30 October 2017

To: All Councillors

As a Member or Substitute of the Planning Committee, please treat this as your summons to attend a meeting on Tuesday 07 November 2017 at 6.00pm at The Venue, Wyaston Road, Ashbourne DE6 1NB.

Yours sincerely

Sandra Lamb
Head of Corporate Services

AGENDA

SITE VISITS: The Committee is advised a coach will leave The Venue, Ashbourne at 1.30pm 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 – 10 October 2017

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.

4.1 APPLICATION NO. 17/00664/FUL (Site Visit) 6 – 12
Erection of building to form a dependent relative unit and garage at Brooklands, Brook Farm, The Square, Boylestone.

4.2 APPLICATION NO. 17/00876/OUT (Site Visit) 13 – 20
Erection of a dwelling and garage with accommodation in the roof space at Land at Ashmore Cottage, Derby Road, Doveridge.

4.3 APPLICATION NO. 17/00839/FUL (Site Visit) 21 – 33
Proposed electricity generation and storage facility at Twin Oaks, Yelt Lane, Doveridge.

4.4 APPLICATION NO. 17/00910/FUL (Site Visit) 34 – 41
Conversion of steel framed barn to dwelling - revised scheme of conversion incorporating secondary structural elements, amendments to external appearance and installation of sewage treatment plant at Barn 1, Wallands Farm, Brassington.

4.5 APPLICATION NO. 17/00374/FUL (Site Visit) 42 – 54
Erection of building for 38 retirement living apartments at Land at King Edward Street, Ashbourne.

4.6 APPLICATION NO. 17/00381/OUT 55 – 67
Erection of commercial units for B1(a), B1(c) and B8 use at Field North of GP Produce, The Hill, Cromford.

4.7 APPLICATION NO. 17/00835/FUL 68 – 75
Change of use from C2 (Residential Institution) to B1a (Offices) at St Mary’s Nursing Home, Painters Lane, Ednaston.

5. INFORMATION ON ACTIVE AND CLOSED ENFORCEMENT INVESTIGATIONS 76 – 87
To consider a status report on appeals made to the Planning Inspectorate.

Members of the Committee
Councillors Garry Purdy (Chairman), Sue Bull (Vice Chairman),
Jason Atkin, Sue Burfoot, Albert Catt, Tom Donnelly, Graham Elliott, Richard FitzHerbert, Tony Millward BEM, Tony Morley, Lewis Rose, Peter Slack and Joanne Wild

Nominated Substitute Members
Martin Burfoot, Ann Elliott, Helen Froggatt, Chris Furness, Neil Horton, Vicky Massey-Bloodworth, Jean Monks, Joyce Pawley, Mark Salt, Andrew Statham and John Tibenham.

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

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
j) 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 Venue, Wyaston Road, Ashbourne DE6 1NB at **1.30pm prompt** for the following site visits:

<table>
<thead>
<tr>
<th>Time</th>
<th>Application No.</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.50pm</td>
<td>17/00664/FUL</td>
<td><strong>BROOKLANDS, BROOK FARM, THE SQUARE, BOYLESTONE.</strong> At the request of Ward Member for Members to appreciate the site and context.</td>
</tr>
<tr>
<td>2.20pm</td>
<td>17/00876/OUT</td>
<td><strong>LAND AT ASHMORE COTTAGE, DERBY ROAD, DOVERIDGE.</strong> At the request of Ward Member to appreciate the proposal in the context of its surroundings.</td>
</tr>
<tr>
<td>2.40pm</td>
<td>17/00839/FUL</td>
<td><strong>TWIN OAKS, YELT LANE, DOVERIDGE.</strong> At the request of Officers to assess the impact of the development on local landscape character.</td>
</tr>
<tr>
<td>3.40pm</td>
<td>17/00910/FUL</td>
<td><strong>BARN 1, WALLANDS FARM, BRASSINGTON.</strong> At the request of Ward Member to consider the extent of rebuilding required and the impact of the development on the local environment.</td>
</tr>
<tr>
<td>4.15pm</td>
<td>17/00374/FUL</td>
<td><strong>LAND AT KING EDWARD STREET, ASHBOURNE.</strong> At the request of Officers to assess the proposal in its context.</td>
</tr>
<tr>
<td>4.45pm</td>
<td>RETURN TO THE VENUE, ASHBOURNE</td>
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</table>
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.
<table>
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<tr>
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<td>Erection of building to form dependent relative unit and garage</td>
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<td>H Frith</td>
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<tr>
<td><strong>APPLICANT</strong></td>
<td>Mr S Elliot</td>
</tr>
<tr>
<td><strong>PARISH/TOWN</strong></td>
<td>Boylestone</td>
</tr>
<tr>
<td><strong>AGENT</strong></td>
<td>Mr A Bennett</td>
</tr>
<tr>
<td><strong>WARD MEMBER(S)</strong></td>
<td>Cllr T Morley</td>
</tr>
<tr>
<td><strong>DETERMINATION TARGET</strong></td>
<td>04.09.17</td>
</tr>
<tr>
<td><strong>REASON FOR DETERMINATION BY COMMITTEE</strong></td>
<td>Requested by Ward Member</td>
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**MATERIAL PLANNING ISSUES**

- Principle of development
- Impact upon character and appearance

**RECOMMENDATION**

Refusal
17/00664/FUL

Brooklands, Brook Farm, Boylestone

Derbyshire Dales DC

Date: 25/10/2017

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 application site is currently the residential curtilage of the adjacent dwelling which is a converted agricultural building. There is an embankment running along the east of the site which forms a boundary to open countryside. To the north of the site is an existing agricultural shed. The converted barns form a range of single storey buildings around a courtyard, the barns are of brick construction.

2.0 DETAILS OF THE APPLICATION
2.1 Planning permission is sought to erect a dependent relative unit as a detached building within the garden of the adjacent Brooklands which is part of a converted barn range.

2.2 The proposed building is to be sited in the north east corner of the plot built into the embankment. The building is proposed to be of brickwork with Staffordshire blue clay tiles to the roof. To the front west facing elevation there would be a garage door of vertical boarding with large glazed opening adjacent to this and a small window opening above nestled under the eaves. To the southern facing side elevation the upper part of the building is proposed to be glazed to the apex of the ridge accessed via the upper part of the embankment. Two roof lights are proposed to the rear facing roof slope and three high levels windows would nestle beneath the eaves to the east facing rear elevation. A ramped access path would be formed from the dwelling to the upper floor of the building. The accommodation proposed would form a garage and carers accommodation on the ground floor with living area ad kitchen, shower and bedroom on the upper floor.

2.3 The building would be to accommodate the applicant’s brother who has both learning and physical disabilities.

3.0 PLANNING POLICY AND LEGISLATIVE FRAMEWORK
1. Adopted Derbyshire Dales Local Plan (2005)
   SF4: Development in The Countryside
   SF5: Design And Appearance of Development
   H3: Dependent Persons Units
   TR1: Access Requirements And The Impact Of New Development
   TR8: Parking Requirements For new Development
2. National Planning Policy Framework
   National Planning Practice Guidance
   The Conversion Of Farm Buildings Design Guidance - Supplementary Planning
   Document Adopted November 2005

3. Deposit Draft Local Plan
   Policy PD1: Design And Place Making
   Policy HC12: Elderly Needs Accommodation

4.0 RELEVANT PLANNING HISTORY:
   15/00725/FUL Incorporation of land into domestic curtilage and erection of detached
   garage – Permitted with conditions.

5.0 CONSULTATION RESPONSES

Parish / Town Council
5.1 No objection. However the parish would like to ensure that in line with other applications of
this nature in the village the application is permitted provided that the occupation be in
connection with and incidental to the adjacent property Brooklands, Brook Farm, The
Square, Boylestone.

Derbyshire County Council (Highways)
5.2 The proposals are for a dwelling and associated garage for a dependant relative. The site
is served by a private track access which continues as footpaths to the north west. The
location is somewhat remote from local services, amenities and facilities. There is no
linking pedestrian route and it is considered that future occupiers will be reliant on the
private car.

The red line development boundary has no frontage to a public highway and I shall
presume that your Authority will clarify whether the applicant has the necessary rights of
vehicular access and that these can be assigned to future occupiers.

Whilst the existing access does not conform to current design criteria it is not considered
that the proposed dwelling for a dependant relative would result in any significant increase
in traffic movements over and above existing.

There would appear to be sufficient space within the site curtilage to provide an
appropriate level of on-site parking and turning.

The applicant will need to consult with the relevant refuse collection department to
ascertain details of what will be acceptable to them in terms of number and location of
bins. Bin storage should not obstruct the private drive access, parking or turning
provision. Additionally a dwell area for bins should be provided, clear of the public
highway, for use on refuse collection days.

In this instance the Highway Authority is not aware of any existing highway safety issues
that would justify a reason for refusal that could be substantiated at appeal, conditions are
recommended.

6.0 REPRESENTATIONS RECEIVED
None

7.0 OFFICER APPRAISAL

The following material planning issues are relevant to this application:
Principle of development

7.1 Policy H3 of the Adopted Derbyshire Dales Local Plan states that:
Planning permission will be granted for dependent persons units provided that:
(a) the scale of the dependent person unit is commensurate with the needs of the dependent person and;
(b) it would not result in a detrimental impact on the character and appearance of the dwelling or buildings or group of buildings and its surroundings and;
(c) it does not result in a significant loss of privacy or amenity for residents of neighbouring properties.
The Council will impose conditions in respect of dependant persons units to ensure that they are occupied in association with the main dwelling and are not capable of independent occupation after the use ceases.

7.2 Emerging Policy HC12 states:
The District Council will support the provision of accommodation for older people which ensures that they are able to sustain on-going independence either in their own homes or with the support of family members. To enable this, the Council will support evidence-based proposals for the creation of self-contained annexes and extensions to existing dwellings in order to accommodate an elderly or disabled dependent.
Planning permission will be granted for the creation of an annexe where there is a clear justification for a dependant or full-time carer provided the following criteria are met:
a) the annexe is linked to the main dwelling by an internal door or doors;
b) the annexe is readily convertible into an extension to the main dwelling when no longer required for family health circumstances.
Permission may be granted to convert an existing outbuilding within the curtilage of a dwelling house to a self-contained annexe where it is not possible to attach the outbuilding to the main house. Any such application will require a legal agreement to ensure that a new dwelling is not created in an unsustainable location. Any outbuilding to be converted must be closely related to the main dwelling and have shared parking and amenity (garden) space.
Whilst this is an emerging policy, given the status of the plan, the emerging policies now have considerable weight in the decision making process.

7.3 Whilst the emerging policy HC12 does not allow for the erection of a new building for dependent relatives, it is nevertheless considered that in this justified case where an extension is not possible due to the constraints of the existing dwelling and there is no outbuilding available to convert, it is reasonable to allow for the erection of a detached unit as the only available alternative to provide for the identified need.

7.4 In this case the scale of the accommodation is considered to be commensurate with the needs of the dependent person including the need for carers accommodation. The need is not in doubt in this case. Given the complexities of the need and the existing layout and form of the barn conversion, it is not considered that the accommodation could be provided as an extension to the existing dwelling.

7.5 The proposed building would be within approximately 10m of the boundary of the garden to the neighbouring property with a first floor bedroom window looking over the garden of
that neighbouring property. Whilst this proximity would have a modest impact upon the amenity of those neighbouring residents it is not considered that there would be sufficient loss of amenity that refusal on this basis is warranted.

**Impact upon character and appearance**

7.6 The proposed building is visually related to the adjacent range of converted barns. As such any development here should respect the character and appearance of the farm grouping in accordance with The Conversion Of Farm Buildings Design Guidance - Supplementary Planning Document Adopted November 2005.

7.7 Barn ranges and groups are a dominating characteristic of the countryside which typify the prevailing character of an area. Whilst the conversion of such buildings is often allowed it is always the intention that such conversions would retain the character and appearance of the original buildings without significant alteration and extension. Guidance regarding this is set out in detail in the Conversion Of Farm Buildings Design Guidance - Supplementary Planning Document (SPD) Adopted November 2005.

7.8 This document advises that farm buildings by their nature, are simple, functional structures generally built for agricultural uses. This is an important and significant element of the character and appearance. The setting of a farm building or group of buildings has its own distinctive character and appearance. Associated with such buildings there are often subsidiary buildings that served the operation of the farm and such buildings are important elements in the overall setting of farm buildings.

7.9 In this case the proposed building to be sited within the setting of the farm grouping is an altered form of an approved garage building to serve the dwelling. In terms of such buildings the SPD advises that new structures such as garages will require very careful design consideration in terms of its appearance, form and detailing in order to minimise its visual impact on the setting of the farm grouping.

7.10 The original garage proposal being nestled into the embankment at the back of the site with simple design and form was considered to be an acceptable addition to the setting of the converted barns. Works have not commenced on the approved garage.

7.11 This proposal seeks to amend that approved form of the garage to erect a building for a dependent relative unit and garaging. This proposal is approximately 0.7m higher than the approved garage, with raised eaves, upper floor windows and large glazed element to the side elevation.

7.12 The two storey appearance of the building, increased height and glazed element result in a form of building that is incongruous within the context of a barn range. The building being overtly domestic in appearance is considered harmful to the character and appearance of the adjacent barns and contrary to policies SF4, SF5 and part b) of policy H3 of the Adopted Derbyshire Dales Local Plan, design guidance contained within the Conversion Of Farm Buildings Design Guidance - Supplementary Planning Document (SPD) Adopted November 2005, Policy PD1 of the Deposit Draft Local Plan and guidance contained within the National Planning Policy Framework.

**Conclusion**

7.13 It is considered that the proposed building will be harmful to the character and appearance of the barn range. However, as there is clearly a need for the building and as such there is sympathy with the applicant in this respect it is nevertheless considered that an appropriate alternative form and design of building possibly of an elongated form would be acceptable.
8.0 **RECOMMENDATION**
That planning permission be refused for the following reason(s).

The two storey appearance of the building, increased height and glazed element to the side elevation results in a form of building that is incongruous within the context of a barn range and as such is harmful to the setting of the existing buildings and character and appearance of the barn range. The proposal is therefore contrary to policies SF4, SF5 and part b) of policy H3 of the Adopted Derbyshire Dales Local Plan, design guidance contained within the Conversion Of Farm Buildings Design Guidance - Supplementary Planning Document (SPD) Adopted November 2005, Policy PD1 of the Deposit Draft Local Plan and guidance contained within the National Planning Policy Framework.

9.0 **NOTES TO APPLICANT:**

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

9.2 This decision notice relates to the following documents:
Plan 30SE 06 received 07.07.17
Supporting information received 10.07.17
Site location plan received 1.07.17
<table>
<thead>
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<tr>
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<td>Land at Ashmore Cottage, Derby Road, Doveridge</td>
</tr>
<tr>
<td><strong>DESCRIPTION OF DEVELOPMENT</strong></td>
<td>Erection of a dwelling and garage with accommodation in the roof space</td>
</tr>
<tr>
<td><strong>CASE OFFICER</strong></td>
<td>Mr. Andrew Stock</td>
</tr>
<tr>
<td><strong>APPLICANT</strong></td>
<td>Mr &amp; Mrs Golding</td>
</tr>
<tr>
<td><strong>PARISH/TOWN</strong></td>
<td>Doveridge</td>
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<tr>
<td><strong>AGENT</strong></td>
<td>JMI Planning</td>
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<td>Cllr. A. Catt</td>
</tr>
<tr>
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<td>1st November 2017</td>
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**MATERIAL PLANNING ISSUES**
- Principal of the development and landscape impact
- Highway safety

**RECOMMENDATION**
Refusal
17/00876/OUT
Ashmore Cottage, Doveridge

Derbyshire Dales DC
Date: 25/10/2017
100019785
1. **THE SITE AND SURROUNDINGS**

1.1 The site lies outside the settlement framework boundary as defined by the both the adopted Derbyshire Dales Local Plan and proposed in the Deposit Draft Local Plan.

1.2 The application site is a level area of garden land associated with the dwelling known as ‘Ashmore Cottage’ which is a two storey, traditional brick and tiled dwellinghouse, accessed directly off Derby Road via gravel driveway.

1.3 The site comprises the host dwellinghouse and detached timber outbuilding. The site is bounded by Derby Road to the west, amenity garden to the north and paddock land to the east and south. Steve Foster Cranes lies further north east of the application site.

2. **DETAILS OF THE APPLICATION**

2.1 The application is in outline with all matters reserved except for means of access. Outline planning permission is sought to erect a single dwelling with associated garaging within the garden area of Ashmore Cottage. The development would be accessed directly off Derby Road.

2.2 The application is accompanied by an illustrative layout which shows a four bedroomed, two storey dwellinghouse with a detached double bay garage to the rear.

3. **PLANNING POLICY AND LEGISLATIVE FRAMEWORK**

3.1 Adopted Derbyshire Dales Local Plan (2005)

- **SF4** Development in the Countryside
- **SF5** Design and Appearance of Development
- **SF8** Catering for the Needs of People with Disabilities in Development and Redevelopment
- **H4** Housing Development Outside Settlement Framework Boundaries
3.2 Deposit Draft Derbyshire Dales Local Plan:
S2 Sustainable Development Principles
S3 Settlement Hierarchy
S5 Development in the Countryside
PD1 Design and Place Making
PD5 Landscape Character
PD6 Tree, Hedgerows and Woodland
HC1 Location of Housing Development

3.3 Other:
National Planning Practice Guidance

4. RELEVANT PLANNING HISTORY
17/00515/OUT Erection of dwelling (outline) REFUSED

5. CONSULTATION RESPONSES

5.1 Parish Council
No objections

5.2 Derbyshire County Council (Highways)
No objection, subject to conditions.

5.3 Landscape Officer
Though the site is well contained by existing boundary treatments and is in close association with the existing house the new dwelling will be prominent within the view along Derby Road and will be additional to the mass of existing development here. In this regard there will be some adverse impact on local visual amenity though this is unlikely to be significant.

However, the site falls outside the settlement development boundary. It also represents the beginnings of ribbon development along this side of Derby Road where the settlement pattern is characterised by highly fragmented development. It would also seem to be unwarranted in that the Council believes it can now demonstrate a sufficient future housing supply.

6. REPRESENTATIONS RECEIVED
6.1 None received.

7. OFFICER APPRAISAL

Policy Context

7.1 The Derbyshire Dales Local Plan, adopted in 2005 comprises the development plan for the area. Its policies have been saved and continue to carry significant weight where
they are consistent with guidance contained within the National Planning Policy Framework (2012). The National Planning Policy Framework (NPPF) was published in March 2012. Whilst the Framework does not change the statutory status of the development plan as the starting point for decision-making, policies contained within the Framework are material considerations which must be taken into account.

7.2 Paragraph 216 allows the decision taker to give weight to relevant policies in emerging plans according to the stage of preparation of the emerging local plan with greater weight given to more advance emerging local plans, the degree of consistency of relevant policies in the emerging local plan to the policies in the Framework and the extent to which there are unresolved objections to relevant policies.

7.3 For the purposes of housing delivery the relevant policies of the Adopted Local Plan (2005) are currently to be regarded as being 'out of date'. As such, in accordance with paragraph 14 of the NPPF the Council should grant permission for sustainable development unless:

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or

- specific policies in this Framework indicate development should be restricted.

7.4 The emerging Local Plan has now been scrutinised at examination with the inspector satisfied that adequate housing land supply has been identified. Agreed modifications have been published inviting further comment. Based on up-to-date analysis of development that will come forward in the next five years the Council can identify a rolling five year supply of housing land. It is also the case that policies and strategic allocations within the emerging local plan will also provide for enough housing land throughout the plan period to meet the District Councils objectively assessed housing needs.

7.5 The policies of the emerging local plan can now be afforded substantial weight and of particular relevance in this case is the draft settlement framework boundary identified for Doveridge.

7.6 Having regard to the policies of the development plan, which can be afforded weight, guidance contained within the National Planning Policy Framework (NPPF), the draft policies of the emerging local plan and consultation responses received the main issues to assess are:

1. Principal of the development and landscape impact
2. Highway safety

**Principal of the development and landscape impact**

7.7 The application site is located to the north of Derby Road. The newly proposed settlement development boundary for Doveridge does not include land to the north of Derby Road at this point. Doveridge is designated as a third tier settlement defined as Accessible Settlements with Some Facilities within Policy S3 in the emerging Derbyshire Dales Local Plan.

7.8 Tier 3 settlements are identified as possessing some facilities and services that, together with local employment, provide the best opportunities outside the first and second tier settlements for greater self-containment. It is stated that new development should be
focused within the settlement boundaries of these settlements in accordance with their scale, role and function unless otherwise indicated in the Local Plan.

7.9 The settlement boundary runs along the southern edge of Derby Road which lies opposite the application site. Derby Road is considered to be the natural settlement edge of Doveridge with the application site being disconnected form the existing built form of the village by Derby Road.

7.10 The landscape sensitivity to housing development within the district was independently assessed in, the ‘Derbyshire Dales District Council Landscape Sensitivity Study – Wardell Armstrong’ in 2015. The application site is assessed as having high landscape sensitivity to housing development whereas the site on the opposite side of Derby Road, which has planning permission for up to 70 dwellings, was considered to have low landscape sensitivity by Wardell Armstrong 2015.

7.11 The Councils Landscape Officer states that though the site is well contained by existing boundary treatments and is in close association with the existing house the new dwelling will be prominent along Derby Road and will add to the mass of existing development with the immediate setting. He concludes that the proposal will have some adverse impact on local visual amenity though this is unlikely to be significant but reiterates that the site falls outside the settlement development boundary and would represent the beginnings of ribbon development along this side of Derby Road where the settlement pattern is characterised by highly fragmented development.

7.12 Based on the settlement boundary proposed and the harm identified it is considered that the proposal would lead to an unwarranted and intrusive form of residential development, resulting in further ribbon development along the eastern side of Derby Road, outside the defined settlement boundary of Doveridge, that would neither preserve nor enhance the character and appearance of this part of Doveridge contrary to Policies SF4, SF5 and NBE8 of the Adopted Derbyshire Dales Local Plan (2005), Policies S3, S5, HC1, and PD5 of the Deposit Draft Local Plan and guidance contained within the National Planning Policy Framework (2012).

Highway Safety

7.13 The application is in outline with all matters reserved except for means of access.

7.14 One of reasons for refusal of previous application 17/00515/OUT was that insufficient information has been submitted to demonstrate that adequate visibility sightlines from the proposed site accesses can be achieved. Without such information the Local Planning Authority cannot be satisfied that the development would be served by vehicular accesses onto Derby Road that would not pose a danger to the future occupants of the dwellings or other road users contrary to the aims of Policy TR1 of the Adopted Derbyshire Dales Local Plan and guidance contained within the National Planning Policy Framework (2012).

7.15 This application is accompanied with a Supplementary Planning Statement prepared by JMI Planning Limited and Indicative Site Layout: Visibility Splay Plan which looks to address the above reason for refusal.

7.16 Following consultation with the Local Highway Authority with new supporting information it was determined that adequate emerging visibility splays of 2.4m x 102m to the north west and 2.4m x 104m to the south east can now be achieved on site, as illustrated on application drawing number A3138-002.
7.17 However, whilst these sightlines are achievable, the sightline as drawn to the north west would create a large blind spot due to the alignment of the road. Therefore, in order to achieve the required 2.4m x 102m sightline in this direction, a small section of the fronting hedgerow immediately to the north west of the proposed vehicular access may require removal/setting back. As the land lies within the applicants control the Local Highway Authority raise no objection to the application, subject to a visibility condition to ensure that the visibility sightlines are agreed prior to any works commencing.

7.18 In creating the access there is likely to be considerable disruption to the roadside verge including the removal of hedgerow to achieve the adequate visibility splays required for an appropriate access. The consequence of the works would result in further adverse impacts on the character of the road and visual amenity on the approach to the village from the south.

7.19 Internally, adequate parking is being provided for the single dwelling and sufficient space is being made available to ensure all vehicles, including service and delivery vehicles, can enter the site, turn and exit in a forward gear.

Conclusion

7.20 Paragraph 14 of the NPPF requires the decision maker in assessing the merits of an application to grant permission unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the framework taken as a whole.

7.21 There would be some public benefit derived from the proposal but this would be limited the delivery of a single dwelling in a lower order settlement to help sustain the existing services and facilities in the village. There would also be some modest economic benefit associated with the construction of a single dwelling and additional resident spend.

7.22 However, when all of the above matters are weighed in the balance and having due regard to all the elements of the NPPF and the ability of the District Council to demonstrate a five year housing land supply, it is considered the harm caused to the character and appearance of the immediate landscape through ribbon development in this sensitive location weighs heavily against the development and would, significantly and demonstrably outweigh the limited benefits that would be derived from the erection of a single dwellinghouse in this location, thereby failing the test of Paragraph 14 of the NPPF and the relevant policies contained within the Adopted Local Plan and the emerging Local Plan.

7.23 Accordingly the application is recommended for refusal.

8. RECOMMENDATION
That planning permission be refused for the following reason(s);

1. The proposal would lead to an unwarranted and intrusive form of residential development, resulting in further ribbon development along the eastern side of Derby Road, outside the defined settlement boundary of Doveridge, that would neither preserve nor enhance the character and appearance of this part of Doveridge contrary to Policies SF4, SF5 and NBE8 of the Adopted Derbyshire Dales Local Plan (2005), Policies S3, S5, HC1, and PD5 of the Deposit Draft Local Plan and guidance contained within the National Planning Policy Framework (2012).
NOTES TO APPLICANT:

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

2. This decision notice relates to the following documents: Submitted plans date stamped 6th September 2017.
### APPLICATION NUMBER
17/00839/FUL

### SITE ADDRESS:
Twin Oaks, Yelt Lane, Doveridge

### DESCRIPTION OF DEVELOPMENT
Proposed Electricity Generation and Storage Facility

### CASE OFFICER
Mr Chris Whitmore

### APPLICANT
Mr Paul Van Reyk

### PARISH/TOWN
Doveridge

### AGENT
Mr Robert Shaw

### WARD MEMBER(S)
Cllr Albert Catt

### DETERMINATION TARGET
29th November 2017

### REASON FOR DETERMINATION BY COMMITTEE
Major development

### REASON FOR SITE VISIT (IF APPLICABLE)
To assess the impact of the development on local landscape character

### MATERIAL PLANNING ISSUES

- The nature of the facility and whether it constitutes appropriate development in the countryside;
- The impact of the development on the local landscape;
- Highway safety, and
- The local environment, including ecology, residential amenity and pollution.

### RECOMMENDATION
Refusal
17/00839/FUL

Land East of Twin Oaks Farm, Yelt Lane, Doveridge

Derbyshire Dales DC

Date: 25/10/2017

100019785

1:2,500

Crown Copyright and database rights (2016) Ordnance Survey (100019785)

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 located within an agricultural field in open countryside, approximately 400m to the south east of the property at Twin Oaks, located on the south eastern edge of Doveridge. The field is large and open with a well-established field boundary hedgerow extending along the western boundary with Yelt Lane (see photograph 1). The field falls away in a southerly direction and is bound to the east by Brocksford Brook.

1.2 The field and the field to the north, which are currently separated by a low level hedge benefit from extant planning permission for a 5Mw solar farm (extending to 9.76 hectares and including servicing structures, an access track, security fencing and screen planting on the northern and southern boundaries) and a 5Mw flexible generation facility, which is currently under construction (see photograph 2).

2. **DETAILS OF THE APPLICATION**

2.1 It is proposed to install a gas peak power / balancing and battery energy storage facility at the north western corner of the field, to the south of the approved diesel flexible energy generation facility and close to the western boundary of the field. It will comprise 14 no. gas powered generators each with a 9m high flue, 6 no. liquid natural gas vaporisers up to 7.3 metres in height, 2 no. oil tanks up to 6 metres in height, 12 no. battery containers, 2 no. transformer units, a liquid natural gas container; a substation and associated hard standings and parking spaces. The associated compound (82 m x 56.2 m) will be surrounded by an acoustic security fence. Access will be gained via a new track off Yelt Lane. Trees and hedgerows will be planted around the perimeter of the compound. The electricity generation capacity will be 21Mw.

2.2 The scheme will be operational for 25 years. Factoring in 1 additional year for construction and decommissioning, permission is sought for a 27 year period. The applicant advises that once decommissioned, the infrastructure will be completely removed and the site returned to a field.

2.3 The applicant in a supporting planning, design and access statement advises that the location for the development has been chosen for the following reasons:

- The need to connect the facility to the local distribution network.
- The presence of a suitable grid connection, which are in short supply and generally expensive. In this instance, the cost of connection is very high and so by sharing
the connection with the consented solar farm and diesel flexible generation facility it will significantly improve the viability of all projects.

- Noise and air quality considerations mean it is better located away from sensitive receptors, especially settlements and properties.
- The facility is located within a site where the principle of an energy development of this nature has been proven by the consented solar farm and flexible generation facility.

2.4 A separate application for hazardous substances consent, under code ref. 17/00858/HAZ has been submitted to deal with the volumes of liquefied gas to be stored on site. This application will consider the likelihood of a major accident and the consequences on human health.

2.5 In response to the Health and Safety Executive’s initial comments relating to the Hazardous Substances Consent application, amended plans have been submitted which show the gas tanker loading area in a different location and amendments to the access road so that it can accommodate the size of vehicles that would service the facility.

3. PLANNING POLICY AND LEGISLATIVE FRAMEWORK

3.1 Adopted Derbyshire Dales Local Plan (2005)

SF4: Development in the Countryside
SF5: Design and Appearance of Development
SF6: Protection of the Best Agricultural Land
NBE7: Features Important in the Landscape
NBE8: Landscape Character
NBE26: Landscape Design in Association with New Development
NBE27: Crime Prevention
TR1: Access Requirements and The impact Of New Development

3.2 Deposit Draft Derbyshire Dales Local Plan

S2: Sustainable Development Principles
S5: Development in the Countryside
S10: Rural Parishes Development Strategy
PD3: Biodiversity and the Natural Environment
PD5: Landscape Character
PD7: Climate Change
PD9: Pollution Control and Unstable Land
HC19: Accessibility and Transport

3.3 Other:

National Planning Practice Guide

4. RELEVANT PLANNING HISTORY

<table>
<thead>
<tr>
<th>Code</th>
<th>Description</th>
<th>Status</th>
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</thead>
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<tr>
<td>17/00858/HAZ</td>
<td>Hazardous Substances Consent for the storage of Liquefied natural gas at proposed electricity generation facility</td>
<td>Awaiting determination</td>
</tr>
<tr>
<td>16/00561/FUL</td>
<td>5Mw flexible generation facility and associated access</td>
<td>Granted</td>
</tr>
<tr>
<td>15/00527/FUL</td>
<td>Change of use of land to 5mw solar farm with associated infrastructure</td>
<td>Granted</td>
</tr>
</tbody>
</table>
5. CONSULTATION RESPONSES

5.1 Doveridge Parish Council:
Object and make the following comments:

*This application is for a large industrial power station which is considered to be too intrusive, inappropriate and totally out of place in the countryside. The access is poor. There are no emergency services based in close proximity. There are concerns about noise and it is felt such a development would be intrude on village life.*

5.2 Local Highway Authority:
Make the following comments:

The Highway Authority has previously highlighted the limitations of the existing highway network at this location; whilst Yelt Lane is considered to be lightly trafficked it does have limited geometry and construction quality with little opportunity for vehicles to pass along its length. The previous consented applications derived access via a modified agricultural access towards the northern end of the lane, however, the current proposals intend to take an independent access for the proposed facility further south – utilising a considerably longer section of Yelt Lane.

The previous application proposals have identified that there will be a relatively intense level of vehicle activity during the construction period, however, in their operational phase the proposals would require minimal future maintenance or inspection visits. However, it is noted the current proposals will have similar levels of construction activity, although there will thereafter be regular weekly visits by a number of HGV's delivering fuel to the facility (this is identified as an average of 3 to 4 times a week, although during peak demand this is likely to increase). This could lead to additional conflict and additional / accelerated deterioration along the length of Yelt Lane.

Whilst it is likely acceptable access arrangement, supported by visibility sightlines commensurate with vehicle speeds are likely to be achievable the above issues (additional conflict and potential unsuitability of Yelt Lane) are of concern to the Highway Authority.

The Highway Authority would look for the possibility of passing bays to be introduced at key points along the length of Yelt Lane, north of the proposed access point, to avoid vehicles needing to reverse excessive distances – details would need to be submitted as to where these inter-visible facilities could be located. The vehicle tracking exercise also identified that local carriageway improvements would be required to accommodate the fuel delivery vehicle. In line with previous comments made and consents issued the Highway Authority would also look to retain a condition relating to ‘before and after’ visual condition surveys being undertaken, together with an action strategy for any remedial works, to rectify any damage caused to the highway network – in this instance this may need to extend beyond the construction period given the future on-going deliveries to the site during its operation.

It is however noted that the current application is being promoted by the same applicant as that of the recently consented flexible generating facility, approved under application reference 16/00561/FUL. This application provided an internal access track to serve the site from the previously approved access point for the solar farm development. Given the flexible generating facility site and current peak power and grid balancing facility are almost immediately adjacent each other I would query whether it would be possible to extend the internal access track further, to serve both facilities. This would reduce / minimise vehicle conflict and negate the need for additional passing places to be provided,
or potential highway improvements to accommodate the anticipated delivery vehicles, along the additional section of Yelt Lane.

5.3 Landscape Officer (Derbyshire Dales District Council):

I am very concerned about the nature of the facility proposed; its capacity; its likely impact on local landscape character and visual amenity; the cumulative impact of the facility in combination (particularly) with the permitted flexible generation facility and its appropriateness within an isolated location in open countryside.

This is an industrial facility for electrical power generation using a fossil fuel source which must be delivered to and stored on site prior to use. It is similar in this respect to the permitted flexible generation facility but is bigger both in physical size and generation capacity.

Though it is proposed as being supportive of renewable and low carbon power generation facilities it is not in itself sustainable development. In addition and, currently, it is not certain that the associated solar farm will be developed (though the applicants say it is their intention to do so).

The generation capacity of the facility is 21 Mw which is more than twice that of the solar farm and the flexible generation facility combined. In combination with the flexible generation facility 26 Mw will be available to ensure continuing electricity supply. This is, presumably, to cover the shortfall during periods of fluctuating supply from a range of renewable and low carbon generating facilities in the wider area not just the associated solar farm.

The facility is likely to have substantial adverse cumulative impact on landscape character and visual amenity over and above that of permitted development. Multiple 9 metre high flues and units of up to 7.3 metres in height in combination with extended lengths of acoustic security fence will have a higher visual and obviously industrial prominence. It will be particularly evident during the months when there are no leaves on the trees proposed to be planted in mitigation of such impact.

This type of facility can be located anywhere and an industrial or brownfield site is more appropriate than the one proposed. As such the development represents unwarranted intrusion into the countryside.

5.4 Land Drainage Authority (Derbyshire County Council):

Do not wish to comment. Refer the District Council to their standing advice.

5.5 Head of Environmental Health:

Raise no objections in principle, however, advise that both the air quality and noise reports submitted to support this application do not consider the previously approved application for a 5Mw flexible generation facility (16/00561/FUL) to be sited adjacent to this proposed facility. They recommend that an air quality report and noise assessment be carried out in order to establish the accumulative effects of the electricity generating facilities on this site as a whole.

It is also recommended that the applicants be made aware that they may need to apply for a permit for energy activities under the Environmental Permitting Regulations 2016.
5.6 Environment Agency:

 Raise no objection to the proposed development but make the following comments:

*The applicant/developer should refer to our ‘Groundwater Protection: Principles and Practice’ (GP3) document, available from gov.uk. This sets out our position on a wide range of activities and developments, including the storage of pollutants and hazardous substances.*

*All precaution must be taken to avoid discharges and spills to ground both during and after construction. For advice on pollution prevention measures, the applicant should refer to guidance available on our website ([www.gov.uk/environment-agency](http://www.gov.uk/environment-agency)).*

5.7 Natural England:

 Do not wish to comment. Refer the District Council to their standing advice.

5.8 Development Control Archaeologist (Derbyshire County Council):

 Makes the following comments:

 The site lies at the interface between the alluvial floodplain and the gravel terraces of the River Dove. The floodplain has been subject to episodes of Holocene alluviation, but is also associated with evidence for prehistoric and Romano-British activity. Of particular relevance is a site (HER 19135) 700m south of the current application boundary, where prehistoric activity and Roman industry (ring ditch, gully, pits, field system, two kilns and hearths) was recorded during installation of a gas pipeline during 2000. The archaeological features were dug into, and sealed by, alluvial silts, meaning that the site was not identifiable by cropmarks or surface artefacts. Alluvial depths in the Dove floodplain are likely to vary widely according to the sub-surface geo-archaeology. However, on the excavated site to the south, some archaeological features were visible on stripping of topsoil only, and the remainder became visible once only 0.10m of alluvium was removed. This suggests that the archaeological features lay only around 0.25-0.30m below the current ground surface.

 The free-draining gravel terraces also have a strong correlation with prehistoric/Romano-British archaeology, although few sites are known from the Doveridge area – perhaps due to the historic prevalence of pasture (high survival of ridge and furrow) providing limited opportunity for the recording of cropmarks. Of some significance, however, is a cropmark and earthwork site relating to medieval archaeology at Palmer Moor, 400m to the NE.

 The proposal site lies within the previously consented solar farm site at Twin Oaks, which is subject to an archaeological condition requiring monitoring of groundworks. Geophysical survey of the site did not identify potential archaeological features, but a masking effect from the alluvial cover is possible. This monitoring work has not yet been carried out and I recommend that the same approach is appropriate here.

 A condition requiring that no development takes place until a written scheme of investigation (WSI) for archaeological work has been submitted to and approved in writing by the Local Planning Authority is recommended.

6. **REPRESENTATIONS RECEIVED**

6.1 Representations have been received from seven local residents, six objecting to the proposed development and one questioning whether work has already commenced on site.
In objecting to the proposed development the following concerns have been raised:

**Principle**
- This is an industrial scale development on a green field.
- The site requires liquid gas to be transported to and stored on site.
- The amount of gas stored in one place, so close to a growing village seems to be a recipe for disaster.
- Changes in tariffs may have been missed and I empathise with the applicant regarding the loss of earnings but better time management could have avoided this.
- Although this method of energy production is supposed to produce much less CO₂ emissions than other fossil fuels it is still not a sustainable way to ensure the village has enough electricity for the proposed housing developments.
- This plant contains no renewable energy source.
- The extra generation is not required in the locality and should be sited in regions with higher than average consumption figures.

**Impact on the character and appearance of this part of the countryside / the local landscape**
- The height of the development would ruin the far reaching views of the countryside.
- The trees on the diagrams are mature trees and will take decades to grow to the size indicated.
- The development would be a monstrous blot on the landscape.
- The site is located in a beautiful part of the Dove Valley. The development would cause significant harm to the character of the village. Yelt Lane forms part of a beautiful circular walk, linking various public footpaths.

**Highway Safety**
- The entrance to the site is unsuitable.
- There will be increased traffic towards Uttoxeter which will increase the number of vehicles through the village. This, along with the traffic from the current homes being built and those proposed will overwhelm the roundabout within the village.
- Yelt Lane can be approached from Derby Road via two entrances - to the east and to the west of Bell Farm. The entrance to the east has a blind bend with very limited visibility on a single track lane and would be dangerous in places to encounter HGVs transporting hazardous substances. The run to the Yelt Lane / Lower Street cross roads is also a 400 metre single track lane with no passing places.
- The submitted drawings show desired cuts to the road frontage outside of Yelt Farm. That road frontage is in the deeds to Yelt Farm and no permission to make such cuts have been sought, nor would it be given.

**Noise and Pollution**
- The development will cause pollution due to deliveries.
- The development will result in traffic noise.
- The generators are going to create noise 24 hours a day.
- The predicted noise levels will be significant for the local residents.
- Gas will have to be delivered by HGV, having a further detrimental impact to the air quality and all round sustainability of the project.
- A 21Mw gas generation plant will be significantly louder than a near silent solar farm.
Impact on Ecology

- The preliminary ecological appraisal relates to the previous solar farm.

Other Matters

- An accidental ignition of LPG would cause a significant risk to local residents.

7. OFFICER APPRAISAL

7.1 As set out in the site and surroundings and relevant history sections of this report and in the applicant’s supporting planning, design and access statement, the Local Planning Authority have previously granted planning permission for a 5Mw solar farm which includes the application site and a 5Mw flexible energy generation facility to the north. In granting planning permission for this smaller flexible energy generation facility, great weight was given to the role it would play in supporting the development of a low carbon economy, working with the approved 5Mw solar farm and other renewable energy installations in the locality. The case put forward by the applicant at that time was that it would be an emergency back-up plant that would consequently be operational only 2% of the time and that the operation would generally coincide with peak demands, for example early evenings and winter. The applicant indicates that this further stand-alone facility would be operational for up to 2000 hours a year. This is the equivalent of up to 83 full days and will also provide additional power capacity at peak demand.

7.2 Having regard to the development proposal, development plan policies, consultation comments and representations received and national planning guidance, the main issues to assess in the consideration of this application are:

- The nature of the installation and whether it can be construed as being appropriate development in the countryside;
- The impact of the development on the local landscape;
- highway safety, and
- the local environment, including ecology, residential amenity and pollution.

The nature of the facility and whether it constitutes appropriate development in the countryside

7.3 There are no policies that deal specifically with flexible energy generation facilities in the Adopted Derbyshire Dales Local Plan. There is, however, a countryside protection policy (SF4) which requires development to be appropriate in scale and nature to a rural area and to preserve the character and appearance of the countryside. Similar provisions are contained within the emerging Derbyshire Dales local plan policy S5. Given the advanced stage that the emerging plan has now reached in the plan making process, substantial weight has been given to its policies by appointed planning inspectors in recent appeal decisions. Policies contained with this emerging plan align closely with guidance contained within the National Planning Policy Framework.

7.4 Policy PD7 of the emerging local plan states that the District Council will promote a strategy that seeks to mitigate global warming, adapts to climate change and respects its environmental limits, by amongst other considerations supporting the generation of energy from renewable or low-carbon sources, provided that the installation would not have significant adverse impact (either alone or cumulatively) and ensuring that renewable / low carbon energy generation developments and associated infrastructure are supported by requiring Design Statements to include an assessment of how any impacts on the environment and, including cumulative landscape, noise and visual impacts, can be
avoided and/or mitigated. Where renewable/low carbon energy development accords with these principles the policy advises that, proposals should demonstrate the following:

a) The impact of the scheme, together with any cumulative impact (including associated transmission lines, buildings and access roads), on landscape character, visual amenity, water quality and flood risk, the historic environment and heritage assets as well as their setting and biodiversity.

b) Evidence that the scheme has been designed and sited to minimise any adverse impact on the surrounding area for its effective operation.

c) The nature and extent of any adverse impact on users and residents of the local area, including shadow flicker, air quality and noise.

d) The direct benefits to the area and local community.

7.5 Whilst it is recognised gas energy generation facilities will play an important supporting role in the continuing growth of renewables, a flexible energy generation facility is already being constructed on site to assist with system operation and to offset some of the variable output associated with renewable generation of nearby solar farms. To support this existing network it was indicated that this facility would only need to be in operation 2% of the time. Part of the applicant’s case is that by sharing the connection with the consented solar farm and diesel flexible generation facility it will significantly improve the viability of all projects. Given that the approved flexible generation facility is under construction (and must therefore be viable) and the application, as presented, is not connected to, nor could any mechanism be put in place to ensure the delivery of the consented solar farm, this argument is not considered to carry any significant weight.

7.6 For reasons set out above, it is not considered that the development is necessary to support the generation of energy from renewable or low-carbon sources in this case. In addition, the applicant has failed to demonstrate / set out why a facility of this nature needs to be located in this isolated rural location for its effective operation or what the direct benefits to the local community would be. Without any clear and convincing justification, the development constitutes an unwarranted and unsustainable form of development in the countryside that is in conflict with Policy SF4 of the Adopted Derbyshire Dales Local Plan (2005), Policies S5 and PD7 of the emerging Derbyshire Dales Local Plan and guidance contained within the National Planning Policy Framework.

The impact of the development on the local landscape

7.7 Policy NBE8 of the Adopted Derbyshire Dales Local Plan (2005) ‘Landscape Character’ states that planning permission will only be granted for development that protects or enhances the character, appearance and local distinctiveness of the landscape. The preamble to Policy NBE8 advises that the Council, in assessing applications for planning permission will resist development proposals that do not take account of the components that contribute to landscape character and local distinctiveness including the landform and natural patterns of drainage, pattern and composition of trees and woodland, the pattern and type of field boundaries, the type and distribution of wildlife habitats, the pattern and distribution of settlements and road, the presence and pattern of historic landscape features, the scale and siting, layout, design, materials and detailing of vernacular buildings, their enclosures and other features of cultural significance. Policy PD5 ‘Landscape Character’ of the Deposit Draft Derbyshire Dales Local Plan contains similar provisions and seeks to resist development, which would harm or be detrimental to the character of the local and wider landscape. The scale and height of some of the infrastructure associated with the facility would result in a development that is far more conspicuous within the landscape that the approved flexible generation facility. Notwithstanding the limited consideration of the cumulative impacts of the developments, the District Councils Landscape Officer has assessed the application and concluded that the development would have substantial adverse cumulative impact on landscape
character and visual amenity over and above that of the approved developments. It is considered that multiple 9 metre high flues and units of up to 7.3 metres in height in combination with extended lengths of acoustic security fence will have a higher visual and obviously industrial prominence. This harm will be particularly evident in the short term and during the months when there are no leaves on the trees proposed to be planted in mitigation of such impact. Notwithstanding the unwarranted nature of the development, it would therefore be in conflict with Policy NBE8 of the Adopted Derbyshire Dales Local Plan (2005) and Policy PD5 of the emerging Derbyshire Dales Local Plan.

Highway safety

7.8 The Local Highway Authority and the public point to problems of traffic and the inadequacies of the local road network, in particular Yelt Lane, to accommodate construction and delivery vehicles and the potential conflict with other road users. The Local Highway Authority has, however, indicated access would be served by appropriate visibility sightlines, commensurate with vehicle speeds. On the basis that there are potential opportunities to access the site from the approved flexible generation facility and to form passing places within highway limits / land controlled by the applicant, it is considered that the identified highway concerns could be addressed by the applicant and would not form a sustainable reason for refusal.

Impact on the local environment, including ecology, residential amenity and pollution

7.9 The application is accompanied by a number of supporting statements, including statements which were submitted as part of the approved solar farm application. The geophysical survey carried out in respect of the wider site does not identify potential archaeological features and the Development Control Archaeologist is satisfied that subject to a watching brief the development would be acceptable from a below ground archaeological perspective.

7.10 In terms of the ecological impacts, the application is accompanied by a preliminary ecological assessment that was carried out in October 2015, which considers the impact of the solar farm development on wildlife habitat. It is not considered that adequate, up to date, ecological survey work has been undertaken in support of this planning application. Without sufficient information to clearly demonstrate the presence or otherwise of protected species and the extent that they may be affected by the proposed development the Local Planning Authority is unable to discharge its duties in respect of regulation 9(5) of the Habitats Regulations. The development therefore conflicts with Policy NBE5 of the Adopted Derbyshire Dales Local Plan (2005), policy PD3 of the emerging Derbyshire Dales Local Plan and guidance contained within the National Planning Policy Framework (2012).

7.11 In terms of noise and pollution Environmental Health have indicated that the air quality and noise reports submitted to support this application do not consider the previously approved application for a 5Mw flexible generation facility (16/00561/FUL) to be sited adjacent to this proposed facility and have recommended that an air quality report and noise assessment be carried out in order to establish the cumulative effects of the electricity generating facilities. Without this information the Local Planning Authority cannot be satisfied that the development will not have a cumulative adverse effect, contrary to emerging Derbyshire Dales Local Plan Policy PD9 and guidance contained within the National Planning Policy Framework.
Summary

7.12 In conclusion it is not considered that the development is directly required to support the generation of energy from renewable or low-carbon sources in this case. The siting and scale of the proposed facility would result in adverse impact on the character and appearance of the landscape and cumulative impact on landscape character and visual amenity in conjunction with approved developments and existing developments under construction. Furthermore the application is not accompanied by sufficient information to clearly demonstrate the presence or otherwise of protected species and the extent that they may be affected by the proposed development, nor can the Local Planning Authority be satisfied that the development will not create an unhealthy and polluted environment for local residents. It is recommended that the application be refused for these reasons.

8. RECOMMENDATION

8.1 That planning permission be refused for the following reasons:

1. The application fails to demonstrate that the development is necessary to directly support the generation of energy from renewable or low-carbon sources in the locality. In the absence of a proven link the application does not justify why a facility of this nature needs to be sited in a remote countryside location for its effective operation or what the direct benefits to the local community would be. Without any clear and convincing justification, the development constitutes an unwarranted and unsustainable form of development in the countryside that is in conflict with Policy SF4 of the Adopted Derbyshire Dales Local Plan (2005), Policies S5 and PD7 of the emerging Derbyshire Dales Local Plan and guidance contained within the National Planning Policy Framework (2012).

2. The proposed facility by reason of its siting and scale would represent a marked intrusion in the landscape that would both individually and cumulatively with the already consented developments result in adverse impact on landscape character and visual amenity contrary to Policies SF4, NBE8 of the Adopted Derbyshire Dales Local Plan (2005) and Policies S5 and PD5 of the emerging Derbyshire Dales Local Plan and guidance contained within the National Planning Policy Framework (2012).

3. The application as submitted is not accompanied by sufficient information to clearly demonstrate the presence or otherwise of protected species and the extent that they may be affected by the proposed development. In the absence of adequate information, the Local Planning Authority is unable to discharge its duties in respect of regulation 9(5) of the Habitats Regulations contrary to the aims of Policy NBE5 of the Adopted Derbyshire Dales Local Plan (2005), Policy PD3 of the emerging Derbyshire Dales Local Plan and guidance contained within the National Planning Policy Framework (2012).

4. The application fails to consider cumulative noise and pollution from the proposed facility and the electricity generating facility, which is currently under construction to the north of the site. The Local Planning Authority cannot therefore be satisfied that the development will not create an unhealthy and polluted environment for local residents, contrary to the aims of emerging Derbyshire Dales Local Plan Policy PD9 and guidance contained within the National Planning Policy Framework (2012).

NOTES TO APPLICANT:

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

This Decision Notice relates to the following documents:
Noise Assessment Report by RSK dated August 2017;
Transport Note Report by Local Transport Projects dated August 2017;
Preliminary Ecological Appraisal by JBA Consulting dated October 2015;
Air Quality Assessment by RSK dated August 2017;
Archaeological and Cultural Heritage Desk Based Assessment by Cotswold Archaeology dated June 2015, and;
Planning, Design and Access Statement by Third Revolution Projects dated August 2017 received by the District Council on the 24th August 2017, and;
1:2500 Scale Site Location Plan numbered C4041-GA-501 Rev A;
Proposed Elevations Plan numbered C4041-GA-503 Rev A;
Proposed Elevations with Indicative Landscaping Plan numbered C4041-GA-506 Rev A;
Substance Location Plan numbered C4041-GA-505 Rev A;
Proposed Site Layout Plan numbered C4041-GA-502 Rev A;
Isometric View numbered C4041-GA-504 Rev A, and;
Site Access plan numbered C4041-GA-500 received by the District Council on the 20th October 2017 (date stamped 26th October 2017).
APPLICATION NUMBER | 17/00910/FUL
SITE ADDRESS: | Barn 1, Wallands Farm, Brassington
DESCRIPTION OF DEVELOPMENT | Conversion of steel framed barn to dwelling - revised scheme of conversion incorporating secondary structural elements, amendments to external appearance and installation of sewage treatment plant.

CASE OFFICER | Mr Chris Whitmore
APPLICANT | C/O Agent
PARISH/TOWN | Brassington
AGENT | Planning and Design Practice Ltd
WARD MEMBER(S) | Cllr Lewis Rose
DETERMINATION TARGET | 10th November 2017
REASON FOR DETERMINATION BY COMMITTEE | Requested by the ward member
REASON FOR SITE VISIT (IF APPLICABLE) | To consider the extent of rebuilding required and the impact of the development on the local environment

MATERIAL PLANNING ISSUES

- The previous permission to convert the building to a single dwelling under prior notification legislation;
- Whether the conversion of the existing structure to a single dwellinghouse constitutes an appropriate form of development in the countryside, and;
- The impact of the development on the local environment, including the character and appearance of this part of the countryside.

RECOMMENDATION

Refusal
Barn 1, Wallands Farm, Brassington

Derbyshire Dales DC

Date: 25/10/2017

100019785
1. **THE SITE AND SURROUNDINGS**

The application concerns the remains of an agricultural storage building, which formed part of the farm grouping at Wallands Farm. The building sits approximately 15m back from Ashbourne Road, a country lane that connects Brassington with the B5035, in open countryside. The original building comprised a steel framed structure, with secondary lean to outshots. The roof of the building was clad in corrugated fibre cement sheets and the walls in concrete block (see photographs 1 and 2). The structure that now sits on the site comprises a skeletal steel frame set in a new concrete apron. Work has also commenced on a new damp proof brick wall, which sits proud of the steel frame (see photographs 3 and 4). The gross internal area of the building is stated to be 240 sq. m. The application site extends to include an area of land surrounding the building covering 600 sq. m.

![Photograph 1](image1.png) ![Photograph 2](image2.png)

![Photograph 3](image3.png) ![Photograph 4](image4.png)

2. **DETAILS OF THE APPLICATION**

2.1 This application follows the grant of prior approval, under Part 3, Class Q of the Town and Country Planning (General Permitted Development) England Order (2015) to convert the building and a two storey, mainly stone built barn to the west to 2 no. dwellings in January 2016. In converting the building, the subject of this application, to a single dwelling the applicant’s builder removed the block work walls (which had been perceived as being sound but were found not to be), installed new concrete foundations and added new structural elements to the steel frame. The extent of works carried out took the conversion outside of the scope of works that could be construed as being permitted development under Part 3, Class Q and the applicant was advised to stop work.
2.2 The application seeks full planning permission for the change of use and conversion of what remains of the original structure to a single four bedroomed dwellinghouse. The dwellinghouse would utilise the existing steel frame, in its modified form, incorporate new foundations and seeks permission to rebuild a blockwork outshot and to install a new package sewage treatment plant. Modifications to window and door openings, including the insertion of a feature window in the north elevation, a projecting skylight in the roof of the lean to outshot and flue pipe are also proposed. The east elevation will contain the main entrance door. Either side of this will be windows, some with a strong horizontal emphasis. Commenting on the external alterations the applicant advises that they do not materially alter the shape or size of the building, but allow for an improved layout, improved amenity and a better relationship with the two storey barn (barn 2) to the west.

2.3 It is proposed to clad the new damp proof / block outer skin in vertical timber boards. The roof will be clad in high performance composite panels with standing seam detail. An area of hardstanding for parking and manoeuvring of vehicles is shown to the east. Access will be off a sweeping access drive to the south, which will be shared with the two storey barn to the west.

2.4 The submitted drawings also show a package sewage treatment plant to the north of barn no. 2 and a linked outfall drain, which will drain to a local watercourse at the western end of the field.

3. PLANNING POLICY AND LEGISLATIVE FRAMEWORK

3.1 Adopted Derbyshire Dales Local Plan (2005)  
SF4: Development in the Countryside  
SF5: Design and Appearance of Development  
H4: Housing Development Outside Settlement Framework Boundaries  
H5: Conversion and Re-Use of Buildings to Provide Residential Accommodation Outside Settlement Frameworks  
H9: Design and Appearance of New Housing  
NBE5: Development Affecting Species Protected by Law or Are Nationally Rare  
TR1: Access Requirements and the Impact of New Development  
TR8: Parking Requirements for New Development

3.2 Emerging Derbyshire Dales Derbyshire Dales Local Plan  
S2: Sustainable Development Principles  
S5: Development in the Countryside  
PD1: Design and Place Making  
PD3: Biodiversity and the Natural Environment  
HC1: Location of Housing Development  
HC8: Conversion and Re-Use of Buildings for Residential Accommodation

3.3 Other:  
National Planning Practice Guidance  

4. RELEVANT PLANNING HISTORY

16/00657/FUL - Demolition of agricultural building and erection of dwelling – Refused  
16/00316/FUL - Demolition of agricultural building and erection of dwelling - Refused  
15/00866/PDA - Change of use of agricultural buildings to 2 no. dwelling houses (Use Class C3) and associated building operations - Prior Approval Granted.
5. CONSULTATION RESPONSES

5.1 Brassington Parish Council:

Make the following comments in objecting to the proposed development:-

The Parish Council is very concerned that this is not a barn conversion as the original barn’s steelwork has been removed and the new steelwork goes well beyond the footprint of the original building and is completely out of character with the local area.

5.2 Carsington and Hopton Parish Council:

Make the following comments in objecting to the proposed development:-

It is understood by the Parish Council that conversion of a modern agricultural building, outside of the prior notification system, is contrary to the local development plan, related guidance and policies. The Applicant already has the benefit of a prior notification approval for this building, but has now undertaken major structural alterations beyond the scope of that permission. The Parish Council believe that neither the fact that works have been undertaken, nor the fact that a financial cost has been incurred by the applicant are relevant in the consideration of this new application. It is our understanding that considered in isolation and on its own merits this application should be rejected as it is contrary to the local plan. We therefore urge the Planning Committee and Planning Department to reject the application and limit the development to that obtained in the prior notification approval.

5.3 Local Highway Authority:

No comments received at the time of writing this report, however, raised no objections in respect of conversion of the building under Part 3, Class Q of the 2015 GPDO.

5.4 Head of Environmental Health:

No objections on basis of planned use of biodisc system for septic tank.

6. REPRESENTATIONS

6.1 None.

7. OFFICER APPRAISAL

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

- The previous permission to convert the building to a single dwelling under prior notification legislation
- Whether the conversion of the existing structure to a single dwellinghouse constitutes an appropriate form of development in the countryside, and;
- The impact of the development on the local environment, including the character and appearance of this part of the countryside.

The previous permission to convert the building to a single dwelling under prior notification legislation

7.2 As set out in the application and relevant history sections of this report, prior notification has been previously given and approved to convert the building that stood on the site and the two storey, mainly stone built barn to the west, to 2 no. dwellinghouses under application code ref. 15/00866/PDA. Notwithstanding that this decision was made before
the Hibbitt V SCCLG [2016] EWHC 2853 judgement, which made a distinction between conversion and rebuilding, paragraph Q.1 of Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 sets out the limitations and restrictions relating to development permitted under this part of the Order. Part b) only allows building operations reasonably necessary to convert the building and sub paragraph (g) of Q.1 states that development is not permitted where it result in the external dimensions of the building extending beyond the external dimensions of the existing building at any given point. The National Planning Practice Guide advises that it is not intention of the permitted development right to include the construction of the new structural elements for the building. The works that have been carried out by the applicant, including the addition of new structural elements to the lean-to section, the rebuilding of the lean-to outshot, the roof and all exterior walls and the enlargement of the buildings footprint clearly take the development outside of what could be construed as being permitted development under Part 3, Class Q of the Order. As the development can no longer be carried out under permitted development legislation, there is no ‘fall-back position’ and little weight can be attributed to the previous approval under prior notification in the consideration of this application for full planning permission.

*Whether the conversion of the existing structure to a single dwellinghouse constitutes an appropriate form of development in the countryside*

7.3 Having considered the weight to be attributed to the previous prior notification decision, consideration needs to be given to the appropriateness of the conversion of what remains of the existing structure in the consideration of this application for full planning permission, where the provisions of the development plan apply. The Derbyshire Dales Local Plan, adopted in 2005 comprises the development plan for the area. Its policies have been saved and continue to be relevant where they are consistent with guidance contained within the National Planning Policy Framework (2012) (NPPF). Policy SF4 deals with development in the countryside and is supportive of development that is appropriate in nature and scale to a rural area, where it preserves the character and appearance of the countryside and that minimises any adverse impact on the local environment. Policy H5 of the Adopted Derbyshire Dales Local Plan deals with the conversion and re-use of buildings to provide residential accommodation in the countryside and is supportive of such development, where the building or group of buildings are of permanent and substantial construction, make a positive contribution to their surroundings and can be converted without extensive alteration, rebuilding or extension. Similar provisions are contained within the emerging Derbyshire Dales Local Plan. Policy HC8 mirrors policy H5 of the Adopted Derbyshire Dales Local Plan and is geared towards the conversion and re-use of traditional buildings that are of architectural or historic interest and that make an important contribution to the quality of the local landscape. There is recognition in the preamble of this policy that some buildings that have outlived their original purpose are better demolished and the site returned to a green field. Given the advanced stage that the emerging plan has now reached in the plan making process, substantial weight has been given to its policies by appointed planning inspectors in recent appeal decisions.

7.4 Having regard to the extent of rebuilding required in this case it is not considered that the development can be reasonably construed as conversion of an existing building and would be in direct conflict with parts c) of policy H5 of the Adopted and policy HC8 of the Emerging Derbyshire Dales Local Plans. It was not a building that made a positive contribution to its surroundings, having been erected as a rudimentary, functional building associated with the agricultural use of the land.

7.5 The extent of rebuilding required in this case is such that the development is logically viewed as the erection of a new building in an isolated rural location for use as a dwellinghouse. Such use, that is not related to the essential need for a rural based worker to live close to their place of work would constitute and unwarranted and inherently
unsustainable form of development in the countryside. Future occupants of the property would be wholly reliant on the private motor vehicle to access the most basic of services and facilities. The development would not contribute to a high quality built environment (paragraph 7 ‘achieving sustainable development’ – National Planning Policy Framework (2012)) or the core planning principle at paragraph 17 which requires planning to actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus development in locations which are or can be made sustainable. It is, as such, contrary to emerging local plan policies PD2 and HC1.

The impact of the development on the local environment, including the character and appearance of this part of the countryside

7.6 No ecological information accompanies the application. What remains of the original structure does not provide suitable habitat for wildlife or species protected by law. The Head of Environmental Health have raised no objections to the installation of the biodisc septic tanks. Being located below ground, such installations would not result in harm to the character and appearance of this part of the countryside / local landscape.

7.7 The development involves a number of alterations to the structure including the recladding of the roof and walls of the building and the insertion of various new openings. Policy SF5 of the Adopted Derbyshire Dales Local Plan deals generally with the ‘Design and Appearance of Development’ and states that planning permission will only be granted for development where amongst other criteria it reinforces the sense of place engendered by the presence of distinctive local building styles and materials. Policy H9 deals specifically with the design and appearance of new housing and states that planning permission will only be granted for new housing development where it is in scale and character with its surroundings. Similar provisions are contained within policy PD1 of the emerging Derbyshire Dales Local Plan. The original building was a simple utilitarian building that was purposely designed to serve the storage needs of the farm at the time of its construction. As previously stated it was not a building that made a positive contribution to its surroundings. Although the new dwelling would occupy the same part of the site, be of the same / similar scale and form, it would be clad in timber and composite sheets and would incorporate a number of new openings, including a feature window in the north facing elevation, a projecting skylight in the roof of the lean to outshot a new entrance door flanked by glazed panels and window openings with a strong horizontal emphasis in the east (roadside facing) elevation. This presents an unfamiliar hybrid appearance particularly when viewed from the north and east. When juxtaposed against the traditional stone barn and replacement dwelling the development would not result in a cohesive built form that responds to local character and history, and reflects the identity of the sites surroundings.

Summary

7.8 In summary, the development involves the reconstruction and modification of a building that did not make a positive contribution to its surroundings for use as a dwellinghouse in an isolated rural location. Such development, that is not related to the essential needs of a rural based worker to live close to their place of work would constitute and unwarranted and inherently unsustainable form of development in the countryside contrary to Policies SF4 and H5 of the Adopted Derbyshire Dales Local Plan, Policies S5, HC1 and HC8 of the emerging Derbyshire Dales Local Plan and guidance contained within the National Planning Policy Framework (2012). The design and appearance of the replacement building would also have an unfamiliar hybrid appearance, that when juxtaposed against the traditional stone barn and replacement farmhouse being constructed on the site would not result in a cohesive built form that responds to local character and history, and reflect the identity of sites immediate surroundings or the character and appearance of this part of the countryside. The development would therefore be contrary to Policies SF5 and H9 of the Adopted Derbyshire Dales Local Plan (2005) and Policy PD1 of the emerging
8. RECOMMENDATION

8.1 That planning permission be refused for the following reasons:

1. The development involves the reconstruction and modification of a building that prior to partial demolition did not make a positive contribution to its surroundings, for use as a dwellinghouse in an isolated rural location. Such development, that is not related to the essential needs of a rural based worker to live close to their place of work would constitute an unwarranted and inherently unsustainable form of development in the countryside contrary to Policies SF4 and H5 of the Adopted Derbyshire Dales Local Plan, Policies S5, HC1 and HC8 of the emerging Derbyshire Dales Local Plan and guidance contained within the National Planning Policy Framework (2012).

2. The design and appearance of the replacement building would have an unfamiliar hybrid appearance. When juxtaposed against the traditional stone barn and replacement farmhouse being constructed on the site this would not result in a cohesive built form that responds to local character and history, and reflect the identity of sites immediate surroundings or the character and appearance of this part of the countryside. The development would therefore be contrary to Policies SF5 and H9 of the Adopted Derbyshire Dales Local Plan (2005) and Policy PD1 of the emerging Derbyshire Dales Local Plan and guidance contained within the National Planning Policy Framework (2012).

NOTES TO APPLICANT:

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

This Decision Notice relates to the following documents:
1:1250 Scale Site Location Plan;
1:500 Scale Proposed Site Layout Plan numbered 2210-85;
1:100 Scale Proposed Elevations and Floor Layout Plan numbered 2210-67 Rev B;
Supporting Statement by Planning Design, and;
<table>
<thead>
<tr>
<th>APPLICATION NUMBER</th>
<th>17/00374/FUL</th>
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<tbody>
<tr>
<td>SITE ADDRESS:</td>
<td>Land at King Edward Street, Ashbourne</td>
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<tr>
<td>DESCRIPTION OF DEVELOPMENT</td>
<td>Erection of Building for 38 Retirement Living Apartments</td>
</tr>
<tr>
<td>CASE OFFICER</td>
<td>Mr. G. A. Griffiths</td>
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<tr>
<td>APPLICANT</td>
<td>Churchill Retirement Living</td>
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<td>TOWN</td>
<td>Ashbourne</td>
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<td>AGENT</td>
<td>Planning Issues Ltd.</td>
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<tr>
<td>WARD MEMBERS</td>
<td>Cllr. T. Donnelly</td>
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<td></td>
<td>Cllr. P. Chell</td>
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<tr>
<td>DETERMINATION TARGET</td>
<td>27th July 2017</td>
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<td>REASON FOR DETERMINATION BY COMMITTEE</td>
<td>Major application.</td>
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<tr>
<td>REASON FOR SITE VISIT (IF APPLICABLE)</td>
<td>To assess the proposal in its context</td>
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**MATERIAL PLANNING ISSUES**

- Principle of development
- General layout and design
- Impact on Conservation Area
- Highway issues
- Impact on residential amenity
- Flooding and drainage
- Site contamination
- Ecology
- Archaeology
- Community and infrastructure contributions

**RECOMMENDATION**

Refuse
1. **THE SITE AND SURROUNDINGS**

1.1 The site is on the edge of the town centre. It was formerly the town’s bus station but has more recently housed commercial units, albeit these have become redundant to use. Buses now operates from the roadside of King Edward Street to the north east of the application site. The former yard now forms a public car park which serves the buildings and the wider town centre.

1.2 The site is set between King Edward Street and Sainsburys to the south. To the west is a former bowling green and to the east are largely commercial properties fronting King Edward Street and Compton Street. To the north of King Edward Street, and opposite the application site, is the Henmore Centre, which is also redundant to use, and to the north and east of that is the Ashbourne Conservation Area Boundary.
2. DETAILS OF THE APPLICATION

2.1 Full planning permission is sought for the redevelopment of the site with 38 retirement living apartments. This is a resubmission of a recent scheme for a larger development of 50 flats for elderly people which was withdrawn from determination by the applicant.

2.2 The building is proposed to be a three storey building with a reversed L shape form (this form is largely determined by the need to avoid the zone of protection for a mains sewer). The building is proposed to measure 50m deep by 29.8m wide (max) and 9.7m high. The building would be set back from King Edward Street by 2m with the boundary aligned with 1.8m high metal railings. It is proposed to be constructed with the following materials:

- Altwira flat roof (grey)
- Leicester multi stock red brick
- Cattybrook Cheddar Golden brick for heads, cills and banding
- Marley Eternit Cedlar Weatherboard Cladding
- powder coated juliet balconies
- upvc windows and doors
- timber doors to refuse and plant areas
- grey upvc fascia and soffits
- black upvc rainwater goods

2.3 The building would house 38 apartments for elderly residents (defined as persons 60 years of age or above) and would also include the following within the building:
   - lodge manager’s office;
   - communal lounge, lift, toilet and bin store; and
   - a guest suite.

2.4 It is proposed that the development would initially have a shared access off King Edward Street with the public car park. The development is proposed to have 13 car parking spaces and manoeuvring space. There are also proposed to be landscaped, communal garden areas. It should be noted that the development would require the loss of 18 public car parking spaces from the application site.

2.5 The applicant has submitted the following documents in support of the application:

- Planning Statement
- Design and Access Statement
- Affordable Housing and Viability Statement
- Flood Risk Assessment
- Flood Risk Sequential Test
- Drainage Strategy Report
- Transport Statement
- Ecological Assessment
- Arboricultural Assessment and Method Statement
The applicant provides a detailed explanation as to the importance of such facilities to meet the needs of an ageing population in their Planning Statement. The documents are part of the public file, have been referred to statutory consultees and are commented on as appropriate in the Officer appraisal of this application.

3. PLANNING POLICY AND LEGISLATIVE FRAMEWORK

3.1 Adopted Derbyshire Dales Local Plan (2005)
- SF1: Development within Settlement Framework Boundaries
- SF5: Design and Appearance of Development
- SF7: Waste Management and Recycling
- SF8: Catering for the Needs of People with Disabilities in Development and Redevelopment
- H1: New Housing Development within Settlement Framework Boundaries
- H9: Design and Appearance of New Housing
- H10: Affordable Housing within the Settlement Framework of Market Towns
- H14: Housing to Meet the Needs of the Elderly and People with Disabilities
- EDT4: Other Existing Employment Land And Business Premises
- NBE5: Development Affecting Species Protected by Law Or Are Nationally Rare
- NBE8: Landscape Character
- NBE21: Development Affecting A Conservation Area
- NBE26: Landscape Design in Association with New Development
- CS8: Provision of Community Infrastructure
- TR1: Access Requirements and the Impact of New Development
- TR8: Parking Requirements for New Development

3.2 Deposit Draft Local Plan
- S2: Sustainable Development Principles
- S3: Settlement Hierarchy
- S4: Development Within Defined Settlement Boundaries
- S9: Ashbourne Development Strategy
- S11: Local Infrastructure Provision and Developer Contributions
- PD1: Place Making and Design
- PD2: Protecting the Historic Environment
- PD3: Biodiversity and the Natural Environment
- PD8: Flood Risk Management and Water Quality
- PD9: Pollution Control and Unstable Land
- H1: Location of Housing Development
- HC4: Affordable Housing
- HC12: Elderly Needs Accommodation
- HC19: Accessibility and Transport
- HC21: Car Parking Standards
- EC3: Existing Employment Land and Premises
- EC6: Town and Local Centres

3.3 Government Guidance
- National Planning Policy Framework (March 2012)
- National Planning Practice Guidance

3.4 Other
- Ashbourne Conservation Area Appraisal
4. RELEVANT PLANNING HISTORY

<table>
<thead>
<tr>
<th>Reference</th>
<th>Description</th>
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<tbody>
<tr>
<td>16/00867/FUL</td>
<td>Development of 50 flats for elderly people - Withdrawn</td>
</tr>
<tr>
<td>16/00748/DEM</td>
<td>Demolition of toilet block – former public conveniences - Granted</td>
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<tr>
<td>11/00327/FUL</td>
<td>Extension to existing foodstore and associated reconfiguration of car park, pedestrian access</td>
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<td></td>
<td>and landscaping and demolition of existing bus depot and countrywide store – Granted but</td>
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<td>permission has now lapsed</td>
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<tr>
<td>WED/1095/0036</td>
<td>Renewal of permission for change of use to storage and retail of agricultural, horticultural,</td>
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<td></td>
<td>DIY, animal feeds - Granted</td>
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5. CONSULTATION RESPONSES

**Town Council**

5.1 - object
- consider the development is extremely poorly designed
- it does not respect any architectural assets, the character and heritage in the town and
  is out of scale and monolithic
- consider the area would benefit from being a mixed-use commercial/community development such as a community/ transport hub linked to the bus station
- ask that DDDC prepare a development brief with the Town Council and would like to see a copy of the S106 Heads of Terms in advance
- application contrary to Local Plan (2005) as it has no affordable housing.

**Strategic Planning (Derbyshire County Council)**

5.2 - no education contributions would be required as this is a scheme for retirement living apartments
- request that guidance is provided via advisory notes attached to the planning permission regarding access to high speed broadband services for future residents.

**Local Highway Authority (Derbyshire County Council)**

5.3 - have raised objections with regard to the loss of public car parking provision, the impact of articulated lorries using the remaining car park and visibility onto King Edward Street.

**Estates and Facilities Manager (Derbyshire Dales District Council)**

5.4 - comments regarding the impact on public car parking provision and access rights.

**Environmental Health (Derbyshire Dales District Council)**

5.5 - no objection
- recommend conditions regarding the assessment and potential remediation of contamination on the site.

**Environment Agency**

5.6 - no objection
- recommend a condition is that the development is undertaken in accordance with the submitted Flood Risk Assessment and with finished ground floor being set no lower than 120.13m above Ordnance Datum (AOD).

**Land Drainage Authority (Derbyshire County Council)**

5.7 - no objection
- reasonable justification for the destination of surface water being to the public sewer should infiltration not be possible
- to achieve the required maximum discharge rate of 5 l/s it is proposed to use below ground cellular storage – whilst the LDA and the Environment Agency would not
consider this a sustainable drainage feature, it is considered acceptable given the overall proposals and the betterment in run off which would be achieved
- ask that the applicant applies sensitivity tests of 40% for a range of rainfall intensities at the detailed design stage - ask that an allowance is made for 10% urban creep in addition to the 40% allowance for climate change
- request a condition with regard to the detailed design and management and maintenance of the surface water drainage from the site
- provide advisory notes to the applicant

Designing Out Crime Officer (Derbyshire County Council)
5.8 - no objections to the application with provisions
- pedestrian gate at the rear of the site, showing access to the Sainsburys store walkway, should be made secure for resident use only, in order to prevent the private land and car parking area of the apartments being used for general public access, particularly as a cut through from the walkway to King Edward Street – this would have a detrimental effect upon space hierarchy around what should be a private development.
- the railing shown enclosing the majority of the site should have a finished external height no lower than 1.8m
- as a primarily residential development, all accessible private and communal openings, including individual apartment doors will need to meet the requirements of Building Regulations Approved Document Q, in respect of security provision - perhaps a matter to bring to the applicant’s attention by way of an informative note.

Development Control Archaeologist (Derbyshire County Council)
5.9 - no objection subject to a condition with regard to written scheme of investigation.

Derbyshire Wildlife Trust
5.10 - no ecological issues/concerns are envisaged
- development proposes to remove three trees and amenity grassland
- buildings that were assessed as low potential for bats and following on from a nocturnal survey no bats were present
- proposals include replacement planting and ornamental gardens
- there will be a net loss of amenity grassland, but it is not considered a significant loss.
- unlikely to be any ecological issues and constraints associated with the proposed development but ecological report with enhancements and recommendations should be adhered to and implemented in full.

National Air Traffic Services
5.11 - does not conflict with safeguarding criteria and have no safeguarding objection to the proposal.

Ministry of Defence
5.12 - no objection.

South Derbyshire Clinical Commissioning Group (CCG)
5.13 - request a financial contribution of £14,455.20 towards General Practitioners in the Ashbourne area
- whilst it is considered that a couple of GP practices will be affected, the one most likely to be affected is the surgery at Clifton Road.

6. REPRESENTATIONS RECEIVED

6.1 None.
7. **OFFICER APPRAISAL**

7.1 To begin with, it is important to set out the current planning policy situation within which this proposal is to be assessed.

7.2 The Council can identify a rolling five year supply of housing land. It is also the case that allocations within the emerging local plan will also provide enough housing land throughout the plan period to meet the District Councils objectively assessed housing needs. The Examination of the Deposit Draft Local Plan and the Main Modifications have been considered and the Planning Inspector’s Report is due at any time.

7.3 Until the emerging plan is adopted, the Development Plan remains the Adopted Local Plan (2005). Policies for the supply of housing contained within the Adopted Local Plan 2005 do not envisage new housing development beyond the plan period and are based on outdated housing needs information. As such, the housing policies of the Adopted Local Plan (2005) are considered out of date. In such cases where the development plan is absent, silent or relevant policies are out of date planning decisions should be made in accordance with Paragraph 14 of the National Planning Policy Framework which states that: 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 Framework taken as a whole.

7.4 In these circumstances, the decision maker is effectively asked to weigh the economic, social and environmental benefits and disbenefits against one another and only where those disbenefits significantly and demonstrably outweigh the benefits reject the scheme, the remainder of this report seeks to assess these matters.

7.5 Having regard to the policies of the development plan (which can be afforded weight), emerging plan policy (which can now be attributed substantial weight), guidance contained within the National Planning Policy Framework (NPPF) and responses received through the applications process, the key issues to consider are:

1. Principle of development
2. General layout and design
3. Impact on Conservation Area
4. Highway issues
5. Impact on residential amenity
6. Flooding and drainage
7. Site contamination
8. Ecology
9. Archaeology
10. Community and infrastructure contributions

**Principle of Development**

7.6 The site is within a town centre location and the proposal would be for a sustainable reuse of a previously developed site. Whilst the premises have and could be used for employment purposes, this is considered rather limited and will be offset to some degree with employment associated with managing and maintaining the apartment building. It will also provide for retirement living which, given the ease of access to the town centre, is an appropriate and positive re-use of the site to meet the demands of an ageing population. However, whilst there is merit in to the scheme in principle, some issues relating to the design of the building, matters of highway safety and the loss of public car parking space which currently serves need to be fully considered.
General Layout, Design and Impact on the Conservation Area

7.7 The Town Council has raised particular concern regarding the design and appearance of the building and consider the development to be ‘extremely poorly designed.’ It is considered to not respect any architectural assets or the character and heritage of the town and is considered out of scale and monolithic. However, Officers would contest this view.

7.8 It is considered that the building will preserve the character and appearance of the Conservation Area. The views from the Conservation Area will partially be framed by the scale and presence of the building and its landscaping rather than by a rather dilapidated, former bus depot building set back from the road which has little architectural merit or streetscene presence.

7.9 The building would provide a welcome intervention in the open streetscene of otherwise set back buildings which are either rear elevations to properties, the poor quality frontage of the former depot building or comprise definition by unattractive blockwork and painted brick walls providing the backdrop to the large, open car parking space.

7.10 The proposed building will serve to better define the streetscene and give more of a sense of frontage to the road, rather than the more backland area development the site currently displays. This pays respect to the scale of the grouped red brick buildings that turn off Crompton Street and onto King Edward Street. The scale of the building is also considered to now be appropriate to the scale of existing buildings and will be an important attribute in the definition of the streetscene, rather than a more modest development which would have less presence.

7.11 The building would also provide an improved setting to the former bowling green, and could be argued to give this space a more defined sense of its former purpose rather than being a piece of land which one may associate as landscaping to the current car park. In addition, the building turns the corner from King Edward Street and provides more of a definition to the Sainsburys access road and becomes a focal building that also assists with screening the building rears and car park when looking from the west along King Edward Street.

7.12 In terms of its design, the flat roof is a contemporary element to this building which is considered more appropriate to its time of construction and should not be considered to have a pitched roof to reflect the traditional vernacular for example. It is considered to rest comfortably in the context of the modern Sainsburys development and that of the historic town centre and does not appear as a pastiche to traditional buildings. The proposed red brick does respect the traditional build of the town centre and yet the more modern weatherboard cladding, powder coated balcony railings and Upvc windows, fascia, soffits and rainwater goods give clarity to the period of construction. Given the above, whilst the building displays some different attributes to that of traditional buildings in the area, it does present a modern appearance which would represent the period of redevelopment of this area of the town.

Highway Issues

7.13 The Transport Statement submitted with the original application has been updated to reflect the proposed scale of development albeit the content is largely the same. The Local Highway Authority has not raised any particular issues in connection with the Transport Statement, which is generally acceptable, and in sustainability terms the site is ideally located for everyday residential facilities and public transport opportunities and, as such, a prime site for redevelopment purposes.
However, the Local Highway Authority concerns primarily relate to the loss of a relatively well used town centre parking facility, with no form of supporting justification. The car park provides 39 spaces. The proposed development reduces the car parking spaces to 21 – this is a decrease of 18 spaces (previously 14 spaces - this was before the decision to maintain the existing entrance). However, the District Council’s Head of Property Services has advised Shaw Croft car park has recently been increased by 24 spaces and this is the main retail parking area. This car park also provides access for deliveries to Waitrose. In addition, the Henmore Centre (on the north side of King Edward St) is currently approved by the Council (subject to planning) to be used on a temporary basis for car parking.

A question has been raised over the access required for a 13m articulated lorry for deliveries to the Wheel Inn. If delivery by articulated lorry is required at the Wheel Inn, provision may be arranged with the District Council by licence and at a time that it would not impact on daytime parking. On balance, it is considered that adequate access arrangements to service the building can be maintained.

The kerb-lines within the bus lay-by are proposed to be modified. The Local Highway Authority has advised that this is likely to make it more difficult for public transport users as the bus will not be able to align with the existing bus shelter entrance/exit point. This is a matter that will need to be addressed with the Local Highway Authority and could be subject to a condition on any grant of planning permission. Ultimately, if the Local Highway Authority cannot agree such improvements/alterations, this would prevent the condition discharge and the development being carried out.

Given the proposed position of the new access point, buses parked in the lay-by will obscure visibility from vehicles emerging from the access point. To this end, the Local Highway Authority is currently making enquiries into how this bus ‘station’ operates, as buses seem to be parked for prolonged periods of time. Therefore, the issue of visibility may be more of an issue than at regular bus stops (where the stationary time that a bus stops for passengers to board or alight is short). The street is currently one–way and the visibility would be obscured to approaching vehicles.

What is also of concern is that part of the building is constructed on what appears to be public highway. The applicant has been advised to contact the County Council’s Business Services Officer in order to precisely ascertain the public highway boundary and then produce a plan accurately identifying the highway extents in relation to the development proposals. The Local Highway Authority will then need to consider whether this may be acceptable in principle and whether it would be possible to extinguish highway rights over this area if needed.

Given the above, in its current form, the Local Highway Authority has advised that the accumulation of the above issues would be likely to engender a recommendation of refusal on highway safety grounds. However, Officers consider that the parking and lorry access issues can be addressed and that the other elements pertaining to the proposals can be addressed, or not as may be the case, through conditions on any grant of planning permission. To this end, the Local Highway Authority has been requested to review their position on the matters pertaining to the bus stop and sightline visibility and their comments will be presented to the Planning Committee meeting for further consideration.

Impact on Residential Amenity

The nearest dwellings are to the east of the proposed building and would be some 16m away. However, these are set side on to the proposed building and the nearest dwelling has no windows in its west facing elevation. There would be angled views towards the windows and curtilages of these properties. However, it is not considered that the modest loss of privacy would justify a reason for refusal. There may be some loss of evening sun to the properties given that the proposed building would be three storeys in height and set
to the west; again, this is not considered so harmful to the amenity of the properties to justify refusal. There is considered to be little impact on the outlook from the existing dwellinghouses. As such, it is considered that the minor impacts on the amenity of the neighbouring residents is so significant to justify a recommendation of refusal.

Flooding and Drainage
7.21 The Environment Agency and the Land Drainage Authority have no objection in principle to the proposed development. The Environment Agency recommends, that if planning permission is granted, a condition is attached that the development is undertaken in accordance with the submitted Flood Risk Assessment and with finished ground floor being set no lower than 120.13m above Ordnance Datum (AOD). The Land Drainage Authority requests a condition with regard to the detailed design, management and maintenance of the surface water drainage for the site.

Designing Out Crime
7.22 The Designing Out Crime Officer has advised of no objections to the application but some conditions. The pedestrian gate at the rear of the site, showing access to the Sainsburys store walkway, should be made secure for resident use only in order to prevent the private land and car parking area of the apartments being used for general public access, particularly as a cut through from the walkway to King Edward Street. This would have a detrimental effect upon space hierarchy around what should be a private development.

7.23 The railing shown enclosing the majority of the site should have a finished external height no lower than 1.8m. In addition, within section 5.6 of the supporting Design and Access statement, mention is made of redundant security specifications for external openings. As a primarily residential development, all accessible private and communal openings, including individual apartment doors will need to meet the requirements of Building Regulations Approved Document Q, in respect of security provision; this can be advised to the applicant as an informative note on any grant of planning permission.

Site Contamination
7.24 The site is a car park and former bus depot building which is proposed to be demolished. In this regard, the District Council’s Environmental Health Section has requested conditions with regard to remediating any site contamination.

Ecology
7.25 The applicant has submitted an ecological Assessment of the site from a qualified ecologist. This advises that the site has low ecological value and there is no presence of bats. It is recommended that demolition works are undertaken outside of the bird breeding season and this can be subject to a condition on any grant of planning permission.

Archaeology
7.26 The applicant has submitted an archaeological desk based assessment which has been assessed by the Development Control Archaeologist (DCC). It is advised that there is no objection to the development subject to a condition with regard to written scheme of investigation.

Community and Infrastructure Contributions
7.27 Whilst the development is restricted in the nature of its occupany to persons over 55 years of age, this is nevertheless open market housing provision which still yields a premium open market value.

7.28 Policy H10 of the Adopted Local Plan requires the provision of 45% of dwellings within market towns settlement framework boundaries to be affordable dwellings. However, this requirement has been re-appraised through the emerging Local Plan, having regard to also drawing down other community infrastructure provision; in this case the South
Derbyshire CCG has requested a financial contribution of £14,455.20 towards General Practices in the Ashbourne area.

7.29 Therefore, Policy HC4 now requires that 30% of the dwellings created on a site be affordable dwellings. In exceptional circumstances, this can be off set with a financial contribution to off-site provision; this is considered such a case as to integrate affordable dwellings into a block of private dwellings, and the associated service provisions, would be difficult to facilitate. The District Council’s Head of Housing has advised that a financial contribution towards off-site affordable housing provision would be acceptable in this case.

7.30 The applicant has raised concerns with making any financial contribution towards affordable housing provision and has submitted a viability assessment by way of seeking to demonstrate this. At the request of Officers, this has been appraised by the District Valuer’s Office (DVO). It has been advised by the DVO that the development can yield sufficient profit to the developer and still enable a financial contribution of £290,130 to be paid towards affordable housing and the amount requested by South Derbyshire CCG. The affordable housing contribution is calculated as follows:

\[
38 \text{ dwelling units} \times 30\% = 11.4 \text{ affordable units} \times £25,450 = £290,130
\]

7.31 The DVO’s viability assessment was received close to the deadline for completion of this Officer’s report and, to date, the applicant has not agreed to make such financial contributions. However, given that the applicant is anxious to move the application forward, it is considered by Officers that, at this point in time, there must be a recommendation of refusal of the application if the full financial contributions are not to be made.

7.32 The applicant has advised that, between the writing of this Officer’s report and the Planning Committee Meeting, they will be reviewing the DVO report and any revision to their position will be advised to the Committee prior to the full consideration of the application. However, as it stands, it is considered that the proposal fails to meet with Policies H10 and CS8 of the Adopted Local Plan and the emerging Policies S11 and HC4 of the Draft Deposit Local Plan which can now be given considerable weight in the determination of the planning application.

7.33 The Strategic Planning Section of DCC has advised that there are no education contributions required as this is a scheme for retirement living apartments.

Conclusion

7.34 It is considered that the development will make a significant contribution to meeting the needs of providing accommodation for elderly residents in a preferred town centre location with access to facilities that the town can provide with ease of access. Notwithstanding the concerns raised by the Town Council, Officers are of the view that the scale and design of the building makes a bold statement in the streetscene but pays due regard to its setting. The red brick building will reflect that of traditional buildings in the locality but will introduce more contemporary detailing and materials which set it comfortably next to the more modern development at the Sainsburys site.

7.34 There are highway matters which still remain outstanding with regard to the visibility requirements in associated with the bus stops but it is considered that these can be addressed with conditions further to discussion with the Local Highway Authority. The loss of public car parking on the site is a concern but additional provision has been made relatively recently at Shaw Croft and there is possibility that further public car parking can be provided by the District Council on the Henmore Centre site on the opposite side of King Edward Street.
7.35 It is considered that conditions can be attached to address matters of detail for the development, such as materials, boundary treatments, landscaping and surfacing. The other statutory consultees have also raised no objections to the proposals subject to conditions they have requested being attached to any grant of planning permission.

7.36 However, notwithstanding the above, at the time of writing this Officer’s report, the proposal does not make provision for affordable housing or to the CCG to assist local general practices to meet the needs generated by the development. As such, it is recommended that planning permission be refused.

8. RECOMMENDATION

That planning permission be refused for the following reason:

1. The application as submitted fails to make provision for on-site affordable housing provision, or an off-site financial contribution towards affordable housing provision. In addition, the proposal fails to meet local infrastructure provision in the form of a financial contribution towards General Practices in the Ashbourne area to meet the needs generated by the development. As such, the proposal fails to comply with Policies H10 and CS8 of the Adopted Derbyshire Dales Local Plan (2005), Policies HC4 and S11 of the Deposit Draft Derbyshire Dales Local Plan and with government guidance contained in the National Planning Policy Framework.

9. NOTES TO APPLICANT:

1. The Local Planning Authority considered the merits of the submitted application and judged that there was no prospect of resolving the fundamental planning problems with regard to developer contributions. 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.

2. This decision notice relates to the following documents all received on 27th April 2017:

   - Drawing Nos. JBA 16/314-SK1, 30033AB: P001, 102, 103, 104, 105, 106, 108, 109, 110 and 111
   - Planning Statement
   - Design and Access Statement
   - Affordable Housing and Viability Statement
   - Flood Risk Assessment
   - Flood Risk Sequential Test
   - Drainage Strategy Report
   - Transport Statement
   - Ecological Assessment
   - Arboricultural Assessment and Method Statement
   - Archaeological Desk-based Assessment.
<table>
<thead>
<tr>
<th>APPLICATION NUMBER</th>
<th>17/00381/OUT</th>
</tr>
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<tbody>
<tr>
<td>SITE ADDRESS:</td>
<td>Field North of GP Produce, The Hill, Cromford</td>
</tr>
<tr>
<td>DESCRIPTION OF DEVELOPMENT</td>
<td>Erection of commercial units for B1(a), B1(c) and B8 use</td>
</tr>
<tr>
<td>CASE OFFICER</td>
<td>Mr. G. A. Griffiths</td>
</tr>
<tr>
<td>APPLICANT</td>
<td>Mr G Palin</td>
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<tr>
<td>PARISH</td>
<td>Cromford</td>
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<tr>
<td>AGENT</td>
<td>Roger Yarwood Planning Consultant</td>
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<tr>
<td>WARD MEMBER(S)</td>
<td>Cllr. Mrs. J. Pawley Cllr. G. Purdy</td>
</tr>
<tr>
<td>DETERMINATION TARGET</td>
<td>7th August 2017</td>
</tr>
<tr>
<td>REASON FOR DETERMINATION BY COMMITTEE</td>
<td>Major application</td>
</tr>
<tr>
<td>REASON FOR SITE VISIT (IF APPLICABLE)</td>
<td>To assess the impact on the character and appearance of the site and its surroundings</td>
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**MATERIAL PLANNING ISSUES**

- Principle of the development
- General layout and design
- Landscape and visual impact
- Highway safety
- Nature conservation
- Flooding and drainage

**RECOMMENDATION**

Refusal
17/00381/OUT

Field North of GP Produce, The Hill, Cromford

Derbyshire Dales DC

Date: 25/10/2017

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 located between Cromford and Wirksworth on the northern side of an area of existing industrial development off Porter Lane. It lies directly off Cromford Hill between the road and Dark Lane. It is roughly triangular in shape and is currently an agricultural field down to permanent pasture. The land slopes down from south to north and from west to east. The boundary with industrial development to the south is marked by a vegetated embankment which extends into the field in the south west where there is new tree planting.

1.2 Mature trees characterise the boundary with Dark Lane and there is a copse of mature trees to the north of the application site. The boundary with Cromford Hill is defined by a stone wall. An associated line of trees, some being mature trees, had extended along the roadside from the copse in the north at the time of the Case Officer's site visit; this line of trees has now been felled at the time of writing this report (see photographs below).

1.3 The immediate area is one of mixed development characterised by open countryside, extensive areas of woodland, quarrying, the industrial site, cemetery, the High Peak recreational trail and the local beauty spot of Black Rocks. Though it is located high on Cromford Hill it is quite well contained by land to the west, vegetation to the north and development to the south. It is open to view from Cromford Hill, the cemetery and a number of local footpaths.

1.4 The site is within the Derwent Valley Mills World Heritage Site buffer zone and is included on the Historic Environment Record as the Dovegang/Gang Mine, a lead mine which was worked from the sixteenth century; important remains still survive in part of the site.

1.5 A site designated variously as a Site of Special Scientific Interest (National importance), a Special Area for Conservation (International importance) and a Regionally Important Geological/Geomorphological Site (regional importance) is located immediately to the west of the site. The site falls within Impact Risk Zone 1 of the SSSI. A Local Wildlife Site is located immediately to the south west.

1.6 Notwithstanding the above constraints, the site is included as one with an employment allocation under Policy EC1A(e) of the Deposit Draft Derbyshire Dales Local Plan.
2. DETAILS OF THE APPLICATION

2.1 Outline planning permission is sought for the development of the site for employment purposes. The application site has been put forward as a site to be allocated for employment purposes in the emerging Local Plan and has not been subject to objection. The applicant considers this can be attributed significant weight in the determination of this outline planning application.

2.2 The applicant has submitted a statement with the applications. This envisages the development of six business units varying in size from between 250m² to 750m². The smaller units would be single storey with Use Classes (B1(c) (light industry) and/or B8 (storage and distribution) business. The larger units are proposed to be two storeys within Use Class B1(a) (Offices). However, this is speculative at this stage and details will be submitted with a reserved matters application.

2.3 The applicant anticipates the buildings to be individually designed to meet the requirements of the occupant’s business needs but it is advised that a high standard of design and the use of quality materials will be achieved. It is also advised that the layout will be agreed with the Local Planning and Local Highway Authorities before permission is sought to develop the individual plots.

2.4 The access position is again indicative but is located to maximise visibility onto Cromford Hill but is again a reserved matter. Car parking provision is proposed to meet the car parking standards of the Local Plan. Based on the existing commercial site, it is expected that the site will generate some 80 – 120 vehcile movements each day. It is advised that
there is good pedestrian accessibility to the site and regular public transport services and that the site is conveniently located to a substantial local population and, in this regard, is highly sustainable.

2.5 The applicant considers that the existing tree planting to the rear of the site will provide an attractive backdrop and landscaping within the site will form part of the reserved matters submission, again being agreed in advance of the details of the individual units.

3. PLANNING POLICY AND LEGISLATIVE FRAMEWORK

3.1 Adopted Derbyshire Dales Local Plan (2005)
- SF4 Development in the Countryside
- SF5 Design and Appearance of Development
- EDT7 Extension and Expansion of Existing Industrial and Business Land and Premises
- EDT8 Design and Appearance of New Industrial and Business Premises
- EDT15 New Build Industrial and Business Development Outside of Settlement Frameworks
- NBE1: Sites of International Importance for Nature Conservation
- NBE2: Sites of National Importance for Nature Conservation
- NBE3: Other Sites of Importance for Nature Conservation
- NBE4: Protecting Features or Areas of Importance to Wild Flora and Fauna
- NBE5 Development Affecting Species Protected by Law or are Nationally Rare
- NBE6 Trees and Woodlands
- NBE7 Features Important in the Landscape
- NBE8 Landscape Character
- NBE25 Derwent Valley Mills World Heritage Site
- NBE26 Landscape Design in Association with New Development
- TR1 Access Requirements and the Impact of New Development
- TR8 Parking Requirements for New Development

3.2 Deposit Draft Derbyshire Dales Local Plan
- S5 Development in the Countryside
- S7 Strategic Employment Development
- PD1 Design and Place Making
- PD2 Protecting the Historic Environment
- PD3 Biodiversity and the Natural Environment
- PD5 Landscape Character
- PD6 Trees, Hedgerows and Woodlands
- PD8 Flood Risk Management and Water Quality
- HC19 Accessibility and Transport
- HC21 Car Parking Standards
- EC1 New Employment Development
- EC2 Employment Land Allocations

3.3 Government Guidance
- National Planning Policy Framework (March 2012)
- National Planning Practice Guidance

3.4 Other
- Landscape Character and Design Supplementary Planning Document (DDDC) 2007
- Derwent Valley Mills World Heritage Site Management Plan 2014-2019
4. RELEVANT PLANNING HISTORY

No planning history relating to this site but various planning permissions granted at the adjacent industrial site at the junction of Porter Lane and Cromford Hill.

5. CONSULTATION RESPONSES

Parish Council
5.1 - do not object in principle, but are concerned by the new access to this site being so close to the access to the existing industrial site (so there would be 3 "turn rights" going up the Hill very close together
- proposed access is shown as being almost opposite to that to the Black Rocks, cemetery and Bolehill junction - would ask DCC Highways to look at this and consider whether a full redesign of the road with filter lanes is needed (80 - 120 vehicle movements per day are quoted as being likely in the planning design and access statement for this application
- important to keep and bulk up the existing planting to the highway to the same depth as that to the existing industrial site - this may have consequences for layout and how many sqm of floorspace can be developed and car parking provision.

Local Highway Authority (Derbyshire County Council)
5.2 - no objection subject to conditions.

Land Drainage Authority (Derbyshire County Council)
5.3 - holding objection.

Derwent Valley Mills World Heritage Site Panel
5.4 - recommend refusal
- the site forms part of the World Heritage Site’s (WHS) arrested rural landscape setting
- no heritage statement has been prepared and yet the site is surrounded by many historic features such as the Cromford and High Peak Railway, lime kilns, field barns, etc which contribute positively to the landscape
- likely that the surrounding landscape will be host to a variety of associated archaeology which has not been acknowledged
- whilst previous development has been allowed for the existing industrial units, any further development would have a harmful negative impact on the setting of the WHS and its outstanding universal value

Development Control Archaeologist (Derbyshire County Council)
5.5 - holding objection - the applicant is required (NPPF para 128) to submit sufficient information to allow heritage significance and impacts to be understood.

Natural England
5.6 - initial holding objection to application but have now advised of no objection given the Phase 1 Survey submitted by the applicant
- conditions required.

Derbyshire Wildlife Trust
5.7 - the application site could be of Local Wildlife Site value
- should there be some assessment of the ecological impact of the proposals on the identified features and resources and that consideration of potential impacts should not be restricted to the actual working area and just because a feature is of nature conservation interest
- refer to NPPF which states that opportunities to incorporate biodiversity in and around developments should be encouraged
- recommend the Ecological Report should demonstrate how a net gain for wildlife would result from the proposal
- insufficient information submitted to be able to provide further comments.

Economic Development Manager (Derbyshire Dales District Council)

5.8 - the application is supported from an economic development perspective
- lack of new employment floorspace, both to facilitate the growth of indigenous business and encourage new investment into the District has been evidenced by work recently commissioned by the District Council
- the scheme accords with the Council’s corporate priority/economic objectives to increase business growth and job creation within the District
- size of units is within the range required locally and would provide an extension to an established employment site
- opportunities to access the site from the south through the existing employment land should be considered and, whilst the neighbouring well occupied site provides a good indication of demand for industrial premises locally, the applicant should be asked to confirm whether demand for office has been tested within this location
- although the layout of the site would be considered at reserved matters stage, it is advised that more detailed consideration is given to the both the provision of adequate yard space and access to each plot/building - proposed B1c and B8 uses will require access/turning space for vans and lorries and the proposal would benefit from review in this regard.

6. REPRESENTATIONS RECEIVED

6.1 None.

7. OFFICER APPRAISAL

7.1 The following material planning issues are relevant to the consideration of this outline planning application:

1. Principle of development
2. General layout and design
3. Landscape and visual impact
4. Heritage matters
5. Ecology matters
6. Highway safety
7. Flooding and drainage.

Principle of Development

7.2 The principle of development has been largely established with the site being allocated for employment development (Use Class B1(c) – Light Industry) in Policy EC2 of the Deposit Draft Local Plan. The Deposit Draft Local Plan has been through it Examination in Public and only minor modification is proposed.

7.3 The outline planning application has been assessed by the District Council’s Economic Development Manager. He advises that there is a lack of new employment floorspace, both to facilitate the growth of indigenous business and to encourage new investment into the District; this has been evidenced by work recently commissioned by the District Council which details the following:

- the Derbyshire Dales Business Survey (MEL Research Oct 2016) identified that 43% of business surveyed (sample size 221) have plans to expand and, of those looking to expand, two thirds require new premises; and
• an assessment of current workspace availability, part of the report (Review of Approach to the Delivery of New Employment Floorspace in Derbyshire Dales - Thomas Lister, Nov 2016) which identified that an estimated 2.2 years supply of office accommodation, and 1.5 years supply of industrial accommodation, remains available within the District at current take up rates, citing availability of industrial accommodation as “seriously constrained such that historic levels of take up are unable to be met”.

7.4 The scheme accords with the District Council’s corporate priority/economic objectives to increase business growth and job creation within the District. Therefore, the application is supported from an economic development perspective. The size of units proposed is also within the range required locally and would provide an extension to an established employment site.

7.5 Although not detailed on the illustrative application drawings, it is advised that opportunities to access the site from the south, through the existing employment site, should be considered and, whilst this neighbouring, well occupied site provides a good indication of demand for industrial premises locally, it is advised that the applicant confirm whether demand for offices has been tested within this location.

7.6 Although the layout of the site would be considered at reserved matters stage, it is advised that more detailed consideration is given to the provision of adequate yard space and access to each plot/building; proposed B1(c) and B8 uses will require access/turning space for vans and lorries and the proposal would benefit from review in this regard. In addition, it has been noted that the site is proposed to be designated solely for uses within Class B1(c) and the applicant has been asked to make further comments on their proposal to also provide B1(a) and B8 uses on the site; such comments have not been received.

7.7 Notwithstanding the above, and whilst the site allocation in the emerging Local Plan can now be given significant weight and gives a presumption in favour of developing the site for employment purposes, there are several matters which also need to be considered in the assessment of the development proposals as follows.

General Layout and Design

7.8 The layout of the site and the design of the buildings in their setting are reserved matters. However, whilst the site is proposed for allocation as a strategic employment site, the site is nevertheless a greenfield site in open countryside which is within the DVMWHS Buffer Zone. The site is in a sensitive location in terms of its relationship to sites designated for their scientific importance, such as Gang Mine, and the prominence it has within the view from Cromford Hill, and, in particular, from higher ground (including the cemetery, local footpaths and Black Rocks) to the east. In addition there are important landscape features on or immediately adjacent to the site which are potentially threatened by development.

7.9 The applicant has submitted an indicative layout of the site and advised on possible building forms but that these would be largely to individual business requirements. This is considered to leave a lot of discretion to the applicant as to what shape and form the development of the site will take and, in such a sensitive location, it is considered that this needs to be established at the outset. In this respect, an outline planning application with all matters reserved for the site development is considered inadequate. Whilst such information could have been requested for consideration with this application, this would put the applicant to significant further cost in developing such a scheme and there are further matters of concern with regard to the proposals, as submitted, which are detailed below.
Landscape and Visual Impact

7.10 There is no objection in principle in terms of the impact the development will have in the landscape, although there are some concerns regarding the proposals as presented. It will be important to protect existing trees on the embanked boundary to the commercial development in the south, trees on the western boundary with Dark Lane, trees within the copse on the northern boundary and larger trees on the boundary with Cromford Hill. The site would also need to provide sufficient space for the retention and future growth of these trees. However, the copse to the north of the application site is outside of the applicant’s ownership and without protection with a Tree Preservation Order. As such, if this area were to be cleared, it would leave the application site open to view and this needs consideration as to how mitigation can be achieved in this location. The effect of losing the trees, or not planting a landscaping buffer to the site at this northern end, would leave the development rather open to views up Cromford Hill.

7.11 In addition a strong buffer zone of planting must be established along the frontage with the A6 in order to screen views into the site from rising ground in the east. This would be expected to include the existing boundary wall, even if it has to be rebuilt to accommodate a footway and bus stop. Structure planting, including trees, would also need to be included within, and amongst, the development in order to further reduce its impact within the local view and create an environment that is appropriate for this sensitive location. Insufficient information has been submitted to detail how these matters would be addressed.

Heritage Matters

7.12 The Development Control Archaeologist (DCC) has advised that the proposals will impact on two sites on the Derbyshire Historic Environment Record; the remains of Dovegang/Gang Mine, a historic lead mine worked from at least the 16th century (HER 9707), and the site of a 19th century outfarm (HER MDR22229). Historic mapping shows mining related features on, and in the vicinity of, the site. It is also possible that the ‘outfarm’ building is linked to lead mining rather than agriculture.

7.13 The application site is also approximately 160m from a Scheduled Monument (the embankment and bridge of the former Cromford and High Peak Railway at Steeple Grange) and is clearly within the setting of this monument in terms of the NPPF definition (‘the surroundings in which a heritage asset is experienced’).

7.14 Because the site is of archaeological interest, and comprises a major expansion of the existing commercial site within the setting of a designated heritage asset, the Development Control Archaeologist (DCC) and the DVMWHS Panel consider that the applicant is required under Paragraph 128 of the NPPF to submit sufficient information to allow heritage significance and impacts to be understood; no such information is presented within the application documents.

7.15 To address this omission, the applicant will need to submit a heritage impact assessment for the site, produced by a suitably accredited and experienced heritage professional, and comprising an archaeological desk-based assessment (to include consultation with the Peak District Mines Historical Society and a walkover and plot/interpretation of visible features within the site) and a setting study in relation to the Scheduled Monument. Again, whilst such information could have been requested for consideration with this outline planning application, this would put the applicant to significant further cost in developing the scheme.
7.16 Natural England assessed the application and initially submitted a holding objection. It was advised that no assessment has been made of the potential impacts the proposal will have on the Gang Mine Special Area of Conservation (SAC). As such, detailed information on the construction process, and the operational stage of the proposed business units, was required. This was to determine whether the development would have Likely Significant Effects on Gang Mine SAC and should have included air quality and drainage processes which will be created as a result of this development and a strategy for mitigating any identified impacts. As such, the application initially failed to meet the requirements of Policy NBE1 of the Adopted Local Plan (2005) and Policy PD3 of the Deposit Draft Local Plan.

7.17 However, further to these comments, the applicant submitted a Phase 1 Habitat Survey. To this end, Natural England has now raised no objection to the proposal subject to conditions relating to suitable dust control measures within a Construction Environment Management Plan. It is also advised that the Local Planning Authority has regard to Paragraph 115 of the NPPF and use local landscape expertise and information to determine the proposal; such matters would include the appropriate landscaping of the site.

7.18 Derbyshire Wildlife Trust (DWT) also requested further information. The application site comprises semi-improved neutral grassland and bounded by a DWT reserve and Local Wildlife Site; therefore, the application site could be of Local Wildlife Site value. As such, it is advised that there should be some assessment of the ecological impact of the proposals on the identified features and resources and that consideration of potential impacts should not be restricted to the actual working area.

7.19 DWT refer to government guidance within the NPPF which states that opportunities to incorporate biodiversity in and around developments should be encouraged and recommend that, irrespective of any mitigation or compensation arising from the process, that the Ecological Report should demonstrate how a net gain for wildlife would result from the proposals. DWT has advised that insufficient information was submitted for DWT to be able to provide further comments and that the application therefore fails to meet the requirements of Policy NBE2 of the Adopted Local Plan (2005) and Policy PD3 of the Deposit Draft Local Plan. However, given the comments of Natural England, it is considered that mitigation measures and biodiversity enhancement could be provided as conditions on any grant of outline planning permission.

Highway Issues

7.20 No detailed information has been submitted regarding the envisaged traffic the proposal is expected to generate i.e. a Transport Statement. Therefore, the Local Highway Authority has advised that it is difficult to fully assess the proposals and its likely impact on the surrounding highway network. Although the submitted details estimate the site will generate between 80 – 120 vehicle movements to and from the site each day, no information has been submitted to support this statement. This figure is apparently based on the experience of the adjacent site but specific vehicle trip data has not been submitted and there are several factors which could drastically affect the number of vehicle trips the site could generate.

7.21 With regards to the recommended emerging visibility from the new access onto The Hill, given The Hill is subjected to a 40mph speed limit, and the approximate gradient of The Hill in the close vicinity of the site is 1:12, current guidance recommends emerging visibility sightlines of 2.4m x 87m to the north and 2.4m x 137m to the south. Although no drawing has been submitted illustrating what level of emerging visibility is currently available, given the extent of land the applicant is showing to be in his control, its envisaged these
recommended splays can be achieved looking over controlled land or that within the public highway.

7.22 As the proposed development has the potential to generate a significant number of vehicle trips, the Local Highway Authority has also recommend the road layout on The Hill be altered to provide this site with a central right turning facility. This is in order to allow visitors to pull into the central lane and wait to turn right into the site without obstructing the flow of traffic on The Hill; this will avoid queuing traffic towards the bend in the road to the north of the proposed access.

7.23 As the internal layout is only indicative, the Local Highway Authority has no comments at this stage. However, as part of any reserved matters or full application, detailed designs of the proposed access, parking and turning areas will need to be submitted, along with evidence to determine the likely parking demand the site is likely to generate.

7.24 Notwithstanding the above, the Local Highway Authority has advised that it is unlikely it could object to the principle of this site being developed. It seems the proposed vehicular access to the site can achieve acceptable emerging visibility sightlines and forward visibility for vehicles turning right into the site (and for those following vehicles turning right into the site) seems adequate. On this basis, the Local Highway Authority has recommended conditions with regard to details of the temporary access for construction, details of storage, parking, etc. on site during construction, wheel cleaning facilities, required visibility splays, a right turning facility off The Hill, parking provision, the gradient of the access, arrangements for bin storage and means to prevent the discharge of water onto the highway. Whilst the applicant has raised concern with providing the right turning facility, he has nevertheless agreed to the Conditions requested by the Local Highway Authority.

**Flooding and Drainage**

7.25 The Land Drainage Authority has recommended a holding objection to the proposal as it is not possible to provide an informed comment until such time as surface water drainage details are submitted. The information sought includes:

- a site plan and impermeable area plan;
- a topographic survey of the site;
- appropriate evidence to support how the site will drain;
- basic calculations of the greenfield/brownfield runoff and discharge rates for the site;
- a quick storage estimate to show the required storage volume of surface water on site and an indication of the likely location;
- calculations to include allowances for the current Environment Agency guidance for climate change and urban creep;
- basic ground investigation (desktop survey as a minimum); and
- evidence of consideration of a variety of SuDS methods.

7.26 These details are required by the Flood Risk Management Team early in the planning stage to demonstrate that the proposed site is able to drain and that due consideration has been given to the space required on site for surface water storage. This could also have implications for how the site is laid out and any landscaping that may be required to mitigate the impacts of development.

**Conclusion**

7.27 Whilst it is likely that the site will be allocated for employment use in the emerging Local Plan, this does not mean that the site can be granted a planning permission, even in outline with all matters reserved, without addressing significant constraints that are associated with the site. To this end, it is considered reasonable to consider the three
strands of sustainable development; the economic; social and environmental roles as defined in Paragraph 7 of the NPPF.

7.28 With regard to the economic, social and environmental roles, the provision of employment on the site in close proximity to Wirksworth and Cromford, with public transport links to Matlock, Ashbourne and Belper, and further afield, is a significant benefit of the proposed commercial development of the site. There are also economic benefits to be gained in the construction of the site. In this respect, the proposal could provide a sustainable form of development. There are concerns with the impact the development may have during its construction and operation with regard to important wildlife sites. However, Natural England has advised that these can now be addressed by condition having taken the applicant’s Phase 1 Habitat Survey into consideration.

7.29 There will be some impact in the heritage landscape, this has to be balanced with the public benefits of the development. This is in order to address the aims of Paragraph 134 of the National Planning Policy Framework, which is reflected in Policy NBE25 of the Adopted Local Plan (2005) and Policy PD2 of the Deposit Draft Local Plan. This Paragraph of the NPPF states that where development is has less than substantial harm to heritage assets, that the public benefits must outweigh such harm.

7.30 However, notwithstanding the above, there are significant concerns with regard to how the design and appearance of the development, and its assimilation into the landscape with screening/softening, will be achieved in order that the heritage value of the area and the impact in the open countryside can be mitigated. To this end, it is considered that the applicant has provided insufficient information to allay the concerns of Officers. It has been advised to the applicant that matters of heritage need to be considered but the response given has been rather dismissive.

7.31 Officers consider that such matters need to be addressed in establishing the principle of the development proposed. This is also reflected in the matter of the landscaping proposals for the site, to enable the development to become more assimilated and less harmful in the landscape. It should be noted that the wooded area immediately abutting the application site to the north (junction of Cromford Hill with Dark Lane) is not shown to be in the applicant’s ownership and limited weight can be given to this forming a landscaping buffer to the site. Officers also consider it essential that views of the development from Cromford Hill, and the area beyond which includes Black Rocks, and from Dark Lane need to be softened. It is considered that it is inappropriate to give a positive recommendation for the development of such a sensitive site until the matters of how these impacts are to be addressed has been agreed.

7.32 It has been advised by the applicant that he may wish to create plots for development rather than developing the site through himself as a single entity. However, to this end, there would be a needs to submit some design parameters for the buildings and a landscaped framework in which they will sit to be assessed at this stage of the planning process; it is not considered appropriate to grant an outline planning permission and each plot be developed without regard to a clear design strategy and/or mitigation measures having been assessed in the context of the landscape and the heritage value attributed to the wider area.

7.33 In terms of land drainage, notwithstanding the applicant’s comments to the contrary, this is not a matter that should be addressed as a reserved matter and must inform the consideration of the principle and design as it could reduce the area available for built development. The applicant has advised that such matters should have been considered in the site allocation in the emerging Local Plan. However, a Design Brief has not been prepared for the site and it is clear that these matters must be addressed as part of establishing the acceptance, in principle, of granting outline planning permission for built
form, with the associated hard surfaced areas and soft landscaping, and how land drainage can be provided within those constraints.

7.34 Given the above, whilst the principle of development is supported with the site allocation in the Deposit Draft Local Plan, the outline planning application cannot be supported without the submission of further information to address the above concerns. As such, it is recommended that outline planning permission should be refused based on the inadequate level of information submitted with the application.

8. **RECOMMENDATION**

That outline planning permission be refused for the following reason:

1. In the absence of adequate details of the proposed development in terms of its design, scale, layout and site drainage, and any mitigating measures, it is considered that the application as submitted fails to demonstrate how the development will be successfully assimilated into this sensitive environment. Without this information, the proposal has the potential to harm the significance of heritage assets and the landscape in which it is proposed. As such, the proposal fails to comply with Policies SF4, SF5, EDT7, EDT8, EDT15, NBE8 and NBE25 of the Adopted Derbyshire Dales Local Plan (2005), Policies S5, PD1, PD2, PD5 and PD8 of the Deposit Draft Derbyshire Dales Local Plan and with Government guidance contained in the National Planning Policy Framework.

**NOTES TO APPLICANT:**

1. The Local Planning Authority considered the merits of the submitted application and judged that there was no prospect of resolving the fundamental planning problems with it through negotiation having advised its concerns to the applicant. 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.

2. This decision notice relates to the following documents:

Site Location Plan 1:1250 received on 8th May 2017
Indicative Layout Plan 1:1000 received on 8th May 2017
Design and Access Statement received on 8th May 2017
Phase 1 Habitat Survey received on 22nd September 2017
<table>
<thead>
<tr>
<th>APPLICATION NUMBER</th>
<th>17/00835/FUL</th>
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<tbody>
<tr>
<td>SITE ADDRESS:</td>
<td>St Marys Nursing Home, Painters Lane, Ednaston</td>
</tr>
<tr>
<td>DESCRIPTION OF DEVELOPMENT</td>
<td>Change of use from (C2) Residential Institution to B1a (Offices)</td>
</tr>
<tr>
<td>CASE OFFICER</td>
<td>Mr Chris Whitmore</td>
</tr>
<tr>
<td>APPLICANT</td>
<td>Mr Andrew Bock</td>
</tr>
<tr>
<td>PARISH/TOWN</td>
<td>Brailsford</td>
</tr>
<tr>
<td>AGENT</td>
<td>None</td>
</tr>
<tr>
<td>WARD MEMBER(S)</td>
<td>Cllr Angus Jenkins</td>
</tr>
<tr>
<td>DETERMINATION TARGET</td>
<td>29th November 2017</td>
</tr>
<tr>
<td>REASON FOR DETERMINATION BY COMMITTEE</td>
<td>Major development</td>
</tr>
<tr>
<td>REASON FOR SITE VISIT (IF APPLICABLE)</td>
<td>Not considered necessary given the nature of the development proposal</td>
</tr>
</tbody>
</table>

**MATERIAL PLANNING ISSUES**

- The appropriateness of proposed re-use of the building, having regard to its location and;
- The impact of the development on highway safety.

**RECOMMENDATION**

Approval with conditions
St Marys Nursing Home, Brailsford

Derbyshire Dales DC

Date: 25/10/2017

100019785
1. THE SITE AND SURROUNDINGS

1.1 The application site comprises the former St Marys Nursing Home premises located off Painters Lane (the A52), approximately 1km to the west of Brailsford in open countryside. The building was formerly a large detached mansion house, surrounded by parkland. The main access is off the A52 to the south east, although there is a secondary access to the west, which also serves Ednaston Lodge Farm. The main building is faced in render, which is painted white with the exception of a blue plinth (see photograph 1). The window cills are also painted blue. A chapel was added to the building when the Lodge was acquired in 1948 by the Sisters of Mercy and a two storey nunnery, which is constructed in a brown and buff brick (see photographs 2 and 3). Various other alterations to the building, including the addition of extraction units, fire escape stairwells and access ramps give the building an institutional appearance.

![Photograph 1](image1.png) ![Photograph 2](image2.png) ![Photograph 3](image3.png)

2. DETAILS OF THE APPLICATION

2.1 Planning permission is sought to convert the building, excluding the chapel and nunnery to office accommodation (Use Class B1a). The application site extends to include the main nursing home building only, which when in use accommodated up to 32 residents and covered an area of 1340 square metres over two floors. Provision exists for the parking of up to 42 cars, which includes 2 disabled spaces. In a covering letter the applicant advises that the CWC Group is currently based at Brailsford Hall and due to continued growth they require a new headquarters building. They advise that they would occupy approximately 500 sq. m of the office accommodation and that the remainder of the building will be developed into office accommodation to rent. They advise that the building will be refurbished / restored to a high standard that will cater from start-up companies to established businesses with either serviced accommodation or self-contained suites. The accommodation will benefit from access to high speed broadband and will include meeting...
and conference facilities, a staffed reception and secretarial services. The application is also accompanied by a marketing assessment, which considers the buildings continued viability as a care home and other uses of the building, following a period on the open market.

2.2 A plan showing connection to a new package treatment plant and a drainage field to the south west, to deal with surface water run-off also accompanies the application.

3. **PLANNING POLICY AND LEGISLATIVE FRAMEWORK**

3.1 Adopted Derbyshire Dales Local Plan (2005)

- SF4: Development in the Countryside
- SF5: Design and Appearance of Development
- EDT8: Design and Appearance of New Industrial and Business Premises
- EDT9: Provision for People with Disabilities in Schemes for Employment Purposes
- EDT16: Re-use of Rural Buildings for Industrial and Business Use
- TR1: Access Requirements and the Impact of New Development
- TR8: Parking Requirements for New Development

3.2 Deposit Draft Derbyshire Dales Local Plan (August 2016)

- S5: Development in the Countryside
- PD5: Landscape Character
- HC15: Community Facilities and Services
- HC19: Accessibility and Transport
- HC21: Car Parking Standards
- EC1: New Employment Development

3.3 Other:

- National Planning Practice Guide

4. **RELEVANT PLANNING HISTORY**

<table>
<thead>
<tr>
<th>Application No.</th>
<th>Description</th>
<th>Decision</th>
</tr>
</thead>
<tbody>
<tr>
<td>09/00526/FUL</td>
<td>Erection of lighting bollards to car park</td>
<td>Granted</td>
</tr>
<tr>
<td>08/00383/FUL</td>
<td>Extension of existing car park and associated landscaping works</td>
<td>Granted</td>
</tr>
<tr>
<td>0197/0034</td>
<td>Alterations, single storey extension &amp; entrance ramp to north west elevation &amp; single &amp; two storey extensions to south east elevation</td>
<td>Granted</td>
</tr>
<tr>
<td>0194/0035</td>
<td>Alterations and Extension to Nursing Home</td>
<td>Granted</td>
</tr>
</tbody>
</table>

5. **CONSULTATION RESPONSES**

5.1 Brailsford Parish Council:
No objection.

5.2 Local Highway Authority:
Although the Highway Authority has no objection to the principle of this proposed change of use, advise that the existing parking level is, in accordance with current guidance, less than the recommended level. The recommended parking ratio for office use parking is 1 space per 25sqm. The application form states there will be 1340sqm of office floor space, resulting in a recommended parking level of 54 spaces; 12 spaces more than the existing parking provision.
Also, whilst not included in the red/blue outline plan, the Local Highway Authority also advises that the site has an existing access driveway link to the shared access which leads down to the A52 adjacent to ‘The Lawns’. This access has severely substandard emerging visibility onto the A52. Its therefore recommended the applicant permanently closes this access route to the application site with a physical barrier to ensure all traffic uses the sites ‘main’ access to the south east.

5.3 Economic Development Manager (Derbyshire Dales District Council):

From discussions with planning colleagues it is understood that the applicant intends to utilise a significant part of the redeveloped office space for its own purposes and make available the remainder for occupation by other local businesses. From an economic development perspective the application is supported.

5.4 Land Drainage Authority (Derbyshire County Council):

Due to the nature of the proposed plans and the site parameters the Flood Risk Management team do not wish to comment.

5.5 Head of Environmental Health:

No objections. Comment that there have been drainage issues in the past, which were referred to the Environment Agency and that it is believed a new treatment plant has been installed, which has not been verified.

5.6 Environment Agency:

Raise no objection to the proposed development but make the following comments:

_We note that the existing package treatment plant is to be used. In this case where the application is for a change of use and a package treatment plant is already in place, we appreciate that it will not be practical for foul drainage to be connected to the main sewer._

They also advise that a variation to the permit for the package treatment plant may be required.

5.7 Force Designing Out Crime Officer:

No objection to the change of use proposed.

6. REPRESENTATIONS RECEIVED

6.1 None.

7. OFFICER APPRAISAL

7.1 The main issues to assess in the consideration of this application, having regard to the development proposal, are the appropriateness of proposed re-use of the building and the impact of the development on highway safety.

7.2 The Derbyshire Dales Local Plan, adopted in 2005 comprises the development plan for the area. Its policies have been saved and continue to be relevant where they are consistent with guidance contained within the National Planning Policy Framework (2012) (NPPF). Policy EDT16 recognises that there is scope to achieve satisfactory industrial and business development through the conversion of existing buildings and states that such development would be supported where the building or group of buildings are of
permanent and substantial construction, their form, bulk and general design are in keeping with the character and appearance of its surroundings, can be converted without extensive alteration, rebuilding or extension and the conversion does not have a detrimental impact upon the character and appearance of the building or group of buildings or its surroundings, amongst other considerations. Similar provisions are contained within the emerging Derbyshire Dales local plan. Policy EC1 advises that the District Council will support proposals for new business or industrial development through the redevelopment, intensification and more efficient use of existing sites where they are either not fully utilised or unsuited to modern employment requirements, particularly those sites located within or serving the Market Towns and those with good access by a variety of transport modes. These requirements are considered to align with National Planning Policy Framework guidance, which urges support for the sustainable growth and expansion of rural businesses, be that by new build or conversion of existing buildings. There is a requirement under emerging Policy EC1 for new employment development to be appropriate in nature and scale to its location, be accessible by a variety of transport modes, have a layout, access, parking, landscaping and facilities that are appropriate to the site and its surroundings and contribute to an attractive business environment and make provision for the expansion of electronic communication networks, including telecommunications and superfast broadband infrastructure wherever feasible. Given the advanced stage that the emerging plan has now reached in the plan making process, substantial weight has been given to its policies by appointed planning inspectors in recent appeal decisions.

7.3 Although the existing building is located in a rural location, its utilisation by a company that is locally based as its headquarters and the provision of additional high quality office space with access to superfast broadband is considered to constitute appropriate re-use of the building in this case, having regard to policies contained within the adopted and emerging Derbyshire Dales local plans and national guidance. The building is of permanent and substantial construction and of historic and architectural interest, worthy of conversion and re-use. There is some conflict with the part of emerging policy EC1 that requires new employment to be accessible by a variety of transport modes, however, having regard to the former use of the building as a residential institution it is not considered that visits to the site by mainly the private motor vehicle would constitute a sustainable reason for refusal in this case.

7.4 The emerging local plan included care homes in the list of services and facilities that it sought to maintain and improve under Policy S12. This type of community facility has, however, been deleted in the main modifications to the emerging local plan following scrutiny by the appointed local plan Inspector. Nevertheless, the applicant has marketed the site for sale and presented the outcome of this marketing exercise as part of this application. The location, difficulties recruiting staff, and inefficient layout of the rooms (that do not meet today’s minimum standards) are cited as reasons why the building was not considered viable as a care home by the 5 care home operators that viewed the site.

7.5 Taking the above into consideration, the loss of the existing care home use is not considered to be a significant constraint to development. Although the applicant has indicated that parts of the building will be demolished and the former mansion house refurbished / restored to a high standard, this application concerns the use of the building only and the application site is tightly drawn around the part of the building to be converted. To safeguard the original building and the character and appearance of this part of the countryside it will be necessary to remove the right to extend and alter the building under Part 7, Class F of the Town and Country Planning (General Permitted Development) (England) Order 2015. Any alteration to the building or additional infrastructure within its grounds would, in this respect, require a further grant of planning permission. The building is already linked to an existing sewage treatment plant and appropriate infrastructure is in place to deal with surface water run-off.
7.6 The Local Highway Authority, whilst not objecting to the proposal in principle, have raised issue with the number of parking spaces to be provided and the use of the secondary access, which is considered to be substandard in terms of available visibility onto Painters Lane (the A52). In response to these comments, the applicant has clarified that it is their intention to occupy approximately 500 sq. m of the building from Spring 2018 and that they will be submitting an application for car parking and minor external alterations within the next month. They agree to a condition that no more than 1050 sq. m of the building shall be used as offices until space has been laid out for at least 54 car parking spaces in accordance with a scheme which shall have been previously submitted to and approved in writing by the Local Planning Authority. With regard to the use of the existing accesses, the applicant advises that they intend to utilise the main tree line access and that the secondary access (which is shared with Ednaston Lodge Farm) could be utilised by other users of the building to ensure that there would be no intensification of use. Given the previous use of the building as a care home and the ability to utilise the secondary access in association with such use without restriction, it is not considered that a recommendation of refusal could be sustained on highway safety grounds if utilised in this manner. Subject to conditions to secure the above / the management of visitor and staff movements to and from the site, the proposed development is considered to be acceptable from a highway safety perspective and a recommendation of approval is put forward on this basis.

8 RECOMMENDATION

8.1 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.

2. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order with or without modification) no extensions or alterations to the building to be used as offices shall be carried out without the prior written approval of the Local Planning Authority on an application submitted to it.

3. No more than 1050 sq. m of the building shall be used as office accommodation until provision has been made for at least 54 car parking spaces within its curtilage in accordance with a scheme which shall have been previously submitted to and approved in writing by the Local Planning Authority.

4. Prior to the building being brought into first use as offices, a scheme which sets out the management of visitor and staff vehicle movements to and from the site and seeks to minimise the use of the secondary access (which is shared with Ednaston Lodge Farm) to the west shall be submitted to and approved in writing by the Local Planning Authority. The office accommodation shall thereafter be managed in accordance with the approved details.

Reasons:

1. This is a statutory period which is specified in Section 92 of the Town and Country Planning Act 1990.

2. To safeguard the character and appearance of the original building and this part of the countryside and to ensure appropriate parking provision in the interests of highway safety in accordance with the aims of policies EDT8, EDT16, TR1 and TR8 of the Adopted Derbyshire Dales Local Plan (2005), Policies HC21 and EC1 of the emerging Derbyshire
Dales Local Plan and guidance contained within the National Planning Policy Framework (2012).

3. In the interests of highway safety in accordance with the aims of policies TR1 and TR8 of the Adopted Derbyshire Dales Local Plan (2005), Policy HC21 of the emerging Derbyshire Dales Local Plan and guidance contained within the National Planning Policy Framework (2012).

4. In the interests of highway safety in accordance with the aims of policies TR1 and TR8 of the Adopted Derbyshire Dales Local Plan (2005), Policy HC21 of the emerging Derbyshire Dales Local Plan and guidance contained within the National Planning Policy Framework (2012).

Footnote:

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. NFA20 Conditions Precedent... Condition 4.

3. 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.

4. The applicant’s attention is drawn to the Environment Agency’s comments that a variation to the existing permit for the package treatment plant may be required.

This Decision Notice relates to the following documents:
1:2500 Scale Site Location Plan;
1:200 Scale Floor Layout Plan numbered 217027-PL01;
The Covering Letter from the Applicant dated 21st August 2017, and;
The Letter from Christies and Co dated 4th July 2017 received by the District Council on the 23rd and 30th August 2017, and;
The Email and attached floor layout plans received by the District Council on the 25th October 2017.
<table>
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<tr>
<th>Allocated Officer</th>
<th>Reference Number</th>
<th>Site Location</th>
<th>Nature</th>
</tr>
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<tbody>
<tr>
<td>AS</td>
<td>ENF/17/00067</td>
<td>Homelux Nenplas Limited Blenheim Roa</td>
<td>Unauthorised erection of two buildings to the rear of factory and north side of Derby Road, Ashbourne.</td>
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<td>AS</td>
<td>ENF/17/00109</td>
<td>Wheel Plant Ltd Winney Hill Farm Hob L</td>
<td>Use as a collection point for County Council vehicles</td>
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<td>ENF/17/00098</td>
<td>11 Hillside Gardens Matlock Derbyshire</td>
<td>Erection of an outbuilding</td>
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<td>AS</td>
<td>ENF/17/00065</td>
<td>Winney Hill Farm Hob Lane Kirk Ireton D</td>
<td>Unauthorised engineering works to create field access with gate onto Hobs Lane, Kirk Ireton.</td>
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<td>BM</td>
<td>ENF/11/00091</td>
<td>Home Farm Thurvaston Road Marston</td>
<td>Untidy site - storage of scrap materials (Timber, metal, pipes, bricks, slates, gravel etc), old vehicles and caravans in a state of disrepair. Land at Marston House Farm and Home Farm, Thurvaston Road, Marston Montgomery, Ashbourne, Derbyshire, DE6 2FF</td>
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<td>Alleged change of use of pub car park to use for the stationing of vehicular mobile homes.</td>
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<td>Unauthorised erection of Dog kennels</td>
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<td>ENF/17/00029</td>
<td>WELLIES HQ, Chapel O The Hill Somers</td>
<td>Unauthorised building works, in the burial grounds at the former Methodist Church, Somersal Herbert, to facilitate a kitchen area/summerhouse and tractor shed</td>
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<tr>
<td>BM</td>
<td>ENF/16/00046</td>
<td>Hurst Cottage 14 Bull Lane Matlock Der</td>
<td>Alleged that the stone used for the extension is not in keeping with the rest of the property as conditioned by the planning permission 14/00360/FUL</td>
</tr>
<tr>
<td>BM</td>
<td>ENF/13/00050</td>
<td>Barn Opposite Field Cottage Finny Lane</td>
<td>Unauthorised building works to an agricultural building. (Increasing the height).</td>
</tr>
<tr>
<td>BM</td>
<td>ENF/16/00073</td>
<td>Rock Cottage Hillside Lane Brassington</td>
<td>Unauthorised change of use and conversion of outbuildings on land at Rock Cottage, Brassington, Matlock, Derbyshire, DE4 4HA</td>
</tr>
<tr>
<td>BM</td>
<td>ENF/15/00068</td>
<td>Peak View Caravan Site Brassington Lan</td>
<td>Unauthorised change of use of land for the stationing of a caravan for residential purposes, the erection of a small timber building and the erection of a polly tunnel and portaloo.</td>
</tr>
<tr>
<td>BM</td>
<td>ENF/15/00104</td>
<td>Mill Managers House Cromford Mill Mil</td>
<td>Unauthorised internal works and demolition of external boundary wall.</td>
</tr>
<tr>
<td>BM</td>
<td>ENF/15/00014</td>
<td>Sturston Hall Farm Mill Lane Sturston D</td>
<td>Unauthorised alterations to listed building. Installation of photo voltaic panels on roof slope - Sturston Hall Farm, Ashbourne, DE6 1LN</td>
</tr>
<tr>
<td>Allocated Officer</td>
<td>Reference Number</td>
<td>Site Location</td>
<td>Nature</td>
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</tr>
<tr>
<td>BM</td>
<td>ENF/17/00054</td>
<td>Grange Barn Kniveton Derbyshire DE6 1</td>
<td>Breach of pre-commencement condition 4 of planning permission 17/00169/FUL - erection of garage and swimming pool building and external alterations to barn.</td>
</tr>
<tr>
<td>BM</td>
<td>ENF/15/00004</td>
<td>Common Farm Mugginton Lane End We</td>
<td>Unauthorised engineering works including substantive excavation on land at Common Farm.</td>
</tr>
<tr>
<td>BM</td>
<td>ENF/17/00094</td>
<td>1 Shawcroft Centre Dig Street Ashbourne</td>
<td>Unauthorised facia signs at 1 Shawcroft Centre, Dig Street, Ashbourne, DE6 1GF</td>
</tr>
<tr>
<td>BM</td>
<td>ENF/17/00064</td>
<td>Caravan At Valley View Broad Way Kirk I</td>
<td>Unauthorised change of use of land to create a horse riding Manege' on land West side of Broadway, Kirk Ireton</td>
</tr>
<tr>
<td>BM</td>
<td>ENF/16/00056</td>
<td>72 Starkholmes Road Matlock Derbyshir</td>
<td>Change of use of agricultural land to the rear of 70 - 80 Starkholmes Road Matlock, to incorporate within the domestic curtilage of 72 Starkholmes Road, Matlock, DE4 3DD.</td>
</tr>
<tr>
<td>BM</td>
<td>ENF/14/00071</td>
<td>Sturston Hall Farm Mill Lane Sturston D</td>
<td>Unauthorised building works to facilitate a Biomass Boiler and affecting the setting of a listed building.</td>
</tr>
<tr>
<td>BM</td>
<td>ENF/17/00082</td>
<td>Barnwood Main Street Hopton Derbyshi</td>
<td>Unauthorised erection of raised platform on land within the conservation area and to the rear of Barnwood, Hopton, Wirksworth, Matlock, Derbyshire DE4 4DF</td>
</tr>
<tr>
<td>BM</td>
<td>ENF/17/00038</td>
<td>Avanti Jewellers 2 - 4 Church Street Ash</td>
<td>Unauthorised works to listed building</td>
</tr>
<tr>
<td>BM</td>
<td>ENF/16/00068</td>
<td>Land To The South Of West View Shields</td>
<td>Alleged breach of condition 9 relating to the slurry pit on land at Four Oaks Farm, Shields Lane, Roston.10/00580/FUL - condition 9 &quot;The slurry lagoon hereby approved shall only be used for the storage of slurry arising from the keeping of livestock on the site and livestock kept at Pear Tree Farm, Stubwood. It shall not be used for the storage of slurry or any other waste material imported from elsewhere&quot;.</td>
</tr>
<tr>
<td>BM</td>
<td>ENF/13/00108</td>
<td>Corn Mill Cottage Water Lane Cromford</td>
<td>Unauthorised works to Grade II Listed Building</td>
</tr>
<tr>
<td>BM</td>
<td>ENF/17/00041</td>
<td>Barn At Arm Lees Farm Ryder Point Roa</td>
<td>Unauthorised change of use of land for the stationing of a static caravan for the purpose of human habitation</td>
</tr>
<tr>
<td>BM</td>
<td>ENF/17/00073</td>
<td>The Cheese Factory Longford Lane Long</td>
<td>Alleged breach of condition 9 relating to planning permission DDD/0299/0100 - CHANGE OF USE OF PART OF CHEESE FACTORY TO DWELLING WITH COMMERCIAL STUDIO AND SEPARATE OFFICE - for Mr S Webb</td>
</tr>
<tr>
<td>BM</td>
<td>ENF/14/00030</td>
<td>Airways Airsports Darley Moor Airfield</td>
<td>Change of use of land from use for Microlight flying to use for the flying of Biplane aircraft.</td>
</tr>
<tr>
<td>Allocated Officer</td>
<td>Reference Number</td>
<td>Site Location</td>
<td>Nature</td>
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</tr>
<tr>
<td>BM</td>
<td>ENF/17/00092</td>
<td>Arm Lees Farm Ryder Point Road Wirks</td>
<td>Failure to correctly discharge pre-commencement planning conditions relating to planning permission 16/00229/PDA - change of use of agricultural building to dwelling house (use class C3) and associated building operations.</td>
</tr>
<tr>
<td>BM</td>
<td>ENF/14/00041</td>
<td>Redmire Gap Intakes Lane Turnditch Derb</td>
<td>Breach of condition 2 relating to planning permission 10/00812/TEMP - Provision of temporary access for a period of 2 years - Redmire Gap, Intakes Lane, Turnditch, Derbyshire DE56 2LU</td>
</tr>
<tr>
<td>BM</td>
<td>ENF/17/00095</td>
<td>Turlow Fields Farm Turlowfields Lane H</td>
<td>Unauthorised building works to create a roof over an existing muck store and unauthorised minor enlargement of approved building, 15/00493/FUL.</td>
</tr>
<tr>
<td>BM</td>
<td>ENF/17/00052</td>
<td>Manor House Church Street Brassington</td>
<td>Unauthorised engineering works to install septic tank on land at the Manor House, Church St, Brassington, Derbyshire.</td>
</tr>
<tr>
<td>BM</td>
<td>ENF/17/00058</td>
<td>South Lodge Long Lane Longford Derbys</td>
<td>Unauthorised erection of replacement fencing around boundary of South Lodge, Long Lane, Longford, Derbyshire</td>
</tr>
<tr>
<td>BM</td>
<td>ENF/17/00123</td>
<td>131 Smedley Street Matlock Derbyshire</td>
<td>Erection of 2.5m high Fence between properties</td>
</tr>
<tr>
<td>BM</td>
<td>ENF/17/00124</td>
<td>Ecclesbourne Valley Railway Wirks</td>
<td>Erection of New Railway Building</td>
</tr>
<tr>
<td>BM</td>
<td>ENF/17/00117</td>
<td>Land And Track Opposite Willersley Lan</td>
<td>Excavation Works taking place</td>
</tr>
<tr>
<td>BM</td>
<td>ENF/17/00121</td>
<td>10 The Newlands Alabaster Lane Cromf</td>
<td>Engineering works to garden facing Alabaster Lane</td>
</tr>
<tr>
<td>BM</td>
<td>ENF/17/00122</td>
<td>Woodways 6 Yew Tree Lane Bradley Der</td>
<td>Addition of lean to building and slabbled area</td>
</tr>
<tr>
<td>BM</td>
<td>ENF/17/00125</td>
<td>Marsh Hollow Farm Shirley Lane Holling</td>
<td>Installation of a Biomas Generator</td>
</tr>
<tr>
<td>BM</td>
<td>ENF/17/00126</td>
<td>Daisy Bank Farm Longford Lane Longfor</td>
<td>Siting of a static caravan, change of use of agricultural land into garden land with new vehicular accesses and creation of vehicle hardstanding</td>
</tr>
<tr>
<td>BM</td>
<td>ENF/17/00130</td>
<td>Land At Asker Lane Matlock Derbyshire</td>
<td>Breach of Condition 3 of Planning Application 17/00025/REM - Developer not parking within the site as approved</td>
</tr>
<tr>
<td>BM</td>
<td>ENF/17/00120</td>
<td>Lakeside Ednaston Business Centre Holli</td>
<td>Are the relevant permissions in place for weddings to be held at this site</td>
</tr>
<tr>
<td>BM</td>
<td>ENF/17/00116</td>
<td>Parkfield 283 Starkholmes Road Starkho</td>
<td>Excavation works being undertaken</td>
</tr>
<tr>
<td>BM</td>
<td>ENF/17/00119</td>
<td>Former Bent Farm/ Ameycroft Farm Farl</td>
<td>Access Modifications/ Modifications to Public Footpath</td>
</tr>
<tr>
<td>BM</td>
<td>ENF/17/00128</td>
<td>Land To The Rear Of 29 Derby Road Ash</td>
<td>Additional Dwelling being built to the rear of the property</td>
</tr>
<tr>
<td>BM</td>
<td>ENF/17/00129</td>
<td>179 Smedley Street Matlock Derbyshire</td>
<td>Erection of fence around property</td>
</tr>
<tr>
<td>Allocated Officer</td>
<td>Reference Number</td>
<td>Site Location</td>
<td>Nature</td>
</tr>
<tr>
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</tr>
<tr>
<td>CHRISW</td>
<td>ENF/17/00053</td>
<td>72 Eversleigh Rise Darley Bridge Derbys</td>
<td>Unauthorised rear extension</td>
</tr>
<tr>
<td>CHRISW</td>
<td>ENF/16/00041</td>
<td>2,4,6 North Parade Matlock Bath Derby</td>
<td>Unauthorised instalation of plastic windows and door.</td>
</tr>
<tr>
<td>CHRISW</td>
<td>ENF/17/00043</td>
<td>161 Smedley Street Matlock Derbyshire</td>
<td>Engineering operations to create a raised patio area.</td>
</tr>
<tr>
<td>CHRISW</td>
<td>ENF/16/00053</td>
<td>Brookdale Riber Road Lea Derbyshire D</td>
<td>Unauthorised access off Riber Road.</td>
</tr>
<tr>
<td>CHRISW</td>
<td>ENF/15/00054</td>
<td>Rita's Fish Bar 182 South Parade Matloc</td>
<td>Unauthorised alterations to a Grade II Listed Building.</td>
</tr>
<tr>
<td>CHRISW</td>
<td>ENF/15/00024</td>
<td>Blackbrook Lodge Farm Intakes Lane Tur</td>
<td>Unauthorised change of use of holiday cabins to dwelling.</td>
</tr>
<tr>
<td>CHRISW</td>
<td>ENF/17/00106</td>
<td>2 New Road Bolehill Derbyshire DE4 4G</td>
<td>Erection of High Fence Posts</td>
</tr>
<tr>
<td>CHRISW</td>
<td>ENF/17/00085</td>
<td>Former Wallands Farmhouse Ashbourne</td>
<td>Unauthorised building works comprising a change of structure on a building approved under PDA change of use.</td>
</tr>
<tr>
<td>CHRISW</td>
<td>ENF/17/00093</td>
<td>Blueberry Tea Room 13A Main Road Bra</td>
<td>Alleged unauthorised use of parking area to serve food and provide outdoor seating, use of first floor as living accommodation and siting of log burner</td>
</tr>
<tr>
<td>CHRISW</td>
<td>ENF/17/00113</td>
<td>Old Barn Riggs Lane Marston Montgom</td>
<td>Unauthorised engineering works to facilitate what appears to be a hard standing area for the base of a garage.</td>
</tr>
<tr>
<td>GG</td>
<td>ENF/16/00097</td>
<td>UK Slipform Ltd Dunsley Mill Via Gellia R</td>
<td>Unauthorised engineering operations and the creation of concrete retaining wall.</td>
</tr>
<tr>
<td>GG</td>
<td>ENF/12/00034</td>
<td>Stancliffe Quarry, Darley Dale, Matlock.</td>
<td>Unauthorised demolition of a Listed wall and unauthorised access off the A6 at Dale Road North Darley Dale.</td>
</tr>
<tr>
<td>GG</td>
<td>ENF/17/00016</td>
<td>Former Bent Farm Farley Hill Matlock D</td>
<td>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.</td>
</tr>
<tr>
<td>GG</td>
<td>ENF/17/00031</td>
<td>1 Cavendish Cottages Cromford Road W</td>
<td>Unauthorised installation of a white plastic door and window.</td>
</tr>
<tr>
<td>GG</td>
<td>ENF/17/00079</td>
<td>ALS Scaffolding Services Limited Sunnysi</td>
<td>Breach of condition 5 on planning permission 16/00889/FUL</td>
</tr>
<tr>
<td>GG</td>
<td>ENF/17/00090</td>
<td>McDonald's 43 Bakewell Road Matlock</td>
<td>Breach of condition regarding opening hours.</td>
</tr>
<tr>
<td>GG</td>
<td>ENF/16/00089</td>
<td>ALS Scaffolding Services Limited Sunnysi</td>
<td>Breaches of Planning Control</td>
</tr>
<tr>
<td>GG</td>
<td>ENF/17/00077</td>
<td>The Croft Greenhill Wirksworth.</td>
<td>Alleged breaches of planning control at The Croft Greenhill.</td>
</tr>
<tr>
<td>GG</td>
<td>ENF/16/00101</td>
<td>High Croft Salters Lane Matlock Derbysh</td>
<td>Unauthorised erection of sheds, chicken enclosures and a &quot;shepherds hut&quot;.</td>
</tr>
<tr>
<td>GG</td>
<td>ENF/14/00006</td>
<td>5 Olde Englishe Road Matlock Derbysh</td>
<td>Unauthorised change of use from domestic curtilage to use as commercial car park relating to Parkside Fitness</td>
</tr>
<tr>
<td>Allocated Officer</td>
<td>Reference Number</td>
<td>Site Location</td>
<td>Nature</td>
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</tr>
<tr>
<td>GG</td>
<td>ENF/17/00108</td>
<td>Herd Steakhouse Limited 5 Dale Road M</td>
<td>Works undertaken to extension and spiral staircase not in accordance with the approved plans</td>
</tr>
<tr>
<td>GG</td>
<td>ENF/17/00104</td>
<td>Land Adjacent To 11A Little Bolehill Bole</td>
<td>Non compliance with planting condition</td>
</tr>
<tr>
<td>GG</td>
<td>ENF/17/00127</td>
<td>11A Little Bolehill Bolehill Derbyshire DE</td>
<td>Engineering operations</td>
</tr>
<tr>
<td>HF</td>
<td>ENF/16/00090</td>
<td>2 Primrose Cottages St Johns Road Matl</td>
<td>Erection of a shed, decking and fence.</td>
</tr>
<tr>
<td>HF</td>
<td>ENF/17/00002</td>
<td>11 New Road Bolehill Derbyshire DE4 4</td>
<td>Unauthorised engineering operations to create a raised area</td>
</tr>
<tr>
<td>HF</td>
<td>ENF/13/00084</td>
<td>Phillips Woodware Smuse Lane Matlock</td>
<td>Unauthorised erection of workshop</td>
</tr>
<tr>
<td>HF</td>
<td>ENF/11/00083</td>
<td>24 Chapel Hill Cromford Derbyshire DE4</td>
<td>Unauthorised rebuilding of retaining wall.</td>
</tr>
<tr>
<td>HF</td>
<td>ENF/17/00023</td>
<td>Mount Cook Adventure Centre Porter L</td>
<td>Breach of conditions on planning permission 14/00891/FUL</td>
</tr>
<tr>
<td>HF</td>
<td>ENF/16/00079</td>
<td>20 Willowbath Lane Wirksworth Derbys</td>
<td>Erection of timber fence over 1 metre in height adjacent a highway.</td>
</tr>
<tr>
<td>HF</td>
<td>ENF/17/00088</td>
<td>Mount Pleasant Nottingham Road Tansl</td>
<td>Unauthorised creation of pond</td>
</tr>
<tr>
<td>HF</td>
<td>ENF/15/00030</td>
<td>Peli Deli 6 Crown Square Matlock Derby</td>
<td>Unauthorised &quot;PELI&quot; advertisement</td>
</tr>
<tr>
<td>HF</td>
<td>ENF/17/00048</td>
<td>St Elphins St Elphins Park Darley Dale De</td>
<td>Alleged unauthorised lamp posts.</td>
</tr>
<tr>
<td>HF</td>
<td>ENF/17/00022</td>
<td>The Cottage Puddle Hill Bonsall Derbysh</td>
<td>Erection of two wooden sheds.</td>
</tr>
<tr>
<td>HF</td>
<td>ENF/17/00051</td>
<td>The Mews 3 Wirksworth Hall Farm Was</td>
<td>Unauthorised change of use of garage/store to beauty studio.</td>
</tr>
<tr>
<td>HF</td>
<td>ENF/17/00056</td>
<td>Old House Farm Can Alley Roston Derby</td>
<td>Unauthorised engineering works to facilitate access at Old House Farm, Can Alley, Roston, Derbyshire</td>
</tr>
<tr>
<td>HF</td>
<td>ENF/17/00046</td>
<td>71 Park Avenue Ashbourne Derbyshire</td>
<td>Unauthorised engineering comprising of excavations and leveling of land to the rear of 71 Park Avenue.</td>
</tr>
<tr>
<td>HF</td>
<td>ENF/17/00105</td>
<td>Land At Cromford Road Wirksworth Der</td>
<td>Finished detail on apartment bay windows not in accordance with the approved design</td>
</tr>
<tr>
<td>HF</td>
<td>ENF/17/00102</td>
<td>Land Adj. The Allotments Between Nort</td>
<td>Erection of Four Sheds</td>
</tr>
<tr>
<td>HF</td>
<td>ENF/17/00114</td>
<td>1 Church Road Churchtown Darley Dale</td>
<td>Breach of pre-commencement conditions relating to planning permission 15/00629/FUL - two storey extension.</td>
</tr>
<tr>
<td>JB</td>
<td>ENF/17/00020</td>
<td>Duke William Hotel 91 Church Street M</td>
<td>Unauthorised use of land for the storage and stationing of caravans.</td>
</tr>
<tr>
<td>JB</td>
<td>ENF/17/00100</td>
<td>Peak Village Ltd Darwin Lake Holiday Vill</td>
<td>Alleged - Unauthorised Use of Site and Building for the Holding of Weddings</td>
</tr>
</tbody>
</table>

26 October 2017
<table>
<thead>
<tr>
<th>Allocated Officer</th>
<th>Reference Number</th>
<th>Site Location</th>
<th>Nature</th>
</tr>
</thead>
<tbody>
<tr>
<td>JB</td>
<td>ENF/17/00007</td>
<td></td>
<td>Untidy site comprising of the storage of two vans, three cars in a state of disrepair, storage of wood, gas bottles and plastic sheets.</td>
</tr>
<tr>
<td>JB</td>
<td>ENF/17/00061</td>
<td>RIVA Rose Cottage 124 - 126 North Para</td>
<td>Unauthorised works to a Listed Building</td>
</tr>
<tr>
<td>JB</td>
<td>ENF/17/00110</td>
<td>The Lawns Cavendish Road Matlock Der</td>
<td>Development not being built in accordance with approved plans (Doors in Gable End)</td>
</tr>
<tr>
<td>MA</td>
<td>ENF/17/00018</td>
<td>Red Lion Hotel Market Place Wirksworth</td>
<td>Unauthorised works to remove a fire surround in a Grade II Listed Building.</td>
</tr>
</tbody>
</table>
## Enforcement Investigations Closed

### In the 6 Months Prior to 26/10/2017

<table>
<thead>
<tr>
<th>Location</th>
<th>Investigation Details</th>
<th>Address</th>
<th>Status</th>
<th>Date</th>
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<tbody>
<tr>
<td><strong>Ashbourne North</strong></td>
<td></td>
<td></td>
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</tr>
<tr>
<td>ENF/17/00019</td>
<td>Unauthorised erection of timber structure in field to rear of Sunny Mount, Windmill Lane, Ashbourne, DE6 1JA</td>
<td>Sunny Mount Windmill Lane Ashbourne Derbyshire DE6 1JA</td>
<td>Complied Voluntarily</td>
<td>12/06/2017</td>
</tr>
<tr>
<td><strong>Ashbourne South</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>ENF/17/00008</td>
<td>Unauthorised development - Breach of conditions relating to planning permission 09/00207/REM. Erection of 5 two storey dwellings and associated car parking (approval of reserved matters), Olivers Mount Works, South St, Ashbourne.</td>
<td>39 South Street Ashbourne Derbyshire DE6 1DP</td>
<td>Planning Application Received</td>
<td>06/10/2017</td>
</tr>
<tr>
<td>ENF/17/00030</td>
<td>Unauthorised building works to facilitate a raised platform/decking and additional fencing on land at the rear of 47 South St, Ashbourne.</td>
<td>47 South Street Ashbourne Derbyshire DE6 1DP</td>
<td>Planning Application Received</td>
<td>25/10/2017</td>
</tr>
<tr>
<td>ENF/17/00075</td>
<td>Unauthorised erection of shed on land to rear of 49 Lodge Farm Chase, contrary to condition 9 of planning permission 13/00854/REM - Erection of 38 no. dwellings and associated public open space and infrastructure (approval of reserved matters)</td>
<td>49 Lodge Farm Chase Ashbourne Derbyshire DE6 1GY</td>
<td>Complied Voluntarily</td>
<td>28/07/2017</td>
</tr>
<tr>
<td>ENF/17/00083</td>
<td>Removal of boundary hedgerow</td>
<td>Land South Of Old Derby Road Ashbourne Derbyshire</td>
<td>Complaint Unfounded</td>
<td>11/08/2017</td>
</tr>
<tr>
<td><strong>Brailsford</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>ENF/17/00009</td>
<td>Unauthorised building works - Building does not accord with approved plans 15/00407/FUL (Part) for the erection of the freestanding garage/studio.</td>
<td>Burton Shutts Farm Cuscas Lane Brailsford Derbyshire DE6 3BG</td>
<td>Planning Application Received</td>
<td>22/06/2017</td>
</tr>
<tr>
<td>ENF/17/00050</td>
<td>Unauthorised change of use of domestic garage to use for commercial dog grooming parlour.</td>
<td>The Spruces Main Road Brailsford Derbyshire DE6 3DA</td>
<td>Planning Application Received</td>
<td>18/08/2017</td>
</tr>
<tr>
<td>ENF/17/00063</td>
<td>Various adverts around Brailsford</td>
<td>Land To The North Of The Telephone Exchange Luke Lane Brailsford Derbyshire</td>
<td>Not in the Public interest to pursue</td>
<td>06/10/2017</td>
</tr>
<tr>
<td><strong>Carsington Water</strong></td>
<td></td>
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<tr>
<td>Reference</td>
<td>Type of Activity</td>
<td>Location</td>
<td>Status</td>
<td>Date</td>
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<tr>
<td>ENF/17/00010</td>
<td>Unauthorised building/demolition works</td>
<td>Palm Tree Cottage Hillside Lane Brassington Derbyshire DE4 4HL</td>
<td>Planning Application Received</td>
<td>26/04/2017</td>
</tr>
<tr>
<td>ENF/17/00103</td>
<td>Early Morning Construction Noise from Development</td>
<td>Former Goodacres Farm Furlong Lane Hognaston Derbyshire DE6 1PX</td>
<td>Complaint Unfounded</td>
<td>28/09/2017</td>
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<tr>
<td><strong>Clifton And Bradley</strong></td>
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<tr>
<td>ENF/17/00012</td>
<td>Unauthorised engineering works to facilitate an access and roadway across an agricultural field, in addition to an approved access and driveway, and a breach of condition 8 relating to planning permission 16/00662/FUL - Creation of new driveway.</td>
<td>Westwood Clifton Road Clifton Derbyshire DE6 2DH</td>
<td>Complied Voluntarily</td>
<td>22/06/2017</td>
</tr>
<tr>
<td>ENF/17/00013</td>
<td>Unauthorised change of use of land from agricultural to domestic curtilage, and engineering works to create new access drive/parking area to dwelling.</td>
<td>Laurel Cottage Clifton Road Clifton Derbyshire DE6 2DH</td>
<td>Planning Application Received</td>
<td>20/10/2017</td>
</tr>
<tr>
<td>ENF/17/00096</td>
<td>Alleged unauthorised excavation to create slurry pit on land adjacent to Rough Wood, Bradley</td>
<td>Land North Of Rough Wood Rough Lane Yeldersley Derbyshire</td>
<td>Complaint Unfounded</td>
<td>08/09/2017</td>
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<tr>
<td><strong>Darley Dale</strong></td>
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<tr>
<td>ENF/16/00071</td>
<td>Unauthorised engineering operations</td>
<td>The Beeches Hallmoor Road Darley Dale Derbyshire DE4 2HF</td>
<td>Planning Application Received</td>
<td>14/06/2017</td>
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<tr>
<td>ENF/17/00044</td>
<td>Alleged use of property for car and motorcycle repairs.</td>
<td>47 Painters Way Two Dales Derbyshire DE4 2SB</td>
<td>Complaint Unfounded</td>
<td>22/05/2017</td>
</tr>
<tr>
<td>ENF/17/00047</td>
<td>Unauthorised engineering/earthwork operations on the Western boundary of Denacre House and the building of a retaining wall between Denacre House and the road.</td>
<td>Denacre House Denacre Lane Two Dales Derbyshire DE4 2FL</td>
<td>Planning Application Received</td>
<td>28/09/2017</td>
</tr>
<tr>
<td>ENF/17/00086</td>
<td>Unauthorised side extension.</td>
<td>Lynfield Dale Road South Darley Dale Derbyshire DE4 2EU</td>
<td>Planning Application Received</td>
<td>20/09/2017</td>
</tr>
<tr>
<td>ENF/17/00091</td>
<td>Alleged unauthorised fence.</td>
<td>Meadow View Centre 300 Bakewell Road Matlock Derbyshire DE4 2IF</td>
<td>Complaint Unfounded</td>
<td>23/08/2017</td>
</tr>
<tr>
<td>ENF/17/00107</td>
<td>Extension not being carried out in accordance with the approved plans.</td>
<td>The Beeches Hallmoor Road Darley Dale Derbyshire DE4 2HF</td>
<td>Not in the Public interest to pursue</td>
<td>13/10/2017</td>
</tr>
<tr>
<td>ENF/17/00115</td>
<td>Alleged unauthorised signage on roof of public house</td>
<td>Square And Compass Main Road Darley Bridge Derbyshire DE4 2EQ</td>
<td>Complaint Unfounded</td>
<td>06/10/2017</td>
</tr>
<tr>
<td><strong>Doveridge And Sudbury</strong></td>
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<tr>
<td>ENF/17/00003</td>
<td>Unauthorised building works relating to planning permission 15/00459/FUL. Building not built in accordance with approved plans. Also the demolition of an existing double garage and erection of new garage with accommodation above and link to newly built timber clad building, (15/00459/FUL).</td>
<td>81 Aston Lane Sudbury Derbyshire DE6 5HG</td>
<td>Planning Application Received</td>
<td>09/05/2017</td>
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<tr>
<td>ENF/17/00099</td>
<td>Unauthorised use of land for Commercial/ Industrial Storage</td>
<td>Hallmark Tractors Limited Springfield Garage Ashbourne Road Sudbury Derbyshire DE6 5HL</td>
<td>Justification from Officer</td>
<td>18/09/2017</td>
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<tr>
<td><strong>Hulland</strong></td>
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<tr>
<td>ENF/17/00055</td>
<td>Alleged breach of condition relating to removal of P/D rights. Installation of external heat source pump on Laburnham Cottage, Nether Lane, Kirk Ireton.</td>
<td>Bluebell House Nether Lane Kirk Ireton Derbyshire DE6 3JW</td>
<td>Complaint Unfounded</td>
<td>08/06/2017</td>
</tr>
<tr>
<td>ENF/17/00066</td>
<td>Unauthorised building work to create a chimney on roof of barn conversion contrary to planning permission 16/00501/PDA - Change of use of agricultural building to 2 no dwelling houses (use class c3) and associated building operations.</td>
<td>Highcroft Hillcliff Lane Turnditch Derbyshire DE56 2EA</td>
<td>Complied Voluntarily</td>
<td>11/08/2017</td>
</tr>
<tr>
<td>ENF/17/00072</td>
<td>Breach of condition 1 of planning permission 15/00817/FUL - The temporary mobile home hereby approved shall be removed from the site and the land reinstated to its former condition no later than 18 months from the date of this permission. Occupancy of the dwelling shall be restricted to the applicant and her immediate dependants /family members for the duration of the temporary permission, hereby granted.</td>
<td>Log Cabin At Millfield Stables Millfield Lane Kirk Ireton Derbyshire</td>
<td>Planning Application Received</td>
<td>11/09/2017</td>
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<tr>
<td><strong>Masson</strong></td>
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<tr>
<td>ENF/15/00105</td>
<td>Unauthorised engineering operations to create extra parking/turning area.</td>
<td>G P Produce The Hill Cromford Derbyshire DE4 3QL</td>
<td>Not in the Public interest to pursue</td>
<td>20/09/2017</td>
</tr>
<tr>
<td>ENF/16/00037</td>
<td>Unauthorised extension to property.</td>
<td>1 Water Lane Cromford Derbyshire DE4 3QH</td>
<td>Planning Application Received</td>
<td>24/05/2017</td>
</tr>
<tr>
<td>ENF/16/00063</td>
<td>Change of Use of premises to Cafe</td>
<td>Restoration Cafe Former Tourist Information Centre Grand Pavilion South Parade Matlock Bath Derbyshire DE4 3NR</td>
<td>Complaint Unfounded</td>
<td>16/05/2017</td>
</tr>
<tr>
<td>ENF/16/00107</td>
<td>Unauthorised erection of &quot;carving&quot; building.</td>
<td>1 Black Rock Cottages Bakers Lane Cromford Derbyshire DE4 3QW</td>
<td>Justification from Officer</td>
<td>20/09/2017</td>
</tr>
</tbody>
</table>
ENF/17/00027  Unauthorised erection of a satellite dish.  4 Holme Villas Brunwood Road Matlock Bath Derbyshire DE4 3PA  Complied Voluntarily  13/06/2017
ENF/17/00028  Engineering operations to extend a car parking area.  Rock View Temple Walk Matlock Bath Derbyshire DE4 3PG  Planning Application Received  24/07/2017
ENF/17/00039  Unauthorised installation of a new illuminated fascia sign on a Listed Building  136 North Parade Matlock Bath Derbyshire DE4 3NS  Planning Application Received  08/08/2017
ENF/17/00040  Change of use of premises from a retail sweet shop to a cafe selling hot food.  136 North Parade Matlock Bath Derbyshire DE4 3NS  Planning Application Received  20/09/2017
ENF/17/00045  Unauthorised satellite dish.  3 Holme Villas Brunwood Road Matlock Bath Derbyshire DE4 3PA  Complied Voluntarily  13/06/2017
ENF/17/00070  Use of premises as a Cafe.  20 North Parade Matlock Bath Derbyshire DE4 3NS  Complied Voluntarily  05/10/2017
ENF/17/00071  Alleged unauthorised car standing space  16 Rose End Avenue Cromford Derbyshire DE4 3QP  Complaint Unfounded  11/07/2017
ENF/17/00078  Potential change of use of tennis courts to a Fun Fair from 22nd July until 3rd September 2017  Tennis Courts Derwent Gardens South Parade Matlock Bath Derbyshire  Complied Voluntarily  16/10/2017
ENF/17/00080  Alleged unauthorised works to a Listed Building.  19 North Street Cromford Derbyshire DE4 3RG  Complaint Unfounded  09/08/2017
ENF/17/00081  Alleged unauthorised C.O.U to a wedding venue  Masson Farm St Johns Road Matlock Bath Derbyshire DE4 3PQ  Complaint Unfounded  09/08/2017
ENF/17/00084  Alleged unauthorised works.  County And Station Hotel 258 Dale Road Matlock Bath Derbyshire DE4 3NT  Complaint Unfounded  14/08/2017
ENF/17/00111  Check that Garden Room has been built in accordance with submitted plans  Memphis Holme Road Matlock Bath Derbyshire DE4 3NU  Justification from Officer  20/10/2017
ENF/17/00112  Potential Engineering Operation as part of Tree Planting  Rock House Derby Road Cromford Derbyshire  Complaint Unfounded  16/10/2017

Matlock All Saints

ENF/15/00087  Breach of conditions on planning application number 14/00493/FUL  10 Imperial Road Matlock Derbyshire DE4 3NL  Complied Voluntarily  21/06/2017
ENF/16/00014  Unauthorised fencing/decking to the side and rear with associated engineering operations.  38 Megdale Matlock Derbyshire DE4 3JW  Not in the Public interest to pursue  20/09/2017
<table>
<thead>
<tr>
<th>Reference</th>
<th>Description</th>
<th>Address</th>
<th>Status</th>
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</thead>
<tbody>
<tr>
<td>ENF/17/00011</td>
<td>Erection of retaining wall at the bottom of the garden adjacent to a footpath.</td>
<td>64 Wellington Street Matlock Derbyshire DE4 3GS</td>
<td>Planning Application Received 21/06/2017</td>
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<tr>
<td>ENF/17/00034</td>
<td>Demolition of dwelling.</td>
<td>The Lawns Cavendish Road Matlock Derbyshire DE4 3GZ</td>
<td>Planning Application Received 14/08/2017</td>
</tr>
<tr>
<td>ENF/17/00062</td>
<td>Alleged unauthorised fencing</td>
<td>Jackson Tor Hotel 76 Jackson Road Matlock Derbyshire DE4 3JQ</td>
<td>Complaint Unfounded 21/06/2017</td>
</tr>
<tr>
<td>ENF/17/00068</td>
<td>Alleged unauthorised railings at 47-49 Smedley Street East, Matlock.</td>
<td>47 Smedley Street East Matlock Derbyshire DE4 3FQ</td>
<td>Complaint Unfounded 10/07/2017</td>
</tr>
<tr>
<td>ENF/17/00069</td>
<td>Unauthorised construction of raised platform/patio.</td>
<td>21 Snitterton Road Matlock Derbyshire DE4 3LZ</td>
<td>Planning Application Received 20/09/2017</td>
</tr>
<tr>
<td>ENF/17/00118</td>
<td>Construction of Outbuilding</td>
<td>11 Rutland Avenue Matlock Derbyshire DE4 3GQ</td>
<td>Complaint Unfounded 18/10/2017</td>
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**Matlock St Giles**

<table>
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<tr>
<th>Reference</th>
<th>Description</th>
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<th>Status</th>
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<tbody>
<tr>
<td>ENF/16/00025</td>
<td>1/ Unauthorised engineering operations to create an earth bund and storage of materials behind it.2/ Rearrangement of existing bund.</td>
<td>Land Off Alders Lane, Tansley.</td>
<td>Complied Voluntarily 21/06/2017</td>
</tr>
<tr>
<td>ENF/17/00017</td>
<td>Breach of conditions on planning permission 16/00598/FUL-Erection of replacement dwelling and garage and retention of existing dwelling as ancillary accommodation at Pinetrees, Upper Lumsdale, Matlock.</td>
<td>6 Pond Cottages Upper Lumsdale Matlock Derbyshire DE4 5LB</td>
<td>Complied Voluntarily 22/08/2017</td>
</tr>
<tr>
<td>ENF/17/00059</td>
<td>Extensions/building works to Veronica</td>
<td>Veronica Alders Lane Tansley Derbyshire DE4 5FB</td>
<td>Complaint Unfounded 21/08/2017</td>
</tr>
<tr>
<td>ENF/17/00060</td>
<td>Alleged unauthorised vehicular access.</td>
<td>25 Knowleston Place Matlock Derbyshire DE4 3BU</td>
<td>Complaint Unfounded 19/06/2017</td>
</tr>
<tr>
<td>ENF/17/00089</td>
<td>Unauthorised decking and shed.</td>
<td>1 Hill Top Terrace Alfreton Road The Cliff Tansley Derbyshire DE4 5FY</td>
<td>Planning Application Received 16/10/2017</td>
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**Norbury**

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<tr>
<th>Reference</th>
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<tbody>
<tr>
<td>ENF/17/00015</td>
<td>Unauthorised engineering works to facilitate roadway onto agricultural field.</td>
<td>Meadow View Alkmonton Road Boylestone Derbyshire DE6 5AD</td>
<td>Not in the Public interest to pursue 28/07/2017</td>
</tr>
<tr>
<td>ENF/17/00087</td>
<td>Alleged unauthorised engineering works to raise land level within the curtilage of Dove Bank House, Marston Bank, Roston</td>
<td>Dove Bank House Marston Bank Rocester Derbyshire ST14 5BP</td>
<td>Complaint Unfounded 21/08/2017</td>
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**Wirksworth**
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<tr>
<th>Case Number</th>
<th>Description</th>
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<tr>
<td>ENF/15/00079</td>
<td>Works to a Listed Building</td>
<td>14 Market Place Wirksworth Derbyshire DE4 4ET</td>
<td>Complied Voluntarily</td>
<td>21/06/2017</td>
</tr>
<tr>
<td>ENF/15/00082</td>
<td>Unauthorised engineering operations.</td>
<td>Land Off Oakerthorpe Road Bolehill Derbyshire</td>
<td>Complied Voluntarily</td>
<td>21/06/2017</td>
</tr>
<tr>
<td>ENF/16/00064</td>
<td>Installation of plastic windows.</td>
<td>45 North End Wirksworth Derbyshire DE4 4FG</td>
<td>Complaint Unfounded</td>
<td>21/06/2017</td>
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<tr>
<td>ENF/17/00001</td>
<td>Unauthorised occupation of The Chalet</td>
<td>The Chalet Millers Green Wirksworth Derbyshire DE4 4BL</td>
<td>Planning Application Received</td>
<td>08/05/2017</td>
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<tr>
<td>ENF/17/00033</td>
<td>Creation of an additional dwelling.</td>
<td>HotHouse Gatehouse Drive Wirksworth Derbyshire DE4 4DL</td>
<td>Planning Application Received</td>
<td>14/06/2017</td>
</tr>
<tr>
<td>ENF/17/00035</td>
<td>Unauthorised use of access for construction traffic and materials.</td>
<td>Mount Cook Adventure Centre Porter Lane Middleton By Wirksworth Derbyshire DE4 4LS</td>
<td>Complied Voluntarily</td>
<td>13/06/2017</td>
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**Total Closed Cases** 63
**PLANNING APPEAL – PROGRESS REPORT**

Report of the Corporate Director

<table>
<thead>
<tr>
<th>REFERENCE</th>
<th>SITE/DESCRIPTION</th>
<th>TYPE</th>
<th>DECISION/COMMENT</th>
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<tbody>
<tr>
<td><strong>Southern</strong></td>
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</tr>
<tr>
<td>16/00922/OUT</td>
<td>Land east of Derby Road, Doveridge</td>
<td>WR</td>
<td>Appeal being processed</td>
</tr>
<tr>
<td>17/00083/FUL</td>
<td>Land off Derby Lane, Alkmonton</td>
<td>WR</td>
<td>Appeal dismissed – copy of appeal decision attached</td>
</tr>
<tr>
<td>17/00105/FUL</td>
<td>Shaw Wood, 28 Derby Road, Ashbourne</td>
<td>WR</td>
<td>Appeal being processed</td>
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<tr>
<td>17/00400/FUL</td>
<td>87 Park Avenue, Ashbourne</td>
<td>HH</td>
<td>Appeal dismissed – copy of appeal decision attached</td>
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<tr>
<td>17/00043/OUT</td>
<td>16 Upwoods Road, Doveridge</td>
<td>WR</td>
<td>Appeal being processed</td>
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<td><strong>Central</strong></td>
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<tr>
<td>ENF/15/00104</td>
<td>Mill Managers House, Mill Road, Cromford</td>
<td>PI</td>
<td>Appeal being processed</td>
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<tr>
<td>ENF/16/00089</td>
<td>Sunnyside Farm, Whitelea Lane, Tansley</td>
<td>WR</td>
<td>Appeal being processed</td>
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<tr>
<td>16/00775/OUT</td>
<td>Land at Stancliffe Hall, Whitworth Road, Darley Dale</td>
<td>WR</td>
<td>Appeal dismissed – copy of appeal decision attached</td>
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<tr>
<td>16/00847/FUL</td>
<td>Adjacent to 2 Mill Road, Cromford</td>
<td>WR</td>
<td>Appeal being processed</td>
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<tr>
<td>17/00100/FUL</td>
<td>Plot 26, Moorcroft, Matlock</td>
<td>WR</td>
<td>Appeal dismissed – copy of appeal decision attached</td>
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<tr>
<td>17/00112/PDA</td>
<td>Marsh Hollow, Shirley Lane, Hollington</td>
<td>WR</td>
<td>Appeal being processed</td>
</tr>
<tr>
<td>17/00663/FUL</td>
<td>The Woodyard, 2 Old Marston Lane, Doveridge</td>
<td>WR</td>
<td>Appeal being processed</td>
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</tbody>
</table>
OFFICER RECOMMENDATION:

That the report be noted.
The Planning Inspectorate

Appeal Decision
Site visit made on 26 September 2017

by Rachael A Bust BSc (Hons) MA MSc LLM MIEnvSci MInstLM MCMI MRTPi
an Inspector appointed by the Secretary of State for Communities and Local Government
Decision date: 18 October 2017

Appeal Ref: APP/P1045/W/17/3177565
Land off Derby Lane, Alkmonton, Ashbourne DE6 3DH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr Brian Humphries against the decision of Derbyshire Dales District Council.
- The application Ref 17/00083/FUL, dated 23 January 2017, was refused by notice dated 30 March 2017.
- The development proposed is the erection of subterranean eco-dwelling.

Decision

1. The appeal is dismissed.

Preliminary and Procedural Matters

2. The Council’s reason for refusal does not cite any development plan policies. I am required, in accordance with s38(6) of the Planning and Compulsory Purchase Act 2004, to determine this appeal against the provisions of the development plan unless material considerations indicate otherwise. In the appeal questionnaire, the Council provided copies of a number of policies from the adopted Derbyshire Dales Local Plan (2005). In its appeal statement the Council has also cited a number of policies from the emerging Deposit Draft Derbyshire Dales Local Plan (2016). The appellant has had an opportunity to address all of these policies in their final comments and consequently I have had regard to the provisions of the development plan in my determination of this appeal.

3. A completed Unilateral Undertaking (UU) dated 1 June 2017, has been submitted with this appeal. The effect of the UU would be to require the installation of electric car charging points and for all occupiers to only use wholly electric vehicles. I have had regard to the UU submitted in the determination of this appeal.

Main Issue

4. The main issue is whether the appeal site is an appropriate location for new residential development, having regard to national and local planning policies.

Reasons

Location of development

5. Alkmonton is a small linear settlement set within a rural and undulating landscape. The majority of residential development is along the north-eastern

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side of Leapley Lane. Other than a church and a post box there are no other services and facilities. The Council notes that a community bus service provides access to services and facilities within the market town of Ashbourne. I have been provided with no further details of this service, although I note that Ashbourne is approximately 7 miles to the north.

6. The appeal site is a parcel of agricultural land on the south-western side of Alkmonton. It is separated from the nearest road of Leapley Lane and the southern extent of the main built form of the settlement by 2 defined fields. It is also separated from Derby Lane, to the north by another field which is the location for the solar panel array which was allowed at an appeal in September 2016. The site is clearly physically and functionally detached from the existing built form of Alkmonton. It is not disputed between parties that the site lies within the open countryside.

7. The wider area is generally used for pastoral farming with a range of small to medium sized fields surrounded by hedgerows and boundary trees, with occasional areas of woodland. From the relatively flat land near to the junction of Derby Lane and Leapley Lane the land begins to gently fall away to the south-west and continues to fall towards Middleton Park Farm and beyond.

8. The proposal is the construction a subterranean dwelling. The proposed access would be taken from Derby Lane near to a set of existing stables. Immediately adjacent to the proposed dwelling is the site of an agricultural barn which has recently received prior approval from the Council.

9. The development plan comprises the Derbyshire Dales Local Plan, adopted in 2005 (LP). The Council has confirmed that the hearing sessions for the Examination in Public (EIP) of the emerging Deposit Draft Derbyshire Dales Local Plan (2016) (ELP) have been completed and the Council’s Proposed Main Modifications have been consulted upon.

10. The Council notes that the LP is time expired in respect of housing provision policies, since it did not envisage new housing development beyond the plan period. Moreover, the main parties agree, notwithstanding that a five year housing land supply can be demonstrated, that LP Policy H4 (Housing Development Outside Settlement Framework Boundaries) and LP Policy SF4 (Development in the Countryside) are out of date.

11. Paragraph 215 of the NPPF suggests that due weight should be given to relevant policies in existing plans according to their degree of consistency with the National Planning Policy Framework (the Framework). LP Policy H4, states that planning permission will be granted for housing that is essential for the operation of agriculture, forestry or other enterprises that need to be in that location; or consists of affordable housing for an identified local need. This policy content is broadly consistent with paragraphs 54 and 55 of the Framework (delivering a wide choice of high quality homes, in rural areas).

12. LP Policy SF4 sets criteria for acceptable development in the countryside which reiterate and expand on the content of LP Policy H4. The criteria of LP Policy SF4 are consistent with the Framework core planning principles, particularly the fifth bullet of paragraph 17, and with paragraph 28 (supporting a prosperous rural economy) as well as with paragraphs 54 and 55.

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13. Moreover, the aims of ELP Policy S5 (Development in the Countryside) are similar to those of LP Policy SF4 and the approach towards new housing development in the countryside in ELP Policies S3 (Settlement Hierarchy) and HCl (Location of Housing Development) is similar to that of LP Policy H4. The LP policies can, therefore, be given a significant degree of weight and I see no reason why, as relevant policies, they should be considered out of date. Given that the Council can demonstrate a 5 year housing land supply, the presumption in favour of sustainable development as set out in paragraph 14 of the Framework is not engaged by paragraph 49. Consequently, the LP policies are relevant to the determination of this appeal.

14. It is no part of the appellant's case that the appeal proposal would meet any of the criteria set out in LP Policies H4 or SF4. Consequently, the appeal proposal is contrary to these policies.

15. The ELP is at an advanced stage. ELP Policies S3, S5 and HCl are consistent in their approach to new housing development in rural areas with Paragraphs 54 and 55 of the Framework. Having regard to the advice set out in Paragraph 216 of the Framework, I give the ELP Policies considerable weight.

16. The appeal site is within the 'other rural areas' tier of the settlement hierarchy as set out in Policy S3 of the ELP. As such it is defined as the countryside where development will be strictly limited to that which has an essential need to be located there. Policy HCl of the ELP looks to support housing development on unallocated sites in accordance with the provisions of the settlement hierarchy set out in Policy S3. Policy S5 of the ELP identifies criteria which need to be met in order for planning permission to be granted for development in the countryside. It is no part of the appellant's case that the appeal proposal would meet any of the criteria set out in ELP Policy S5. Consequently, the appeal proposal is contrary to this policy.

17. Paragraph 55 of the Framework identifies that housing should be located where it will enhance or maintain vitality of rural communities and that (with certain identified exceptions) local planning authorities should avoid new isolated homes in the countryside.

18. The Framework does not define "isolated," therefore I rely on the everyday definition of the word as meaning lonely or remote. The appeal site is detached from the built up area of Alkmonton, it sits alone and is remote from other built development. As such it is physically, visually and functionally separated from the existing settlement by a substantial distance. The appeal proposal would be an isolated dwelling, which would lead to significant harm arising from development in this countryside location. Accordingly it would be contrary to the aims of the Framework in respect of dwellings in the countryside.

19. Whilst the appellant states that the dwelling would not be visible from the north, east and west. It would be visible from the south due to the topography and it would be emphasised by the predominantly glazed southern elevation. The approved agricultural building and the subterranean nature of the proposed dwelling would mitigate the proposal to an extent. However, this does not overcome the significant harm arising from the principle of development in this countryside location.

20. I conclude that the appeal site is not an appropriate location for new residential development, having regard to national and local planning policies. The appeal
proposal is contrary to Policies H4 and SF4 of the LP, which seek, amongst other things, to restrict new housing development in the countryside. In addition, it would also be contrary to Policies S5, S3 and HC1 of the ELP, these policies seek, amongst other things, to direct new housing towards settlements and restrict new housing development in the countryside. The appeal proposal also fails to be supported by Paragraph 55 of the Framework.

Other matters

21. I have had regard to the potential benefits of the scheme as identified by the appellant, including the provisions of the UU relating to the use of wholly electric vehicles by future occupiers, the low energy demand, energy and thermal efficiency, the use of renewable technologies, water usage, contribution to housing supply, and potential economic benefits arising from the construction phase. However, these suggested benefits, even when taken together, do not demonstrably outweigh the significant harm arising from the principle of development in this countryside location.

22. A range of other matters have been raised by interested parties including: public transport, impact on the landscape, the nearby public footpath, archaeology, school capacity, enforceability of the UU, precedent, impact on character, agricultural land, wildlife. No cogent evidence has been submitted by interested parties to substantiate these concerns, consequently it limits the weight that I can give to them.

Conclusion

23. Taking all matters into consideration, I conclude that the appeal proposal would conflict with relevant local and national planning policies and the development plan as whole. Consequently, the appeal proposal would not be a sustainable form of development and the appeal is therefore dismissed.

Rachael A Bust

INSPECTOR

https://www.gov.uk/planning-inspectorate
Appeal Decision
Site visit made on 17 October 2017

by J D Westbrook  BSc(hons) MSc MRTPi
an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 26 October 2017

Appeal Ref: APP/P1045/D/17/3180335
87 Park Avenue, Ashbourne, DE6 1GB
- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr Carl Spencer against the decision of Derbyshire Dales District Council.
- The application Ref 17/00400/FUL, dated 31 January 2017, was refused by notice dated 28 June 2017.
- The development proposed is the erection of a shed.

Decision
1. The appeal is dismissed.

Main Issues
2. The main issues in this case are the effects of the proposed shed on:
   - The character and appearance of the area around Park Avenue and Beresford Avenue, and
   - The living conditions of the occupiers of nearby dwellings by way of outlook.

Reasons
3. No 87 is an end-terraced, two-storey house situated on the northern side of Park Avenue at its junction with Beresford Avenue. Beresford Avenue slopes down significantly from its junction with Park Avenue, such that the houses to the rear of No 87 lie at a somewhat lower level. No 87, in common with the other houses in the vicinity, has a long rear garden. The garden slopes down in two terraces beyond which, at the rear of the plot, there is a group of interconnected sheds used for storage. The sheds are constructed from a variety of materials and appear to be a mix of older and newer buildings.

4. The proposed development would involve the demolition of the existing group of sheds and the construction of a single shed on a larger footprint. From the submitted plans, it would appear that the shed would be some 6.4 metres wide and 10.2 metres long, with a height to eaves of 3.3 metres and an overall height to roof ridge of some 5.25 metres. It would be built up to the boundaries of the neighbouring houses to the north and east, and effectively up to the rear of the pavement on the western boundary with Beresford Avenue.
Character and appearance

5. The appellant contends that the building is necessary to enable secure garaging of second world war vehicles, the collection of which is his hobby. There is already one vehicle in the existing sheds, which have an overall height of some 2.5 metres. I have some sympathy with the desires of the appellant, but the proposed building would be almost twice the height of the existing sheds, and its overall scale would result in a structure somewhat industrial in nature that would be significantly out of character with the spacious residential character of the surrounding area, where outbuildings are generally low in height.

6. The appellant notes that the building would replace the eclectic mix of buildings that currently exist at the property with one of more consistent design. That may well be, but the replacement would be much higher and of an unsympathetic overall scale, which would not reflect the general scale of sheds and garages in the immediate vicinity. The appellant also notes the existence of a large structure to the side and rear of properties on Beresford Avenue and Brookside. I acknowledge that this structure is large, though its situation to the side of an existing terrace of houses, and at the rear of what appears to be a very extensive rear garden, means that it is not as prominent as would be the proposed shed at No 87. Furthermore, I have no information as to its use or history. In any case, I have considered the proposal on its own merits.

7. In conclusion on this issue, I find that the proposed shed, by virtue of its unsympathetic scale, would be significantly harmful to the tone of the surrounding street scene, and to the low density residential character and appearance of the area around Park Avenue and Beresford Avenue. It would, on this basis, conflict with Policy SF5 of the Council’s Local Plan (LP) which requires that the scale, massing, and height of development should preserve or enhance the local distinctiveness of its surroundings.

Living conditions

8. By virtue of the topography of the area, the houses at Nos 14 and 16 Beresford Avenue to the rear of the appeal property are at a lower level. As a consequence of this, the proposed shed would be at a significantly higher level and, since it would be nearly twice the height of the existing sheds, this would accentuate its visual prominence. The rear gardens of Nos 14 and 16 are long, and this would ameliorate the visual impact to a certain degree. Nevertheless, the scale of the proposed shed would still result in it presenting a somewhat oppressive outlook from the windows and garden areas of Nos 14 and 16. Whilst this may not of itself be reason to dismiss the appeal, it nevertheless adds to my concerns regarding the detrimental impact resulting from the unsympathetic scale of the proposed shed, as outlined above.

9. In conclusion on this issue, I find that the proposed shed would not relate well to surrounding properties, and that it would be harmful to the living conditions of the occupiers of the dwellings immediately to the rear of the appeal property by way of a detrimental effect on outlook. On this basis, it would conflict with Policy SF5 of the LP.

J D Westbrook
INSPECTOR

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Appeal Decision

Site visit made on 30 August 2017

by Caroline Mulloy BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 11 October 2017

Appeal Ref: APP/P1045/W/17/3177107

Stancliffe Hall, Whitworth Road, Darley Dale DE4 2HJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by Miss DK Fern against the decision of Derbyshire Dales District Council.
- The application Ref 16/00775/OUT, dated 19 October 2016, was refused by notice dated 14 December 2016.
- The development proposed is outline application for a maximum of 41 dwellings and regrading of land, point of access onto Whitworth Road not reserved.

Decision

1. The appeal is dismissed.

Procedural Matters

2. The application was submitted in outline, with all matters reserved except for the access. I have dealt with the appeal on that basis, treating the proposed layout as indicative.

Main Issues

3. The main issues in this case are:
   - The effect of the proposal on the setting of the Grade II listed Stancliffe Hall; and
   - The effect of the proposal on the character and appearance of the area.

Reasons

Setting of Stancliffe Hall

4. The appeal site is a former playing field, including cricket pitch and athletics track within the parkland of Stancliffe Hall which was previously used as a school. The land forms part of the parkland setting to the Hall which is a grade II listed building. The listing description identifies that the Hall dates from the late 17th Century and later and describes the hall as a large irregular mansion with extensive additions and alterations made 1879 by E M Barry for Sir Joseph Whitworth. Whilst the Hall has been altered, the historical form and architectural features are clearly legible including windows in moulded, chamfered reveals, coped gables with ball-head finials, moulded floor bands and mullioned transomed windows in moulded chamfered reveals on the returned side to the west.

5. The historical significance of the Hall stems from the connection with Sir Joseph Whitworth who transformed the Hall and its grounds into a parkland with glass
houses, estate lodges and pleasure gardens. The Built Heritage Statement (BHS) (2015) identifies that these changes reflected the change in ownership from the old landed gentry wealth to new wealth derived from trade and the desire to turn country houses into estates, with glasshouses, lodges and parkland to create a picturesque rural retreat.

6. In considering proposals for planning permission, the duty imposed by section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special regard must be had to the desirability of preserving the setting of listed buildings. The National Planning Policy Framework (the Framework) defines the setting of a heritage asset as the surroundings in which it is experienced. The extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset; may affect the ability to appreciate that significance; or, may be neutral.

7. Paragraph 132 of the National Planning Policy Framework (the Framework) states that when considering the impact of new development on the significance of any designated heritage asset, great weight should be given to its conservation. The paragraph goes on to say that significance can be harmed or lost through development within its setting and that any harm should require clear and convincing justification. Para 134 of the Framework states that where a development proposal would 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 optimum viable use.

8. The BHS considers that the site is separated from the Hall by the variation in levels which limits the relationship with the setting of the listed building and that there are limited views of the appeal site from the Hall. It goes onto say that the successive reuse and redevelopment of the appeal site has irrefutably altered the historic setting of the Hall to the extent that they bear little resemblance to their original state and the concept created during the Whitworth’s tenure.

9. The recent judgement Steer v SSCLG [2017] EWHC 1456 (Admin) clarifies that the lack of a visual and/or physical connection of a development site to a heritage asset should not be the determining factor when considering the ‘setting’ in terms of the NPPF definition being an identification of ‘surroundings in which a heritage asset is experienced’. The word ‘experienced’ has a broad meaning which is capable of extending beyond the purely visual.

10. The principal rooms of the Hall overlook the parkland and appeal site to the south east of the Hall and views of the Hall are visible from the appeal site. There are also views from Whitworth Road across the appeal site up to the Hall. I acknowledge that these views are filtered, however, the extent of the landscape provides an open and undeveloped context and provides privacy to the occupiers of the house which was an established and desirable concept of country house owners in the 18th and 19th Century. The parkland was deliberately designed to enhance the presence and visual interest of the Hall.

11. Furthermore, whilst the nature of the landscape has changed through the creation of the cricket pitch and football pitch, overall, the integrity of the parkland has not been diminished or eroded. The parkland retains its intrinsic and historical association with the Hall as a fundamental part of its setting and context. Moreover, although the grounds have been altered, these alterations have largely taken place before the listing of the Hall in the 1950s. Consequently, I consider that the appeal site has clear visual, functional and historical links with the Hall and
that the Hall derives a high degree of its significance from its setting and the designed landscape.

12. The appeal site is approximately 5 hectares and sits at the south-east end of the Stancliffe Hall grounds. The northern part of the appeal site was engineered to create three sports pitches, a cricket pitch, a 5 aside pitch and football pitch at two different levels. The appeal proposal is for up to 41 dwellings, including affordable housing with the access taken from Whitworth Road at the south west corner of the site. It is proposed to restore the former sports pitch to parkland. The indicative plans show the development located to the south east and south west of the site with an area of open space to the north on the site of the former cricket pitch.

13. The BHS recognises that development on the appeal site would bring built form closer to the Hall. However, it considers that due to the significant change in levels between the appeal site and the Hall combined with distance the proposal would result in a modest change in the wider setting of the Hall. It considers that the dispersed form of the development, retention of high quality trees and proposed planting will minimise the visual impact of the proposed development, as viewed from the south east of the development. It suggests that the reshaping of the cricket pitch would enhance the setting of the Hall.

14. From Whitworth Road there are views across the open parkland towards the Hall, albeit filtered in places through the trees, with views more apparent in winter months. Although I acknowledge that the development would include ‘sight lines’ to enable views up towards the Hall, any such views would be very much dominated by significant built development in the foreground. The proposal would form a major element within the parkland setting exerting a strong visual dominance over the heritage asset.

15. The principal rooms of the Hall overlook the parkland and appeal site to the south east of the Hall and the proposal would detract from those views which were deliberately designed to enhance the visual interest of the Hall. Furthermore, it would diminish the open undeveloped context of the parkland which was designed to provide privacy to the owners. Taking these factors in combination, I consider that the proposal would have a harmful effect on the setting of the Hall, from which the listed building derives a high degree of its significance.

16. Furthermore, the proposed access point would be a short distance to the east of Stonecroft, a former lodge to an historic access point to the park and Hall together with associated walling and gate piers which denote the formal entrance/access point to the Hall. I agree with the Council that the creation of a new access point in such close proximity to the historic access would detract from the status of the historic access and an understanding of its significance.

17. The BHS assesses the potential effect on four other Grade II listed buildings and structures which lie in the vicinity of the development including West Lodge, the garden boundary walls, including gate piers to the east of Stancliffe Hall, Grade II; Garden boundary walls to former Whitworth Estate Garden on Whitworth Road, Foggs Hill and Bent Lane, including VR Post Box to SW, Grade II; Boundary Walls to former Whitworth Estate Grade II and also the Grade II* Church of St Helen at Church Town. A number of non-designated heritage assets forming part of or close to the estate were also assessed including Stonecroft, East Lodge, Fircliffe and Yew Tree Cottage.

18. West Lodge, an entrance lodge built for Stancliffe Hall is a grade II listed building which fronts the main Bakewell to Matlock Road. Due to the distance of the appeal
site from West Lodge and intervening development, I agree that the proposal would not result in a change to the immediate setting of the Lodge. Furthermore, I agree that the appeal site does not form part of the setting of the Church of St Helen and that the proposed development would not harm its setting.

19. The BHS considers that the proposed development would not result in any direct harm to the listed garden boundary walls of Stancliffe Hall. It acknowledges, however, that the proposal would result in a change to the wall’s setting, but that this would be limited to the section running to the south-east of the Study site, resulting in less than substantial harm. It considers that the proposed sight line from Whitworth Road to Stancliffe Hall would mitigate against harm to the wall’s significance. However, there is limited evidence before me on this matter and I would, therefore, have sought further views from parties had I decided to allow the appeal.

20. Paragraph 135 of the Framework states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

21. The BHS describes the significance of the non-heritage assets, however, it merely concludes that the proposal would result in built form being brought closer to the buildings. It goes onto say that as non-designated heritage assets they have a low level of significance and changes in their wider settings can not be afforded much weight. However, paragraph 135 does not prescribe the weight to be attached to non-designated heritage assets and in any event this approach does not constitute a proper assessment of the potential effects of the development. In light of this limited evidence, I am unable to carry out the balancing exercise required paragraph 135 of the Framework.

22. It is suggested that landscaping could mitigate the visual impact within and around the proposed development. However, this could take some time to establish and in any event it would reduce the openness of the site which is a particular feature of this part of the parkland.

23. The reinstatement of part of the Hall’s original parkland setting and topography by re-shaping the cricket pitch in a more sensitive form is advanced as a potential benefit of the scheme. However, this would not mitigate the harm which I have identified and in any event could be achieved by other means.

24. The appellant considers that the proposal would deliver high quality housing which is designed to reflect the local vernacular. The management of the existing trees, enhanced biodiversity, removal of the incongruous metal railing from the boundary with Whitworth Road and improved surface water drainage are also put forward as potential benefits of the scheme. However, most of these matters are part of the management of the estate in any event. In addition, any benefits arising from enhanced biodiversity would be off-set by increased activity on the site and the loss of the parkland setting to the Hall. I, therefore, attach limited weight to these benefits in my Decision.

25. The proposal would make a contribution to housing land supply and affordable housing. It would also contribute to the local economy during the construction phase and in the longer term as future occupiers would support local businesses. I afford significant weight to these benefits in my Decision. However, whilst the

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harm would be less than substantial none of the public benefits of the proposal, either individually or cumulatively, would outweigh the significant harm which I have identified to the setting of Stancliffe Hall.

26. For the reasons stated, I conclude that the proposal would have a harmful effect on the parkland setting of the Grade II listed Stancliffe Hall. It would, therefore, conflict with the statutory duty set out in the Planning (Listed Buildings and Conservation Areas) Act 1990 which must be given considerable importance and weight.

27. Conflict also arises with saved Policy NBE16 of the Derbyshire Dales Local Plan (2005) which seeks to protect the special character or setting of a listed building. I note the appellant’s comments that the Policy does not reflect the balanced judgement set out in the Framework. Nonetheless, the Policy has a high degree of synergy with the objectives of the Act and the Framework and can, therefore, be afforded significant weight in my Decision.

Character and Appearance

28. The appeal site is an open space with former playing fields, including a cricket pitch and athletics track which forms part of the parkland setting to the Hall. It is situated outside the defined settlement limits for the town. There are substantial belts of woodland and trees around much of the site, which are largely protected by a tree preservation order, however, the view from the Hall across the parkland, and the view from Whitworth Road across the parkland and up to the Hall remains open.

29. The site is situated within the Landscape Character Area 51 ‘Dark Peak’ which extends over a large area of north-west Derbyshire. At a regional level it lies within the ‘Settled Valley Pastures’ which is described as ‘a settled, pastoral farming landscape on gently sloping lower valley sides, dissected by stream valleys. Dense watercourse trees, scattered boundary trees and tree groups around settlement contribute to a strongly wooded character’.

30. The Derbyshire Dales District Council Landscape Sensitivity Study (the ‘Study’) (2015) identifies Darley Dale as a community located within the valley of the River Derwent, on the edge of the Peak District National Park which overlooks the valley from the west and south west. The majority of land at the settlement edge, including the appeal site has been identified as high sensitivity.

31. A Landscape and Visual Appraisal (LVA) has been submitted in support of the proposal. It recognises that the site forms part of the designed grounds associated with the Hall and is not, therefore, representative of the wider landscape associated with the Derwent Valley. It considers land surrounding the Hall and its immediate gardens to be of high landscape value. However, it suggests that the Hall is set on higher ground whereas the appeal site forms part of the lower grounds set within a framework of highways, settlement, parkland gardens and mature tree cover and that the nature of the landscape has changed through the creation of the cricket pitch and football pitch. Consequently, it considers that the appeal site, whilst forming part of the grounds to the Hall, is not critical to its setting and as such is considered to be of medium value.

32. The appeal site is an open undeveloped piece of land which provides the foreground to the Hall when viewed from Whitworth Road. The site is an important green space separating the town from the countryside beyond. Whitworth Road curves around the site to the south and since its reconfiguration to its present route it has historically contained the parkland of Stancliffe Hall and defines the built up edge of
Darely Dale. Indeed the LVA recognises that the landscape has a defined sense of place with features that are locally valued.

33. Whilst the nature of the landscape has changed through the creation of the cricket pitch and football pitch, overall, the integrity of the parkland has not been diminished or eroded. The parkland retains its intrinsic and historical association with the Hall as a fundamental part of its setting and context, forms an integral part of the historical relationship between the Hall and the town and is also an important green space within the town. Taking these factors in combination, I consider that the appeal site has a High Sensitivity to the development proposed.

34. The appeal proposal is for up to 41 dwellings, including affordable housing with the access taken from Whitworth Road at the south west corner of the site. It is proposed to restore the former sports pitch to parkland. The indicative plans show the development located to the south east and south west of the site with an area of open space to the north on the site of the former cricket pitch.

35. The LVA considers that when experienced from Stancliffe Hall the proposal would be noticeable but would be seen on the lower ground in the immediate context of the settlement and will not change the over-arching role between the Hall and the wider setting of the Derwent Valley. It considers that the change would be notable but not to the degree that it would be at odds with the wider settlement. Consequently, the LVA considers that the proposal would result in a low to medium magnitude of effect on the character of the landscape experienced at the Hall, leading to an adverse effect of moderate significance.

36. When experienced from the settlement and Whitworth Road, the LVA considers that the change would be notable but not to the degree that it would represent a new and discordant element at complete odds with the wider settlement. It suggests that the proposal would be likely to result in a medium magnitude of change leading to an adverse effect of moderate significance. It considers that once the landscape framework has matured to contain the new housing and assimilate it within its setting of landscape and settlement that this would limit any adverse effect to the character of the settlement and the Hall to moderate/minor significance.

37. The proposal would retain the majority of trees surrounding the site including the mature tree belt fronting Whitworth Road together with new tree planting. The cricket pitch would be restored and a central green space created to the north of the site. Nonetheless, the substantial built development would result in the loss of a significant proportion of the parkland which was designed to enhance the presence and visual interest of the Hall. This would diminish the integrity of the parkland and diminish the contribution which the appeal site makes to the setting of the Hall.

38. Furthermore, it would cover the majority of a prominent and steeply sloping field which provides a clear and defined edge to the settlement of Darley Dale and alter the historical relationship of Stancliffe Hall with the town. The proposal would result in a marked, permanent and irreversible change to the site itself, the parkland and its surroundings. It would also result in a significant loss of openness and encroachment in the countryside. I, therefore, find that the LVA underestimates the magnitude of impact and significance of effect on landscape character.

39. I have had regard to the proposed landscape framework and the potential to mitigate the adverse effect of the scheme. However, any additional landscaping would take some time to establish and in any event would reduce the openness of
the site which is a characteristic feature and would not compensate for the loss of the parkland setting.

40. The LVA includes a baseline assessment of the visual setting undertaken from viewpoints surrounding the site. Parties agree that the development would not be particularly perceptible from the Peak District National Park given the relative distance and interrelationship of the site to the existing residential development. In longer distance views from the west and south the site would comprise a small component as part of much wider panoramic views. The LVA considers that views of the development would also be less pronounced from view point 6 due to the increased distance from the site and views from viewpoints 4 and 8 would be heavily filtered. From everything which I have seen in submissions and on my site visit, I have no reason to disagree.

41. Views 1, 2 and 3 are taken from Whitworth Road at or near the southern boundary of the site. The LVA considers that the proposal would lead to an adverse visual effect of major/moderate significance, reducing over time as landscaping matures to moderate/minor significance. I acknowledge that the development would be set back and would be seen in filtered views through the trees; however, the proposal would result in a significant amount of built development in close proximity to highly sensitive visual receptors (residents, motorists, pedestrians). Views are restricted to a degree at view point 1 by the existing development and mature trees along the boundary of the site; however, the proposed development would be highly visible from view points 2 and 3 and would result in the loss of views, albeit, filtered, across the open land. Although the indicative layout shows sight lines up to the Hall, any views would be dominated by built development in the foreground. Consequently, I consider that the proposal would result in a significant deterioration in the view and the significance of effect at viewpoints 1-3 would be ‘major adverse’.

42. There are open views of the appeal site from viewpoint 5 on Whitworth Road, with views towards the Derwent Valley beyond. LVA recognises that the development would result in a high magnitude of change in this location leading to an adverse effect of major significance and I agree. Although views of the wooded ridgeline beyond may be retained views would, nevertheless, be dominated by the development in the foreground. Views of the development from the access lane to Fircliffe House (view point 7) at the western boundary of the site would be readily apparent resulting in an adverse effect of major significance.

43. The proposed landscaping would soften the appearance of the development to a degree; however, there is no guarantee that this vegetation would remain in perpetuity. It would take some time to establish and even at 15 years would not be fully mature. Furthermore, trees may need to be removed and any replacement planting would inevitably take time to establish. Even in the longer term, I do not consider that landscaping would fully mitigate the harm to the parkland setting and landscape which I have identified. As a result, I only place limited weight on the value of vegetation in screening the development during its lifetime.

44. Moreover, the proposed landscaping would not mitigate for the loss of the parkland associated with the Hall or the loss of openness. For the above reasons, I find that the LVA overplays the effect of landscaping in mitigating the impact of the development. Indeed, the proposed landscaping would compound the loss of openness at this location.

45. In terms of the visual impact of the proposal, I conclude that the LVA has underplayed the magnitude of visual impact particularly in the immediate vicinity of
the site. In particular, I consider that the LVA has significantly overplayed the ability of landscaping to screen the visual impacts of the proposal or mitigate for the loss of parkland setting.

46. Attention is drawn to the Council’s assessment of the site in the Strategic Housing Land Availability Assessment (SHLAA) and in particular the comments of the Landscape Officer. However, I note that the SHLAA goes onto state that development is likely to result in harmful impact on/to the significance and setting of heritage assets and I agree. Furthermore, the SHLAA is in any event a technical document which does not form part of the Development Plan.

47. For the reasons stated, I conclude that the proposal would result in significantly harmful landscape and visual effects and harm the parkland setting of Stancliffe Hall. Furthermore, it would harm the character and appearance of the area and result in encroachment in the countryside. It would, therefore, be contrary to Policy NBE8 of the Local Plan. I note the appellant’s comments that the Policy does not reflect the balanced judgement set out in the Framework. Nonetheless, the Policy has a high degree of synergy with paragraphs 17 and 109 of the Framework which seek to recognise the intrinsic character and beauty of the countryside and protect and enhance valued landscapes and significant weight can, therefore, be attached to it in my Decision.

48. Furthermore, conflict arises with paragraphs 17 and 109 of the National Planning Policy Framework (the Framework) which state that planning should take account of the different roles and character of different areas, recognise the intrinsic character and beauty of the countryside and protect and enhance valued landscapes. I have had regard to the indicative plans of the proposal in reaching this conclusion. Moreover, it appears to me that it would not be possible to develop the site for up to 41 dwellings in any other way without causing similar harmful effects on the landscape and character and appearance of the area.

49. The Council have clarified that reason for refusal 2 should make reference to paragraph 55 of the Framework as opposed to paragraph 53. Whilst I have concluded that the proposal would result in encroachment in the countryside, the development would, nonetheless, be situated on the edge of the settlement of Darley Dale. Consequently, I do not consider that the proposed new housing would be ‘isolated’ within the meaning of paragraph 55.

Other Matters

50. Policy H10 of the adopted Local Plan requires the provision of 45% of all dwellings as affordable on allocated sites and sites of 0.5 ha and above. The appellant’s submissions indicate that they are will to provide a policy compliant level of affordable housing. A signed section 106 unilateral planning obligation has been submitted which would make provision for obligations for 30% affordable housing on site with an 80/20 split in favour of social rented units. The level of affordable housing proposed would fall short of that required by Policy H10, but would meet the requirement of draft Policy HC4 of the emerging Local Plan. This is a matter upon which I would have sought parties’ views had I decided to allow the appeal. Nonetheless, I afford significant weight to the provision of affordable housing as a benefit of the scheme.

51. The signed 106 unilateral planning obligation also makes provision for open space either on-site or as an off-site contribution. This is a policy requirement in order to meet the open space needs of future occupants as required by Policy L6. The Council raise concerns regarding the timing of the provision and emphasise that
provision should be made on the appeal site, not off-site. These are matters which I would have gone back to parties on had I decided to allow the appeal.

52. Most of the trees are protected by a Tree Preservation Order and it would appear that it is proposed to retain the best specimens including at least category A and B trees. As the application is in outline, I agree with the Council that it is too early to fully assess the effects of the development on the trees. However, this is a matter which could have been dealt with at reserved matter stage had I decided to allow the appeal.

53. I have taken into account issues raised locally including the potential effect of the proposal on infrastructure, drainage, highway safety and wildlife, however, they would not have led me to any different overall conclusion.

54. The Council considers that it can demonstrate a five year supply of housing land equivalent to 6.7 years at 1st April 2017. The appellant challenges this assertion and draws attention to the evidence provided to the emerging Local Plan Examination Sessions which questions the contributions from Local Plan housing sites. However, there is limited information before me and consequently, I find the evidence inconclusive on this matter.

55. Notwithstanding the Council’s position regarding 5 year housing land supply, it acknowledges that as the housing policies of the current plan only considered the need for housing up to 2011 that the case should be considered under paragraph 14 of the Framework which sets out the presumption in favour of sustainable development and I have considered the appeal on this basis.

56. I have found that the proposal would cause significant harm to the setting of Stancliffe Hall, a grade II listed building and the character and appearance of the area and, therefore, the second indent of the 4th bullet point of paragraph 14 applies. Although I have found the harm to be less than substantial, the harm would not be outweighed by public benefits and hence the presumption in favour of sustainable development does not apply.

Conclusion

57. For the reasons stated and taking all other considerations into account, the appeal should be dismissed.

Caroline Mulloy

Inspector
Appeal Decision
Site visit made on 26 September 2017
by S J Lee  BA(Hons) MA MRTPI
an Inspector appointed by the Secretary of State for Communities and Local Government
Decision date: 19th October 2017

Appeal Ref: APP/P1045/W/17/3177259
Land at the End Of Moor Croft, Matlock DE4 5LL
- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr Sean Ingle of Wheeldon Brothers Ltd against the decision of Derbyshire Dales District Council.
- The application Ref 17/00100/FUL, dated 7 February 2017, was refused by notice dated 5 April 2017.
- The development proposed was originally described as a “single detached house and garage, on land previously occupied by a diseased lime tree no removed”.

Decision
1. The appeal is dismissed.

Main Issues
2. The main issues in this case are the effect of the development on;
   - open space provision;
   - the character and appearance of the area; and
   - the living conditions of the future occupants of Plots 2 and 3 with particular regard to privacy and existing residents at 6 Moor Croft with particular regard to outlook, light and privacy.

Reasons

Open Space Provision
3. The appeal relates to a plot of land currently in use as a site office and storage compound for a residential development of some 25 dwellings which is currently under construction. The site is ostensibly identified as being an area of open space on the approved plans for the permitted scheme.
4. The appellant argues that this area of open space was only identified as a consequence of the need to leave space around a protected tree and did not form part of the formal open or recreation space requirement for the site. This tree was subsequently identified as being diseased and has been removed. The intention is to replace this tree elsewhere on the site. The permitted scheme also includes the provision of a children’s play area, the details of which have been approved through the discharge of a condition on the earlier permission. This has not been implemented as yet, but would sit to one side of the site, in front of the dwelling on Plot 1. The appellant considers that this
meets the open space and recreational requirements of Adopted Derbyshire Dales Local Plan (LP)(2005) Policy L6.

5. Policy L6 states that on all developments above 0.4 hectares, proposals should include appropriate levels of outdoor playing space commensurate with the size and scale of the development. The supporting text to the policy sets out a general standard of 2.4 hectares of open space per 1000 population. The policy itself, however, states the amount of space required will be dependent on the scale and nature of the development. This implies a certain element of judgement is required and that each case will be assessed on its own merits.

6. While I recognise that the committee report on the permitted scheme makes no direct reference to the site meeting this requirement, neither does it state categorically that the children’s play area is all that is required to satisfy Policy L6. Neither party has provided any detailed information on what normally constitutes an appropriate level of space for a development of this scale. In particular, I have nothing before me which indicates that a children’s play area of the size and nature proposed would be considered sufficient or what is normally required by the Council. Nonetheless, based on what I have before me, it is clear that there was an expectation from the Council that this area would not be developed and it is reasonable to assume this had some bearing on their earlier decision.

7. While the Council may have focussed on the play area in their earlier report, this does not necessarily mean that the open space provided would fall outside that required for the site. The space may have been located on this location owing to a constraint but this does not mean that it would not, or should not, contribute to the open space provision of the site or that it would have value to the estate and future residents. The supporting text to Policy LP6 states that it is important for the open space to be integrated into the design and layout of the development. This reflects paragraph 57 of the National Planning Policy Framework (the Framework) which states that it is important to plan positively for the achievement of high quality design, including public spaces. Paragraph 73 also sets out the importance of providing access to open space in the interests of the health and well-being of communities.

8. The definition of open space in the Framework includes all open space of public value which offers opportunities for sport and recreation and includes land that can act as a visual amenity. Even an informal area of open space in this location could provide an opportunity to break up the relatively dense housing and provide an important visual amenity for the site and residents. While the space may not be large in its own right, in the context of Policy L6, it could still represent an important resource for informal play and outdoor recreation by future residents. That there should have been a mutually beneficial outcome to the location of the protected tree does not mean that once the constraint has been removed it is automatically acceptable to remove the space, and lose the associated benefits, that would have been provided.

9. Notwithstanding concerns over the potential loss of space from a visual amenity and design perspective, I am not convinced by the evidence before me that the children’s play area would be sufficient in its own right to meet the needs of future residents. The overall level of space provided by the play area would be small and would provide for only one element of the estate’s potential future population. There is also nothing before me which is indicative of any
other formal or informal open space in the vicinity of the site that could meet these requirements. Moreover, there is no evidence as to whether a surplus of space exists in the area against the broad standard set out in the supporting text to Policy L6.

10. The Council has not raised any concerns about the maintenance burden of the site and I see no reason in principle why it should be considered as having the potential to attract anti-social behaviour. The appellant’s point regarding the space becoming something ‘left over’ by planning would also not be an inevitable consequence of the use or appearance of the site. Indeed, it would be reasonable to assume that such factors were considered during the previous consideration of the development. The fact the appellant has included the site as a potential additional plot in its marketing material is also not a sign that it was ever considered acceptable by the Council or that its removal would be policy compliant. These factors are not persuasive that the space should be considered surplus to requirements.

11. Taking all of the above into account, there is insufficient evidence to suggest that the development would not result in an unacceptable adverse effect on open space provision on the site. Accordingly, there would be conflict with LP Policy L6 which seeks to ensure new residential development includes appropriate levels of outdoor playing space. There would also be conflict with paragraphs 58 and 73 of the Framework which highlight the importance of providing open space within developments for the benefit of communities.

**Character and Appearance**

12. There is no dispute between the parties that the design of the dwelling would be in keeping with the others on the site. The degree of spacing between the development and other dwellings would also not be dissimilar to that exhibited on other parts of the estate. While I consider that the development’s relationship with other dwellings would lead to it appearing more constrained than some others on the estate, this would not result in something unduly cramped in its own right. However, the Council is clear that its concerns also relate to the cumulative effect of the development on the overall character and appearance of the area, the effect on the children’s play area and the replacement tree. There is a clear link here to the issue considered above.

13. Although the majority of dwellings on the estate will be detached and have front gardens and drives, the overall density is still relatively high, particularly in terms of the side-to-side distances between the dwellings, including those opposite the site. The open space, and its relationship with the play area, would help to provide a greater sense of openness and be likely to have a positive effect on the overall character and appearance of the area. This would be consistent with the approach advocated by paragraphs 57 and 58 of the Framework which seeks to ensure development creates attractive and comfortable places to live. As already noted, the open space has the potential to provide visual and recreational benefits and its loss would detract from the well planned and designed nature of the estate. This would not be in the interests of good design and is likely to be harmful to the character and appearance of the area as a whole.

14. The children’s play area is yet to be laid out, but from the plans it is clear that it would be close to the garage of the house on Plot 1 and to the roadside. The development would be set further from the play area than Plot 1 and would
also be set back from the road. There would therefore still be some space directly to the side of the play area. Nonetheless, this would be likely to be more domestic and private in nature and would clearly not provide the same sense of openness as a larger area of informal open space. This would have the effect of constraining the play area in even more than it would be. The reduction and change of nature of the open space would result in it appearing as if it had been squeezed into a small and constrained plot, with little consideration to the wider character, appearance or design of the estate. It would also lead to a situation where the play area would not appear to have been fully integrated with the design of the estate. Policy L6 seeks to avoid such facilities appearing as an afterthought. In my view, this is exactly how the play area would appear if the development were to go ahead. This outcome would be harmful to the character and appearance of the area.

15. The replacement tree is required by condition to emulate the quality of the tree removed and to have the ability to develop as a feature of the site. Even if managed by a management company, this would be situated in what would appear as part of the curtilage of the development. The plans indicate that the extent of the crown on maturity would encroach to a significant degree into the children’s play area and the space in front of the dwelling. This would be particularly close to the living room window of the proposed dwelling. While I have had regard to the comments of the appellant’s arboriculturalist, I am not convinced that the potential proximity of the crown spread to this window would not lead to some potential for the tree to negatively affect the level of daylight and/or direct sunlight entering this habitable room at certain times of the day. This is likely to result in a gloomier environment within this room. The tree may eventually cause some nuisance in terms of falling leaves. While I recognise that it may take some time for this outcome to come to fruition, I must consider the long term effect of the development.

16. Even if the Council were able to retain some control, I consider it would be more difficult for them to refuse consent for significant works to the tree if it were considered to be having a harmful effect on the enjoyment of the property. As a result of this, it is reasonable to assume that the pressure to significantly prune or remove the tree would increase over time. As there is no certainty that such pressure could be reasonably resisted, this constitutes a realistic risk to its long term presence on the site. Such risks would not be in the interests of the replacement tree or the long term character and appearance of the area.

17. Taking all of the above matters into account, I consider that the development would have an unacceptable impact on the character and appearance of the area. Accordingly, there would be conflict with LP policies SF5 and H9 which seek, amongst other things, to ensure that the development preserves or enhances the quality, character, appearance and local distinctiveness of its surroundings. There would also be conflict with LP Policy NBE6 which seeks to resist adverse impact on trees. There would also be conflict with the Framework, in particular paragraphs 58 and 64 which seek, amongst other things, to ensure development functions well, adds to the overall quality of the area and establishes a strong sense of place which improves the character of an area and the way it works.
Living conditions

18. The Council has raised concerns over the effect of the development on the living conditions of those who would be living in the as yet unbuilt dwellings on Plots 2 and 3 and to a lesser extent on the current residents of 6 Moor Croft. Although the Council’s decision notice and appeal statement refer to a generalised effect on amenity, the officer report makes a specific reference to concerns over privacy for Plots 2 and 3.

19. The development would be around 16 metres from the principle windows of these dwellings. The appellant has drawn my attention to examples within the estate where a similar situation has been permitted. The plans suggest that the distances here would be marginally closer than the degree of separation between Plot 12 and Plots 4 and 5, but the difference is not significant in terms of the likely effect on privacy. I am therefore not convinced that the level of privacy at Plots 2 and 3 would be materially worse than those at Plots 4 and 5. As there were clearly no undue concerns relating to these other dwellings, I see no reason to conclude that the development would have an unacceptable impact on living conditions at Plots 2 and 3.

20. The Council acknowledges that there would not be a significant loss of light, outlook or privacy for 6 Moor Croft. I have seen nothing that would lead me to a different conclusion in this regard. The dwelling would result in an increase in the amount of development to the side of No 6, and this would have some effect on the property. However, there would be some separation between the dwellings and the development would be at an oblique angle to the majority of windows in the facing elevation of No 6. The garage would be closer to the flank of No 6, but would be unlikely to have any significant impact on outlook, light or privacy. I am not convinced therefore that the development would result in any material harm to the living conditions of people living in this dwelling.

21. In conclusion on this matter, the development would not have an unacceptable impact on living conditions in the area. Accordingly, there would be no conflict with LP Policy H9 which seeks, amongst other things, to ensure development provides a reasonable privacy and does not have a detrimental impact on the amenities of nearby properties. I also see no conflict with paragraph 17 of the Framework which seeks, amongst other things, to ensure development provides a good standard of amenity for all existing and future occupants.

Other Matters

22. The appellant has submitted a signed but undated Unilateral Undertaking to make a financial contribution toward affordable housing. While the disparity between the two parties is not significant, the Council has disputed whether the contribution would be sufficient to meet the adopted LP policy requirements. However, given that I am minded to dismiss the appeal on other substantive issues, it is not necessary for me to examine the provisions secured, other than to confirm that I have taken the potential contribution toward affordable housing as a benefit of the proposal.

23. There is some dispute between the parties as to whether the Council can demonstrate a 5 year supply of deliverable housing land as required by paragraph 47 of the Framework. The most up-to-date data provided by the Council suggests that they have a 5.28 year supply based on the objectively...
assessed needs (OAN) which are being consulted on as part of the Main Modifications’ (MM) stage of the emerging Local Plan. The appellant has not submitted any alternative data, or any other substantive evidence which suggests that I should not accept the Council’s position.

24. I have found conflict with LP policies SF5, H9, NBE6 and L6. Even if a five year supply did not exist, the consistency of such policies with the Framework would ensure they continued to carry significant weight. The harm the development would have on open space provision and the character and appearance of the area would also conflict with environmental and social dimensions of sustainability as set out in paragraph 7 of the Framework.

25. Balanced against this would be the delivery of one dwelling and the contribution to affordable housing. The provision of one additional dwelling would add to the supply of housing, but even if there were a shortfall this situation is unlikely to persist for an extended period of time. The emerging Local Plan is at a late stage in its preparation and the Council appears to be taking all necessary steps to ensure an adequate supply of housing is in place. In such circumstances, the delivery of one additional house would not provide significant benefits. The affordable housing contribution would also be limited in scale and equally only carry limited weight.

26. Taking everything into account, even if I were to conclude that there was a shortfall in the housing land supply, the adverse impacts of the development would significantly and demonstrably outweigh the benefits of one additional dwelling when considered against the requirements of the Framework as a whole. As a result, the application of paragraph 14 of the Framework would not indicate that permission should be granted in any event.

Conclusion

27. In the circumstances of this appeal, the material considerations considered above do not justify making a decision other than in accordance with the development plan. For these reasons, the appeal should be dismissed.

S J Lee
INSPECTOR
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.