Mills Conservation Area with highly graded heritage assets within. Recommend refusal of the application.

The contribution of this site to the OUV of the WHS is through the survival of this rural landscape character, clearly defined against the housing development along North Avenue and bounded by the screened A38 above. The site helps to reinforce the strong contrast of the rural landscape with the historic urban settlements and the relationship with the water tributaries, which provides a reminder of how this area evolved and the parameters and arrestment of development. The presence of the buffer zone recognises the need to acknowledge and protect the significance of the WHS as a cultural landscape. Within the WHS the relationship between the industrial mill buildings within the historic settlement, the River Derwent and its tributaries, and the topography of the surrounding rural landscape, with historic roads connecting the settlements, is a key element of the character and significance of the Buffer Zone.

Whilst accepting views of the proposed development is limited in some locations, we believe there would be visible impact at various locations. We are not convinced that new tree planting and landscaping would integrate the new development within this setting. Redevelopment would change both the character and experience of this part of the rural setting further eroding the clear relationship between settlement and rural landscape. The significance and experience of this area is not confined to static views: much of the contribution made by the site to the OUV of the WHS and the setting of Darley Abbey Conservation area, lies in moving along the area which creates a cumulative experience of the overall character of this part of the WHS. As Government guidance advises, setting is not confined to visual factors such as sight lines and views, it is as much defined by spatial associations and by our understanding of the historic relationships between places.

Derwent Valley World Heritage Site Technical Panel:

The proposed development is wholly within the Buffer Zone of the Derwent Valley Mills World Heritage Site (WHS) and immediately abuts the Site itself.

This undeveloped area of open, green countryside was deliberately included within the Buffer Zone to protect the setting of the Site. Any significant development would impact in a negative way on the setting of the Site by introducing housing into this natural rural landscape.

The Statement of Outstanding Universal Value for the Derwent Valley Mills, endorsed by UNESCO, states: "The cultural landscape of the Derwent valley was where the modern factory system was developed and established, to accommodate the new technology for spinning cotton developed by Richard Arkwright and new processes for efficient production. The insertion of industrial establishments into a rural landscape necessitated the construction of housing for the workers in the mills, and the resulting settlements created an exceptional industrial landscape. The change from water to steam power in the 19th century moved the focus of the industry

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elsewhere and thus the main attributes of this remarkable cultural landscape were arrested in time”.

The WHS is characterised at this point as open natural flood plain to the River Derwent, where the only tangible signs of human intervention north of the Darley Abbey Mills complex is the railway, essential infrastructure e.g. strategic roads and sewerage works, and the occasional isolated farmstead, before the Site reaches the historic settlements of Makeney and Milford.

The application site is highly visible from within the World Heritage Site, from Darley Abbey to Breadsall, and just beyond. From the public amenity route of the Derwent Valley Heritage Way that follows the edge of the River Derwent, the lower valley slopes rising from the river meadows of the flood plain, on its western side, retain an undeveloped character; the tower of St Matthew’s Church, Darley Abbey, is almost the only visible built feature within this expanse of tree covered slopes. If the application site were to be developed with housing as proposed, despite its lower level than the existing adjacent housing of North Avenue, it would not be perceived as a natural extension to the existing edge of settlement development, but would appear as a highly visible, isolated development within this, the designated ‘Green Wedge’, consisting of the tree covered valley slopes and the natural meadows of the River Derwent’s flood plain. Furthermore, the housing in North Avenue would be opened up by breaching the existing green screen to form the vehicular access.

Any built development will reduce the open, landscape character of the setting and consequently impact on the Outstanding Universal Value of the World Heritage Site. Screening as a form of mitigation is not of any real help, firstly because such an argument could be used over and over again in such circumstances and the open landscape setting would be lost incrementally, and secondly, tree screening can be lost by felling, thinning or disease.

Loss of that landscape would be damaging to the Outstanding Universal Value. For this reason the Derwent Valley Mills WHS Partnership objects to the proposed development and trusts that its comments will be taken into account in the determination of this outline planning application.

The County Council’s Landscape Architect also comments as follows:

The application does not recognise the overall sensitivity of the site with respect to its inclusion in the Green Wedge and also as part of the World Heritage Site and its Buffer Zone. It also hasn’t taken sufficient account of the WHS designation with regard to its Outstanding Universal Value.

Existing residential development is not a dominant feature in the current views of the site and is not a mitigating factor, particularly given that much of this development pre-dates the designation of the WHS. Although the site is partially screened by existing vegetation within the landscape it is evident that new housing on rising ground will be visible from some vantage points and the development would be visually detached from other dwellings in the area, heightening its impact.

The proposal is clearly at odds with the Local Plan policy for Green Wedge and contrary to the aims of the World Heritage Site Policy E29.

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Even if the proposed development can only be viewed from a small number of vantage points within the WHS, it will contribute to increased urban sprawl and urbanisation of the valley at this locality, consequently impacting on the aims and objectives of both Green Wedge and WHS designation. If a site needs to be screened to the extent suggested in the Visual Impact Assessment, then invariably it is the wrong development in the wrong place; simply hiding the development doesn't necessarily make it acceptable due to a range of other considerations.

6. Relevant Policies: *Saved CDLPR policies*

GD1	Social Inclusion
GD2	Protection of the environment
GD3	Flood Protection
GD4	Design and the Urban Environment
GD5	Amenity
H11	Affordable housing
H12	Lifetime Homes
H13	Residential development – General Criteria
E2	Green Wedge
E4	Nature Conservation
E7	Protection of habitats
E9	Trees
E10	Renewable Energy
E17	Landscaping Schemes
E21	Archaeology
E23	Design
E29	Protection of World Heritage Site and its surroundings
L2	Public Open Space Standards
L3	Public open space requirements in new developments
T1	Transport implications of new developments
T4	Access, parking and servicing
T6	Provision for pedestrians
T10	Access for disabled people

The above is a list of the main policies that are relevant. Members should refer to their copy of the CDLPR for the full version or access the web-link.

<http://www.cartogold.co.uk/DerbyLocalPlan/text/00cont.htm>

Over-arching central government guidance in the NPPF is a material consideration and supersedes earlier guidance outlined in various planning policy guidance notes and planning policy statements.

7. Officer Opinion:

Key Issues:

In this case the following issues are considered to be the main material considerations which are dealt with in detail in this section.

- Residential development
- Impact on Green Wedge

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- Impact on World Heritage Site and Buffer Zone and other heritage assets
- Access and traffic implications
- Impact on trees and habitat
- Residential amenity and urban design

Introduction

This outline application seeks permission in principle for residential development on a green field site to the north of North Avenue, Darley Abbey. The site is agricultural land and in an elevated position on the western slope of the Derwent Valley. It also abuts the embankment of A38 trunk road which runs along the northern boundary of the site.

The site is within designated Green Wedge and forms part of the Derwent Valley Mills World Heritage Site and its associated Buffer Zone. It lies clearly outside the built up envelope of Darley Abbey, which in this locality is residential in character, extending along North Avenue and South Avenue.

In the vicinity of the site, there is Nutwood Local Nature Reserve, which is a designated wildlife site, characterised by woodland and riverside habitat. This lies to the south east of the site and would not be directly affected by the proposed development. The River Derwent corridor to the east of the site is also an identified wildlife site.

The site is not identified for development in the draft Local Plan Part 1 (Core Strategy) and is not considered to be strategic in scale.

Residential Development

The National Planning Policy Framework (NPPF) requires all housing proposals to be considered in the context of the presumption in favour of sustainable development. This means that where the development plan is absent, silent or relevant policies are out-of-date, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole (Paragraph 14).

The Council has accepted that it does not currently have a deliverable 5 year housing land supply. Work is on-going to progress the Local Plan, Part 1 (Core Strategy) which will provide the Council with a 5 year supply; however work on this document is not sufficiently progressed to enable the proposed allocations to be taken account of. In this case, the NPPF is clear that where a 5 year supply cannot be demonstrated, the relevant policies for the supply of housing should not be considered up to date. Therefore, the statement at Paragraph 14 of the NPPF applies to this proposal.

The question to be considered is whether any adverse impacts associated with permitting this proposal would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

The adopted Local Plan has saved policies relating to the provision of residential development which are still relevant to this application. Policy H13 relates to the general criteria by which to assess residential development proposals. The policy seeks to ensure that a satisfactory form of development is provided, which

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safeguards residential amenities and forms high quality living environment, achieves appropriate housing densities and interesting urban forms and townscape design.

Policy H11 requires affordable housing to be provided for the scale of this development, to meet a housing need in the local area. An affordable element of the scheme would be provided on the site, at 30% of the total number of units and this is agreed in principle with the applicant to be secured via a Section 106 Agreement.

Policy H12 seeks provision of 10% proportion of the units to be Lifetime Homes on housing sites of this size.

In regard to the education provision in the local area, there are considered to be adequate school places to meet the estimated need generated by this development. The scale of this development, providing up to 45 dwellings, is relatively small in terms of the number of school aged children generated and there is judged to be sufficient capacity at the present time in local schools to accommodate the development.

Impact on Green Wedge

Green Wedges are a longstanding policy principle in Derby. Their primary function is to define and enhance the urban structure of the City as a whole. Green Wedges create a more attractive and interesting form to the overall pattern of development and bring the countryside closer to the City. The retention of areas of open land between separate parts of the City helps to maintain their identity and reduces the impression of urban sprawl. The underlying principles of Green Wedges therefore relate back to protecting the character of Derby and making it a pleasant place to live and work.

The NPPF is clear that in the absence of a 5 year supply, the only policies that should be considered to be out-of-date are those relevant for the supply of housing. On this basis, Policy E2 is not considered to be relevant to the supply of housing and therefore is not considered to be out-of-date.

Policy E2 identifies the different types of development that are considered to be acceptable in principle within Green Wedges. Residential development is not one of the identified uses and therefore the proposal is in conflict with this element of Policy E2. In cases where a use is acceptable in principle, Policy E2 goes on to state that development should not endanger the open and undeveloped character of the GW or its links with open countryside and natural history value.

Through work on the Local Plan, Part 1 (Core Strategy), the Council has identified a number of sites within Green Wedges that are considered to be acceptable in principle for residential development, helping to meet objectively assessed housing needs. The identification of such sites was informed by the Green Wedge Review, published in 2012, which assessed potential housing sites in terms of their impact on Green Wedge function. Sites were only identified as having potential for development where they would not undermine the primary function of a Green Wedge and not prejudice the essential characteristics of being open and undeveloped.

This site was specifically considered as part of the Green Wedge Review, having previously been promoted to the Council as a potential housing site. The Green Wedge Review makes a number of observations about the potential impacts of developing this site on Green Wedge functions. Observations include:

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- The site is remote from the main axis (the most sensitive part of the Green Wedge) and makes minimal contribution to the function of separating residential and commercial areas. Built development would extend into the Green Wedge, roughly continuing the line of South Avenue, causing narrowing, but would have little impact upon the extent to which the Green Wedge penetrates the city
- The topography of the site falls from west to east meaning that the site is significantly lower lying than the built area to the south. This makes the site an obvious part of the Green Wedge rather than a clear extension to the built area of Darley Abbey. Due to the topography of the site, development of this area would appear isolated and unrelated to either Darley Abbey or Allestree.
- Although built development in the location to the north of Darley Abbey would not impact on the openness to the east of the settlement, it would create a very visible and prominent developed area to the south-east of Allestree. Whilst separating Darley Abbey from Allestree is not one of the main functions of the Green Wedge, development of the site would lead to further coalescence of these two areas of the city, closing off an open and undeveloped area.
- The Inspector at the examination of the City of Derby Local Plan stated that there were 'no strong boundaries to this area and that there was no justification for deleting this small area from the Green Wedge allocation'. He went on to say that even if this were not so, 'any residential development would have an unsatisfactory relationship to the adjoining long established group (of houses). It would not be 'rounding off', as was claimed by the promoter, but a clear extension into open countryside'.

The Green Wedge Review concludes that the site does not have capacity to accommodate built development (from a Green Wedge impact perspective) due to the impacts outlined above.

The concerns highlighted by the Green Wedge Review apply directly to this proposal and need to be taken into account in its determination. In considering the cumulative impact of all the points highlighted by the Green Wedge Review, it is clear that the prejudicial impact upon the Green Wedge in terms of its openness and undeveloped character in this location would be significant, indicating a conflict with Policy E2.

The NPPF is clear that the adverse impacts need to be weighed against the benefits, when assessed against the policies in the NPPF taken as a whole. Whilst the NPPF does not make specific reference to Green Wedges, it does state that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions (Paragraph 64). As noted above, the principles that underpin Policy E2 clearly relate back to the need to protect the urban structure of the city and particularly the character of our neighbourhoods.

The open and undeveloped character of this part of Darley Abbey is an important local characteristic that contributes towards the function of the Green Wedge and the character and setting of the adjacent World Heritage Site. On this basis development of the site would fail to take the opportunity to improve the character of the area and is in conflict with Paragraph 64 of the NPPF.

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The NPPF also refers to the need to promote or reinforce local distinctiveness (Paragraph 60). The Green Wedge is an integral part of the character and local distinctiveness of this part of the city. The proposal will undermine the essential characteristics of the Green Wedge and is therefore considered to also be in conflict with this section of the NPPF.

Impacts on World Heritage Site and other heritage assets

The proposed development relates to land which is partially within the World Heritage Site (WHS) and the majority of the site is in the World Heritage Site Buffer Zone. The site is therefore a designated heritage asset of national and international importance, with a high degree of historical significance. It forms part of a rural landscape within the Derwent Valley, which was specifically included in the World Heritage Site and its buffer zone due its association with the industrial buildings and settlements within the valley. For these reasons, the site contributes to the Outstanding Universal Value (OUV) of the World Heritage Site, which is the criteria used in the designation of the Site. The Statement of OUV highlights that “the relationship of the industrial buildings and their dependent urban settlements to the river and its tributaries and to the topography of the surrounding rural landscape has been preserved.” The OUV makes it clear that the rural landscape is important alongside the industrial landscape in the Derwent Valley and the fact that it has survived is of great importance to the WHS. The landscape is a key feature of the setting of the early industrial settlements and has remained largely intact and is therefore afforded a high degree of protection as part of the WHS and its Buffer Zone.

The conservation of heritage assets is addressed in the policies of the NPPF and in considering the impact of any proposed development, a significant level of weight should be given to heritage assets which have a high level of importance (para. 132). The WHS is of international significance and therefore falls into this category and any substantial harm to this heritage asset, should be wholly exceptional.

The NPPF makes it clear that significance can be harmed or lost through alteration or destruction of the heritage asset and as heritage assets are irreplaceable, any harm or loss should require clear and convincing justification (para.132). Harm to the historic environment can be justified under the NPPF, but the public benefits delivered by the development would have to be substantial to outweigh the level of harm to the OUV of the WHS. Paragraph 134 states that where is less than substantial harm, then the public benefit should be weighed against the harm of the development. Paragraphs 137-138 of the NPPF refer to the significance of heritage assets, including World Heritage Sites. The loss of elements which make a positive contribution to the significance of the WHS should take account of its relative significance to the Site as a whole.

The proposed residential development of up to 45 dwellings with associated access road is a major scheme which would cause harm to the significance and setting of the World Heritage Site. Having regard for the NPPF as well as Local Plan policy E29, the main issues to consider are whether the proposed development would cause substantial harm to the WHS and whether there is a public benefit to the scheme, which outweighs the harm to the heritage asset.

The application has generated objections from all of the heritage consultees, English Heritage, World Heritage Site Technical Panel, the Conservation Area Advisory

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Committee and the Council's Conservation Officer on the grounds of its harmful impact on the OUV of the World Heritage Site.

Most of the proposed development would be sited within the Buffer Zone of the WHS, with only the access road and drop-off parking to be located in the WHS itself. I note that the proposal is considered to result in less than substantial harm to the significance of the WHS. However, the public benefit of the proposal is not sufficient to outweigh the harm to the Site, particularly given the considerable importance and weight which should be afforded this heritage asset. The justification provided by the applicant in support of the application is mainly that there is not a five year supply of housing in the city and that there would not be an adverse visual impact on the WHS. This is not a convincing case to outweigh the harm caused, particularly since the submitted Visual and Landscape Assessments indicate that views of the development from elsewhere in the valley would impact adversely on the setting and character of this part of the WHS.

The potential impacts of the housing scheme on the rural character and landscape of the valley, by virtue of key views from around the area, is an important consideration in assessing the harm to the significance of the WHS. The site's character is essentially open fields, with substantial hedge boundaries, in an elevated position above the River Derwent. It is a sensitive landscape, by reason of its historical associations with the industrial mill settlements. The development of housing and associated infrastructure would result in an urbanising effect on the rural character of the site and a loss of open landscape in this part of the WHS and Buffer Zone. It is accepted that some views of the development from across the valley, would be limited due to screening by existing trees and hedgerow features and the addition of further landscape planting. However, this would not necessarily integrate the development into the rural setting and rather it amounts to an attempt to hide the proposal from view. The introduction of housing in this location would change the character of the site and the surrounding landscape and be harmful to the setting of the industrial settlement of Darley Abbey and its rural hinterland.

I am of the opinion that the justification put forward for the development in this location does not outweigh the significant harm to the rural character and landscape value of this part of the WHS. The proposed development does not therefore sustain and conserve the special character and setting of the World Heritage Site and is contrary to the NPPF and the provisions of Policy E29.

The site is also believed to contain archaeological interest in the form of a Roman Road, with its alignment running across part of the site. The NPPF requires the submission of sufficient information to allow the significance of any heritage assets affected to be taken into account. No such information has been provided by the applicant, in terms of a desk top study or an archaeological evaluation. The County Archaeologist has expressed concerns about the lack of any survey work to establish the location and significance of the archaeological remains within the site. The application does not therefore adequately meet the requirements of the NPPF and Policy E21.

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Access and Traffic Implications

Means of access is to be determined as part of this outline application and is to be achieved by the formation of a new access onto North Avenue, close to the junction with South Avenue. The location and alignment of the access road into the development has been amended during the course of the application, as a result of negotiations with the Council's Highways Officers. The originally proposed position of the access was to be on the bend on North Avenue, which had insufficient levels of visibility onto the highway. The revised access arrangement is considered acceptable from a highway safety point of view and the Highways Officer has raised no objections in principle to this.

In terms of traffic generation arising from up to 45 additional dwellings in this location, the Highways Officer has not raised any concerns about the impact of this level of traffic increase on local roads. The traffic impact of the development is considered to be acceptable in this established residential area and the increase in traffic would not therefore be excessive. The existing road network has sufficient capacity to accommodate the additional flows in this area and there is no requirement for any further highway improvements to local roads.

A pick-up and drop-off parking area is indicated on the access road, close to the junction with North Avenue, which is proposed to be for the use of parents of the Old Vicarage School, which is on Church Lane. Due to their distance from the school, it is considered to be unlikely that the parking bays would be used by parents. It is not clear what other purpose the parking bays would serve and I note that this area is unlikely to be adopted by the Highway Authority.

The sloping nature of the site, which falls away towards the River Derwent is also of concern to the Highways Officer, due to the potential difficulties of forming an internal road layout due to the steepness of the gradient across parts of the site. The internal road layout would form part of the site design, which is a reserved matter and therefore is not being determined at this stage.

The masterplan proposals submitted are purely indicative at this stage and as such the design of the road layout and the inclusion of the parking drop-off area are details of the reserved matters, which would form part of the final design. A satisfactory design solution would need to be formed and agreed as part of any reserved matters scheme. The proposed access to the site is the only matter which is being agreed at this stage and the revised access location is considered acceptable in principle. The proposal is therefore considered to satisfactorily meet the requirements of Policy T1 and T4.

The indicative masterplan proposal shows the proposed use of an existing gated access to the turning head onto North Avenue as a pedestrian link with the development and suggests further pedestrian routes towards the River Derwent and to the nature reserve from the eastern side of the development. These are notional at this stage and would form part of a reserved matters submission. However, in principle the pedestrian connections with the surrounding landscape would be acceptable and accord with the provisions of Policy T6 and T10.

Impacts on trees and habitat

The site is predominantly open fields, with areas of trees and hedgerow along the perimeter. A narrow strip of dense woodland on a raised embankment alongside the

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north and west boundary of the site, forms part of highway verge of the A6 and A38. These tree belts should not be affected by the development and would form a buffer from the adjacent highway. There are a small number of other individual mature trees around the edge of the site and on adjacent land which have been identified by the submitted Habitat Survey. Two of these are dead trees and another one, an Oak tree has a Tree Preservation Order on it. The protected tree is located on the eastern boundary of the site on an area identified on the master plan as a landscaped buffer. The proposed development could therefore be carried out without significant harm or loss of woodland or trees on and around the site in line with Policy E9.

The hedgerows around the perimeter of the site are identified as being species poor, which means that they currently contain a limited number of plant species. However, they are features of habitat value, which should be retained wherever possible within the scheme. The indicative master plan suggests that the hedgerows would be largely retained intact around the development, except where the access is to be formed on North Avenue.

In regard to protected species, the Habitat Survey identifies the presence of badgers on and around the site and the potential for bat roosts in some of the mature trees. Both of these animals are protected from disturbance and loss of habitat by wildlife legislation and I note the recommendations of Derbyshire Wildlife Trust that further surveys and mitigation strategy to safeguard their habitat are required in support of any reserved matters application.

Subject to the protection of wildlife habitat and the landscape features of biodiversity value, including trees and hedgerows, during and post- development, I am satisfied that the proposal would meet the requirements of Policies GD2, E4, E7 and E9.

The eastern part of the site is in Flood Zone 2 and land further to the east is Flood Zone 3, which are at medium and high risk of flooding within the River Derwent valley in a 1 in 100 year event. The application is supported by a Flood Risk Assessment, which recommends a Sustainable Drainage scheme (SUDs).for the development, by means of balancing ponds and swales. The details of such a SUDs solution for the proposal would form part of a reserved matters submission. Having regard for the comments of the Environment Agency and the Council's Land Drainage team, any development proposal would need to be subject to an agreed SUDs scheme, to minimise flood risk to occupiers of the development and the surrounding area. This would therefore accord with NPPF flood risk policies and Policy GD3.

Residential amenity and urban design

The proposed housing development would represent an urban extension into the open countryside which lies to the north and east of Darley Abbey. This landscape is rural in character and partially enclosed by tree and hedgerow features. The residential area to the south of the site is suburban in character, comprising mainly of houses and bungalows with modest gardens. The location of the new housing to the rear of North Avenue would be relatively isolated and detached from the existing residential area. Whilst layout and design is a reserved matters, it is clear from the land levels on and around the site and the location of the proposed access, that the new dwellings would not appear connected with the existing street scene or form a continuous built up frontage with the existing urban area. The sloping gradients across the site would also present challenges in terms of forming a road layout and

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built framework which would tie in with the character of existing settlement. The development would not tie in adequately with the existing built up area and is likely to appear as a clear extension of housing development into the open countryside. The proposal would be an intrusion into the rural landscape and is therefore to be contrary to Policies GD4 and H13.

In terms of the impact of the development on residential amenity, the properties most affected would be on North Avenue, in particular those on the north side of North Avenue. The rear of these properties face onto the site and some of these are in an elevated position. There is also a hedgerow along the boundary with the North Avenue properties and some trees, which would provide some screening from the development. Since site layout is a reserved matter, it is not clear where the proposed dwellings would be positioned in the site. However, normal distances between dwellings to achieve sufficient levels of privacy and amenity can be achieved on this site, to safeguard the living environment of the neighbouring dwellings on North Avenue. The amenities of nearby residents would therefore be satisfactorily maintained in line with Policy GD5.

Whilst siting and layout are a reserved matter, the site is capable of forming an appropriate living environment for any future occupants of the development. A relatively low density of housing development is proposed for the size of the site with landscape planting around the site to provide screening. The existing tree buffers on the raised embankments alongside the A6 and A38 slip road highway routes would provide significant screening from noise and disturbance. The indicative masterplan shows an approximate buffer of around 30 metres between the highway and proposed dwellings, largely comprising dense tree cover. This is a greater distance from the road than some existing properties experience on the north side of the A38 and west of the A6. Subject to noise mitigation measures being used in the development, (which could be secured by means of a reserved matters approval) to protect future occupants from unreasonable disturbance from the trunk road, an acceptable standard of residential amenity could be achieved on the site.

Conclusion

The NPPF requires us to consider all proposals for housing in the context of the presumption in favour of sustainable development. This means that in the absence of a 5 year supply of deliverable housing sites, proposals should be permitted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the NPPF as a whole.

The proposal is located within a Green Wedge which has for many years received policy protection to resist inappropriate development. Policy protection continues through the provisions set out in Policy E2, which is still a valid consideration in a post-NPPF context. Development that would undermine the openness and undeveloped character of Green Wedges is generally considered to be unacceptable.

This proposal would introduce a significant new build development into a very sensitive part of the Green Wedge that is more part of the rural landscape of the Derwent Valley rather than the built up area of Darley Abbey. The site is within the World Heritage Site Buffer Zone, with a small part in the Site itself. The development

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would have an adverse impact upon the setting of the World Heritage Site and detract from its Outstanding Universal Value.

The proposal would create an isolated and unsatisfactory form of development, creating an obvious intrusion into the open countryside within the designated Green Wedge. It would be a clear extension of the existing urban area, which would have an unsatisfactory relationship with the existing residential area around North Avenue and South Avenue. Development in this location would undermine the open and undeveloped character of this part of the Green Wedge and lead to further coalescence of Darley Abbey and Allestree.

In considering the cumulative impact of all of these points, the proposal is considered to be in conflict with Policy E2 of the CDLPR and subsequently Paragraphs 60 and 64 of the NPPF.

Whilst the Council has accepted the principle of some housing development within Green Wedges in recent times, it has only been where a proposal would make a compelling contribution to meeting housing needs and where the proposal would be in a less sensitive part of the Green Wedge. This has enabled us to conclude that the benefits would outweigh potential adverse impacts of such schemes.

The proposal does provide some limited benefit in terms of boosting the supply of housing and could provide much needed affordable housing. However, it would be a relatively small housing development, which would not contribute substantially to the housing need in the city. The limited benefits of the scheme have been weighed against the cumulative adverse impacts highlighted by the conflicts with Policy E2, E21 and E29 of the CDLPR and Paragraphs 60, 64 and 132 to 138 of the NPPF. These would significantly and demonstrably outweigh these benefits. Therefore the proposal cannot be considered to be a sustainable form of development and it is recommended for refusal.

8. Recommended decision and summary of reasons:

To refuse planning permission

Reasons:

1. In the opinion of the Local Planning Authority, residential development on the application site would be prominent and visually intrusive, leading to the narrowing of the Green Wedge, between Darley Abbey and Allestree, resulting in a loss of openness and undeveloped, landscape character in this highly sensitive part of the Green Wedge. It would lead to further coalescence of the Allestree and Darley Abbey neighbourhoods. As such, the proposal would compromise the role and function of the Green Wedge in this location, contrary to the aims of saved policy E2 of the adopted City of Derby Local Plan Review.
2. In the opinion of the Local Planning Authority residential development on this site would have an unsatisfactory relationship with the prevailing built form of Darley Abbey. Given the topography of the site and its surrounding fields, which falls west to east, towards the River Derwent and the pattern of residential development on North and South Avenues, it is considered that it would be difficult to secure a layout of development that relates well to existing housing in the locality. The existing houses on North Avenue turn their backs to the site and the site is enclosed from the north and west by substantial raised

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embankments to the neighbouring trunk road network; it would virtually be an island of development that would struggle to relate to neighbouring communities. As such, the Local Planning Authority has little confidence that reserved matters submissions could deliver an overall layout that would provide a high quality design that would relate well to existing housing in the locality. The proposal is therefore contrary to saved policies GD4, H13 and E23 of the adopted City of Derby Local Plan Review and the over-arching design guidance in the National Planning Policy Framework.

3. In the opinion of the Local Planning Authority, residential development on this site, which would fall within the Derwent Valley Mills World Heritage Site and its associated Buffer Zone, would be harmful to the Outstanding Universal Value of the World Heritage Site. This is due to the site being an important part of the undeveloped rural landscape providing the setting for the Darley Abbey Mills industrial settlement, which makes a contribution to the significance of the World Heritage Site. The site is therefore highly sensitive and the proposal would result in the loss of the rural character and landscape and would change both the character and experience of this part of the setting of the World Heritage Site, eroding the clear relationship between the rural landscape and the historic settlement, which is an integral part of its contribution to the Site. The proposal is therefore contrary to saved policy E29 of the adopted City of Derby Local Plan Review and the policies in the National Planning Policy Framework.
4. The application is not supported by an archaeological evaluation of the site, to investigate for the potential evidence of a Roman Road, a site on the Historic Environment Record, which is identified as being located within the application site. Insufficient information has therefore been provided to enable the significance of the impacts of the development on the heritage asset to be properly assessed. The application does not therefore meet the requirements of the NPPF para. 128 and is accordingly contrary to saved policy E21 of the adopted City of Derby Local Plan Review.

Application timescale:

There is an extension of time agreement for determination of the application which expires on 3 October 2014 and it is brought to committee due to the strategic nature of the scheme.

