31 July 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 08 August 2017 at 6.00pm in the Council Chamber, Town Hall, Matlock DE4 3NN

Yours sincerely

Sandra Lamb
Head of Corporate Services

AGENDA

SITE VISITS: The Committee is advised a coach will leave the Town Hall, Matlock at 3.00pm 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 – 11 July 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. 17/00386/FUL (Site Visit)  
Erection of a dwelling and garage at The Lawns, Cavendish Road, Matlock.

4.2 APPLICATION NO. 17/00416/VCOND (Site Visit)  
Removal of Condition 8 of planning permission 15/00361/FUL to allow unrestricted use of building as a dwelling house at Springfield, Riber Road, Starkholmes.

4.3 APPLICATION NO. 17/00343/OUT (Site Visit)  
Erection of three bungalows (Outline) at The Bungalow, Wheatley Road, Two Dales.

4.4 APPLICATION NO. 17/00417/OUT (Site Visit)  
Erection of 24 dwellings and access (Outline) at Land Rear of Oakstone Farm, Old Hackney Lane, Hackney.

4.5 APPLICATION NO. 17/00003/FUL (Site Visit)  
Erection of 12 affordable dwellings at Land North West of Megdale (former DDDC Plant Nursery), Matlock.

4.6 APPLICATION NO. 17/00092/REM  
Residential development - reserved matters application for the erection of 85 dwellings and associated works (Outline permission - 15/00739/OUT) at Land off Derby Road, Doveridge.

4.7 APPLICATION NO. 17/00118/FUL  
Erection of a dwelling at Land Adjoining Elmcroft, Derby Road, Cromford.
5. INFORMATION ON ACTIVE AND CLOSED ENFORCEMENT INVESTIGATIONS

6. APPEALS PROGRESS REPORT

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

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

Nominated Substitute Members
Martin Burfoot, Phil Chell, 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:

<table>
<thead>
<tr>
<th>Role</th>
<th>Time Limit</th>
</tr>
</thead>
<tbody>
<tr>
<td>Town and Parish Councils</td>
<td>3 minutes</td>
</tr>
<tr>
<td>Objectors</td>
<td>3 minutes</td>
</tr>
<tr>
<td>Ward Members</td>
<td>5 minutes</td>
</tr>
<tr>
<td>Supporters</td>
<td>3 minutes</td>
</tr>
<tr>
<td>Agent or Applicant</td>
<td>5 minutes</td>
</tr>
</tbody>
</table>

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 consideration
SITE VISITS
Members will leave the Town Hall, Matlock at **3.00pm prompt** for the following site visits:

<table>
<thead>
<tr>
<th>Time</th>
<th>Application No.</th>
<th>Location</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>3.05pm</td>
<td>17/00716/FUL</td>
<td>THE LAWNS, CAVENDISH ROAD, MATLOCK.</td>
<td>At the request of Officers to assess the impact of the scheme on the neighbours amenity and on the character and appearance of the locality.</td>
</tr>
<tr>
<td>3.25pm</td>
<td>17/00416/VCOND</td>
<td>SPRINGFIELD, RIBER ROAD, STARKHOLMES.</td>
<td>At the request of Officers to assess the proximity and potential harm to a protected tree as a result of the unrestricted residential use of the proposed dwelling house.</td>
</tr>
<tr>
<td>3.55pm</td>
<td>17/00343/OUT</td>
<td>THE BUNGALOW, WHEATLEY ROAD, TWO DALES.</td>
<td>At the request of Officers for Members to appreciate the site and context.</td>
</tr>
<tr>
<td>4.15pm</td>
<td>17/00417/OUT</td>
<td>LAND REAR OF OAKSTONE FARM, OLD HACKNEY LANE, HACKNEY.</td>
<td>At the request of Officers for Members to appreciate the site and context.</td>
</tr>
<tr>
<td>4.35pm</td>
<td>17/00003/FUL</td>
<td>LAND NORTH WEST OF MEGDALE (FORMER DDDC PLANT NURSERY) MATLOCK.</td>
<td>At the request of Officers for Members to appreciate the site and context.</td>
</tr>
<tr>
<td>5.00pm</td>
<td></td>
<td>RETURN TO TOWN HALL, MATLOCK.</td>
<td></td>
</tr>
</tbody>
</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>
<thead>
<tr>
<th><strong>APPLICATION NUMBER</strong></th>
<th>17/00386/FUL</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>SITE ADDRESS:</strong></td>
<td>The Lawns, Cavendish Road, Matlock</td>
</tr>
<tr>
<td><strong>DESCRIPTION OF DEVELOPMENT</strong></td>
<td>Erection of Dwelling and Garage</td>
</tr>
<tr>
<td><strong>CASE OFFICER</strong></td>
<td>Gareth Griffiths</td>
</tr>
<tr>
<td><strong>APPLICANT</strong></td>
<td>Mr. Rupert and Sally Scargill</td>
</tr>
<tr>
<td><strong>PARISH/TOWN</strong></td>
<td>Matlock Town</td>
</tr>
<tr>
<td><strong>AGENT</strong></td>
<td>Mr. James Probert</td>
</tr>
<tr>
<td><strong>WARD MEMBER(S)</strong></td>
<td>Cllr S Burfoot, Cllr M Burfoot, Cllr A Elliott</td>
</tr>
<tr>
<td><strong>DETERMINATION TARGET</strong></td>
<td>01.08.2017</td>
</tr>
<tr>
<td><strong>REASON FOR DETERMINATION BY COMMITTEE</strong></td>
<td>Requested by Ward Member</td>
</tr>
<tr>
<td><strong>REASON FOR SITE VISIT (IF APPLICABLE)</strong></td>
<td>To assess the impact of design revisions on amenity and character and appearance of locality.</td>
</tr>
</tbody>
</table>

**MATERIAL PLANNING ISSUES**

- Visual Amenity
- Impact on Neighbours

**RECOMMENDATION**

Approval
17/00386/FUL

The Lawns, Cavendish Road, Matlock

Derbyshire Dales DC

Date: 18/07/2017

100019785
1.0 THE SITE AND SURROUNDINGS

1.1. The application site lies to the west of Farm Lane, a cul-de-sac which runs north from Cavendish Road. The cul-de-sac terminates at a former farm group Wolds Farm which is Grade II Listed. To the south of the site is a red brick dwelling set at right angles to Farm Lane, whilst on the opposite side to the east is the stone dwelling The Croft which is set behind a substantial stone boundary wall. The area has a mix of traditional stone properties and more recent development with estate houses backing onto the site to the west and north west. The site slopes down from north to south and has a stone wall enclosing the Farm Lane frontage supplemented with mature planting. The southern boundary has a substantial screen of vegetation.

2.0 DETAILS OF THE APPLICATION

2.1. Planning permission is sought for the erection of a replacement dwelling and garage. The dwelling is substantially complete and runs on a north east / south west axis down the site, cut slightly into the slope. The dwelling will have a contemporary design incorporating two floors with a flat roof. The south eastern corner has a single storey component projecting out with raised terrace below. This is utilised at first floor to create a balcony for the bedroom with the window set into the roof structure and balcony enclosure projecting slightly out but set well in from the edge of the flat roof.

2.2. The dwelling will have a zinc clad main roof with darkened oak boarding and ashlar stone to the walls. The southern elevations incorporate extensive areas of glazing but otherwise at first floor levels the windows are in the gable or are roof windows.

2.3. Also proposed is a garage block / tool shed in the north east corner of the site with a roof ridge running east / west. This garage will be faced in timber with a tile roof. It has a roof height of 3.7m, is 11.5m wide and has maximum depth of 6m. This building sits relatively close to the site boundary but because of the rising ground to the north and the presence of a boundary fence only the top portion of its roof will be visible from the north east in the context of an existing neighbour’s garage. The existing garage to the immediate north of the dwelling under construction is to be demolished.

2.4. The applicants have submitted revised plans during the consideration of the application to show the location of the balcony enclosure and have submitted a response to the representations made in explanation of their proposals as follows:-

(i) Accept that a further application was needed because of the total demolition of the former bungalow on site.

(ii) In relation to the suggestion that the building is raised at its base give the following explanation:

   The ground floor slab to the former bungalow was removed along with 225mm of brickwork. The new structural slab has been installed over the existing brickwork an insulation layer and a thin floor screed fitted. The finished floor surface of the new floor is consequently 50mm higher than the former bungalow structural floor.
(iii) The finished roof height of the new dwelling is 1m higher than that of the original bungalow. The steep slope of the roof gives a false impression of height as the ridge is closer to the observer.

(iv) Drawings have previously misrepresented the relative heights of existing and proposed buildings but this is because they have overrepresented the height of the previous bungalow.

(v) The building will be much less conspicuous when the roof and walls are finished.

(vi) The existing garage is to be demolished and the space landscaped with lawn. There are no proposals to utilise this area to extend the dwelling.

(vii) The proposed garage is an improvement on the relationship with the listed building as it is recessive in materials and siting in comparison with the existing.

(viii) There is no proposal to utilise this garage as a dwelling.

(ix) There will be no direct overlooking once finished as the balcony edge hand railing and obscure glazed infill panels will provide good privacy.

(x) The first floor window in the north elevation is 35m from the neighbours to the north and the topography prevents overlooking.

3.0 PLANNING POLICY AND LEGISLATIVE FRAMEWORK

3.1. Adopted Derbyshire Dales Local Plan

   SF1: Development Within Settlement Frameworks Boundaries
   SF5: Design and Appearance of Development
   H1: New Housing Development Within Settlement Framework Boundaries
   H9: Design and Appearance Of New Housing
   NBE16: Development Affecting A Listed Building
   NBE21: Development Affecting A Conservation Area

3.2. National Planning Policy Framework

4.0 RELEVANT PLANNING HISTORY


5.0 CONSULTATION RESPONSE

5.1. Local Highway Authority:
Given history raise no objection subject to the garage being ancillary to the dwelling.

5.2. Matlock Town Council:
No comments received at time of report preparation.
6.0 REPRESENTATIONS RECEIVED

6.1. Letters received from occupants of neighbouring dwellings making the following points:

- During demolition the original concrete slab was removed and replaced with a thicker slab having the effect of raising the new house.
- The dwelling as built is higher than shown on the submitted drawings. The section plan shows the new dwelling set below the existing garage. In reality its roof sits above the ridge of this garage.
- The new building can be seen on the skyline from the Conservation Area on Cavendish Road spoiling the character and appearance of the area.
- Demolition of the existing garage needs to be done properly conforming to HSE requirements to safeguard neighbours.
- The space freed up by the demolition of the garage should not be used to extend the dwelling.
- The garage block is very large.
- The garage block is only 10m from Wolds Farmhouse.
- From Farm Lane it will have an adverse visual impact on these dwellings.
- A condition is needed to prevent future residential conversion of the garage block.
- The building has no relationship to its context and is obtrusive by design.
- The Croft is overlooked by the development from the viewing platform and Velux windows.
- The drive, kitchen, bathroom, bedroom, patio and lawn of The Croft are all overlooked.
- The proposal is contrary to Local Plan Policies.
- With the removal of the existing garage a window in the north gable will overlook dwelling to the north.
- The new dwelling is considerably more intrusive than the original bungalow when viewed from the junction of Farm Lane and Cavendish Road. This contemporary design consequently impinges on the setting of Wolds Farm.

7.0 OFFICER APPRAISAL

7.1. Introduction

Planning permission has previously been granted for the partial demolition of a former bungalow on this site and the sites redevelopment with a dwelling of the same design as that now proposed. As is apparent from the applicants’ explanation the partial demolition expanded into total demolition and the proposal is now for a replacement dwelling in the same location as that formerly proposed. A garage / store has been added to the project. The previous acceptance of a contemporary dwelling on the site is an important material consideration in assessing the merits of what is now proposed. The principle of a replacement dwelling is acceptable within the Settlement Framework and the assessment of this scheme hinges on the impact on the character and appearance of the locality having due regard to its proximity to listed buildings and a Conservation Area and the impact of the scheme on the amenity of neighbours. Assessment of these impacts is aided by the fact that the dwelling proposed is well on its way to completion with all of the frame of the building present on site.
7.2. Impact on the Character and Appearance of the Area

The locality has a number of older buildings constructed in local stone with those at Wolds Farm at the top of Farm Lane benefiting from a Grade II Listing. These buildings have, however, over time, been absorbed into the settlement and are surrounded by a range of housing both individual plot development and estate housing. In the case of the listed buildings this has essentially removed its original setting context to the south. Part of this historical diminution of the setting involved the construction of the previous bungalow on this plot. The dwelling now under construction is slightly more visually imposing and has a contemporary design. In response to the representations the applicants have also clarified that the building has been built slightly higher out of the ground than the original scheme. Notwithstanding this the development as constructed is not considered to have any additional impact on the significance of the heritage asset over and above the dwelling which previously existed.

The garage / workshop block is a new component to the scheme which requires assessment as it will sit at the northern end of the site closer to the listed building. The garage / workshop, though relatively large, is sited such that it is largely screened by planting, the change in levels and boundary enclosures. Only the top part of the roof would be visible from Wolds Farm and this view has the context of another garage in the foreground and residential development beyond. It will have no additional adverse impact on the significance of the heritage asset.

It has been suggested that the dwelling, because of its height and design, has an impact on the setting of Matlock Bank Conservation Area. Whilst the dwelling is visible, given its immediate context of mixed residential development and separation from the Conservation Area, it is not considered that any additional impact on the setting of the Conservation Area is material over and above that which has already been accepted which was minimal in any event.

The redevelopment of residential plots invariably causes concern amongst neighbours and not everyone considers contemporary design appropriate. However, the design solution chosen here is acceptable and seeks to make use of the site’s assets. It is not considered that the modest change to the scheme now proposed through a replacement dwelling generates any significant additional visual impacts over and above those previously considered. The dwelling sits slightly higher out of the ground but it lies within a large plot and is not considered visually dominant or inappropriate as a result in this mixed suburban location.

7.3. Impact on Neighbours Amenity

The applicant has advised that the replacement of the dwelling involved the raising of the floor slab by 50mm. They have also advised verbally that the apparent discrepancy shown on the section drawing submitted results from a misrepresentation of the height of the existing garage rather than the new dwelling being built higher than shown. A revised plan is anticipated to clarify this point. The applicants have also during the consideration of the application submitted an amended drawing showing the location of a balcony rail set well in from the edge of the projecting roof. In terms of amenity the main concern expressed by surrounding residents relates to overlooking of their dwellings and amenity areas. The dwelling as constructed with its north east / south west ridge at its midpoint is set 10m away from its eastern boundary with the minimum dimension being 8.5m at the northern
point. The corresponding distances from the boundary of The Croft are 16m and 14m with the nearest point of The Croft as a dwelling more than 20m away. The separation of the dwelling from the southern boundary at its nearest point is 6m although a raised garden area extends closer to this boundary.

The impact on amenity can largely be judged given the current presence of the building. The one area of uncertainty relates to how the use of the balcony will impact on neighbours. In this regard the revised plans show a balcony rail set well within the projecting roof. In this position views out from this raised area are significantly reduced both by distance and the presence of the intervening flat roof. When this limited potential for overlooking is weighed in the balance, with the minimal change proposed, the presence of some boundary screening and the distances involved, it is not considered that adverse overlooking will result to the dwelling to the east. In relation to the plot to the south the significant change in land levels means that views out to the south will be out over the roof of this dwelling.

In order to ensure that the flat roof is not utilised to its edge which could be much more intrusive a condition is advisable.

The garage building is not considered to have any significant impact on neighbouring amenity and whilst concerns have been raised about the potential for reuse it is a functional building of modest height which would not lend itself to future conversion. The existing garage is to be demolished as part of the scheme.

7.4. Conclusion
This development project has clearly been the source of some local concern and the applicants have continued to progress the project at their own risk. Notwithstanding this it has to be recognised in assessing this scheme that the project for all but the modest increase in floor levels and the introduction of a new garage / store has been previously assessed by and considered acceptable to Committee. Whilst the raised floor level makes the development slightly more conspicuous and there is a greater perception of overlooking, on balance subject to a condition to secure no use of the flat roof area beyond the proposed balcony rail, it is considered that the impacts of the development are acceptable and it does not conflict with the policies of the Adopted Local Plan or guidance in the National Planning Policy Framework.

8.0 RECOMMENDATION

8.1. That planning permission be granted subject to the following conditions.

1. Condition ST02a: Time Limit on Full

2. Condition ST06: Amended plans

3. The domestic use of the flat roof single storey component of the dwelling shall be limited to that area to the north west of the proposed balcony rail. The balcony rail shall be installed prior to the occupation of the dwelling and thereafter retained. No use of the area to the south east of the balcony rail shall be made and access to it shall be limited to maintenance only.
Reasons:

1. Reason ST02
2. Reason ST06
3. To safeguard against the overlooking of adjoining dwellings and their gardens.

Footnotes:

1. This decision notice relates to the following documents:
   Block Plan: OnS568_010 received 6th June 2017
   Floor Plan: OnS568_010 received 6th June 2017
   Location Plan: OnS568_010 received 6th June 2017
   Replacement Garage and Toolshed: OnS568_003 received 6th June 2017
   Amended Proposed Plans and Elevations 3 and 4: OnS568_010 Rev.A received 29th June 2017 and Elevations 1 and 2: OnS568_010 Rev.A received 29th June 2017
<table>
<thead>
<tr>
<th>APPLICATION NUMBER</th>
<th>17/00416/VCOND</th>
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</thead>
<tbody>
<tr>
<td>SITE ADDRESS:</td>
<td>Springfield, Riber Road, Starkholmes</td>
</tr>
<tr>
<td>DESCRIPTION OF DEVELOPMENT</td>
<td>Removal of condition 8 of planning permission 15/00361/FUL to allow unrestricted use of building as a dwellinghouse</td>
</tr>
<tr>
<td>CASE OFFICER</td>
<td>Mr. G. A. Griffiths</td>
</tr>
<tr>
<td>APPLICANT</td>
<td>Mr Robert Evans</td>
</tr>
<tr>
<td>TOWN</td>
<td>Matlock</td>
</tr>
<tr>
<td>AGENT</td>
<td>N/A</td>
</tr>
<tr>
<td>WARD MEMBER(S)</td>
<td>Cllr. Mrs. D. Botham</td>
</tr>
<tr>
<td></td>
<td>Cllr. S Flitter</td>
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<td>Cllr. Mrs. J. Stevens</td>
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<td>DETERMINATION TARGET</td>
<td>4th July 2017</td>
</tr>
<tr>
<td>REASON FOR DETERMINATION BY COMMITTEE</td>
<td>At the request of Officers given the balance of considerations.</td>
</tr>
<tr>
<td>REASON FOR SITE VISIT (IF APPLICABLE)</td>
<td>To assess the proximity and potential harm to a protected tree as a result of the unrestricted residential use of the proposed dwellinghouse</td>
</tr>
<tr>
<td>MATERIAL PLANNING ISSUES</td>
<td></td>
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<tr>
<td>• Principle of the development</td>
<td></td>
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<tr>
<td>• Impact on protected tree</td>
<td></td>
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<tr>
<td>• Highway matters</td>
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<tr>
<td>• Land stability</td>
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<tr>
<td>• Other matters</td>
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<tr>
<td>RECOMMENDATION</td>
<td></td>
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<tr>
<td>Refusal</td>
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</tbody>
</table>
17/00416/VCOND

Springfield, Riber Road, Starkholmes, Matlock

Derbyshire Dales DC

Date: 18/07/2017

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 within the Matlock Settlement Framework boundary, high on the hillside above Starkholmes and overlooking the Derwent Valley. The applicant advises that the site was originally a field. This was developed initially with ‘Rusty Ridge’ a dwellinghouse built in the 1960’s and the site became part of the garden. Springfield, to which the application site is now attached, was latterly constructed in the 1980’s. As recent as 2012, High View was also constructed within the curtilage. The application site is very steep in nature and set within a wooded area that includes several mature specimen trees, most notably a protected Ash tree (tree T.4 in Tree Preservation Order No. 22).

2. DETAILS OF THE APPLICATION

2.1 Full planning permission was granted in 2015 for the erection of a modest dwellinghouse (15/00361/FUL). It is proposed to be two storey (5.3m) in height and measure 6m deep by 10m wide with a slight front projection at first floor level. The ground floor would be partly recessed into the embankment. The roof would have a large, chalet style, oversail. The building would be constructed with gritstone walls, with some timber detailing around the first floor front window, and it would have a slate roof. The windows would be of aluminium construction.

2.2 In terms of accommodation, it is proposed to have a kitchen, living/dining room and wc on the ground floor with two bedrooms and a bathroom at first floor level. The garden area would be to the front of the dwelling and would lead down to parking space proposed parallel to Riber Road.

2.3 This application seeks to remove condition 8 of the above planning permission. This condition states:

The dwellinghouse hereby approved shall remain as an ancillary dwellinghouse to High Edge and shall not be sold or leased as a separate property.
The reason for the condition was:

*To safeguard the protected Ash tree to comply with Policies SF1, SF5, H1, H9, NBE6 and NBE26 of the Adopted Derbyshire Dales Local Plan (2005) and government guidance contained in the National Planning Policy Framework.*

2.4 The applicant submitted an arboricultural report with the 2015 planning application and this has been submitted with this current application to remove Condition 8 of that planning permission. The report acknowledged that there would be extensive views to the front of the dwellinghouse, albeit these would be interrupted by a protected Ash tree set some 8m away from the first floor window to the main bedroom (10m from the ground floor living/dining room windows). The arboricultural report advised that the Ash tree could be classed as a veteran due to its age and condition and had moderate vitality with the possibility of some internal decay which required further investigation. It was assessed as by the applicant’s arboriculturalist as having a useful life expectancy of 20 years. In addition, the construction of the block paved path and grading of the ground has already disturbed the root area and there are scars on the buttress roots.

2.5 It is the view of the applicant that the tree has been affected over time with physical damage to the roots, compaction and alterations to drainage. It is acknowledged that there will be disturbance during construction within the root protection zone of the tree. It is advised that the dwellinghouse should not be located under any of the branches. It is noted that the tree will shade the west aspect of the dwellinghouse. The tree also provides potential for wildlife habitat.

2.6 Notwithstanding the above, the applicant advised that it is their commitment to preserve and maintain the protected Ash in front of the proposed new dwelling. They have spent several hundred pounds on approved tree surgery to enhance its health and longevity and regard it as an asset and part of the special character of the site. The applicant has had works undertaken which have removed dead wood and crossing branches to ensure the safeguarding and health of the tree, and the tree canopy is now set at high level leaving clear views from the site of the proposed dwelling. The applicant advises that the chalet has been carefully designed with windows either side of the trunk and considers that the tree will provide welcome dappled shading during summer afternoons and evenings.

2.7 The applicant considers, far from the Ash tree compromising the amenity of the proposed dwelling, that it is a *valuable asset for the proposed property, adding to its unique character, and making a valuable contribution to its setting.* It is appreciated that this is now quite an old tree (as the submitted tree report states), but the applicant hopes it will continue for many more years. In the consideration of the previous application, the applicant advised that it was not their intention to sell the property, but to retain it as an ancillary dwelling to the existing dwellinghouses.

2.8 Nevertheless, the applicant also states that, at such a time as it dies of old age, there are many other large ash trees that have sprung up on the site, so that the site is nowadays heavily treed. The applicant advises that, at the time the tree was protected in 1971, it would have been an isolated tree on a bare site. In this respect, the applicant considers that when the TPO tree passes away at some point in the future, the character of the site will remain that of a heavily wooded hillside. In the meantime it is to be cared for, and it continues to be protected by the 1971 TPO.

2.9 The applicant has also proposed two car parking spaces instead of the single car parking space previously approved. This is in order to address the comments of the Local Highway Authority that require two parking spaces to serve the independent dwellinghouse.
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
H1 New Housing Development Within Settlement Framework Boundaries
H9 Design and Appearance of New Housing
NBE6 Trees and Woodlands
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 National Planning Policy Framework

3.3 National Planning Practice Guidance

4. RELEVANT PLANNING HISTORY

15/00361/FUL Erection of dwelling – Granted subject to conditions
11/00055/FUL Erection of detached dwellinghouse and associated access – Granted and now occupied (High Edge)
10/00304/FUL Erection of detached dwellinghouse and associated access – Granted

5. CONSULTATION RESPONSES

Town Council
5.1 - no objection

Local Highway Authority
5.2 - require two car parking spaces set perpendicular to the highway but consider there is sufficient space within the site curtilage to address this.

Arboricultural Officer (Derbyshire Dales)
5.3 - detailed concerns with regard to the previous planning application 15/00361/FUL which was granted subject to Condition 8 requiring that the dwelling remain an ancillary dwellinghouse
- some concern that the removal of Condition 8 would create some additional direct pressure for future drastic pruning or felling of the Ash tree as it would dominate almost the entire garden area associated with the independent dwelling.

6. REPRESENTATIONS RECEIVED

6.1 A total of four letters of representation have been received from neighbours. A summary of the representations is outlined below:

- the land owned by the applicant already contains two substantial houses both served with their own parking, although High Edge only has space for 2/3 cars
- concerned with access and parking issues with the property being a separate dwelling as opposed to an annex
- land is on a steep slope – geology consists of 1.5m deep topsoil and marl/clay, containing substantial amounts of water, lying on stratified shale
- land is on a sub-aquifer which gradually erodes the ground beneath hence ‘Springfield’
- a building on the site will cause the spring to be diverted without guarantee as to how it will affect neighbours’ properties
• spring causes ice to form on the road in the winter
• the stability of the strata must be suspect - have experienced the slippage of part of land at Rusty Ridge when undertaking works to form a larger, flat sitting out area – in heavy rain the soil and marl slid down the 1:4 strata slope destroying part of the garden and damaging the boundary wall the length of Riber Road – if this was repeated, High Edge could be at risk
• did not object to annex for the family but strongly object to this application
• there is a large tree with a preservation order growing in front of the proposed site and it is a magnificent tree looking into neighbour’s property
• because of the steepness of the site, there will be a parking problems for more than one car – there is a tiny cark park already but a further space would need to be excavated from Springfield entrance
• if permission was granted, would have a 3 mansion hillside – the applicant could walk away a rich man leaving neighbours with parking problems, etc.
• could be extended to form a larger building in the future which would impact on parking, further excavation of the hillside and upon the protected tree.

7. OFFICER APPRAISAL

7.1 The following material planning issues are relevant to this application:
1. Principle of development
2. Impact on protected tree
3. Land stability
4. Highway matters
5. Other matters

Principle of Development

7.2 The principle of development has been established in terms of a dwellinghouse being acceptable on the site, but this was provided it remained ancillary to the main dwellinghouse at High Edge. The reason for this was that it was considered to place less pressure on the protected Ash tree as the curtilage to the proposed dwellinghouse could be regarded as the wider curtilage shared by the existing two dwellinghouses which are in the applicant’s ownership; the Condition required that this at least remain ancillary to High Edge where the applicant resides. Therefore, on balance, it was considered that the threat to the protected tree could be minimised with a condition on the occupancy of the dwellinghouse and that planning permission could be granted on this basis.

Impact on protected tree

7.3 The protected Ash tree would be some 7-8m away from the projecting first floor window of the proposed development. In this regard, there are above and below ground implications of the development for the protected Ash Tree. British Standard (BS 5837:2012) indicates that a tree of this stature, with a trunk diameter of at least 1 metre, requires a Root Protection Area (RPA) with a radius of 12 metres. Whilst, it is accepted that the ground has been disturbed in the past on the eastern side of the tree, there are concerns in relation to the following aspects of the proposals:

• the dwelling is located only 10 metres from the trunk of the tree;
• the terraced area is located only 7-8 metres from the tree with the base of the remodelled slope only 3.6 metres from the centre of the tree’s trunk; and
• there appears to be no way of providing access for materials and machinery to implement the development within the boundaries of the application site without working within the 12 metre exclusion zone required for the protection of the tree.
In addition, there are concerns about the indirect pressure for the future drastic pruning or removal of the Ash tree due to the introduction of a dwelling within only 10 metres, with a projecting bay and small terraced area within only 7-8 metres of the base of the tree. The Ash tree would not only cause some shading of the dwelling, but would also, to a large extent, obstruct the view from the property. Due to the close proximity of the dwelling and sitting area, there could be concern relating to the possibility of branches breaking or even fears of the tree falling.

For the these reasons, there were concerns that the proposed construction of a dwelling in this location could not only affect the future health and lifespan of the Ash tree, but also lead to pressure for the extensive pruning or felling of a protected tree which makes a considerable contribution to the surrounding landscape. However, as stated above, a balanced consideration was previously given to this matter. It was advised by the applicant, when considering the previous planning application 15/00361/FUL, that it was their intention to retain the tree and for the proposed dwellinghouse to be an ancillary dwellinghouse to the existing. This was considered to place less pressure on the tree as the curtilage to the proposed dwellinghouse could be regarded as the wider curtilage shared by High Edge which would be in the applicant's ownership. Therefore, on balance, it was considered that the threat to the protected tree could be minimised with a condition on the occupancy of the dwellinghouse and that planning permission could be granted on this basis.

However, there are concerns that the provision of a dwellinghouse that is independent to the others, with the inability to benefit from the wider curtilage, could place significant pressure on the removal of the Ash Tree. This is because the proposed independent dwelling would have much of its curtilage under the canopy spread of the tree and, for the purposes of improving the enjoyment of this restricted curtilage, would place likely pressure for removal of the Ash Tree in the future. To this can be added the shading the tree would create to the inside of the dwellinghouse and the imposition on the outlook/view from the front of the property; the rear of the property would have very limited outlook.

Given the above, it is considered that an application to remove the tree under such circumstances could not be defended to the extent that it could as an ancillary dwelling. As such, it is considered that Condition 8 should not be lifted as it was required for good reason in the granting of planning permission 15/00361/FUL.

Slope Stability

The dwellinghouse is proposed on a very steep slope and the concerns of neighbours with regard to land stability are noted. In this respect, it is considered reasonable to repeat Condition 5 of the previous planning permission to require a method statement by a qualified engineer detailing how the land will be stabilised throughout the construction process and for the life of the development.

Highway matters

The Local Highway Authority has advised of no objection in principle to the proposed development but request two parking spaces set perpendicular to the road. The applicant has submitted an amended drawing which details two car parking spaces set side on to the highway. Whilst this arrangement is considered acceptable by Officers, it will require vehicle movements within the blue edged area of the overall property. In this respect, a condition will be required that the parking and manoeuvring space are provided and maintained for the life of the development, to include the use of land within the blue edge site area.

In terms of the parallel parking, the traffic speeds on Riber Road are relatively slow given the gradient and narrowness of the highway. In this respect, whilst the Local Highway Authority has raised some concern, it is considered that the car parking spaces could be
reasonably accommodated as detailed by the applicant. Conditions will be required on any grant of permission to ensure details of the surfacing of the parking area and the details of the requisite retaining wall are submitted for approval.

Other matters

7.11 Concern has been raised that there may be latter extensions to the proposed dwellinghouse. However, in granting the previous planning permission, the permitted development rights were removed to the extend the building and to add further buildings on the site, etc; such a condition would need to be repeated to control such developments in the future.

Conclusion

7.12 Given the above, it is considered that the potential harm to the protected Ash tree outweighs the requirements for an independent, open market residential development on this site and it is recommended that Condition 8 not be removed from planning permission 15/00361/FUL.

8. RECOMMENDATION

That the discharge of Condition 8 be refused for the following reason:

1. The provision of a dwellinghouse that is independent to that of High Edge, without the ability to benefit from the use of the wider curtilage, could place significant pressure on the removal of the protected Ash Tree. The proposed independent dwelling would have much of its curtilage within the canopy spread of the tree and its outlook would be dominated by the tree and it would experience significant shading such that pressure would be placed to remove the Ash Tree in the future to create acceptable living conditions for independent occupants. As such, the creation of an independent dwelling through the removal of Condition 8 of planning permission 15/00361/FUL would be contrary to Policies SF1, SF5, H1, H9 and NBE6 of the Adopted Derbyshire Dales Local Plan (2005) and Government policy contained in the National Planning Policy Framework.

NOTES TO APPLICANT:

This decision notice relates to the following documents:

Design and Access Statement received on 9th May 2017
Statement regarding Ash Tree received on 15th June 2017
Amended drawing regarding parking space provision received on 25th July 2017
<table>
<thead>
<tr>
<th>APPLICATION NUMBER</th>
<th>17/00343/OUT</th>
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<tbody>
<tr>
<td>SITE ADDRESS:</td>
<td>The Bungalow, Wheatley Road, Two Dales</td>
</tr>
<tr>
<td>DESCRIPTION OF DEVELOPMENT</td>
<td>Erection Of Three Bungalows (Outline)</td>
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<tr>
<td>CASE OFFICER</td>
<td>H Frith</td>
</tr>
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<td>APPLICANT</td>
<td>Mr A Smith</td>
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<tr>
<td>PARISH/TOWN</td>
<td>Darley Dale</td>
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<tr>
<td>AGENT</td>
<td>None</td>
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<tr>
<td>WARD MEMBER(S)</td>
<td>Cllr Statham, Cllr Atkin, Cllr Salt</td>
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<tr>
<td>DETERMINATION TARGET</td>
<td>28.06.17</td>
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<tr>
<td>REASON FOR DETERMINATION BY COMMITTEE</td>
<td>Due to extent of objection</td>
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<tr>
<td>REASON FOR SITE VISIT (IF APPLICABLE)</td>
<td>For Members to appreciate the site and context.</td>
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</tbody>
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**MATERIAL PLANNING ISSUES**

- Principle of development
- Setting of listed building
- Highway safety and footpaths

**RECOMMENDATION**

Refusal
17/00343/OUT

The Bungalow, Wheatley Road, Two Dales

Date: 18/07/2017

100019785

Derbyshire Dales DC

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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 a green field situated to the east of Wheatley Road on the outskirts of Two Dales where residential development is contained to the west by Wheatley Road and by Park Lane. Wheatley Road is a narrow country lane enclosed by stone walling to either side and high hedging/trees behind the walling. The site is outside of the settlement of Darley Dale as identified in both the existing and emerging local plan. There is an existing access point into the site from Wheatley Road approximately half way along the frontage of the application site. The site is well screened from the boundary along Wheatley Road and leads to open to the fields to the north east. To the west of the site is the Grade II listed ‘The Cottage’ which is a two storey stone building dating from 1704. This site lies within the unspoilt countryside to the east of Wheatley Road. This open countryside forms part of the original setting to the listed building albeit with planting located between the two.

2.0 DETAILS OF THE APPLICATION
2.1 Outline planning permission is sought for the erection of three bungalows with all matters reserved. The indicative layout plan identifies one dwelling being to the north of the access and two to the south with hedges surrounding the plots. The application includes a design and access statement which advises that; the dwellings would be of a traditional design of natural stone and slate roofing and existing frontage trees would be retained outside of any visibility splay.
3.0 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 of Settlement Framework Boundaries
- H9: Design and Appearance of New Housing
- NBE6: Trees and Woodlands
- NBE7: Features Important in the Landscape
- NBE8: Landscape Character
- NBE16: Development Affecting A Listed Building
- 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 Draft Derbyshire Dales Local Plan: -
- S3: Settlement Hierarchy
- S5: Development In The Countryside

3.3 Other:
- National Planning Policy Framework
- National Planning Practice Guidance
- The Landscape Sensitivity Study carried out by Wardell Armstrong dated August 2015 to support the emerging local plan

4.0 RELEVANT PLANNING HISTORY:
None

5.0 CONSULTATION RESPONSES

Parish / Town Council

5.1 Object:
Highway issues, the road does not have capacity for any construction or housing traffic. It will cause an adverse impact on nature conservation in the area.

Derbyshire County Council (Highways)

5.2 During a recent site visit it was estimated passing vehicle speeds on Wheatley Road were approximately 25mph. Based on this estimate and taking into account the gradient of the road, the recommended emerging visibility sightlines are 2.4m x 35m to the north west and 2.4m x 32m to the south east. These recommended sightlines are achievable within the land controlled by the applicant. Therefore, the Highway Authority has no objections to this application.

Internally, 2 car parking spaces shall be provided for each 3 bedroomed dwelling, clear of adequate turning area(s) to enable all vehicles to enter, turn and exit in a forward gear at all times. Given the size of the site, it's not envisaged a refuse vehicle would be able to enter the site. Should this be the case, a bin store location should be provided within the site immediately adjacent to Wheatley Road so bins can be stored clear of the public highway on collection days. Conditions are recommended.

Design and Conservation Officer (Derbyshire Dales)

5.3 The submitted Design and Access Statement makes no reference to the proximity of a grade II listed building to the north-west of the site. The principal elevation and aspect of the listed building is south-easterly. The garden to the south-east of the listed building is relatively large with substantial planting along the boundary wall to Wheatley Road. There is no tree protection to the planting to the garden of the listed building and none to the trees aligning the boundary to the application site (adjacent to Wheatley Road). Whilst
there has been some modern housing adjacent to the listed building, the potential future loss/removal of the un-protected trees to its garden or those on the east side of Wheatley Road would re-open the south-easterly aspect (and principal elevation) of the listed building (as it would originally have been). In this regard, the primary aspect of the listed building would be compromised by the proposed development on the, historically and current open land to its south-east aspect. Whilst the harm to the setting of the listed building is unlikely to be substantial that harm would need to be assessed against the public benefits derived from the proposed development.

Landscape Design Officer (Derbyshire Dales)

5.4 Though the site is quite discreet in nature and the proposed development modest in scale it has potential for adverse impact on: landscape character (intrusion of development into open countryside); visual amenity (overlooking by neighbouring properties) and settlement pattern (extension of development beyond Wheatley Road/ Hall Moor Road which forms a boundary to high density development on this side of the settlement west of Hall Dale Brook). This might override other considerations particularly as the Council is confident it can meet its housing development requirements without the need for additional sites.

6.0 REPRESENTATIONS RECEIVED

6.1 A total of 14 representations have been received including those from the Two Dales Action Group and the CPRE. A summary of the representations is outlined below:

- This is a greenfield site in a sensitive location of relatively unchanged rural character.
- This development will be intrusive and inappropriate to this landscape.
- The development will have a significant effect on the character of this area.
- The site is outside of the settlement.
- This will be a prominent development that will harm the character of the area.
- In recent appeals the Inspector concluded there would be significant adverse impact in landscape and countryside character. This comment should also apply to this development. This decision was also endorsed in the high court when it was challenged by the appellant on legal grounds.
- Landscape similarities between the appeal site and this site should be acknowledged
- Residents have fought to protect the rural nature of the village in recent years.
- Any building on the site would remove the view to Halldale Woods.
- This is agricultural land.
- More modern dwellings would detract from the setting of the area.
- Wheatley Road is the boundary between the modern development of Porteous Close and the rural fringe.
- The development will harm the character of the lane.
- This is an area of natural wildflower meadow which is a source of pollination for the declining bee species.
- The unique green areas of Hall Dale, Darley Hillside and Moor are at the heart of the Derbyshire Dales and should not be sacrificed for minor developments.
- Wheatley Road is constrained; increasing vehicles on this road will exasperate an already tight single car access.
- The access was only allowed on the basis of an agricultural need.
- The exits from the road are blind, this will result in highway danger including pedestrians safety issues.
- Confrontations on the road lead to dangerous reversing manoeuvres.
- The only passing place along the lane is the gated access to this field.
- The bungalow was only originally allowed as an agricultural dwelling, with a certificate been granted only after a 10 year occupation dispensation.
- The field access is used as a resting point for walkers and horse riders.
The harm to highway safety will lead to the use of holiday lets decreasing with a knock on economic effect.

7.0 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 on the Deposit Draft Local Plan has taken place and the Main Modifications as put forward by the Inspector have been submitted to full council for approval. A consultation on these modifications is now taking place. Given the progression of the Deposit Draft Local Plan these policies now have weight in the decision making process.

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, or specific policies indicate otherwise. This latter part of the paragraph refers to footnote 9 which states in part; for examples those policies relating to… designated heritage assets.

7.4 As this site is within the setting of the adjacent listed building footnote 9 is engaged in the determination of the application. In such cases it is still appropriate to consider the economic, social and environmental benefits and disbenefits against one another in the planning balance, bearing in mind the engagement of footnote 9 in terms of the impact upon heritage matters. However, as a heritage asset is engaged the balance to be struck is not a weighted balance.

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

− Principle of development
− Setting of listed building
− Highway safety and footpaths

Principle of development

7.6 Through the emerging draft local plan assessment of the sustainability of various settlements throughout the district has been carried out. In this assessment is has been concluded that the most sustainable locations within the district for growth are the market towns. However, these market towns will not be able to absorb all of the required housing development. Therefore the settlement hierarchy work also included an assessment of the smaller settlements as to their capacity for growth and their sustainability given the existing services and facilities that are provided.
7.7 This site is outside of the settlement of Darley Dale (in accordance with the modifications of the emerging plan). Darley Dale is one of the most sustainable settlements and has been categorised a second tier settlement where growth can be accommodated within the defined settlement boundary with allocated sites within that boundary.

7.8 In considering the settlements such as Darley Dale through the allocation of land for new housing development it is important to consider, amongst other matters, the impact of additional development upon the character and appearance of the landscape and settlement pattern. The Wardell Armstrong report on Landscape Sensitivity was carried out to aid in the determination of where development should be focussed, identifying within each settlement the landscape characteristics and sensitivity.

7.9 The Wardell Armstrong report on Landscape Sensitivity describes Two Dales as follows: Two Dales comprises scattered individual properties and industrial development amongst woodland on the slopes of a steep sided valley. Although the village is located as a high elevation on the opposite side of the valley to the Peak Park, existing development has low visual prominence due to extensive woodland cover within the village screening the majority of views of built development. However, undeveloped land is generally more prominent. The village is elevated above Darley Dale, which is adjacent to the south-west and coalescence has occurred between the two on the B5057. The land to the south west and west of the village prevents further coalescence between the two settlements, and is also located within a flood zone 3. Land to the north and east is predominantly woodland, or open and visually prominent. All land surrounding Two Dales is of high sensitivity.

7.10 The site is clearly beyond any area of planned growth for Darley Dale/Two Dales as set out in the adopted and emerging local plan. As the council can demonstrate an appropriate supply of housing the proposed development beyond the natural boundary to Two Dales is inherently encroaching and harmful to the character and appearance of the countryside. The core principles of the NPPF and policies SF5 and NBE8 of the Adopted plan advise that development should respect the character of the countryside, this encroachment is contrary to this advice.

7.11 Wheatley Road is a narrow rural lane tightly enclosed on either side by stone walling and high planting beyond this. This road provides a clear physical boundary to this northern side of Two Dales. To the south is the modern development of Porteous Close, Wheatley Road is a clear end stop to this beyond which are open fields with only very few dwellings located to this side of the lane and those mainly directed towards the junction with Park Lane. Any proposal to develop this side of Wheatley Road will lead to significant harm to settlement pattern and harm to the character of this rural lane contrary to the prevailing character of the area.

7.12 It is considered that a development on this site, particularly of single storey buildings could be accommodated without causing any harm to residential amenity.

7.13 For the reasons set out above the development is considered to be contrary to both adopted and emerging planning policy and national planning guidance which promotes the appreciation and respect of the beauty of the countryside. This is considered to be in line with recent appeal decisions relating to development close to this site on Park Lane on which the Inspector determined the development would be harmful to the landscape character and appearance.

Setting of listed building

7.14 The Cottage is a grade II listed building of two storeys in height dating from 1704 and is located on the corner of Park Lane and Wheatley Road and fronts in a south easterly direction. At present the garden to the listed building and the green field of the application
site are well screened by existing planting. As none of the trees within this area are protected through tree preservation orders should these trees be lost both sites would become open to views. If this were to happen the proposed development would be present in what was the rural setting of the listed building and would be seen in conjunction with principle elevation of the building. The history and understanding of the listed building is intrinsically connected to its setting. Whilst that setting has already been eroded to some degree by development to the south and west the area to the east of the site is relatively unspoilt. As such the proposed development by intruding in to that unspoilt open field will lead to less than substantial harm to the setting of the listed building. Whilst this harm is on the lesser side of less than substantial harm paragraph 134 of the NPPF requires that such harm should only be allowed if it is outweighed by a public benefit. As the proposal is for private housing there is no public benefit arising from the scheme. As such the proposal is considered contrary to policy NBE16 of the Adopted local plan and paragraphs 132 and 134 of the NPPF. Given the harm identified to the designated heritage asset footnote 9 of paragraph 14 indicates that development should be restricted and that as such the presumption in favour of development under paragraph 14 does not apply.

Highway Safety and footpaths

7.15 A number of concerns have been raised regarding the increase in vehicle traffic using the single track Wheatley Road and the difficult junctions at Park lane and Chesterfield Road and the lack of pedestrian footways due to which an increase in traffic would result in danger to pedestrian safety. The Local Highway Authority have assessed the scheme and whilst the access to the site is a reserved matter they would have no objection to the proposed access where visibility splays can be achieved over controlled land.

Conclusion

7.16 The Planning Policy Context part of this ‘Officer appraisal’ section sets out the Local and National Policy Guidance that apply in assessing the merits of this application and the other material considerations that need to be weighed in the planning balance.

7.17 Paragraph 14 of the NPPF advises that where the development plan is absent, silent or relevant policies are out-of-date 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, or, specific policies in this framework indicate otherwise and refers to the footnote 9 which is relevant in this case. The harm to the significance of the designated heritage asset indicates that the presumption in favour of development does not apply in this case, however it is still appropriate to consider the planning balance.

7.18 Both the emerging and adopted local plans clearly indicate that the application site being beyond the settlement boundary outside of the area of planned growth for Darley Dale. As the council can clearly demonstrate the required housing land supply both for the 5 year period and throughout the plan period expansion beyond the allocations contained within the emerging plan are unnecessary and as such constitute unwarranted encroachment into the countryside. Such encroachment is inherently harmful to the character and appearance of the countryside. It is, however, important to consider the social, economic and environmental benefits and disbenefits of the scheme in reaching a balanced judgement on the sustainability of the scheme.

7.19 The social role of sustainability would be met in a minor way through the provision of housing. However as the Council can demonstrate an appropriate supply, there is no need for additional housing and therefore the social role has minimal weight in the planning balance.
7.20 The economic role would be served by employment generated during construction along with the benefits to businesses within the village and the wider area from additional resident spend following construction whilst also adding to the vitality and viability of existing services.

7.21 In terms of the environmental role, the development of this site, outside the defined settlement boundaries for Darley Dale and would result in unwarranted encroachment into the countryside which is inherently harmful to the character of the countryside. The encroachment will also result in harm to settlement pattern and would be contrary to the prevailing character of the area including the rural character of Wheatley Lane which forms a distinct settlement edge to Two Dales with a clear division between the developed area to the south and west and the open countryside to the north east.

7.22 As previously stated the development is on unspoilt rural fields adjacent to a listed building which retains the historic setting to the north east of Wheatley Road, this development would cause less than substantial harm to the setting of that listed building.

7.23 On the basis of the harm to prevailing local and landscape character and the setting of the listed building it is considered that the development will result in significant harm to the environment.

7.24 It is recognised that this proposal would boost the provision of housing to meet the future needs of the District and that this is a benefit to be gained from the development. However, as the Council can identify the required housing land supply throughout the plan period with sufficient flexibility in the delivery, this benefit has not been attributed significant weight in the decision making process. The identified harm to the environment results in a form of development that does not meet the aims of the environmental role of sustainability. The environmental harm, or disbenefit, is considered to have great weight in this case. In this regard it is considered that the environmental disbenefits of this proposal are substantial and outweigh the benefits such that refusal is recommended.

8.0 RECOMMENDATION

8.1 That planning permission be refused for the following reason(s).

1. The proposed development outside of the settlement of Darley Dale beyond Wheatley Road which is a natural boundary to the settlement, would constitute unwarranted encroachment into the countryside which is inherently harmful to the character and appearance of the landscape and settlement pattern. Furthermore development in this area would harm the rural character of Wheatley Road. As such the proposal is contrary to policies SF5 and NBE8 of the Adopted Derbyshire Dales Local Plan (2005) and guidance contained within the National Planning Policy Framework (2012) and the National Planning Practice Guide.

2. The proposed development would be on unspoilt open fields which form part of the setting of the adjacent grade II listed building ‘The Cottage’ dating from 1704. The loss of part of this historic setting would be harmful to the authenticity of the surroundings to the listed building thereby causing less than substantial harm to its significance. As such the proposal is contrary to Policy NBE16 of the Adopted Derbyshire Dales Local Plan and guidance contained within the National Planning Policy Framework.

9.0 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:
   Location plan received 03.05.17
   Block plan received 03.05.17
   Design and Access Statement received 03.05.17
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<tr>
<th>APPLICATION NUMBER</th>
<th>17/00417/OUT</th>
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<tr>
<td>SITE ADDRESS:</td>
<td>Land Rear Of Oakstone Farm, Old Hackney Lane, Hackney</td>
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<tr>
<td>DESCRIPTION OF DEVELOPMENT</td>
<td>Erection Of 24 No. Dwellings And Access (Outline)</td>
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<td>CASE OFFICER</td>
<td>H Frith</td>
</tr>
<tr>
<td>APPLICANT</td>
<td>Mr Dan Stack Of Chevin Homes And Mr And Mrs Adderson</td>
</tr>
<tr>
<td>PARISH/TOWN</td>
<td>Darley Dale</td>
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<tr>
<td>AGENT</td>
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<td>WARD MEMBER(S)</td>
<td>Cllr Statham, Cllr Atkin, Cllr Salt</td>
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**MATERIAL PLANNING ISSUES**

- Principle of development and impact on landscape and local character
- Highway safety and footpaths
- Impact on residential amenity
- Land drainage and sewerage capacity
- Impacts upon ecology
- Developer contributions

**RECOMMENDATION**

Refusal
Land Rear of Oakstone Farm, Old Hackney Lane, Darley Dale

Date: 18/07/2017

100019785

Derbyshire Dales DC

Crown Copyright and database rights (2016) Ordnance Survey (100019785)
1.0 THE SITE AND SURROUNDINGS
1.1 The application site is a green field which is part of a wider field pattern of open spaces interweaving between the built up pockets of development within Upper Hackney. The site lies just outside the settlement of Matlock on the outskirts of the town but within the Parish of Darley Dale. The site rises north east towards Hackney Lane. At this point of Old Hackney Lane the highway is tightly enclosed by high stone retaining walls. Whilst there are a few dwellings within the locality in close proximity to the site, these dwellings tend to be detached, in larger plots and closely associated with the highway. This site to the northern side of Old Hackney Lane is rural in character whereas development is more prolific to the southern side of the Lane including the Whitworth Hospital.

1.2 As the land moves towards the west the walling to the frontage of the site is not as high and the open fields rise toward Hackney Lane. To the far North West is the accumulation of dwellings forming the Darley House Estate, the fields directly adjacent to this on the lower levels are allocated in the emerging local plan for development. The development of these fields at this lower level is seen as a continuation of the Darley House Estate.

1.3 There is a footpath to the east of the site which is bordered by a hedge. Access is proposed from Old Hackney Lane which is a narrow and winding road particularly to the south east of the site. The landscape character type is of the settled valley pastures of the Dark Peak landscape character area.

2.0 DETAILS OF THE APPLICATION
2.1 Outline planning permission is sought to erect 24 dwellings on the site accessed via the southern corner of the site adjacent to the public footpath. The proposal is to bring an access road in from the corner and create a row of dwellings to either side of the access road behind the existing barn conversion and associated agricultural building with a further
row of dwellings to the end of the cul-de-sac. Dwellings would be formed in single units, pairs and short terraced rows with parking generally to the front or side of each dwelling. There would be a landscaped area between the access road as proposed and the footpath.

2.2 The indicative layout for the development shows the proposed dwellings are to be as follows:

- 2 x 4 bed detached
- 3 x 3 bed detached
- 10 x 3 bed semi detached
- 9 x 2 bed semi detached
- 1 x 1 bed semi detached

2.3 The following documents have been submitted to support the application and may be referred to in the Officer appraisal:

- Phase 1 Assessment
- Preliminary Ecological Assessment
- Planning Design and Access Statement

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
   H4: Housing Development Outside of Settlement Framework Boundaries
   H9: Design and Appearance of New Housing
   H12: Alternative Provision for Affordable Housing Outside Settlement Frameworks
   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
   NBE12: Foul Sewage
   NBE26: Landscape Design in Association with New Development
   NBE27: Crime Prevention
   CS8: Provision of Community Infrastructure
   TR1: Access Requirements and the Impact of New Development
   TR2: Travel Plans
   TR3: Provision for Public Transport
   TR8: Parking Requirements for New Development
   L6: Outdoor Playing and Play Space in New Housing Developments

2. Draft Derbyshire Dales Local Plan: -
   S3: Settlement Hierarchy
   S5: Development In The Countryside
   HC4: Affordable Housing

3. Other:
   National Planning Policy Framework
   National Planning Practice Guidance
   The Landscape Sensitivity Study carried out by Wardell Armstrong dated August 2015 to support the emerging local plan
4.0 RELEVANT PLANNING HISTORY:

4.1 None

5.0 CONSULTATION RESPONSES

Parish / Town Council
5.1 Object on the grounds of over development, contravention of the local and emerging plan and Draft Neighbourhood Plan. Highway issues from traffic generation, vehicular safety and highway safety.

Peak and Northern Footpaths
5.2 No objection provided that the full width of footpath no. 46 which abuts the South eastern boundary remains unobstructed at all times. The south eastern boundary should be re-enforced with planting as necessary to shield users of the footpath from views of the housing.

Derbyshire Dales Ramblers
5.3 No objection provided footpath 46 is not affected by the development.

North Derbyshire CCG
5.4 Financial contribution requested of £9,130 towards practices at Darley Dale, Imperial Road and Lime Grove.

Derbyshire County Council (Land Drainage)
5.5 Holding objection request for further information

Derbyshire County Council (Highways)
5.6 Some transport information is included in the Design and Access statement. This confirms access for the proposed development is taken off Old Hackney Lane (classified, CIII road), to the south-west of the site, via a narrow access corridor. The site is relatively steeply sloping, as identified on the submitted topographical survey drawing - this confirms quite a considerable level difference between the existing highway and the extremities of the site further north. No proposed road levels, longitudinal or cross section information has been provided to establish whether the access (or initial section of street) could be provided with acceptable gradients for all potential users of the housing development (or how this would affect the adjoining public right-of-way / access to the existing neighbouring site to the west). Old Hackney Lane is also subject to a 30mph speed limit; although it is appreciated the alignment of the existing highway to the east of the access is likely to have some influence on vehicle speeds in this area. However, no speed survey information has been provided by the applicant to demonstrate vehicle speeds are sufficiently below the legal limit to justify any relaxation in visibility criteria.

The submitted plan demonstrates that 43m visibility splays will be available in each direction, from a 2.4m minor road viewpoint, for emerging vehicles. In the easterly direction visibility is shown across the bend (rather than tangential to the carriageway edge) although it is likely that acceptable visibility will be achievable in this direction; to the west will require the existing controlled boundary retaining wall to be taken down and set back, in order to achieve the level of visibility required. No speed survey information has been provided to demonstrate that this level of visibility is acceptable.

There is a potential highway safety concern relating to forward visibility around the existing bend. The forward visibility to a stationary right turning vehicle is likely to be considerably below desirable minimum levels, which could introduce rear shunt type accidents at this location.
The vehicle track identified on the submitted drawing indicates the vehicle completely over-running the existing and proposed footway areas to carry out the identified manoeuvre, which would not be acceptable. This does not fully demonstrate that all manoeuvres, for the design vehicle, can be successfully accommodated within the access constraints available. However, what the swept path analysis does show (albeit not entirely correct – the vehicle start point is shown on the wrong side of the road) is that the design vehicle turning right out of the new development requires the entire Old Hackney Lane carriageway width in order to complete the manoeuver, which, given the limited forward visibility available around the bend, identified above, would be an additional safety concern for existing highway users.

If the field access is retained for agricultural purposes the access with Old Hackney Lane may need to accommodate a wider range of vehicles.

Old Hackney Lane is not on a bus route and the nearest bus stops are on the A6 to the west of the site (albeit slightly beyond the normal 400m walking distance threshold to this facility). The bus stops can be reached via existing footways, however, these are quite limited in terms of geometry in parts (circa 1.2m wide); the proposals also give no consideration to pedestrian crossing movements, to northbound bus-stops, if future residents are encouraged to utilise more sustainable forms of travel.

On an ‘as-submitted’ basis, based on the comments above, it is considered the current application submission fails to provide sufficient information to fully demonstrate that safe and satisfactory highway access arrangements could be provided to serve all users of the site without prejudicing the safety of existing highway users on the adjoining highway network, primarily due to limited forward visibility available to a right turning vehicle and also conflicting vehicle movements under conditions of restricted forward visibility. The details also fail to demonstrate acceptable geometric requirements for turning vehicles and no proposed level information is available to determine whether acceptable access and street gradients can be provided for the site to be developed for residential purposes. If the applicant is in a position to carry out further design work, with a view to addressing the Highway Authority’s concerns, the Highway Authority may reconsider its position, however, in its currently submitted format the Highway Authority would not be in a position to support the proposals and would recommend the application be refused in the interests of highway safety.

Derbyshire County Council (Education)
5.7 No comments received at the time of report preparation

Derbyshire Wildlife Trust
5.8 Support the measures put forward in the ecology report and recommend that any reserved matters follows these recommendations. Sufficient survey work has been undertaken in order for the application to be determined. If this application is to be granted then it is recommended that biodiversity enhancement measures and reasonable avoidance measures for protected species are secured through conditions.

Landscape Design Officer (Derbyshire Dales)
5.9 This land is an agricultural field with dry stone wall field boundaries with field and field boundary trees. Hackney Lane is a narrow twisting road which largely retains the character of a country lane. The field is open to view from Hackney Lane.

It is likely the site will not be as conspicuous in long views from the south west as the larger site, however it remains that development will have adverse impact upon local landscape character and local visual amenity. It is also likely that there will be adverse impact on the character of Hackney Lane. The council believes it can demonstrate
sufficient supply of housing, as a consequence development of this site will represent unwarranted intrusion into the countryside.

Environmental Health (Derbyshire Dales)
5.10 No comments received at the time of report preparation

Strategic Housing (Derbyshire Dales)
5.11 No comments received at the time of report preparation

6.0 REPRESENTATIONS RECEIVED

6.1 A total of 4 representations have been received. A summary of the representations is outlined below:

- The access is proposed close to a bad bend in the road which would be a danger to highway safety.
- From this extent of housing there would be 48 cars and at least 96 uses of the access each day.
- This highway was not intended for such traffic levels.
- It can be difficult pulling onto the A6 from the nearby junction due to amount of traffic. Major development will harm the springs on the hillside leading to problems elsewhere.
- It is not appropriate to have the access directly next to the public footpath.
- The extent of development will reduce the capacity for the land to soak up rain water.
- The development will adversely affect wildlife.
- There is wildlife in the area including bats and nesting birds.
- Development should not spread along Old Hackney Lane which is a rural area.
- This field is a small area of green space separating housing on the A6 from Hackney.
- It is a necessary part of the green space which separates Matlock, Hackney and Darley Dale.
- The site is outside of the settlement as put forward in the emerging local plan.
- The proposal is contrary to the work of the local plan.
- This site was not accepted as part of the local plan process.
- Car head lights will shine into my property.

7.0 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 on the Deposit Draft Local Plan has taken place and the Main Modifications as put forward by the Inspector have been submitted to full council for approval. A consultation on these modifications is now taking place. Given the progression of the Deposit Draft Local Plan these policies now have weight in the decision making process.

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 taker 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, guidance contained within the National Planning Policy Framework
(NPPF) and responses received through the applications process the key issues to
consider are:

- Principle of development and impact on landscape and local character
- Highway safety and footpaths
- Impact on residential amenity
- Land drainage and sewerage capacity
- Impacts upon ecology
- Developer contributions

Principle of development and impact on landscape and local character

7.6 Through the emerging draft local plan assessment of the sustainability of various
settlements throughout the district has been carried out. In this assessment is has been
concluded that the most sustainable locations within the district for growth are the market
towns.

7.7 This site is outside of the settlement of Matlock (in accordance with the modifications of
the emerging plan). The settlement boundary ends on the opposite side of Old Hackney
Lane and continues in the allocations to the west. The site is some distance on foot from
the market town and it would be a distance to walk to the A6 to catch a bus. However
there are a range of services and facilities within reasonable proximity of the site, but
occupiers would likely be largely reliant on the private motor car for most journeys.
Matlock is one of the most sustainable settlements and has been categorised a first tier
settlement where growth can be accommodated within the defined settlement boundary
with allocated sites within that boundary.

7.8 In considering the settlements such as Matlock through the allocation of land for new
housing development it is important to consider, amongst other matters, the impact of
additional development upon the character and appearance of the landscape and
settlement pattern. The Wardell Armstrong report on Landscape Sensitivity was carried out
to aid in the determination of where development should be focussed, identifying within
each settlement the landscape characteristics and sensitivity.

7.9 The Wardell Armstrong report on Landscape Sensitivity describes this area of Darley Dale
Parish as being of high sensitivity and identifies that there are potential coalescence
issues between Two Dales and Upper Hackney. Whilst this area is to the west of the
application site it identifies the importance of open spaces between the pockets of
development. The application site is part of a wider landscape pattern of open spaces
interweaving between disparate groups of dwellings along the hillside, including Upper
Hackney along Hackney Lane. This pattern of development forms a fundamental part of
the character of this area to the north west of Matlock and identifies the area between the
main built up area of Darley Dale and Matlock.

7.10 Whilst the proposed layout plan is indicative it demonstrates that this relatively high density
of development is at odds with the prevailing character of the area which has a much more
organic pattern to development of lower density. As such it is considered that the proposed layout and density of the development is harmful to the prevailing character of the area.

7.11 One of the prominent features of this area of Old Hackney lane is the high enclosing boundary walls. The proposed site access will result in significant alteration to the boundary wall fronting the site which is a prominent feature of the area. The significant alteration required to form the access here is considered harmful to the prevailing character of this part of Old Hackney Lane.

7.12 Within both the existing and the proposed local plan it is clear that the application site is located outside the settlement framework boundary in open countryside where new residential development is restricted. Given that the council can demonstrate the required supply of housing, the development of this site is considered to be unnecessary encroachment into the countryside beyond the settlement limits. This encroachment into one of the open spaces on this hillside is inherently encroaching and harmful to the character and appearance of the countryside in this area of high sensitivity. The density of the development in this rural locality and the loss of boundary walling to enclose the street scene through the provision of the access are also considered to be elements of the scheme which are harmful to the prevailing character and appearance of the area.

7.13 For the reasons set out above the development is considered to be contrary to both adopted and emerging planning policy and national planning guidance which promotes the appreciation and respect of the beauty of the countryside.

Highway Safety and footpaths

7.14 Concerns have been raised regarding the proposed access being in close proximity to the bend in the road and the impact the number of dwellings will have upon highway safety in the area. The highway authority have raised significant concerns regarding the access and the proximity to the bend which would result in limited visibility. Whilst there are some issues which may be resolved through the submission of further plans it is not considered that the principle issues in respect of visibility on the tight bend can be addressed. Given the concerns of the Local Highway Authority the proposal is considered to be contrary to policy TR1 of the adopted Derbyshire dales local plan and paragraph 32 of the National Planning Policy Framework.

Impact on residential amenity

7.15 As the application is in outline form only the submitted plans of the layout and design proposals are indicative only. The main dwelling to be affected by the development at the barn conversion to the front of the site. Concern has been raised that lights from car headlights would shine into the windows of neighbouring property to the east of the site, this is unlikely due to the existing planting adjacent to the footpath and at the point of access would be little different to the existing traffic travelling along the highway. Other dwellings within the locality are sufficiently detached or appropriately screened from the site such that there would be no amenity impacts. Should the site be considered acceptable for development in principle, it is considered that an appropriate design and layout could be resolved through any reserved matters. In this case as the site is not considered to be acceptable in terms of its location the detail of the scheme is not under consideration.

Land Drainage and Sewerage Capacity

7.16 A holding objection was originally received from the land drainage authority regarding this proposal. Since then the applicant has submitted further detailed information to address the concerns raised. As yet no further comments have been received from the land
impacts upon ecology

7.17 It has been noted by local residents that there are wildlife issues relating to this site. Derbyshire Wildlife Trust have assessed the submitted ecological survey and are satisfied with the survey work. They have recommended conditions relating to the development of the site. It is considered that subject to appropriate mitigation and conditions the impacts upon ecology would not be such that refusal of the application on ecology grounds would be warranted.

developer contributions

7.18 In accordance with the main modifications from the examination into the emerging local plan the requirement for affordable housing is for the provision of 30% of the units on site to be affordable units, with 80% of these being for social rent and the remainder of the balance being provided as intermediate housing or discount starter homes. The indicative layout identifies that 8 of the 24 units would be affordable giving provision of on-site affordable homes at 33.3%. This is considered to accord with the emerging local plan policy regarding affordable housing and is acceptable subject to being tied by a legal agreement.

7.19 In terms of the requirement for school provision, no response has been received as yet regarding this matter. An update on this matter will be provided at the planning committee meeting.

7.20 The provision of on-site play area/open space would also be required should the application be considered acceptable in principle. Adopted local plan policy L6 requires sites over 0.4ha to provide appropriate outdoor play space appropriate to the scale of development. The applicant’s statement advises that due to the modest scale of the development they would not wish to provide on-site pay area but would provide an off-site contribution. Given that there are limited play areas close the site to which a contribution would be appropriate, it is considered reasonable in accordance with Policy L6 to provide a play area on the site which would be secured through the legal agreement. However, as the proposal is not considered to be acceptable in principle this matter requires no further consideration and remains unresolved.

conclusion

7.21 The Planning Policy Context part of this ‘issues’ section sets out the Local and National Policy Guidance that apply in assessing the merits of this application and the other material considerations that need to be weighed in the planning balance.

7.22 Paragraph 14 of the NPPF advises that where the development plan is absent, silent or relevant policies are out-of-date 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.

7.23 Both the emerging and adopted local plans clearly indicate that the application site being beyond the settlement boundary outside of the area of planned growth for Darley Dale and Matlock. As the council can clearly demonstrate the required housing land supply both for the 5 year period and throughout the plan period expansion beyond the allocations contained within the emerging plan are unnecessary and as such constitute unwarranted encroachment into the countryside. Such encroachment is inherently harmful to the character and appearance of the countryside. In this case as the application site forms part
of a wider pattern of open spaces interweaving with pockets of development, the proposal is considered harmful to the prevailing landscape character of the area and harmful to settlement pattern within an area of high landscape sensitivity. Furthermore the density and layout of the development and the loss of the boundary wall to the street frontage due to the formation of the access would be contrary to the prevailing character of the area. It is, however, important to consider the social, economic and environmental benefits and disbenefits of the scheme in reaching a balanced judgement on the sustainability of the scheme.

7.24 On the basis of the provision of on-site affordable housing in accordance with the submission, the social role would be met through the delivery of on-site affordable and open market housing to meet the needs of the district in a relatively sustainable location within close proximity to the services and facilities provided within Darley Dale.

7.25 The economic role would be served by employment generated during construction along with the benefits to businesses within the village and the wider area from additional resident spend following construction whilst also adding to the vitality and viability of existing services.

7.26 In terms of the environmental role, the development of this site, outside the defined settlement boundaries for both Darley Dale and Matlock, would result in unwarranted encroachment into the countryside resulting in the loss of open space between Old Hackney Lane and Hackney lane contrary to the prevailing character and appearance of the landscape. There are also concerns that the density of development proposed through the indicative layout is contrary to the pattern of dwellings within the locality which have a more organic layout with less dense development, again this is contrary to the prevailing character of the area. The proposed access will result in the partial loss and significant alteration to the boundary wall which encloses the site. This enclosure to the street scene is a fundamental part of the character of this area of Old Hackney Lane. The harm to the wall is contrary to the prevailing character of this area. Furthermore it is clear from the detailed concerns of the Local Highway Authority that the provision of the access would cause harm to highway safety. On the basis of the harm to prevailing local and landscape character and highway safety it is considered that the development will result in harm to the environment.

7.27 It is recognised that this proposal would boost the provision of housing to meet the future needs of the District and that this is a benefit to be gained from the development. However, as the Council can identify the required housing land supply throughout the plan period with sufficient flexibility in the delivery, this benefit has not been attributed significant weight in the decision making process. The identified harm to the environment results in a form of development that does not meet the aims of the environmental role of sustainability, this harm, or disbenefit, is considered to have great weight in this case. In this regard it is considered that with the clear provision of the required housing land supply over both the short and long term, the environmental disbenefits of this proposal significantly and demonstrably outweigh the benefits such that refusal is recommended.

8.0 RECOMMENDATION
8.1 That planning permission be refused for the following reason(s).

1. The proposed development outside of the area of planned growth for Matlock and Darley Dale would constitute unwarranted encroachment into the countryside inherently harmful to the character and appearance of the landscape. In addition the density of the development and the partial loss of boundary walling to enclose the street scene are harmful to the prevailing character and appearance of the area. As such the proposal is contrary to policies SF5 and NBE8 of the Adopted Derbyshire
The application fails to provide sufficient information to fully demonstrate that safe and satisfactory highway access arrangements could be provided to serve all users of the site without prejudicing the safety of existing highway users on the adjoining highway network, primarily due to limited forward visibility available to a right turning vehicle and also conflicting vehicle movements under conditions of restricted forward visibility. The application also fails to demonstrate acceptable geometric requirements for turning vehicles and levels of information to determine whether acceptable access and street gradients can be provided for the site to be developed for residential purposes. The application therefore conflicts with policy TR1 of the Adopted Derbyshire Dales Local Plan and paragraph 32 of the National Planning Policy Framework (2012).

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:
Location plan received 10.05.17
Proposed layout plan received 10.05.17
Design and access statement received 10.05.17
Ecology appraisal received 18.05.17
Topographical survey received 10.05.17
Swept path analysis received 10.05.17
Phase 1 assessment received 06.07.17
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<td>Cllr S Burfoot, Cllr M Burfoot, Cllr A Elliott</td>
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**MATERIAL PLANNING ISSUES**

- Principle of development
- Setting of the listed building
- Character and appearance
- Impact on residential amenity
- Land drainage and sewerage capacity
- Highway safety
- Impacts upon ecology and landscaping

**RECOMMENDATION**

Approve
17/00003/FUL

Land North West of Megdale (Former DDDC Plant Nursery), Matlock

Derbyshire Dales DC

Date: 20/07/2017

100019785
1.0 THE SITE AND SURROUNDINGS

The application site is the former plant nursery of Derbyshire Dales District Council. The site is now vacant. The site is within a residential area close to the centre of Matlock. To the north of the site there is an access road to the playing fields which are situated to the west of the site. Beyond the access road is a group of grade II listed buildings; Dimple Farmhouse, Pillar Box Cottage, South Barn and West Barn. Dimple Farmhouse is one of the oldest buildings within this part of Matlock. Residential development is located to the south and east of the site with a belt of trees and a footpath to the immediate south of the site.

2.0 DETAILS OF THE APPLICATION

2.1 The original application was submitted for the erection of 11 affordable dwellings on the site. The application has been amended through the application process to now be for the erection of 12 affordable dwellings.

The dwellings proposed are as follows:

- 7 no. 2 bed, 2 storey dwellings.
- 2 no. 3 bed, 2 storey dwellings
- 2 no. 1 bed flats
- 1 no. 2 bed bungalow

The dwellings would be formed around a ‘T’ shaped access road to adoptable standards with the two storey flat building to the south of the access and the bungalow to the north. Beyond the bungalow are two, 2 storey dwellings leading towards a parking area within the
north western corner of the site. There are then rows of 2 and 3 no. dwellings running along the western boundary of the site with parking areas to the frontage of the site. The parking to the flat building would be to the rear of the building with the frontage of the flat building and the bungalow forming the site frontage.

The following documents have been received in support of the application and are referred to in the Officer appraisal section of the report:
- Tree Survey
- Drainage Strategy Report
- Preliminary Land Appraisal Report (Desk Study)
- Report Of Ecology And Protected Species Survey
- Design And Access Statement

The dwellings are of a modern design with brick finish and modern roofing tile. The windows to the front and side elevations are of grey UPVC in an elongated design with brickwork panels between and below the windows in a blue brick as a design feature. The dwellings are simple in their form, of a rectangular form with gabled roof without chimneys.

3.0 PLANNING POLICY AND LEGISLATIVE FRAMEWORK
1. Adopted Derbyshire Dales Local Plan (2005)
SF5: Design and Appearance of Development
SF7: Waste Management and Recycling
SF8: Catering for the Needs of People with Disabilities in Development and Redevelopment
H9: Design and Appearance of New Housing
NBE5: Development Affecting Species Protected by Law or are Nationally Rare
NBE6: Trees and Woodlands
NBE7: Features Important in the Landscape
NBE8: Landscape Character
NBE12: Foul Sewage
NBE16: Development Affecting A Listed Building
NBE26: Landscape Design in Association with New Development
NBE27: Crime Prevention
CS8: Provision of Community Infrastructure
TR1: Access Requirements and the Impact of New Development
TR2: Travel Plans
TR3: Provision for Public Transport
TR8: Parking Requirements for New Development
L1: New Leisure Centre, Matlock
L6: Outdoor Playing and Play Space in New Housing Developments

2. Deposit Draft Derbyshire Dales Local Plan:
   - Policy S3: Settlement Hierarchy which notes Matlock as a market town within the first tier

3. Other:
   • National Planning Policy Framework
   • National Planning Practice Guidance

4.0 RELEVANT PLANNING HISTORY:

4.1 None
5.0 CONSULTATION RESPONSES

Parish / Town Council

5.1 The application be refused on the following grounds:
   − The proposal is adjacent to listed buildings
   − Bungalows should be considered to replace the block of flats as they would be less obtrusive.
   − There are surface water drainage problems in the area.
   − The foul sewers on the estate have only recently been adopted, new sewers would need to be adequate to cope with the development.
   − Reinstatement of the car park is felt to be essential.

No further comments to make with regard to the amended plans.

Environment Agency

5.2 No objections but recommend conditions.
   The previous use of the site as land fill has a medium/high risk if contamination that could be mobilised during construction to pollute controlled waters. Further site investigation and a remediation strategy are required. In our opinion it would place an unreasonable burden on the developer to ask for more detailed information prior to the grant of planning permission. Conditions are recommended.

Derbyshire County Council (Highways)

5.3 As discussed, the Highway Authority has no concerns regarding this amended layout. The proposed access road is now in accordance with current design guidance and is therefore acceptable for adoption. Please note, the existing street lighting column fronting the site will require relocation to allow for the proposed access.

Whilst only 1 parking space is being provided for the proposed 2 bedroomed bungalow (Plot 12), it's not envisaged that parking on the new access road or some minor increase in on-street parking on Megdale will lead to any safety concerns.

Although no formal wheel tracking drawings have been submitted, the layout of the proposed road and its enlarged turning head will enable all service and delivery vehicles to enter the site, turn and exit in a forward gear.

Therefore, if your Authority is minded to permit the application then highway conditions are recommended.

Derbyshire County Council (Education)

5.4 No school requirement in this case as there is capacity within the normal area schools to accommodate the additional pupil numbers arising from this development.

Derbyshire Wildlife Trust

5.5 Sufficient ecological information has been submitted that would suggest the proposed development would not impact on ecology providing works are undertaken outside the bird breeding season, retained trees are protected and Japanese knotweed is controlled. Although the hedgerows are to be removed, the species composition offer low ecological value, therefore their removal is not considered to be a net loss of habitats. The new planting would equate the loss of trees removed. The report proposes artificial boxes, these should be implemented. The ecology report should be followed with regard to avoidance and mitigation. Conditions recommended.

Severn Trent Water

5.6 No objection subject to condition.
Development Control Archaeologist

5.7 The site is to the south of the grade II listed Dimple Farmhouse dating to the late 17th Century and its range of outbuildings also grade II listed and dated dendrochronology to 1609. Although this is early focus of settlement there is nothing on the historic mapping to suggest that the current proposal site was ever within farm curtilage, it seems to have been a paddock to the south of the farm complex. The site has been subject to considerable ground disturbance in the context of the former nursery use and is likely to retain little or no archaeological potential. There is consequently no archaeological requirement under the development management policies at NPPF chapter 12.

Derbyshire County Council (Land Drainage)

5.8 The County Council has received a report of an incidence of flooding to the east of the site. The source of this flooding was identified to be surface water from the site which has flowed onto the highway and flooded residential gardens during periods of heavy rain. The information provided does not identify how surface water would be attenuated on site. Underground tanks and oversized pipes would not be considered by the County Council or the Environment Agency to be classed as sustainable drainage features. To ensure surface water is appropriately dealt with on the site, a condition is recommended.

Environmental Health (Derbyshire Dales)

5.9 Due to the nature of the site and the previous uses, it is very likely that the site is subject to varying levels of land contamination. The applicant has submitted a desk top study which highlights the sites past uses as a landfill site and plant nursery, where various hazardous chemicals will have been used and stored, a condition is recommended regarding investigation and mitigation.

Strategic Housing (Derbyshire Dales)

5.10 Fully supportive of the proposal to deliver affordable homes on this site. The aim is to meet a range of needs for the town through the provision of the dwellings and flats. Both the Homes and Communities Agency and the District Council have made an allocation of funding to support the scheme. The homes will be managed and owned by Waterloo Housing Group.

Conservation Advisory Forum

5.11 The Forum considered and assessed the proposed development and the potential impact on the setting of the adjacent listed buildings in detail.

Forum considered the principle of development on this site and were not objectionable in that regard, however, the proposal as submitted raised a number of concerns:

- The design concept was not deemed site specific and there appeared to be no clear design concept which has informed the proposal. The submitted design concept in the D&A Statement was considered to be vague and generic.
- The relationship and interface with the listed buildings had not been considered in enough detail and the overall design of the housing, and layout, was deemed weak.
- The site, adjacent to the listed buildings is sensitive, prominent and requires a site specific design/layout response - i.e. it needs to be a high quality development (in all respects) adjacent to the quality of the listed buildings. The submitted scheme does not convey this.
- The Forum considered that the design of the properties should be simple and honest and ‘of their time’ (rather than a quasi- Victorian type of design as adopted).
- The inclusion of some artificial stone was deemed inappropriate. CAF considered that the development should, perhaps, be in brickwork only (of a suitable/appropriate type).
- The Forum noted that the submitted scheme did not respect and have an acceptable interface with the main road. This needs to be addressed.
The Forum raised concerns over the boundary treatments. They considered that the site should be bounded on the roadside boundary (east) and on the boundary to the ‘carpark’ north of the site area (and adjacent to the listed buildings) with drystone walling.

The Forum were of the opinion that the access into the site could be explored further – could access be made into the site from off the carpark to the north side of the site? This would allow the road frontage to the site to be re-designed and re-planned.

In conclusion, the Forum considered that, as submitted, the scheme does not adequately respond to the listed buildings and in that regard would harm their setting.

The Forum noted that the development was for 100% affordable housing and opined that a well-conceived, well designed, well detailed and high quality development can be achieved for affordable housing. Given the sensitivity of this particular site that should be expected as an absolute minimum.

Conservation and Design Officer DDDC

5.12 The site is a former District Council Plant Nursery. Immediately to the north of the site is the grade II listed Dimple Farmhouse (listed 1950) and the grade II listed range of outbuildings (to its west) which were listed in 1995. Dimple Farmhouse dates from the late 17th century (with later alterations/additions). Its principal aspect is south/south-east to take advantage of solar gain. The listed outbuildings (now converted to residential use) date from the mid-17th century and the early 18th century (with 20th century alterations). Dimple Farmhouse is a good example of the traditional Derbyshire yeoman’s farmhouse. The outbuildings formed part of its historic farmstead group and were functionally related to the farmhouse and forms an important part of its setting. The group is entirely built from stone.

The context of Dimple Farmhouse and its associated outbuildings has changed in the 20th century with the westerly encroachment of Matlock town. This has led to new roads being formed (principally to the immediate east/south of the Farmhouse) and urban expansion of houses of varying types, forms and materials. What is clear is that when constructed and well into the 20th century, the farmhouse and its outbuildings remained as a rural farmstead on the west side of Matlock centred, no doubt, on its associated farm land holding.

It appears that the field or land to the south of the farmstead was utilised as a plant nursery from the 1970s onwards. This survives, albeit closed, as a group of ephemeral and transient garden buildings and structures of a low-key nature and of no architectural merit. In the northeast corner of the site is a stump of brickwork and an attached stone chimneystack from a redundant and dismantled structure.

The proposal for the site is to erect 11 No. new dwellings around an (adoptable) highway access road. The properties are to be two-storey in height with pitched roofs. A key consideration for the development of this site with housing is the potential effect/impact that that development may have on the setting of the listed buildings. Due to the topography and existing road layout the farmhouse is off-set to the east of the site proper but due to its building length and its associated garden this overlooks and has an aspect over the site, or at least the eastern part of the site. In terms of setting, the most sensitive part of the development site is the north-eastern section, that closest to the farmhouse – the applicant’s Design and Access Statement recognises this. The visual and physical nature of the former plant nursery is such that it is low-key in form and scale. Housing on this site will, undoubtedly, change that existing character. It is acknowledged that the housing encroachment around the farmstead – to the north, east and south – has irrevocably altered the setting of the former farmstead during the later 20th century. That said, the proposed development (inclusive of its layout, design and materials) on the former plant nursery will increase that urban built character and will, it is opined, cause
harm to the setting of the listed buildings. Where there is a finding of harm to the setting of a listed building(s) that consideration should be given considerable importance and weight. It is considered that that harm is, however, unlikely to be substantial. Where harm is not substantial it should be weighed against the public benefits of the proposal, including securing its optimum viable use.

6.0 REPRESENTATIONS RECEIVED

6.1 A total of 12 representations have been received. A summary of all representations is outlined below:

Principle issues
- Would the houses be owned by Dales Housing and if so would they be filled with single mothers with babies, drug users as in many affordable homes in Matlock or the refugees Matlock is planning on having. We have seen problems with migrants in cities as close as Sheffield.
- Megdale is owner occupied by working people or retirees, it has always been a respectable and desirable area in which to live and we do not want our peaceful way of life disrupted.
- This is overdevelopment and too high a density. The development will harm the appearance of the area.
- The scheme would isolate residents socially.
- The proposal has been designed around the car.
- There are developments coming forward in Matlock where little affordable housing is included, revising these developments would be better than ‘helicoptering in’ an over concentration of inappropriate properties into the Megdale area.
- This would be better suited as part of Cawdor Quarry
- The site has not been considered as part of the emerging local plan.
- This would inhibit future development of the recreation area.
- The nursery land could be used for parking to support the recreation facilities.

Surface water and flooding
- The new houses should not have their waste channelled to an out of date system passing through private land.
- Surface water drainage from the site is a problem in heavy rainfall and is inadequate. There appears to be no provision of a much needed outfall connection to the main sewer.
- An increase in hard surfacing will worsen the situation with regard to surface water flooding.
- Our house floods due to surface water issues and lack of drain capacity, this development will worsen the situation.
- There are springs in the area which could be affected/worsened by the development.

Appearance
- More stone should be used, brick should match the existing.
- The development is contrary the prevailing character.
- The houses are of modern design with details not seen elsewhere in the area, the dwellings are not in keeping with the area.
- The development will harm the area.

Listed building
- There would be an adverse impact of the setting of the listed building.
- The development is isolated through screening to minimise the effect on listed buildings and the open/green aspect of Megdale.
− The loss of view and connection between the listed building and Bonsall Moor will be lost.

**Landscaping and ecology**
− The hedgerow between the site and Sheriff Lane (public footpath) is 600 to 700 years old and had ancient flower species which have since been lost, although some woodland species remain. The trees and hedgerow should be retained and managed to conserve its historic and wildlife character.
− The proposal will lead to loss of trees and owl habitat.
− There is an abundance of wildlife on the site.
− We have had a badger in our garden.
− Concerned about the Japanese knotweed.

**Amenity**
− We will be overlooked by the development.
− The additional use of the footpath will spoil our amenity.
− The listed building will be overlooked by the development.
− The loss of view from the listed building which has been enjoyed for over 400 years would result in a loss of amenity.

**Highways**
− There should be no pedestrian access between the development and the public footpath. Could the housing be lower and therefore less visible.
− There will be increased traffic and noise and disruption both during and after construction.
− This will lead to on-street parking and parking within the recreation car park leading to overspill of parking elsewhere.
− There should be a fence separating the site from the footpath which will prevent the area being used as a shortcut.

**Other**
− There should be houses rather than flats.
− Ground disturbance may cause rat problems.
− It will have a harmful effect on the surrounding area and access to the local recreational facilities.
− The environment here has already been harmed through development of Arc and Premier Inn etc.
− We hoped this land would be used for allotments.
− The council has a responsibility to sell the land at a price that maximises the asset, not at a reduced price to a development company.

**Matlock Civic Association:**
− Bricks should match the nearby development
− The flat building is of a strange design.
− Fencing should be 2m high and dark stained.
− There should be a low wall and a line of trees along the site frontage.
− The existing beech hedge should be extended along the northern boundary.
− Site drainage concerns.
− Bungalows would be a better option here.

One further representation has been received in response to amended plans:
− The development would overwhelm the listed building due to its close proximity. The materials and high density development would clash with the listed building.
− 20th Century housing has affected the setting but the impacts have been minimised through physical separation, as such the listed building has retained its setting.
- All 10 windows in the listed building have views to the south which suggests that construction was designed around the view. The loss of view would result in loss of amenity.
- We would suffer loss of privacy through overlooking. The deciduous hedge would not provide sufficient screen as the dwelling would be 8m high. There would be a direct line of sight form the upper floor windows.
- The proposal does not meet the policies of the local plan namely SF1, SF2, SF5 H9 and NBE16.

Comments from Ward Member (to original scheme) summarised as follows:

**Principle**
- 11 dwellings will appear as over development of a visually constricted site directly in front of grade II listed buildings, the Dimple Farmhouse is one of the oldest dwellings in Matlock, the setting of this will be seriously compromised.
- The design of the houses is out of character.
- The pair of flats appear to be disguised as a pair of semi-detached dwellings but are excessively narrow where the fenestration dominates the elevations.
- Flats are not suited to this area, bungalows would be more appropriate and suited to an ageing population, and less obtrusive.
- The dwelling will compromise the setting of and outlook from the listed building.
- The location and character of this site make it difficult to integrate into the adjacent Sheriff Fields estate either physically or socially, whilst at the same time safeguarding neighbours privacy and security.
- The proposal needs to enhance the surroundings, it does not.

**Site Structure (Preliminary Appraisal Report)**
- The applicants have submitted a desk study yet carried out an on-site investigation, with core samples being taken only a few days before the application was submitted.
- The results of the investigation should be submitted for comment.
- The EA require ground contamination is addressed in terms of surface water discharge.
- This is why water butts are proposed to drain roof run-off rather than soakaways without mention of overflowing water.
- Surface water drainage appears to be completely inadequate as there is only provision for utilising 3 no. manholes on the site into which a limited number of gullies will discharge. Below and to the south of this gully the only provision for surface water discharge is the provision of water butts.
- With hard surfacing the run-off will be considerable.
- Unless some conventional drainage is installed the run-off will be at least as severe as at present which causes flooding.
- An additional collection manhole and raised kerbs with substantial gullies or heavy duty drainage channel must be installed and piped off the site beneath the highway to a new manhole connection to the existing surface water sewer.
- Is the new highway to be adopted in its entirety?
- As a strip of embankment above the public footpath has been retained by the Council, it can be implied that the Council rather than Waterloo Housing Group is deemed responsible for any excessive run-off, so it is important for the Council to protect its interests and minimise any risk of flooding.
- The strip of land should be restored to a condition which reflects the neat and attractive stone walled boundaries of adjacent properties, with a rebuilt wall and appropriate soft landscaping, this would also help with surface water.
- How will they calculate that they will reduce surface water discharge by as much as 30%?
Proposed Foul Drainage Disposal

- Foul water drainage was substandard following completion of the housing development in the 1970’s, unadopted and privately maintained. New legislation required the water companies to adopt all foul drainage systems a few years ago, however no repairs or improvements have been undertaken.
- Therefore there is concern about capacity of the existing system, private individuals have had to repair problems in the past in this area.

Ecological Survey Report

- The ecology report fails to identify owls on or near the site. The report implies that retained vegetation should be protected during construction and then managed sympathetically. The responsibility for this must be clarified and agreed with the Council given their adjacent responsibilities.

Site Boundary Enclosure

- It is unclear which fence designs are to be utilised. There appears to be no boundary to the flats or the retained embankment.
- It is essential that boundaries with DDC land are defined and secured with a 1.8m high chainlink fence otherwise an informal route will be established by residents and children.
- The Megdale boundary should be defined, ideally be a wall.
- Close boarded gates and fence to rear garden areas are totally inappropriate and will quickly become damaged and unsightly as seen on other social housing developments in the area. A vertical hit and miss fence is acceptable.
- I am concerned about the 4m high existing hedge which has not been maintained for many years. This must be restored to a traditional hedge with infilling where the gate and recycling compound are located.
- A sustainable management plan is essential to ensure the entire boundary is maintained so as to provide a buffer between the development and the farmhouse.

Proposed Building Materials

- Not convinced by the proposed choice of brick, there are bricks closer matching the surrounding development. I applaud the use of ‘Forticrete Anstone’ pitched face for the more visible elevations but this needs to be assessed against alternatives.

Tree Report And Landscaping

- I welcome the decision to only fell two mature trees on the site and assume landscaping will be a reserved matter. Condition to protect root spread and safeguard branches of retained trees must be imposed. How are grassed and other landscaped areas outside property curtilages to be managed? Proposal are required to enhance and reinforce the existing tree lined Megdale roadside character.

7.0 OFFICER APPRAISAL

7.1 Based on new analysis of development that will come forward in the next five years it is considered that the Council can currently 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. Consultation is underway with regard to the modifications to the emerging plan following the Examination and as such the policies contained within it can be afforded weight at this time.

7.2 Housing policies contained within the Adopted Derbyshire Dales 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 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, or specific policies indicate otherwise. This latter part of the paragraph refers to footnote 9 which states in part; for examples those policies relating to... designated heritage assets.

7.3 As this site is within the setting of the adjacent listed building footnote 9 is engaged in the determination of the application. In such cases it is still appropriate to consider the economic, social and environmental benefits and disbenefits against one another in the planning balance, bearing in mind the engagement of footnote 9 in terms of the impact upon heritage matters. However, as a heritage asset is engaged the balance to be struck is not a weighted balance.

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

− Principle of development
− Setting of the listed building
− Character and appearance
− Impact on residential amenity
− Land drainage and sewerage capacity
− Highway safety
− Impacts upon ecology and landscaping

Principle of Development

7.5 As the development is within the setting of the adjacent listed buildings footnote 9 is engaged and therefore an assessment of the impact of the development upon the setting of the listed buildings needs to be carried out to establish the principle of the development. Where harm is identified the scheme would only be acceptable if the public benefits of the scheme outweigh the harm. Notwithstanding this fundamental matter this proposal is for a fully affordable scheme of 12 dwellings on a brownfield site in a sustainable location within a market town settlement and as such would constitute sustainable development. It should also be noted that the site in the Adopted local plan is designated under Policy L1 as land for a new leisure centre in Matlock. As the leisure centre ‘Arc’ has been fully completed this is land that no longer needs to be set aside under the remit of that policy. As such Policy L1 would not remove the ability to redevelop the site for housing.

Setting of Listed Building

7.6 Concern has been raised that the development of this site will harm the setting of the adjacent listed buildings which are one of the oldest groups of buildings in Matlock and were originally a farm complex in a rural context In this regard the urban development surrounding the site has already significantly degraded the setting of this building. The application site has been in use as a nursery site with some structures within the site associated with that use. The matter for consideration is whether residential development of this brownfield site will cause harm to the setting of the listed building.

7.7 In terms of setting, the most sensitive part of the development site is the north-eastern section, that closest to the farmhouse. The visual and physical nature of the former plant nursery is such that it is low-key in form and scale. Housing on this site, in whatever form will, undoubtedly, change that existing character. The proposed development on the former plant nursery will increase that urban built character, however this does not
automatically mean that the change to character will harm the setting the listed building.
The setting in this case has largely been eroded and the remaining setting is the vista of
the listed buildings from its front aspect and associated appreciation of the building. The
amended plans have reduced the scale of the development to the north eastern corner of
the site through the introduction of a bungalow. There is then to be a hedge acting as a
landscape buffer between the development and the listed building to the northeast.

7.8 In terms of the relationship between the proposed development and the listed buildings,
due to the presence of the hedge, a view of the site and the listed group would only be
apparent in the area opposite the entrance to the Hurds Hollow playing field. In this
respect the development would to a degree detract from the setting of the listed building
from this aspect. In this regard whilst the character of the site will change it is considered
that the impact of this development upon the setting of the listed building will have a
modest impact on a component of its setting. Due to the existing degradation of the setting
of the building this harm is partial harm to the setting and as such is considered to be at
the lower end of less than substantial harm to the buildings significance.

7.9 As less than substantial harm has been identified in accordance with paragraph 134 of the
NPPF for the scheme to be acceptable any harm would need to be outweighed by public
benefit. This is addressed in the planning balance. However, as a heritage asset is
engaged the balance to be struck is not a weighted balance.

7.10 It should be noted that whilst the Conservation Advisory Forum had concerns regarding
the scheme they did not in principle consider that development if this site would harm the
setting of the listed building.

Character and Appearance

7.11 The original scheme for the development of this site was poorly conceived and harmful to
the character and appearance of the area. As a result significant negotiations have taken
place between the applicant and the Local Planning Authority resulting in a revised
scheme of modern design that it is considered will be an appropriate transition
development between the listed building to the north and the Megdale development to the
south. A traditional development and the use of stone in this locality would have detracted
from the historic listed building adjacent which should be seen as the dominating building
within the locality. The flat accommodation has raised concerns in the original scheme in
terms of design. In the revised scheme whilst being of a slightly differing design to the
semi-detached dwellings, it assimilates well with the remainder of the development and will
provide a strong street frontage to the development.

7.12 Concern has been raised regarding the boundary treatments to the development. The
fencing to the rear gardens would be close boarded fencing and partially to the northern
boundary where the hedge ends in order to provide a permanent boundary to plot 1.
Where the hedge is located a mesh fence is proposed. Along the site frontage a stone wall
is proposed giving enclosure to the street scene. A fence is not proposed to the edge of
the embankment and this would overly enclose the site internally to an unacceptable
degree. Given the mature planting in this area it is not considered that a harsh boundary to
this area is necessary. Whilst it is appreciated that this has in the past been used as a
shortcut through the former nursery site it is envisaged that the development itself will
reduce the potential for this. If this becomes a problems in the future it would be possible
to submit an application to erect a boundary treatment.

7.13 The modern design of the dwellings with the elongated windows design and blue brick
feature detailing is considered to be acceptable as a modern development within a
residential area. The proposed brick of a light tone and is not considered to be acceptable.
As a transition development it is considered that a slightly darker shade of brick should be
used, this would be determined through the conditions. It is also considered that there
should be a step in the feature brickwork, details of this have not been submitted and as
such will be required by condition, assuming this can be achieved within the construction.

7.14 Subject to conditions the proposal in terms of character and appearance is considered to
be acceptable in accordance with local and national planning policy.

Impact on Residential Amenity

7.15 Concerns have been raised by residents surrounding the site that the proposal will result in
overlooking and loss of amenity. The properties most likely to be affected by the
development are the listed building to the north and No. 1 Megdale situated opposite the
site frontage. In both these cases the separation distances between the existing and
proposed dwellings are such that a refusal of planning permission on the grounds of loss
of amenity would not be warranted. Due to the land level difference it is not conserved that
the height of the dwellings proposed will harm the residents of the listed building to the
north. Nevertheless it is acknowledged that the development will result in a significant
change to the area from which harm to amenity would likely be perceived.

Land Drainage and Sewerage Capacity

7.16 It is acknowledged that there have been flooding issues caused by surface water problems
relating to this site. Significant concerns from local residents has been raised regarding the
surface water drainage problems and the limited sewerage capacity.

7.17 In view of these concerns the Environment Agency, the Land Drainage Authority and
Severn Trent Water have been consulted on the application. The Land Drainage Authority
have noted the flooding issues in the locality. None of these statutory consultees have
raised any objection to the application but they have all recommended conditions. These
conditions would be imposed on any permission and the discharge of them would be
through those same consultees. As such it is considered that the land drainage and
sewerage issues relating to the site can be appropriately mitigated through condition.

Highway Safety

7.18 The Local Highway Authority has considered the proposed development and have raised
no objection subject to the imposition of conditions. The main route of the proposed
access road would be to adoptable standards with only the parking areas remaining in
private ownership through then Social Landlords continued management of the site.

Impacts upon Ecology and Landscaping

7.19 Concerns have been raised that the development will harm habitat and species. A detailed
ecology report has been submitted to support the application. Derbyshire Wildlife Trust
have assessed this report and are satisfied with the proposals subject to conditions.

7.20 The existing embankment to the south of the site will be retained outside the application
site and within the Council's control. This screen provides a green buffer to the site which
is of value in terms of the appearance of the area and landscaping to the footpath. Trees
to the rear (west) of the site will be retained with tree protection as will the hedge to the
north. On this basis the detailed landscaping of the site can be subject to conditional
approval.
Other matters:

Developer contributions

7.21 This is an affordable housing scheme where any developer contributions would not be requested due to the nature of the proposal and viability of providing affordable housing. The strategic planning policy team from Derbyshire County Council have not requested any school contributions in this case.

Land Contamination

7.22 Given the previous use of the site it is likely that there is ground contamination. The Councils Environmental Health Officer has requested a detailed conditions relating to site investigation and remediation works. Subject to such conditions it is considered the development of the site is acceptable in terms of the potential for contamination of the land.

Public Open Space

7.23 This is a small site in a location close to existing recreational facilities. Given the scale of the development site it is not appropriate to request an on-site provision of play/open space in accordance with policy L6 of the Adopted local Plan given that the site area is below the requirements for this at 0.35 hectares, the threshold being 0.4 hectares.

Conclusion

7.24 Whilst the site is in a sustainable market town location it is necessary to assess all of the benefits and disbenefits of this development in association with the three roles of sustainability in order to establish whether this proposal amounts to sustainable development bearing in mind the impact upon the designated heritage assets.

7.25 In this case the social role of sustainability would be met by providing affordable housing to meet the housing needs of the district, particularly those in need of single storey accommodation.

7.26 The economic role of sustainability would be met through the construction process and through the additional residential spend following occupation.

7.27 In terms of the environmental role of sustainability it is considered that the design and appearance, boundary treatments and landscaping of the site are acceptable. The ecological impacts can be mitigated through condition and significant existing trees and hedges are to be retained. On this basis it is considered that the development has met the environmental role of sustainability. However, the impact of the development upon the setting of the listed building has been assessed as at the lesser end of less than substantial harm where paragraph 134 of the NPPF requires that any such harm must be outweighed by a public benefit.

7.28 It is considered that given that the harm to the designated heritage assets is at the lesser end of less than substantial, this harm is outweighed by the public benefit of providing affordable housing to meet the needs of residents within the District and as such the proposal to develop this site for 12 affordable units is considered to be acceptable. The provision of affordable housing remains a key corporate objective and notwithstanding the supply that will be realised from other local plan sites the level of demonstrable need has been critical in securing scarce HCA grant funding.
8.0 RECOMMENDATION

8.1 That planning permission be granted subject to the following conditions.

1. Condition ST02a: Time limit on full

2. No development shall be commenced until a temporary access for construction purposes has been provided in accordance with a detailed design first submitted to and approved in writing by the Local Planning Authority. The access shall be retained in accordance with the approved scheme throughout the construction period, or such other period of time as may be agreed in writing by the Local Planning Authority, free from any impediment to its designated use.

3. Before any other operations are commenced, excluding construction of the temporary access referred to in Condition No 2 above, space shall be provided within the site for storage of plant and materials, site accommodation, loading, unloading and manoeuvring of goods vehicles, parking and manoeuvring of employees and visitors vehicles, laid out and constructed in accordance with detailed designs first submitted to and approved in writing by the Local Planning Authority. Once implemented the facilities shall be retained free from any impediment to their designated use throughout the construction period.

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

5. No development shall take place until construction details of the residential estate road and footways (including layout, levels, gradients, surfacing and means of surface water drainage) have been submitted to and approved in writing by the Local Planning Authority.

6. The proposed carriageway of the estate road to serve the development shall be laid out in accordance with submitted drawing number 40471/002Q and constructed in accordance with Condition No 5 above up to and including at least road base level, prior to the commencement of the erection of any dwelling intended to take access from that road. The carriageways and footways shall be constructed up to and including base course to ensure that each dwelling prior to occupation has a properly consolidated and surfaced carriageway and footway, between the dwelling and Megdale. Until final surfacing is completed, the footway base course shall be provided in a manner to avoid any upstands to gullies, covers, kerbs or other such obstructions within or abutting the footway. The carriageways and footways in front of each dwelling shall be completed with final surface course within twelve months (or three months in the case of a shared surface road) from the occupation of such dwelling, unless otherwise agreed in writing by the Local Planning Authority.

7. Prior to occupation of any dwelling the proposed junction to Megdale shall be laid out and constructed in accordance with the drawing No 40470/002Q, and provided with visibility sightlines extending from a point 2.4 metres from the carriageway edge, measured along the centreline of the access, for a distance of 43 metres in each direction measured along the nearside carriageway edge. The land in advance of the visibility sightlines forming part of the estate street and not part of any adjoining plot or other sub-division of the site.

8. No dwelling shall be occupied until space has been laid out within the site for the parking and manoeuvring of residents vehicles associated with that dwelling in accordance with drawing No 40470/002Q. These facilities shall thereafter be retained for use at all times.
9. No building hereby permitted shall be occupied until surface water drainage works have been implemented in accordance with details that have been submitted to and approved in writing by the Local Planning Authority. Before these details are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles set out in Annex F of PPS25 (or any subsequent version), and the results of the assessment provided to the Local Planning Authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:
   i. provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
   ii. include a timetable for its implementation; and
   iii. provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

10. No part of the adopted estate street leading from Megdale to the end of the turning head shall exceed a gradient of 1:20

11. Notwithstanding the submitted details samples of all bricks and roof tiles shall be submitted to and agreed in writing by the Local Planning Authority. Works shall be completed in accordance with the agreed details.

12. Prior to the commencement of development a scheme for the long term management of the 50 no. affordable dwellings and details of the proposed tenure along with a phasing plan for the 8 no. open market dwellings shall be submitted to and agreed in writing by the Local Planning Authority. The scheme shall be completed in accordance with the agreed details.

13. Prior to the commencement of development an invasive species protocol shall be submitted to and approved by the Local Planning Authority, detailing the containment, control and removal of Japanese knotweed on site, the measures shall be carried out strictly in accordance with the approved scheme.

14. No site clearance work / construction shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of the site for active birds' nests immediately before work is commenced and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to and agreed in writing by the Local Planning Authority.

15. The measures recommended within the submitted ecological report received 12.01.17 shall be fully followed and implemented on site.


17. Condition SD13: Land affected by contamination – prior to commencement

18. Prior to each phase of development approved by this planning permission no development approved by this planning permission shall commence until a remediation strategy to deal with the risk associated with contamination of the site has been submitted to, and approved in writing by, the Local Planning Authority. This strategy will include the following components:
   • all previous uses;
potential contaminants associated with those uses;
a conceptual model of the site indicating sources, pathways and receptors; and
potentially unacceptable risks arising from contamination at the site,
1. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
2. The results of the site investigation and the detailed risk assessment referred to in (2) and based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
3. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.
Any changes to these components require the written consent of the Local Planning Authority. The scheme shall be implemented as approved.

19. Prior to each phase of development being occupied a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

20. If, during development contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be implemented as approved.

21. Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to ground water. The development shall be carried out in accordance with the approved details.

22. The development hereby permitted shall not commence until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

23. No development shall take place until a detailed design and associated management and maintenance plan of surface water drainage for the site, in accordance with DEFRA Non-statutory technical standards for sustainable drainage systems (March 2015), has been submitted to and approved in writing by the Local Planning Authority. The approved drainage system shall be implemented in accordance with the approved detailed design prior to the use of the building commencing.

24. All boundary treatments shall be in accordance with amended plan 40470/014, prior to the commencement of work to the boundary treatments; the finished colour of the fencing and a 1m square sample panel of the wall shall be erected on site for inspection by the Local Planning Authority along with written details regarding the construction and stone source shall be submitted to and all shall be agreed in writing by the Local Planning Authority. Works shall be completed in accordance with the agreed details.

25. Prior to the commencement of the wall construction to the dwellings, and notwithstanding the submitted details, a sample of the facing materials (brick and roof tiles) shall be
submitted to and agreed in writing by the Local planning Authority. Works shall be completed in accordance with the agreed details.

26. In accordance with the materials agreed under condition 25 above, prior to the commencement of the walling to the dwellings a 1:20 detail of the brickwork to the blue brick feature and the surrounding brick work shall be submitted to and agreed in writing by the Local Planning Authority. Works shall be completed in accordance with the agreed details.

27. The following item details of the development are agreed in accordance with plan 40470/013A:
   Items 4 to 8
   Item 10
   Item 14 - with the utility boxes inset
   Item 15 - on the basis that all windows and patio doors to the rear of plots 10, 11 and 12 are grey to match those to the frontage, with white UPVC used on the rear of plots 1 to 7. All unless otherwise agreed in writing by the Local Planning Authority. Work shall be completed in accordance with the agreed details.

28. Condition IC19: restrict operating hours (0800 to 1800)

29. Condition IC23: external lighting

30. 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 external alterations or additions shall be made to any dwelling hereby approved and no buildings, extensions, gates, fences or walls (other than those expressly authorised by this permission) shall be carried out within the curtilages of plots 1, 2, 7, 10, 11 and 12 without the prior written approval of the Local Planning Authority upon an application submitted to it.

31. No development shall commence on site until a scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority, the details of which shall include: -
   a)  all plant species, planting sizes, planting densities, the number of each species to be planted and plant protection;
   b)  finished site levels and contours;
   c)  means of enclosure;
   d)  car park layouts;
   e)  other vehicle and pedestrian access and circulation areas;
   f)  hard surfacing materials;

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

33. The retention of trees and hedges and root protection areas shall be in accordance with plan 40470/002R received 29.06.17
Reasons.

1. Reason ST02a

2-10. In the interests of highway safety in accordance with policies TR1 and TR8 of the Adopted Derbyshire Dales Local Plan and guidance contained within the National Planning Policy Framework.

11. To ensure an appropriate finished form of development in accordance with policies SF1, SF5, H1 and H9 of the Adopted Derbyshire Dales Local Plan and guidance contained within the National Planning Policy Framework.

12. To ensure the accommodation defined as such remains affordable in the long term in accordance with guidance contained within the National Planning Policy Framework.

13-15. In the interest of ecology in accordance with policy NBE5 of the Adopted Derbyshire Dales Local Plan and guidance contained within the National Planning Policy Framework.

16. Reason SD12: in accordance with guidance contained within the National Planning Policy Framework

17: Reason SD13: in accordance with guidance contained within the National Planning Policy Framework

18. To ensure that the development is not put at unacceptable risk from, or adversely affected by, unacceptable levels water pollution in line with paragraph 109 of the National Planning Policy Framework.

19. To ensure that the site does not pose any further risk to human health or the water been met and that remediation of the site is complete. This is in line with paragraph 109 of the National Planning Policy Framework.

20. To ensure that the development is not put at unacceptable risk from, or adversely affected by, unacceptable levels water pollution from previously unidentified contamination sources at the development site in line with paragraph 109 of the National Planning Policy Framework.

21. To ensure that the development is not put at unacceptable risk from, or adversely affected by, unacceptable levels water pollution from previously unidentified contamination sources at the development site in line with paragraph 109 of the National Planning Policy Framework.

22. To ensure that the development is provided with a satisfactory means of drainage as well as reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution.

23. To ensure that the principles of sustainable drainage are incorporated into this proposal and sufficient detail of the construction, operation and maintenance of sustainable drainage systems is provided to the Local Planning Authority in advance of full planning consent being granted.

24-27. To ensure an appropriate finished form of development in accordance with policies SF1, SF5, H1 and H9 of the Adopted Derbyshire Dales Local Plan and guidance contained within the National Planning Policy Framework.

29. Reason IC23: policies SF5 and H9 of the Adopted Derbyshire Dales Local Plan and guidance contained within the National Planning Policy Framework.

30. Reason PD10: policies SF1, SF5, H1 and H9 of the Adopted Derbyshire Dales Local Plan and guidance contained within the National Planning Policy Framework.


33. For clarification and to ensure the retention of the trees/hedges.

9.0 NOTES TO APPLICANT:

9.1 The Local Planning Authority prior to and during the consideration of the application engaged in a positive and proactive dialogue with the applicant which resulted in the submission of a scheme that overcame initial concerns relating to the design and layout of the development.

9.2 The Town and Country Planning (Fees for Applications and Deemed Applications, Requests and Site Visits) (England) Regulations 2012 (SI 2012/2920) stipulate that a fee will henceforth be payable where a written request is received in accordance with Article 30 of the Town and Country Planning (Development Management Procedure) Order 2010. Where written confirmation is required that one or more Conditions imposed on the same permission have been complied with, the fee chargeable by the Authority is £97 per request. The fee must be paid when the request is made and cannot be required retrospectively. Further advice in regard to these provisions is contained in DCLG Circular 04/2008.

9.3 Severn Trent Water advise that although our statutory sewer records do not show any public sewers within the area you have specified, there may be sewers that have been recently adopted under The Transfer Of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and you are advised to contact Severn Trent Water to discuss your proposals. Severn Trent will seek to assist you obtaining a solution which protects both the public sewer and the building.

9.4 Derbyshire County Council do not adopt any private SuDS schemes. As such, it should be confirmed prior to commencement of works which organisation will be responsible for SuDS maintenance once the development is completed.

9.5 Highway Footnotes A to F:

A. Pursuant to Section 38 and the Advance Payments Code of the Highways Act 1980, the proposed new estate roads should be laid out and constructed to adoptable standards and financially secured. Advice regarding the technical, financial, legal and administrative processes involved in achieving adoption of new residential roads may be obtained from the Strategic Director of the Economy, Transport and Environment Department at County Hall, Matlock (tel: 01629 533190). The applicant is advised to allow approximately 12 weeks in any programme of works to obtain a Section 38 Agreement.

B. Highway surface water shall be disposed of via a positive, gravity fed system (ie; not pumped) discharging to an approved point of outfall (eg; existing public sewer, highway drain or watercourse) to be sanctioned by the Water Authority (or their agent), Highway
Authority or Environment Agency respectively. The use of soak-aways for highway purposes is generally not sanctioned.

C. Pursuant to Sections 149 and 151 of the Highways Act 1980, the applicant must take all necessary steps to ensure that mud or other extraneous material is not carried out of the site and deposited on the public highway. Should such deposits occur, it is the applicant’s responsibility to ensure that all reasonable steps (eg: street sweeping) are taken to maintain the roads in the vicinity of the site to a satisfactory level of cleanliness.

D. Pursuant to Sections 219/220 of the Highways Act 1980, relating to the Advance Payments Code, where development takes place fronting new estate streets the Highway Authority is obliged to serve notice on the developer, under the provisions of the Act, to financially secure the cost of bringing up the estate streets up to adoptable standards at some future date. This takes the form of a cash deposit equal to the calculated construction costs and may be held indefinitely. The developer normally discharges his obligations under this Act by producing a layout suitable for adoption and entering into an Agreement under Section 38 of the Highways Act 1980.

E. The proposed access will require the removal or relocation of an existing street lighting column on Megdale. The applicant must seek the prior written approval of my Council’s Street Lighting Services for any such works. The applicant should contact Street Lighting Services on 01629 531946 for advice and procedure for the column. Additionally the applicant must secure the service of Derbyshire County Council for the works in the absence of any Agreement under the Highways Act 1980. The applicant is liable for all costs arising.

F. The application site is affected by a public Right of Way, Footpath No 95 on the Derbyshire Definitive Map. The route must remain unobstructed on its legal alignment at all times and the safety of the public using it must not be prejudiced either during or after development works take place. Further advice can be obtained by calling 01629 533190 and asking for the Rights of Way Duty Officer. Please note that:-

• The granting of planning permission is not consent to divert or obstruct a public right of way.

• If it is necessary to temporarily obstruct a right of way to undertake development works then a temporary closure is obtainable from the County Council. Please contact 01629 533190 for further information and an application form.

• If a right of way is required to be permanently diverted then the Council that determines the planning application (The Planning Authority) has the necessary powers to make a diversion order.

• Any development insofar as it will permanently affect a public right of way must not commence until a diversion order (obtainable from the planning authority) has been confirmed. A temporary closure of the public right of way to facilitate public safety during the works may then be granted by the County Council.

• To avoid delays, where there is reasonable expectation that planning permission will be forthcoming, the proposals for any permanent stopping up or diversion of a public right of way can be considered concurrently with the application for the proposed development rather than await the granting of permission.

9.6 The developer should make separate enquiries with broadband providers and ensure that future occupants have access to sustainable communications infrastructure, giving
appropriate thought to the choice and availability of providers which can offer high speed connections. The following link may be helpful in this regard: https://www.gov.uk/government/publications/better-connected-a-practical-guide-to-utilities-for-home-builders

9.7 This decision notice relates to the following documents:
Design And Access Statement received 12.01.17
Highway boundary plans no. 8182190 received 12.01.17
Tree Survey received 12.01.17
Tree constraints plan no. 16.1253.001 received 12.01.17
Drainage Strategy Report received 12.01.17
Preliminary Land Appraisal Report (Desk Study) received 12.01.17
Report of Ecology and Protected Species Survey received 12.01.17
Amended plans:
Location plan received 29.06.17
Proposed site plan no. 40470/002R received 29.06.17
Plots 01-02 no. 40470/012B received 29.06.17
Plots 03-05 no 40470/018 received 29.06.17
Plots 06-07 no 40470/09B received 29.06.17
Plots 08-09 no. 40470/010D received 29.06.17
Plots 10-12 no. 40470/011C received 29.06.17
Site sections no. 40470/003J received 29.06.17
Boundary plan no. 40470/014A received 29.06.17
External materials plan no. 40470/013A received 29.06.17
<table>
<thead>
<tr>
<th>APPLICATION NUMBER</th>
<th>17/00092/REM</th>
</tr>
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<tbody>
<tr>
<td>SITE ADDRESS:</td>
<td>Land off Derby Road, Doveridge</td>
</tr>
<tr>
<td>DESCRIPTION OF DEVELOPMENT</td>
<td>Residential development - reserved matters application for the erection of 85 dwellings and associated works (Outline permission - 15/00739/OUT)</td>
</tr>
<tr>
<td>CASE OFFICER</td>
<td>Mr Gareth Griffiths</td>
</tr>
<tr>
<td>APPLICANT</td>
<td>David Wilson Homes East Midlands</td>
</tr>
<tr>
<td>PARISH</td>
<td>Doveridge</td>
</tr>
<tr>
<td>AGENT</td>
<td>N/A</td>
</tr>
<tr>
<td>WARD MEMBER(S)</td>
<td>Cllr. A. Catt</td>
</tr>
<tr>
<td>DETERMINATION TARGET</td>
<td>13th January 2016</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>No site visit required. Members visited the site on the 11th July 2017.</td>
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**MATERIAL PLANNING ISSUES**

- Scale of the development;
- Layout of the development;
- External appearance of the development;
- Detailed designs of the internal street layout, and
- The landscaping of the site.

**RECOMMENDATION**

Approval with conditions.
1. THE SITE AND SURROUNDINGS

1.1 The application site is located on the northern edge of Doveridge, between the existing settlement edge and Derby Road, and covers a 5.7ha area. It is remnant parkland having formerly been part of the designed landscape belonging to Doveridge Hall.

1.2 The land was sold off after the breaking up of the Doveridge Hall estate in 1938. Although identified in the Historic Environment Record as former parkland to Doveridge Hall, the site has no formal designation. The north eastern edge of the site is contained by a substantial belt of trees, protected by a group Tree Preservation Order, which broadens into a block of woodland at its south eastern end. This was part of the long shrubbery which bounded the park on its northern and eastern sides.

1.3 Beyond the block of woodland at the eastern end of the site is The Cavendish Arms, a grade II listed building. The southern edge is bounded by garden fences associated with residential properties built in the 1960s and remnants of a field boundary hedge. A number of large, individual mature trees, protected by Tree Preservation Orders occupy the central part of the site.

1.4 Hall Drive borders the western edge of the site. It is a narrow access track which once served Doveridge Hall and is lined with numerous mature trees and blocks of woodland and belts of trees associated with private residences and a local nursery which occupies the site of the old kitchen gardens of the Hall.

1.5 Derby Road to the north is reduced to a narrow cul-de-sac with limited access having been stopped off following the construction of the A50 dual carriageway.

1.6 There is a drop in levels from the northern end of the site to the southern part of approximately 6m. An overhead telecommunications line crosses the site.

1.7 Approximately 175m to the south of the site is Petworth Lodge and a series of former stables and attached cottages, all grade II listed buildings. To the south of these buildings is a grade I listed church (St Cuthbert’s). The spire of the church can be seen in views from the site.
2. DETAILS OF THE APPLICATION

2.1 Reserved matters approval is sought for the erection of 85 dwellings on the site further to the granting of outline planning permission 15/00739/OUT in June 2016.

2.2 The applicant has submitted the following information to address the reserved matters:
- amended drawings further to discussions with Officers with regard to layout, materials, house type and landscaping;
- Housing Mix Justification Statement;
- Landscape and Ecological Management Plan;
- Arboricultural Report and Pre-Development Tree Condition Survey;
- Travel Plan; and
- Details of underground LPG tanks.

2.3 Following deferral of the application at committee on the 11th July the applicant has submitted further drawings / details to discharge conditions set out in the officer’s report. These details are considered in the ‘Officer Appraisal’ section below.

3. PLANNING POLICY AND LEGISLATIVE FRAMEWORK

3.1 Adopted Derbyshire Dales Local Plan (DDLP)
SF5: Design and Appearance of Development
SF7: Waste Management and Recycling
SF8: Catering for the Needs of People with Disabilities in Development and Redevelopment
H9: Design and Appearance of New Housing
NBE5: Development Affecting Species Protected by Law or are Nationally Rare
NBE6: Trees and Woodlands
NBE7: Features Important in the Landscape
NBE8: Landscape Character
NBE12: Foul Sewage
NBE16: Development Affecting a Listed Building
NBE24: Archaeological Sites and Heritage Features
NBE26: Landscape Design in Association with New Development
NBE27: Crime Prevention
TR1: Access Requirements and the Impact of New Development
3.2 Deposit Draft Derbyshire Dales Local Plan
PD1: Design and Place Making
PD2: Protecting the Historic Environment
PD3: Biodiversity and the Natural Environment
PD4: Green Infrastructure
PD5: Landscape Character
PD6: Trees, Hedgerows and Woodlands
PD7: Climate Change
PD8: Flood Risk Management and Water Quality
HC11: Housing Mix and Type
HC18: Car Parking Standards

3.3 Other Relevant Guidance/Legislation
National Planning Practice Guidance
Wildlife and Countryside Act 1981
EC Birds and Habitats Directive (92/43/EEC)
The Conservation (Natural Habitats etc) Regulations 1994
Derbyshire Dales District Council Supplementary Planning Documents
  - Landscape Character and Design

4. RELEVANT PLANNING HISTORY

4.1 15/00739/OUT Residential Development of up to 85 Dwellings Including Access (Outline) - Granted

5. CONSULTATION RESPONSES

5.1 Doveridge Parish Council
   - No comments received at the time of writing this report. However, following deferral of the application at committee on the 11th July 2017 the Parish Council have met with residents and the developer and it is anticipated that comments on the amended plans will be submitted to the Council ahead of the 8th August committee meeting for member consideration.

5.2 Derbyshire County Council (Highways)
   - Consider the revised layout to be generally acceptable, however, raise a small number of minor from a highways perspective, which can be summarised below:-
   - Swept path analysis will need to be provided for all main estate street turning areas within the development to ensure there is sufficient space to accommodate the known manoeuvres of a refuse, emergency or service vehicle (the refuse vehicle is likely to be the most frequent user of the estate street turning areas therefore any swept path analysis should be undertaken on a Phoenix 2 Duo Recycler (P2-15W with Elite 6x4 chassis) (1) 11.220m long or the Phoenix 2 Duo (P2-15W with Elite 6x4 chassis) (1) 11.200m long vehicle). The turning areas should be able to fully accommodate the manoeuvre without resorting to the use of adjoining private areas to ensure the areas operate as a completely independent / stand-alone facility.
• Visibility from private drives / shared drives, to the new estate street, should achieve 2.4m x 25m in each direction, measured to the nearside carriageway edge (based on a 20mph design speed). Modification to the properties on plots 7 and 79 will therefore be required to ensure this is achievable from the adjacent access points.

• No bin collection point is shown for plots 57-61 (it is assumed this will be a private drive serving these plots and the turning area will be the nearest adopted estate street).

• There are a number of cul-de-sacs off the main estate streets – these are assumed to be private drives that will not be adopted by the Highway Authority. It may therefore be useful to indicate their status (‘shared private driveway’) on the plans. It is further noted that ‘public footpath links’ are shown on the plans. These are not existing public rights of way nor are they likely to be considered for adoption by the Highway Authority. Whilst they will provide useful amenity paths for residents reference to ‘public’ footpath links may be misleading.

• Within the assumed shared private drive areas the layout is such that vehicle speeds are likely to be lower, however, some of the dwellings on certain plots could obscure forward visibility or visibility from driveways. In theory a lower value for visibility could be used – based on a 15mph vehicle speed – which would be 17m - consideration should be given to the position of dwellings on plots 11, 25, 34, 38, 44, 53 & 60.

• It would appear turning provision for smaller service vehicles has been provided within the private drive areas (based on a fire appliance), which is likely to be acceptable for this purpose.

• The surface treatment plan indicates the shared private drives will be surfaced in block paving or a bituminous material, which is acceptable in principle and these areas will presumably be maintained in the future by a private management company. However, from a highways aspect it is not clear from the information provided whether these areas are to be lit (including the footpath areas) – perhaps the applicant could clarify their intentions for theses private areas.

5.3 Derbyshire County Council (Land Drainage)
- No objection to the amended proposals and additional information but reiterate condition attached to outline planning permission.

5.4 Derbyshire County Council (Strategic Planning)
- financial contributions requested towards school places.

5.5 Derbyshire County Council (Crime Prevention Design Advisor):
- context, siting, layout, house treatment and boundaries are good.

5.6 Derbyshire Wildlife Trust
- The amended plans are broadly similar to the initial outline application which is welcomed. Conditions based on previous comments and in light of the revised layout plans are recommended.

6. REPRESENTATIONS RECEIVED

6.1 A total of twelve letters of representation have been received, including those of Doveridge Preservation Society, with regard to the original submitted details, which are summarised as follows:
**Layout**
- do not feel that a typical estate design is appropriate for Doveridge
- no attempt to integrate the development with the rest of Doveridge
- original plan was for houses facing inwards with gardens to the rear - the houses facing onto Hall Drive have now moved closer to the boundary and now face Park Crescent
- on the original plan there was an "open view" to Uttoxeter from the site

**Impact on amenity**
- as the houses have now been turned round will there be an invasion of street lighting?
- why has a footpath been introduced skirting the site that will run along the back gardens of existing residents on Oak Drive and Park Crescent?
- footpath lends itself to an urban development
- applications should not be approved where affected by noise
- noise pollution from A50 would be intrusive to future residents
- expect that the boundary between the site and Hall Drive will be substantial fencing that will not facilitate pedestrian access from the development onto the Drive

**Impact on the landscape/character and appearance of the surrounding area**
- no mention as to how the landscape/woodland on the site will be maintained and who will own it
- does not appear to be provision to plant trees or shrubs to screen the southern end of the site

**House types**
- attach importance to good ecological design expected in the 21st century that the applicant has made no mention of
- house type not in keeping with parkland to 18th century Doveridge Hall
- use of standard house types with no sympathy to the surroundings
- no longer includes bungalows for ever increasing elderly population in the village

**Housing mix**
- not responding to identified local need
- now have four and five bed houses where there was originally a mix
- housing mix needs to be justified – other developments may not be delivered
- no provision for bungalows

**Impact on ecology and trees**
- more trees being removed than previously proposed
- housing too near to trees
- more can be done to ensure development does not adversely affect habitat and ecology
- who will maintain the woodland?
- what assurances are there that the development will protect the wildlife habitat and the woods?

**Flood risk and drainage**
- flooding problem in Doveridge
- concern for impact on sewer system
- drainage pond is a danger to children
- who will maintain the drainage pools?
- who will be responsible for flood damage to existing properties?

**Impact on services and utilities**
utilities will not be able to cope
- where will the mains water be supplied from and will pressure be maintained when it is in full use?
- concerned that local electricity supply will be routed through the existing substation behind 7 Park Crescent and the potential health impact if substation is to be enlarged and the visual and potential noise impact
- have concerns about the gas tanks both in terms of safety and location

Other matters
- archaeological watching brief should be carried out on the site.

7.0 OFFICER APPRAISAL

7.1 The application was deferred at the 11th July 2017 planning committee meeting to give Doveridge Parish Council opportunity / time to consider the amended plans and make any representations. At the time of writing this report, ahead of publication of the 8th August 2017 planning committee agenda, no comments from the Parish Council had been received, however, as set out in the consultation section above, these are expected ahead of the committee meeting. The Local Highway Authority and Derbyshire Wildlife Trust have, however, made further comments in relation to the amended plans and information to discharge details reserved by conditions set out in the previous report to committee have been provided by the application. Representations from a local resident questioning the accuracy of the list of plans, upon which any decision would be based has also been received. This additional information is considered below.

Principle

7.2 The principle of development has been established with outline planning permission 15/00739/OUT. Therefore the matters for consideration are the reserved matters which are:

a) the scale of the development;
b) the layout of the development;
c) the external appearance of the development;
d) detailed designs of the internal street layout, and;
e) the landscaping of the site.

There are other related matters which also require consideration such as the housing mix, wildlife matters and drainage.

The scale of the development

7.3 The number of dwellings has been approved in principle. These are proposed to be two storey dwellinghouses which is consistent with the character and appearance of the area. One of the concerns raised at the outline planning permission stage is the impact of the development on the views of St Cuthberts, a Grade I listed church. In this regard, the access into the site, and view across the open space, should allow for an improved view of the church from a public space rather than private land, a view which is currently obscured by landscaping along the boundary with Derby Road. Whilst dwellings will now appear in cross views of the church in the context of existing development given the above its setting will not be harmed.

The layout of the development

7.4 The development is proposed to be laid out around a large area of open space. This was a fundamental element of the design philosophy identified with the outline application for
the site, to seek to retain a degree of openness of the historic parkland on which the development is proposed and its interrelationship with the remains of the historic parkland to the west side of Hall Drive.

7.5 An assessment has been made of the impacts on the amenity of existing and proposed residents. Concerns have been raised with dwellinghouses fronting onto Hall Drive and Oak Drive rather than presenting their rear elevations. It is considered that the manner in which the development is proposed, with inward looking dwellings onto the open space and dwellinghouses looking out onto Hall Drive and the drainage areas, is important for giving an attractive definition and edge to the site; to turn the dwellings in order that fences and walls face out of the site would, it is considered, be unappealing.

7.6 The relative distances between existing and proposed dwellinghouses will not have a significant impact on light, outlook or privacy that would justify refusing the application. With regard to concerns with respect to street lighting, there will be some impact as the site is currently a field. However, the street lighting can be directional to avoid significant light intrusion and can be subject to a condition on any grant of planning permission.

7.7 In terms of the amenity between the proposed properties, the scheme has been amended in parts to set dwellings further way from each other to allow for adequate space to maintain outlook, light and privacy. In some cases, the development may be a little tight. However, as permitted development rights limit two storey extensions to being no closer than 7m from a rear boundary, it is considered that there is reasonable restraint for extensions to the dwellinghouses in the future within the constraints of permitted development rights. As such, it is not considered justified to remove permitted development rights for extension or outbuildings in this case.

7.8 Concern has been raised with a footpath being provided at the backs of the dwellinghouses on Oak Drive. However, this path has been modified around the site to link access roads by foot rather than a separate footpath. The footpath is also proposed to be set away from the existing dwellinghouses by the drainage features and further landscaping.

7.9 With regard to play space, this is proposed to be delivered through six activity points around the site rather than a Locally Equipped Area of Play (LEAP); this is considered acceptable as it will encourage walking between facilities, and the health benefits this will provide, and will also prevent the impact of a large, single facility within the open space.

The external appearance of the development

7.10 The materials proposed to the development have been modified to two complimentary brick types, two roofing materials (a composite slate and a tile) and a single colour of render. These materials are used to create character areas and some form of building hierarchy, in the manner in which the materials are used, whilst working this in standard house types. The Priory Red and Oakwood Multi bricks are considered acceptable as is the ivory colour render. However, a condition will be required with regard to the roofing materials to ensure their satisfactory appearance.

7.11 There have been some requests made to the applicant which have not been addressed. It was suggested that the chimneys be located flush with the end gables in line with traditional building practices. However, the applicant has advised that as they are fake chimneys they must span over three roof trusses. Whilst developments elsewhere in the District have managed to incorporate chimneys in the manner suggested to the applicant, it has been advised that due to skill shortages, and potential future maintenance issues, that such provision preferred by Officers does not justify a reason for refusal.
7.12 Officers also suggested that the porches be given greater solidity and not be open fronted as proposed. However, the developer considers that the open porches are more aesthetically pleasing and have requested not to incorporate such changes. The plinths proposed to the dwellinghouses are merely a projecting brick forming a ‘stringcourse’ and not a projecting plinth with chamfered brick in the traditional sense. However, this detail is considered acceptable.

7.13 The window and door details have been modified to give a more vernacular appearance to the dwellings rather than them containing and mixing pseudo Georgian and Victorian detailing. The applicant has advised that the glazing bars will be the ‘authentic’ stuck on type but wishes that the windows are storm proof rather than flush fitting; Officers consider that whilst this is not a preferred detail, it is nevertheless acceptable. Officers have requested that the window frames these be in an off-white colour to reflect a more traditional window colour. However, the applicant considers the proposed brilliant white UPVC windows are appropriate for the development and does not propose to implement any changes; it is considered that the reserved matters cannot be refused on this basis.

7.14 Following deferral of the application at the 11th July committee meeting, the applicant has presented additional information to satisfy the requirements of the pre-commencement conditions previously recommended. The eaves & chimney disposition plan has been updated to show no blue brick detailing to address the requirements of Condition 3. The applicant has also confirmed that they will use 112mm UPVC gutters, which will discharge into 68mm dia. ½ round down pipes finished a black colour. This is considered to be acceptable in satisfying the requirements of Condition 4. Details of eaves and verges have been added to the eaves and disposition plan, however, this shows timber barge boards which is not considered to be appropriate. Condition 5 is still therefore relevant. Details of meter box positions have been submitted, however, they are shown to the front of properties on plots 2, 4, 6, 24, 35, 55, 33, 39, 58 and 80 which is not considered to be acceptable without clear justification. The applicant has also submitted an updated surface treatment plan, which shows the Marshall Brindle Block surface treatment replaced with a Charcoal Running Bond Paving. Whilst this is considered to be a more appropriate treatment it is considered that it should feature along the secondary service roads only, including along the front of plots 3 - 7 and not along the main spine road. Condition 7 will need to be modified to secure the appropriate distribution of this surface treatment across the site and a sample submitted to agree the actual paving to be used (as no details of the manufacturer have been provided). A street lighting plan and accompanying report has been submitted to satisfy the requirements of Condition 8. The applicant has advised that the details of the activity points is shown on the Soft Landscaping Plans as previously submitted and that the play equipment will be delivered in accordance with the phase of development closest to it. The public open space, including activity points will be transferred to a management company who will retain the POS in perpetuity. Whilst the above is considered to be acceptable a condition to secure the phasing of the development will be necessary to ensure the delivery of the various activity points on site. A management plan has been submitted to satisfy the requirements of Condition 10, however, details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery still needs to be secured by condition. The conditions relating to the detail of the development previously recommended have been adapted to take into consideration the above.

Detailed designs of the street layout

7.15 The internal street layout has a hierarchy of roads, from the principal access into the site and around the open space, to the more modest accesses to groups of dwellings and private drives. This helps to inform the character areas within the site. It is considered
that the layout helps to emphasise, and give integrity to, the extent of open space by framing it and not crossing through it.

7.16 Addressing the minor concerns raised by the Local Highway Authority the applicant has updated the swept path analysis to show the correct vehicle (Phoenix 2 Duo 11.2m recycler) and advised that an approach to allowing the vehicle body to overhang footways has been used. As the recycler would have 2 banksman at all times this approach is considered to be acceptable. The applicant advises that plot 7 cannot be amended to achieve the required amount of visibility and have requested that a pragmatic approach be taken, in the interests of achieving a suitable layout. Bin collection point for plots 57-61 and the status of shared driveways added to the layout and the applicant advises that private drives are to be lit using 1m high low level bollard lighting ducted to the relevant plot. The plot will have ownership of the bollard, provide power and necessary maintenance.

7.17 The Local Highway Authority have indicated that the development would not result in severe highway impacts, such that a recommendation of refusal could be sustained based on the road layout as presented. Should the Local Highway Authority require that further conditions be imposed, in addition to those already imposed at the outline stage, these will be presented to members at the committee meeting.

The landscaping of the site

7.18 The applicant has submitted an arboricultural report. This identifies that there is a requirement to remove a protected beech and a walnut due to their condition; these are proposed to be replaced. The location of the new access road into the site will also affect 3-4 trees within the protected woodland belt but this was essentially agreed in the principle of the site development.

7.19 The Arboricultural report also sets out the measures for the protection of trees in and around the site throughout the construction period in line with the British Standard for best practice for the assessment, retention and protection of trees.

7.20 The proposals include further planting within the area of open space and also along the boundaries to Hall Drive, to supplement the existing, and between the rear of the properties on Park Drive and the water management feature proposed on the site. It is considered that the extent of landscaping retention and addition is acceptable to adequately frame and permeate the development.

Other matters

Housing mix

7.21 Concerns have been raised with regard to the proposed housing mix. The proposal provides for the following mix:

<table>
<thead>
<tr>
<th>Type</th>
<th>Percentage</th>
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<tbody>
<tr>
<td>1-bed</td>
<td>2%</td>
</tr>
<tr>
<td>2-bed</td>
<td>24%</td>
</tr>
<tr>
<td>3-Bed</td>
<td>31%</td>
</tr>
<tr>
<td>4+Bed</td>
<td>43%</td>
</tr>
</tbody>
</table>

7.22 This is some way off the expectation of the emerging Local Plan which advises the following provision:

<table>
<thead>
<tr>
<th>Type</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>1-bed</td>
<td>5%</td>
</tr>
<tr>
<td>2-bed</td>
<td>40%</td>
</tr>
<tr>
<td>3-Bed</td>
<td>50%</td>
</tr>
<tr>
<td>4+Bed</td>
<td>5%</td>
</tr>
</tbody>
</table>
However, the applicant has sought to justify the proposed mix of housing. The outline planning permission required 45% of the total number of dwellings to be affordable housing. The District Council’s Head of Housing advised that, as the affordable housing needs of Doveridge had been met through the delivery of other sites, there was in this instance only a need for a financial contribution based on 45% of the dwellings built and this has been secured with a Section 106 legal agreement in granting outline planning permission.

7.23 The applicant assumes that the financial contribution towards affordable housing will be used in the provision of a range of affordable housing with the mix of such detailed in the emerging Local Plan as follows:

1-bed  40%
2-bed  35%
3-Bed  20%
4+Bed  5%

7.24 By combining the overall mix of market and affordable housing, the policy aims to achieve the following:

1-bed  15%
2-bed  40%
3-Bed  40%
4+Bed  5%

7.25 To this end, the applicant considers that the overall development, inclusive of the financial contribution, could yield the following:

1-bed  15%
2-bed  27%
3-Bed  28%
4+Bed  31%

7.26 The applicant considers that this variance should be seen as being broadly in accordance with the housing mix recommended in the emerging Local Plan and in keeping with the core principles of the NPPF, with the emphasis on 1-3 bedroom provision. It is the view of Officers that this housing mix is acceptable and justified in this edge of village location.

**Wildlife matters**

7.27 Derbyshire Wildlife Trust has considered the reserved matters and raises some points with regard to landscaping and the maintenance/creation of wildlife habitat. However, these matters are subject to conditions on the outline planning permission and can be addressed in the discharge of such. The conditions recommended by Derbyshire Wildlife Trust in their latest consultation response repeat those already imposed in respect of the outline permission.

**Drainage and flood risk**

7.28 The Land Drainage Authority (DCC) has advised of no objection to the amended proposals and additional information but that the development should still be subject to Condition 25 of the outline planning permission with regards to the need for a detailed design, and management and maintenance plan, for surface water drainage being submitted for approval. The matter of capacity for foul drainage is one that the developer will need to address with Severn Trent Water.

**LPG tanks**
7.29 The applicant proposes to provide for gas connection to the dwellings by means of LPG tanks set into the ground. These were originally proposed in the open space area to the east of Hall Drive. However, at the request of Officers, these are now proposed to be located to a more recessive location within the development to the east of the site adjacent to the wooded area. Whilst the LPG tanks are underground, it is considered that the tank lids will be less intrusive in the landscape.

Conclusion

7.30 The principle of residential development of this site has been established with outline planning permission 15/00739/OUT. There has been some concern raised with regard to the initial design and layout of the development and Officers have engaged with the applicant in seeking improvements. To this end, it is considered that the open space now makes a more significant contribution to the development and homage to the open landscape of the former Doveridge Hall where it continues on the other side of Hall Drive.

7.31 Officers consider the house types, whilst being standard types, have been improved upon with their design detail and use of materials. There are some points of detail which need to be addressed (roofing materials, meter box positioning, rainwater goods, lighting positioning, etc.) but these can be reasonably addressed through conditions.

7.32 Concerns have been raised with regard to retaining views of the listed church from the site and maintaining cross views of the church. Currently, these views are only glimpsed through boundary landscaping and it is considered that such views will become more apparent from the site access and the open space as a result of the development.

7.33 Given the above, it is considered that the development is satisfactory and, whilst the applicant has not agreed to all the amendments suggested to the scheme, it is nevertheless an acceptable development in its context. As such, it is recommended that the reserved matters details, in their amended form, are approved.

8. RECOMMENDATION

8.1. That reserved matters approval be granted subject to the following conditions and any conditions recommended by the Local Highway Authority:

1. The development shall be carried out in accordance with the additional information and plans and amended plans received on 19th, 20th and 29th June and 24th and 25th July 2017 except insofar as may otherwise be required by other conditions to which this permission is subject.

2. Notwithstanding the details on the approved drawings, and before the development commences, details/samples of the roofing materials shall be submitted to and approved in writing by the Local Planning Authority and shall thereafter be provided in accordance with the approved details.

3. Condition DM24a Design Details (Eaves and Verges).

4. Notwithstanding the submitted details, the meter boxes to the properties on plots 2, 4, 6, 24, 35, 55, 33, 39, 58 and 80 shall be installed on side walls in accordance with plans which shall have been previously submitted to and approved in writing by the Local Planning Authority unless otherwise agreed in writing by the Local Planning Authority.

5. A sample of the Charcoal Running Bond paving and details of its use / distribution with other hard surface treatments across the development site shall be submitted
to and approved in writing prior to the commencement of development. The developments shall thereafter be carried out in accordance with the approved details.

6. All street lighting shall be installed in accordance with Proposed Lighting Layout Plan numbered SE-HL-01333 Rev A and the Outdoor lighting report by E.ON Highways Lights dated 13th July 2013 unless otherwise agreed in writing by the Local Planning Authority.

7. Prior to the commencement of development, details of the phasing of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

8. Prior to the commencement of development details of the legal and funding mechanism(s) by which the long-term implementation of the landscape management plan by Golby+Luck referenced GL0705 and dated 17th July 2017 will be secured by the developer with the management body(ies) responsible for its delivery shall be submitted to and approved in writing by the Local Planning Authority. The landscape management plan shall thereafter be delivered in accordance with the approved details.

Reasons:

1. To define the permission for the avoidance of doubt and to ensure the satisfactory appearance of the development to comply with Policies SF5, NBE5, NBE6, NBE7, NBE8, H9, NBE16 and NBE26 of the Adopted Derbyshire Dales Local Plan (2005) and guidance contained within the National Planning Policy Framework (2012).

2-5. To ensure the satisfactory appearance of the development to comply with Policies SF5, H9, NBE16 and NBE26 of the Adopted Derbyshire Dales Local Plan (2005) and guidance contained within the National Planning Policy Framework (2012).

6. To ensure the satisfactory appearance of the development and to safeguard the amenity of local residents and protected species to comply with Policies SF5, H9, NBE5, NBE16 and NBE26 of the Adopted Derbyshire Dales Local Plan (2005) and guidance contained within the National Planning Policy Framework (2012).

7. To ensure the delivery of adequate children’s play facilities to comply with Policy L6 of the Adopted Derbyshire Dales Local Plan (2005) and guidance contained within the National Planning Policy Framework (2012).

8. To secure the long term maintenance of all open space and a satisfactory landscaped setting in accordance with the aims of Policy NBE26 of the Adopted Derbyshire Dales Local Plan (2005) and guidance contained within the National Planning Policy Framework (2012).

Footnotes:

1. With effect from the 6th April 2008, the Town and Country Planning (Fees for Applications and Deemed Applications) (Amendment) (England) Regulations 2008 (SI 958/2008) stipulate that a fee will henceforth be payable where a written request is received in accordance with Article 21 of the General Development Procedure Order. 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.

2. The Local Planning Authority have during the consideration of this application engaged in a positive and proactive dialogue with the applicant which resulted in revised proposals that overcame initial problems with the application relating to the design and layout of the proposed development.

3. This Decision Notice relates to the following documents:

Location Plan – S7402/013/01
Site Views Layout – H0000-001-02
Detailed Landscape Proposals – GL0705 01D, GL0705 02D & GL0705 03D,
Drainage Layout Plan – H7402-302-01_Roads and Sewers_FA__Drainage
Layout_A

House Type Planning Drawings:
H336.01, 02, 03, 04, H336.01FR, 02FR, 03FR, 04FR, H336.01HR, 02HR, 03HR,
04HR, H421.01, 02, 03, 04, H421.01C, 02C, 03C, 04C, H436.01, 02, 03, 04,
H436.01FR, 02FR, 03FR, 04FR, H455.01HR, 02HR, 3HR, 04HR, H469.01FR,
02FR, 03FR, 04FR, H536.06EM.01, 02, 03, 04, H536.06EM.01FR, 02FR, 03FR,
04FR, H586.01, 02, 03, 04
H588.01, 02, 03, 04, H588.01FR, 02FR, 03FR, 04FR, P204.01, 02, 03, 04, 05, 06,
07, 08
P204.01HR, 02HR, 03HR, 04HR, P341.01HR, 02HR, 03HR, 04HR, P341.D.01,
D.02, D.03, D.04, P341.D.01NC, D.02NC, D.03NC, D.04NC, P382.01, 02, 03, 04,
SF11.01, 02, 03, 04
Garage Types LDG2S, LSG1F, LTG2S and SDG1S

1800mm Brick Screen Wall Plan– SD14-014
1800mm Close Boarded Timber Fence Plan - SD14-015
1800mm Privacy Gate Detail Plan – SD14-016
450mm Knee Rail Fence Plan – SD14-018
1200mm Post and Rail Fence Plan - SD/600/12, and
1000mm Bar Railing Detail Plan – SD/600/38 received by the District Council on the 19th June 2017;
Amended drawings numbered SD14-010, RD-SD02-120 and 121 received by the District Council on the 29th June 2017, and;
Planning Layout Plan – H7402/001/01 DS3 Rev G
External Materials Layout Plan – H7402/002/01 Rev C
Boundary Treatments Layout Plan – H7402/003/01 Rev E
Eaves & Chimneys Disposition Plan – H7402/005/01 Rev C
Surface Treatments Layout Plan – H7402/004/01 Rev C
Vehicle Tracking Plan – H7402-332-01 Rev B
Meter Box Position Layout Plan - H7402/023/01
Proposed Lighting Layout – SE-HL-01333 Rev A
Outdoor Lighting Report - SE-HL-01333
Landscape Management Plan
Private Drive Visibility Splay Layout – H7402/024/0, and supporting emails from the applicant received by the District Council on the 24th and 25th July 2017.
<table>
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<tr>
<th><strong>APPLICATION NUMBER</strong></th>
<th>17/00118/FUL</th>
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<tr>
<td><strong>SITE ADDRESS:</strong></td>
<td>Land Adjoining Elmcroft, Derby Road, Cromford</td>
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<tr>
<td><strong>DESCRIPTION OF DEVELOPMENT</strong></td>
<td>Erection Of Dwelling</td>
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<tr>
<td><strong>CASE OFFICER</strong></td>
<td>H Frith</td>
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<tr>
<td><strong>APPLICANT</strong></td>
<td>Mr D Potter</td>
</tr>
<tr>
<td><strong>PARISH/TOWN</strong></td>
<td>Cromford</td>
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<tr>
<td><strong>AGENT</strong></td>
<td>Mr R Yarwood</td>
</tr>
<tr>
<td><strong>WARD MEMBER(S)</strong></td>
<td>Cllr Purdy, Cllr Pawley</td>
</tr>
<tr>
<td><strong>DETERMINATION TARGET</strong></td>
<td>27.06.17</td>
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<tr>
<td><strong>REASON FOR DETERMINATION BY COMMITTEE</strong></td>
<td>Due to extent of neighbour objection</td>
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<td><strong>MATERIAL PLANNING ISSUES</strong></td>
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<tr>
<td>− The principle of the development</td>
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<td>− Impact upon heritage assets</td>
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<td>− Impact on trees</td>
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<td>− Highway safety</td>
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<tr>
<td><strong>RECOMMENDATION</strong></td>
<td>Refusal</td>
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</table>
Land Adjoining Elmcroft, Derby Road, Cromford
1.0 THE SITE AND SURROUNDINGS

1.1 The application site forms part of the grounds to Rock House which is a Grade II Listed Building. The land forms part of the curtilage of Rock House as a result of an alteration to the south eastern boundary of the immediate grounds in the 19th century. The land to the south east of the driveway was widened between 1885 and 1896 when a projection was formed into the parkland beyond the immediate grounds. During the 20th century the house and grounds were divided up creating flats in the house and new dwellings within the grounds but this area of land was retained with Rock House. The site is within the Cromford Conservation Area and Derwent Valley Mills World Heritage Site and forms an integral part of the history and development of the area. The site is a level area to lawn with protected trees to the boundary. The site is within the settlement framework boundary of Cromford.

2.0 DETAILS OF THE APPLICATION

2.1 Planning permission is sought to erect a three bedroom detached single storey dwelling on the site to the northern end of this open area of land. The dwelling is of a modern appearance consisting of what appears as a series of single storey flat roof elements with both large glazed panels and horizontal window slots. The facing material is proposed as gritstone. The dwelling would be accessed via the existing private road running through the site with a driveway formed to this site immediately adjacent to the boundary with Elmcroft which would incorporate a turning head.

2.2 A design and access statement, archaeological assessment and tree survey have been submitted with the application.

3.0 PLANNING POLICY AND LEGISLATIVE FRAMEWORK

3.1 Adopted Derbyshire Dales Local Plan
   SF1: Development Within Settlement Frameworks Boundaries
   SF5: Design And Appearance Of Development
   H1: New Housing Development Within Settlement Frameworks Boundaries
   H9: Design And Appearance Of New Housing
   NBE6: Trees And Woodland
NBE16: Development Affecting A Listed Building
NBE21: Development Affecting A Conservation Area
NBE24: Archaeological Sites And Heritage Features
NBE25: Derwent Valley Mills World Heritage Site
TR1: Access Requirements And The Impact Of New Development
TR8: Parking Requirements For New Development

3.2 Other:
Cromford Conservation Area Appraisal
Derwent Valley Mills World Heritage Site Management Plan
National Planning Policy Framework
National Planning Practice Guidance

4.0 RELEVANT PLANNING HISTORY:

15/00782/FUL Erection of dwelling – Refused for the following reasons:

1. The introduction of a dwelling on this site would lead to the loss of the open lawned area to the frontage of Rock House which is intrinsic to its curtilage and setting. Any development on this site will harm the setting of the listed building, the character and appearance of the Cromford Conservation Area in which it is located and the outstanding universal value of the Derwent Valley Mills World Heritage Site. As such the proposal is contrary to Policies NBE16, NBE21 and NBE25 of the Adopted Derbyshire Dales Local Plan and guidance contained within the National Planning Policy Framework.

2. The proposed dwelling in terms of its design and form would represent incongruous and imposing development which would harm the setting of the grade II listed Rock House which is in an intrinsic element of the history of the area. As such the proposal will also as a consequence harm the character and appearance of the Cromford Conservation Area and the outstanding universal value of the Derwent Valley Mills World Heritage Site. As such the proposal is contrary to Policies NBE16, NBE21 and NBE25 of the Adopted Derbyshire Dales Local Plan and guidance contained within the National Planning Policy Framework.

3. The siting and design of the proposed dwelling with external terracing and large glazed elements will have a detrimental impact upon the amenity of the neighbouring residents of Elmcroft in terms of overlooking into their private garden area. As such the proposal is contrary to Policies SF5 and H9 of the Adopted Derbyshire Dales Local Plan and guidance contained within the National Planning Policy Framework.

5.0 CONSULTATION RESPONSES

Parish / Town Council

5.1 The Parish objected to the previous application for a dwelling on the site. Those same objections relate to this application.

Rock House as the home of Richard Arkwright is a grade II listed building within the Conservation Area and World Heritage Site. This site is within the curtilage of the listed building.

The service buildings to Rock House are carefully arranged around the head of the carriage drive and all face S/E with a view across the open space to the local landscape of the Derwent Valley, designed as an integral part of the original development.

Although later used as a tennis court the land retains its open character and allows sweeping views of Rock House and its surroundings. The mid 20th Century development although not in keeping with the original stops short of a line running from S/W of the Coach House, the N/W gable of no. 75 and the S/W edge of the tennis court. The only
exception being Elmcroft set as a single storey dwelling at a lower garden level, possibly within the old sunken rose garden.

In principle any new building which protrudes into the overall site of Rock House will upset the balance of the composition of Rock House itself and its ancillary buildings, garden and wider landscape.

Any development on the tennis court, even single storey will be more intrusive and because it will be that much higher than Elmcroft trying to hide it will involve higher screening and therefore the view of Rock House will become narrower.

A lack of information regarding the finished appearance of the building has been submitted including roof covering, eaves detail, what stone source, coursing, tooling details etc.

The car port and garage appear too narrow to accommodate a modern car and therefore the footprint may exceed that shown on plan. The construction of the car port may damage the Yew hedge which would be in close proximity.

**Historic England**

5.2 Rock House is a Grade II listed building recognised as being of special architectural and historic interest in a national context. The house, its associated landscaped grounds and ancillary buildings form part of its setting and make an important contribution to the overall significance of Rock House. The site lies within the Derwent Valley Mills World Heritage Site (DVMWHS) and the Cromford Conservation Area. It contributes positively to both the outstanding universal value of the DVMWHS and the character and appearance of the Conservation Area. The current proposal is for the erection of a dwelling within the former grounds of Rock House. Historic England was consulted on a previous planning application 15/00782/FUL for a new dwelling, which was refused. We advised this previous scheme would result in harm to the significance Rock House derives from its setting, the OUV of the DVMWHS and the character and appearance of the Cromford Conservation Area.

We believe this proposal is harmful to the heritage significance of the heritage assets identified and we object on heritage grounds.

**Historic England Advice**

**Significance**

Rock House is listed grade II as a building of national special architectural and historic interest. Built in 1776 and extensively remodelled in the 19C, it was the home of Sir Richard Arkwright, one of the most significant figures of the Industrial Revolution. It remained in the Arkwright family ownership until the early 20C when it was sold and divided into flats. This historic association is particularly important to the OUV of the DVMWHS and is a key attribute.

The house sits in an elevated position and originally in substantial landscaped grounds, which extended beyond the current boundary. It was clearly built as a high status property with an important and documented, parkland setting. Within the former grounds are several associated ancillary buildings, and these with the former grounds and parkland, contribute to the overall significance of Rock House. The house and grounds are identified within the Cromford Conservation Area as contributing to the distinct characteristic of Cromford and make an important positive contribution to the conservation area. Rock House is a key landmark building within one of the main historic approaches and views towards Cromford from the A6 - it is experienced within its grounds and rural landscape beyond. Its significance including setting is recognised in one of the monitoring views of the DVMWHS Management Plan, with Willersley Castle in the background.

The former grounds have been compromised to some extent by encroachment of modern housing. However the proposed development site forms part of the surviving landscaped grounds to Rock House and in view, contributes to the significance of the building, the conservation area and DVMWS.
Impact
The proposal is for a new residential dwelling within the grounds. The principle of another dwelling within the setting of Rock House, in our view, will harm the significance it derives from its landscaped setting. Although we recognise the dwelling is single storey, in principle we believe a new dwelling will harm the understanding and appreciation of Rock House when experienced within the grounds and in views towards Rock House from the rural landscape beyond. Rock House was designed to sit within grounds proportionate to its scale and social importance. The proposal will intrude into its setting and the composition of Rock House, the ancillary buildings and landscaped grounds.

Policy and position
As the application affects the setting of listed buildings, the statutory requirements to have special regard to the desirability of preserving listed buildings, their setting and any features of special interest (s.66, 1990 Act) apply. Section 72 of the Act also applies with regard to the conservation area. The NPPF is clear, stating in paragraphs 126 and 131 that new development should make a positive contribution to local character and distinctiveness. Paragraph 137 states the local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites to enhance and better reveal their significance. In our view, the principle of a new residential development is harmful and will neither enhance nor reveal significance - therefore we do not believe this development is sustainable in relation to the conservation of the historic environment - one of the twelve core principles of sustainable development (Paragraph 8, NPPF).

The Local Planning Authority would need to be satisfied that the harm to significance of the designated heritage assets arising from the proposed development is justified in line with paragraphs 132 and 134 of the NPPF. We do not believe this is the case.

Recommendation
Historic England objects to the application on heritage grounds. We consider that the application does not meet the requirements of the NPPF, in particular paragraph numbers 128-134 and 137.

Your authority should take these representations into account in determining the application. If you propose to determine the application in its current form, please inform us of the date of the committee and send us a copy of your report at the earliest opportunity.

Development Control Archaeologist
5.3 In previous comments we advised that the archaeological desk-based assessment (DBA) submitted was insufficient in relation to its consideration of the setting and significance impact of the proposed new building on both the setting of Rock House and the Outstanding Universal Value of the World Heritage site. In the current application the applicant has however simply re-submitted the original archaeological report and has not addressed these requirements, nor addressed the fact that the DBA was produced in advance of the preparation of a design for the new house.

These points notwithstanding, the issue of whether or not new build at this location within the WHS is acceptable remains – and is considered below. The current application should be considered in the light of its potential harm to the integrity and OUV of the WHS and in this context we would re-iterate our advice of 2015 below, and recommend refusal of the application.

‘The site is within the Cromford Conservation Area and is c40m from the Grade II Listed Rock House, a key building within the Derwent Valley Mills World Heritage Site because of its status as the home of Richard Arkwright between 1776 and 1792. The attributes
The setting of the building is formed of landscaped gardens and parkland developed during the late 18th and 19th centuries and deliberately kept clear of arable development to create and maintain a ‘parkland’ setting for both Rock House and Willersley Castle. One of the World Heritage Site monitoring views shows this parkland setting from the east/south-east, with Rock House in the foreground and Willersley Castle behind.

Rock House and its setting therefore form a key contributor to the Outstanding Universal Value of the World Heritage Site.

The applicant has submitted an ‘archaeological desk-based assessment’ (DBA) which also contains rather brief comments on setting. With regard to below-ground archaeology this document is useful in establishing that the proposals will have no significant impacts. The site was outside the formal gardens of Rock House within parkland until the late 19th century, at which point it was brought within the gardens and subject to terracing/levelling, perhaps to create a tennis court. There is nothing to suggest archaeological significance either with regard to the industrial history of the site or pre-industrial periods. I therefore recommend that there is no need to place an archaeological requirement upon the applicant.

With regard to setting and Outstanding Universal Value this study is however unsatisfactory, and hampered by the fact that it was clearly undertaken before the proposed building had been designed. There is no baseline study of the contribution of the site to significance of the listed building, Conservation Area, or to OUV of the World Heritage Site, and only some vague comments regarding screening vegetation which rather miss the point of establishing significance and impacts (NPPF para 128/9). The application is therefore deficient in terms of the information requirements at NPPF paras 128/9 with regard to setting of designated assets and with regard to OUV of the World Heritage Site.

Notwithstanding these deficiencies, it is clear that the proposal site is a key contributor to OUV as part of the parkland setting of Rock House. The proposed development would have a harmful impact upon appreciation of this parkland setting and would feature heavily in the World Heritage Site monitored view, magnifying the harm already posed by the existing bungalow and at least partially blocking/interrupting views to Rock House/Willersley Castle across their parkland setting from this direction. I therefore advise that the proposed development would represent a significant level of harm to the OUV of the World Heritage Site through these receptors.

In order to gain planning consent such harm would require ‘clear and convincing justification’ and an argument for outweighing public benefit (NPPF paras 132 and 134). The application at present presents no such justification or outweighing public benefit, and it is hard to see how sufficient public benefit could be advanced in the context of a single private dwelling to justify the proposed level of harm to OUV. I therefore recommend that development of this type, in this location, is unsustainable (NPPF para 7 with regard to protecting and enhancing the historic environment), and would represent harmful impacts to the significance of the Derwent Valley Mills World Heritage Site through its OUV that is not justified or outweighed by public benefit (NPPF paras 132/4). The application should therefore be refused consent (NPPF paras 128, 129, 132, 134).

Design and Conservation Officer (Derbyshire Dales)

5.4 The applicant/agent has sought no pre-application advice or guidance from the Local Planning Authority in terms of their proposal(s).
The site is within the World Heritage Site and Cromford Conservation Area. The site is also within the grounds/setting of Rock House (grade II) and other grade II listed buildings.

The area of land in question forms a part of the grounds to Rock House. This area is the result of an alteration to the south-eastern boundary of the grounds in the later 19th century. The land to the south-east of the principal driveway (from the main road) was widened between 1885 and 1896 when a projection was formed into the then existing parkland associated with Rock House. The 1899 OS map clearly shows this alteration and depicts a square shaped recessed/sunk area approx. 100ft square. Its purpose is not stated on the map but its dimensions appear to coincide with a bowling green or perhaps a croquet lawn (?)

The Rock House grounds contain the lodge, Rock House, its stable, coach house and other historic ancillary buildings. From the 1960s onwards the house was divided into apartments and the ancillary buildings converted to residential use. A parcel of land was sold off on which a bungalow was built (Elmcroft) in the mid-1970s. Further plots of land were sold off in the 1970s/80s resulting the modern houses within the grounds.

The grounds to Rock House, and its parkland to the south-east are a designed setting which was created/formed to enhance the status, presence and visual interest of the house and its site/setting. Designed settings can be regarded as heritage assets in their own right. Historic England’s guidance on setting states that where the significance of a heritage asset (i.e. Rock House and its associated listed/historic buildings) has been compromised in the past by unsympathetic development affecting its setting, consideration still needs to be given to whether additional change will further detract from, or can enhance, the significance of the asset.

It is considered that the later 20th century development has compromised the setting of the heritage assets, however, the areas of undeveloped land are such that the appreciation of the original grounds to Rock House can still be perceived, experienced and understood (i.e. the later 20th century development has not been so intensive as to sever the link between the assets and their original setting). Given that, it is considered that additional change – i.e. the principle of a detached new dwelling on this site – will further detract from the significance of the assets and seriously depreciate the current and existing setting of the assets.

The value of the heritage assets is deemed to be high based on their historical connections and association with Sir Richard Arkwright. That historical interest and value adds to the holistic significance of the assets and their settings.

It is opined that the principle of a new detached dwelling house in the location as being proposed will harm the extant significance of the assets and their settings as being intrinsic and integral part of the World Heritage Site and Cromford Conservation Area. (The WHS Conservation and Planning Panel will comment on the potential impact of the proposal on the Outstanding Universal Value of the WHS).

Heritage Co-Ordinator Of The Derwent Valley Mills World Heritage Site

5.5 A Management Plan for the World Heritage Site was created in 2002, and updated in 2014. It has as the first of its nine aims to: “protect, conserve and enhance the Outstanding Universal Value of the DVMWHS.” In accordance with this aim, and with reference to Section 12.1 of the Management Plan, I have the following advice:

The historic sensitivities of the site have been well versed in a previous consultation response for a similar application provided on 26 November 2015. However, it is worth reiterating the fact that the Rock House and the surrounding parkland are attributes of the WHS and contribute greatly to its Outstanding Universal Value. It is to this end that the World Heritage Site Partnership objects in principle to development of this form on the site.
‘as any further development within the grounds and parkland setting would be detrimental to the setting of this principal monument of the World Heritage Site and therefore harmful to its OUV’.

**Conservation Advisory Forum**

5.6 The Forum considered the scheme and their comments made on a previous proposal for developing this particular site in 2015. They confirmed that their previous comments remain relevant and pertinent to this current application, the previous comments were as follows:

The Forum discussed the World Heritage Site Monitoring View (iconic views) of which one of these is a view from the A6 looking west/northwest towards Rock House. The land in question (for proposed development) lies directly within this monitoring view which was recognised & identified at the time of inscription (2001).

Whilst some later 20th century development has occurred within the grounds of Rock House the Forum considered that the recognised and identified importance of Rock House, as a key attribute of the World Heritage Site, is reinforced by the monitoring view which confirms that its general status and context have not been irrevocably lost.

The Forum considered that the grounds of Rock House – its lodge, driveway, open areas of grass, planting/trees and the pre-dominance of the House and its ancillary listed buildings – remained readable and understandable. However, the proposal for, and presence of, a dwelling on the site in question would irrevocably erode and diminish the iconic monitoring view and also in its proximity to Rock House (Inc. its associated listed buildings and its grounds) harm its extant and surviving setting.

In conclusion, the Forum considered that the principle of a dwelling on this site would be harmful to the iconic monitoring view, the listed buildings, the Conservation Area and the World Heritage Site.

**Derbyshire County Council (Highways)**

5.7 Please see the highway comments on previous similar planning application 15/00782/FUL. The comments on that application were:

The site is located off an unnamed private road, the nearest adopted highway being Derby Road which is approximately 120m from the site.

On this basis it is unlikely that the adopted highway would be affected by the proposal, there are no objections from a highway viewpoint subject to a highway note being appended to any consent for the applicant’s information.

**Arboriculture Officer (Derbyshire County Council)**

5.8 Please refer to my previous comments from 2015 (15/00782/FUL) for general background on the trees here in relation to their landscape and historic value within the setting of the World Heritage Site.

The revised building footprint in this current application is worse than the previous layout in respect of proximity to trees. The orientation has been rotated 90 degrees and moved closer to trees in Group 1. This is very likely to cause future conflict and threaten the long term retention of TPO trees. Foreseeable issues include;

- **Shade** – Tall trees immediately south of the site will cast excessive shade. The aerial photograph in the Design & Access Statement and the attached plan clearly show that the shadow cast by these trees will engulf the new building and any amenity garden space. This will have implications for residents' reasonable enjoyment of the land as well as limiting the potential for solar panels and installation of satellite T.V. (all increasingly common tree-related complaints).
- **Arboreal detritus** – Both built and garden space are on the edge of the tree canopy and will be showered with falling leaves, honeydew, dead wood, bird droppings, etc.
• Perceived and/or actual risk from trees within falling distance of property – at present the risk of harm from these trees is low, if permanent high value targets (people and property) are placed within striking distance, the risk of harm is significantly increased and can lead to felling for safety reasons that would otherwise be unnecessary.

British Standard 5837:2012 Trees in Relation to Design, Demolition and Construction recommends these issues are addressed and designed out before layouts are finalised.

The Design and Access statement claims there is an Arboricultural Method Statement – there is not. No updated arboricultural information has been supplied since the 2015 application and this was only a preliminary tree survey.

My previous comments requested an Arboricultural Implications Assessment to inform design and tree protection measures - this is still outstanding. These details are necessary if the application is to be properly considered in relation to protected trees.

As the County Council officer responsible for administering Tree Preservation Orders, based on the current layout and lack of arboricultural information, I must object to the current application.

6.0 REPRESENTATIONS RECEIVED

6.1 A total of 14 representations have been received from 13 parties. A summary of the representations is outlined below:

- Planning approvals from the 1960’s clearly indicate a limit of 6 dwellings within the curtilage of Rock House.
- Three applications in 1972, 1981 and 2015 for the erection of dwellings have been refused on the grounds that they would be detrimental to the setting of the listed buildings, Rock House and the Coach House.
- This area of lawn is one of the last remaining areas forming an open zone to the south of Rock House which provide a buffer between the 18th/19th century buildings and those of the 20th century. This open area also allow views highlighting the setting of Rock House and the Derwent Valley.
- With the Conservation Area and World Heritage Site the obligation is to maintain the highest level of conservation.
- The heritage assets combined together make a formidable reason for refusal.
- The proposal would from the A6 destroy the view of Rock House, Willersley Castle and St Marys Church
- The claim that this lower level bungalow design has less impact than the previous proposal does not stack up as no building should take place within this unique heritage asset.
- Contrary to DDDC planning policy concerning heritage assets.
- The contemporary design is incompatible with the surroundings and would be detrimental to the listed buildings.
- The dwellings within the grounds approved in the 1960’s would not be allowed now, we should not compound earlier errors in granting planning permission.
- There are two plots within the owner’s land which is worrying for future proposals.
- It is thought the site used to flood in the winter months when it was used as an ice rink.
- The existing dwellings are well constructed of materials compatible with their setting and the older buildings.
- The proposed dwelling is not in a ‘relatively hidden location’ and does not’ sit comfortably in the parkland setting’.
- The character of this iconic area should be preserved for future generations.
Building 17 won the 2017 EU prize for cultural heritage/Europa Nostra award demonstrating the significance of this site.

The proposal would ruin the ambiance of the whole area.

The deeds of the existing dwellings control alterations and garden treatments.

The Arboricultural report makes no mention of the 19th Century Yew hedge which separated the tennis court from the rose garden. The proximity of the development to this hedge may result in harm to this feature.

Access to the highway does not have good visibility and the entrance is narrow.

The access and driveway is already carrying more traffic than was originally envisaged, any more development will exacerbate the situation.

There is already double the recommended number of dwellings served off the private drive.

Sewer connection would involve a lengthy run across the grounds of adjacent properties.

How would the required new services be formed without affecting existing properties.

The site is immediately adjacent a SSSI therefore any new building would have a negative impact.

Owners of the flats were advised that they would have use of the various lawned areas for recreational use in perpetuity, this village green has been enjoyed and used by all the residents.

6.2 Ward Member Comments:
Object on the following grounds -
The erection of any dwelling on the site would adversely affect the nature of the area around Rock House. The site is within the World Heritage Site and Rock House is one of the properties which are important in the history both of the Arkwright family and the story of Cromford village. The other properties which are of modern build were erected before the world heritage status was granted.

7.0 OFFICER APPRAISAL

The following material planning issues are relevant to this application:
- The principle of the development
- Impact upon heritage assets
- Impact on trees
- Highway safety

7.1 Principle
The site is within the settlement framework boundary for Cromford which is a sustainable location for further residential development in accordance with Policies SF1 and H1 of the Adopted Derbyshire Dales Local Plan and the emerging local plan and the core planning principles of the National Planning Policy Framework provided other environmental constraints could be satisfactorily addressed.

7.2 Impact on Heritage Assets
The impact of the following shall be assessed:
a. Impact on the setting of the listed building
b. Impact on the character and appearance of the Conservation Area
c. Impact upon the Outstanding Universal Value of the World Heritage Site
7.3 The site is within an extremely sensitive location, it is the grounds of the Grade II listed Rock House and therefore the impact on the setting of that listed building has to be considered. The site is within the Cromford Conservation Area therefore the impact of development upon the character and appearance of the Conservation Area requires consideration and the site is within the core of the Derwent Valley Mills World Heritage Site and is directly within one of the iconic views of the World Heritage Site.

7.4 Policy NBE16 of the Adopted Derbyshire Dales Local Plan states that planning permission for development will only be granted where it does not have an adverse impact upon the special character or setting of a listed building.

7.5 Policy NBE21 of the Adopted Derbyshire Dales Local Plan states that planning permission for development proposals within a Conservation Area will be granted provided they preserve or enhance the character or appearance of the area.

7.6 Policy NBE25 Adopted Derbyshire Dales Local Plan states that planning permission for development within the Derwent Valley Mills World Heritage Site will only be granted where it does not have an adverse impact upon its character and appearance.

7.7 One of the core principles of the National Planning Policy Framework (NPPF) states that planning should: conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations.

7.8 Paragraph 132 of the NPPF clearly states that significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of designated heritage assets of the highest significance notably… world heritage sites, should be wholly exceptional.

7.9 a. Setting of the Listed Building
The grounds to Rock House and its parkland to the south east are a designed setting which was formed to enhance the presence and visual interest of the house in its context. This land in terms of its location, character and appearance is clearly associated grounds to the listed building. The erection of a building on this site, notwithstanding previous development in the grounds to the frontage of the listed building, would lead to the further erosion of the grounds and the loss of one of the last remaining lawned areas within the grounds to Rock House. Development of the open lawned area of land historically associated with the listed building on the prominent approach to the building would cause harm to the setting of the listed building contrary to Policy NBE16 of the Adopted Derbyshire Dales Local Plan and guidance contained within the NPPF.

7.10 This proposal is to erect a single storey dwelling of modern design with flat roof and large glazed elements and horizontal slot windows. The dwelling would be of an appearance that is considered inappropriate in this context exacerbating the harm caused, detracting from and therefore causing increased harm to, the setting of the grade II listed building. As such the proposal is contrary to Policy NBE16 of the Adopted Derbyshire Dales Local Plan and guidance contained within the NPPF.

7.11 b. Impact on the character and appearance of the Conservation Area
The harm explained in part a. above would, due to the harm to the setting of this prominent and iconic listed building, which is integral to the history and character of the area, also harm the character and appearance of the wider Cromford Conservation Area to which the site currently makes a significant positive contribution, contrary to Policy NBE21 of the Adopted Derbyshire Dales Local Plan and guidance contained within the NPPF.
7.12 **c. Impact upon the Outstanding Universal Value of the World Heritage Site**

The application site is within the open area to the frontage of Rock House where there are clear views of Rock House and Willersley Castle beyond from the A6 to the far east of the site, this view is an iconic monitoring view of the World Heritage Site used in the management of the World Heritage Site. The foreground between the A6 and Rock House was deliberately protected from arable use to provide a parkland setting to the house. The site being the remains of this parkland setting is very important along with the wider landscape setting. The modern bungalow adjacent to Rock House mars this view to an extent; however a further building even one of single storey would exacerbate the adverse impact on this view. The World Heritage Site is valued for its authenticity and integrity and as such any further harm to the setting of one of the most important buildings within the World Heritage Site would be contrary to the principle aims of the management plan. The development of this site in principle would therefore harm the Outstanding Universal Value of the World Heritage Site contrary to Policy NBE25 of the Adopted Derbyshire Dales Local Plan and guidance contained within the NPPF.

7.13 Furthermore, the incongruous design of the proposed dwelling would harm the setting of Rock House and Willersley Castle beyond and therefore the Outstanding Universal Value of the World Heritage Site contrary to Policy NBE25 of the Adopted Derbyshire Dales Local Plan and guidance contained within the NPPF.

It should be noted that there are no concerns with regard to the potential for below ground archaeology on the site.

7.14 **Trees**

The trees here are important in relation to their landscape and historic value within the setting of the World Heritage Site. The siting of the dwelling is considered harmful to the trees close to the proposed dwelling and it is considered that this proximity will cause future conflict and threaten the long term retention of protected trees of significant amenity value. The issues in regard to this are that the trees immediately south of the site will cast excessive shade which will engulf the new building and any amenity garden space. This will have implications for residents’ reasonable enjoyment of the land as well as limiting the potential for solar panels and installation of satellite T.V. all of which are increasingly common tree-related complaints. Both the dwelling and the garden space are on the edge of the tree canopy and will be showered with falling leaves, honeydew, dead wood, bird droppings, etc. all of which will lead to pressure on the future of the trees. There is also the perceived and/or actual risk from trees within falling distance of property. At present the risk of harm from these trees is low, however, if permanent high value targets (people and property) are placed within striking distance, the risk of harm is significantly increased and can lead to felling for safety reasons that would otherwise be unnecessary.

7.15 It is therefore considered that the proposed dwelling will lead to future conflict and threat to the trees contrary to the requirements of policy NBE6 of the Adopted Local plan and guidance contained within paragraph 118 of the National Planning Policy Framework.

7.16 **Highway Safety**

Concerns have been raised by local residents regarding the intensification of traffic utilising the restricted junction and narrow driveway. The Local Highway Authority considers it unlikely that the public highway would be affected by the proposal and therefore has no objection. The development is therefore considered to be acceptable from a highway safety viewpoint in accordance with policies TR1 and TR8 of the Adopted Derbyshire Dales Local Plan and guidance contained within the NPPF.
**7.17 Conclusion**

Whilst this is a sustainable location for residential development, the development of this site in principle would cause significant harm to the significance of the designated heritage assets namely the setting of the listed building, the character and appearance of the Conservation Area and Outstanding Universal Value of the World Heritage Site. The development will also lead to future conflict and threat to protected trees.

**7.18** Paragraphs 132, 133 and 134 of the National Planning Policy Framework relate to assessing the impact of development on the significance of a designated heritage asset, noting that the more important the asset the greater the weight should be given to the assets protection. Paragraph 132 notes that as heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.

**7.19** The World Heritage Site is of great significance as a heritage asset. As noted above the proposed development will harm the Outstanding Universal Value of the World Heritage Site, it is acknowledged there has already been some harm caused by existing development within the iconic view. Therefore the additional harm caused by this development would be considered less than substantial harm. Paragraph 134 advises that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. In this case the development of a private open market dwelling is not considered to give any perceivable public benefit which would outweigh the harm caused.

**7.20** The harm identified caused to the setting of this Grade II listed building is considered to be less than substantial harm. Development has already taken place within the grounds of Rock House which has eroded the parkland setting of Rock House. However, this development would lead to further erosion of the grounds and loss of the lawned area causing both harm and cumulative harm to the setting. As noted above such harm should only be allowed if the harm is weighed against the public benefits of the proposal. As noted above the public benefits of the proposal are limited and do not justify the harm in this case.

**7.21** The harm caused to the setting of Rock House which is of such importance to the Conservation Area will harm the wider Cromford Conservation Area; as above this harm is considered to be less than substantial harm for which there is no public benefit to justify the harm.

**7.22** The development will cause harm to 3 separate but interlinked heritage assets. In this instance this harm is not counterbalanced by public benefit and this weighs heavily against the proposal. For these reasons planning permission is recommended for refusal in accordance with paragraphs 132 and 134 of the National Planning Policy Framework. The harm identified in respect of the protected trees is not outweighed by any benefit arising from the scheme and as such the development is contrary to Adopted local plan policy NBE6 and paragraph 118 of the National Planning Policy Framework.

**8.0 RECOMMENDATION**

8.1 That planning permission be refused for the following reason(s).

8.2 1. The introduction of a dwelling on this site would lead to the loss of the open lawned area to the frontage of Rock House which is intrinsic to its curtilage, setting, authenticity and integrity. Any development on this site will harm the setting of the listed building, the character and appearance of the Cromford Conservation Area in which it is located and the Outstanding Universal Value of the Derwent Valley Mills World Heritage Site. As such the proposal is contrary to Policies NBE16, NBE21 and
8.3 2. The proposed dwelling in terms of its design and form would represent incongruous development which would harm the setting of the grade II listed Rock House which is in an intrinsic element of the history of the area. As such the proposal will also as a consequence harm the character and appearance of the Cromford Conservation Area and the Outstanding Universal Value of the Derwent Valley Mills World Heritage Site. As such the proposal is contrary to Policies NBE16, NBE21 and NBE25 of the Adopted Derbyshire Dales Local Plan and guidance contained within the National Planning Policy Framework.

8.4 3. The siting of the proposed dwelling in close proximity to the protected trees to the south east of the site will lead to future conflict and pressure for the removal of the protected trees contrary to policy NBE6 of the Adopted Derbyshire Dales Local Plan and guidance contained within paragraph 118 of 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:
Proposed plan received 02.05.17
Location plan received 02.05.17
Block plan received 02.05.17
Arboricultural survey report and method statement received 02.05.17
Design and access statement received 02.05.17
Archaeological desk based assessment received 02.05.17
### Ashbourne North

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<tr>
<th>ENF/14/00071</th>
<th>Unauthorised building works to facilitate a Biomass Boiler and affecting the setting of a listed building.</th>
<th>Sturston Hall Farm Mill Lane Sturston Derbyshire DE6 1LN</th>
<th>Notice Issued</th>
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<tbody>
<tr>
<td>ENF/15/00014</td>
<td>Unauthorised alterations to listed building. Installation of photo voltaic panels on roof slope - Sturston Hall Farm, Ashbourne, DE6 1LN</td>
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<td>Notice Issued</td>
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<tr>
<td>ENF/17/00046</td>
<td>Unauthorised engineering comprising of excavations and leveling of land to the rear of 71 Park Avenue.</td>
<td>71 Park Avenue Ashbourne Derbyshire DE6 1GB</td>
<td>Pending Consideration</td>
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<tr>
<td>ENF/17/00054</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>
<td>Grange Barn Kniveton Derbyshire DE6 1JQ</td>
<td>Pending Consideration</td>
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### Ashbourne South

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<th>ENF/14/00070</th>
<th>Unauthorised internally illuminated signage above front of restaurant - 25 Dig Street, Ashbourne, DE6 1GF</th>
<th>25 Dig Street Ashbourne Derbyshire DE6 1GF</th>
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<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>Pending Consideration</td>
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<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>Pending Consideration</td>
</tr>
<tr>
<td>ENF/17/00038</td>
<td>Unauthorised works to listed building</td>
<td>Avanti Jewellers 2 - 4 Church Street Ashbourne Derbyshire DE6 1AE</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/17/00067</td>
<td>Unauthorised erection of two buildings to the rear of factory and north side of Derby Road, Ashbourne.</td>
<td>Homelux Nenplas Limited Blenheim Road Airfield Industrial Estate Ashbourne Derbyshire DE6 1HA</td>
<td>Pending Consideration</td>
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</table>

### Brailsford

| ENF/17/00000 | Unauthorised works to listed building | | |

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<table>
<thead>
<tr>
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<tbody>
<tr>
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*Page 1 of 7*
ENF/17/00050 Unauthorised change of use of domestic garage to use for commercial dog grooming parlour. The Spruces Main Road Brailsford Derbyshire DE6 3DA Pending Consideration

ENF/17/00058 Unauthorised erection of replacement fencing around boundary of South Lodge, Long Lane, Longford, Derbyshire South Lodge Long Lane Longford Derbyshire DE6 3DS Pending Consideration

ENF/17/00063 Various adverts around Brailsford Land To The North Of The Telephone Exchange Luke Lane Brailsford Derbyshire Pending Consideration

ENF/17/00073 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 The Cheese Factory Longford Lane Longford Derbyshire DE6 3DT Pending Consideration

Carsington Water

ENF/16/00034 Unauthorised erection of Dog kennels Four Lane Ends Farm Gibfield Lane Hulland Ward Derbyshire DE6 3EJ Pending Consideration

ENF/16/00073 Unauthorised change of use and conversion of outbuildings on land at Rock Cottage, Brassington, Matlock, Derbyshire, DE4 4HA Rock Cottage Hillside Lane Brassington Derbyshire DE4 4HA Pending Consideration

ENF/17/00041 Unauthorised change of use of land for the stationing of a static caravan for the purpose of human habitation Barn At Arm Lees Farm Ryder Point Road Wirksworth Derbyshire Pending Consideration

ENF/17/00052 Unauthorised engineering works to install septic tank on land at the Manor House, Church St, Brassington, Derbyshire. Manor House Church Street Brassington Derbyshire DE4 4HJ Pending Consideration

Clifton And Bradley

ENF/17/00013 Unauthorised change of use of land from agricultural to domestic curtilage, and engineering works to create new access drive/parking area to dwelling. Laurel Cottage Clifton Road Clifton Derbyshire DE6 2DH Pending Consideration

Darley Dale

ENF/12/00034 Unauthorised demolition of a Listed wall and unauthorised access off the A6 at Dale Road North Darley Dale. Stancliffe Quarry, Darley Dale, Matlock. Notice Issued
<table>
<thead>
<tr>
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<tbody>
<tr>
<td>ENF/17/00016</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>
<td>Former Bent Farm Farley Hill Matlock Derbyshire DE4 5LT</td>
<td>Pending Consideration</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>Pending Consideration</td>
</tr>
<tr>
<td>ENF/17/00048</td>
<td>Alleged unauthorised lamp posts.</td>
<td>St Elphins St Elphins Park Darley Dale Derbyshire DE4 2RL</td>
<td>Pending Consideration</td>
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**Dovedale And Parwich**

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<tr>
<th>Reference</th>
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<tbody>
<tr>
<td>ENF/15/00065</td>
<td>Alleged change of use of pub car park to use for the stationing of vehicular mobile homes.</td>
<td>Okeover Arms Mapleton Road Mapleton Derbyshire DE6 2AB</td>
<td>Notice Issued</td>
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</table>

**Hulland**

<table>
<thead>
<tr>
<th>Reference</th>
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<tbody>
<tr>
<td>ENF/14/00041</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>
<td>Redmire Gap Intakes Lane Turnditch Derbyshire DE56 2LU</td>
<td>Pending Consideration</td>
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<tr>
<td>ENF/15/00004</td>
<td>Unauthorised engineering works including substantive excavation on land at Common Farm.</td>
<td>Common Farm Mugginton Lane End Weston Underwood Ashbourne Derbyshire DE6 4PP</td>
<td>Pending Consideration</td>
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<tr>
<td>ENF/15/00024</td>
<td>Unauthorised change of use of holiday cabins to dwelling.</td>
<td>Blackbrook Lodge Farm Intakes Lane Turnditch Derbyshire DE56 2LU</td>
<td>Pending Consideration</td>
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<tr>
<td>ENF/17/00064</td>
<td>Unauthorised change of use of land to create a horse riding Manege' on land West side of Broadway, Kirk Ireton</td>
<td>Caravan At Valley View Broad Way Kirk Ireton Derbyshire</td>
<td>Pending Consideration</td>
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<tr>
<td>ENF/17/00065</td>
<td>Unauthorised engineering works to create field access with gate onto Hobs Lane, Kirk Ireton.</td>
<td>Winney Hill Farm Hob Lane Kirk Ireton Derbyshire DE6 3LG</td>
<td>Pending Consideration</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>Pending Consideration</td>
</tr>
<tr>
<td>Reference</td>
<td>Description</td>
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<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>Pending Consideration</td>
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### Masson

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<tbody>
<tr>
<td>ENF/11/00083</td>
<td>Unauthorised rebuilding of retaining wall.</td>
<td>24 Chapel Hill Cromford Derbyshire DE4 3QG</td>
<td>Notice Issued</td>
</tr>
<tr>
<td>ENF/13/00108</td>
<td>Unauthorised works to Grade II Listed Building</td>
<td>Corn Mill Cottage Water Lane Cromford Derbyshire DE4 3QH</td>
<td>Notice Issued</td>
</tr>
<tr>
<td>ENF/15/00054</td>
<td>Unauthorised alterations to a Grade II Listed Building.</td>
<td>Rita’s Fish Bar 182 South Parade Matlock Bath Derbyshire DE4 3NR</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/15/00104</td>
<td>Unauthorised internal works and demolition of external boundary wall.</td>
<td>Mill Managers House Cromford Mill Mill Road Cromford Derbyshire DE4 3RQ</td>
<td>Pending Consideration</td>
</tr>
<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>Pending Consideration</td>
</tr>
<tr>
<td>ENF/16/00041</td>
<td>Unauthorised instalation of plastic windows and door.</td>
<td>2,4,6 North Parade Matlock Bath Derbyshire DE4 3NS</td>
<td>Notice Issued</td>
</tr>
<tr>
<td>ENF/16/00090</td>
<td>Erection of a shed, decking and fence.</td>
<td>2 Primrose Cottages St Johns Road Matlock Bath Derbyshire DE4 3PQ</td>
<td>Notice Issued</td>
</tr>
<tr>
<td>ENF/16/00097</td>
<td>Unauthorised engineering operations and the creation of concrete retaining wall.</td>
<td>UK Slipform Ltd Dunsley Mill Via Gellia Road Bonsall Derbyshire DE4 2AJ</td>
<td>Pending Consideration</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>Pending Consideration</td>
</tr>
<tr>
<td>ENF/17/00022</td>
<td>Erection of two wooden sheds.</td>
<td>The Cottage Puddle Hill Bonsall Derbyshire DE4 2BA</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/17/00039</td>
<td>Unauthorised installation of a new illuminated fascia sign on a Listed Building</td>
<td>136 North Parade Matlock Bath Derbyshire DE4 3NS</td>
<td>Pending Consideration</td>
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<tr>
<td>ENF/17/00040</td>
<td>Change of use of premises from a retail sweet shop to a cafe selling hot food.</td>
<td></td>
<td>Pending Consideration</td>
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<tr>
<td>ENF/17/00061</td>
<td>Unauthorised works to a Listed Building</td>
<td>RIVA Rose Cottage 124 - 126 North Parade Matlock Bath Derbyshire DE4 3NS</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>Reference</td>
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<tr>
<td>ENF/17/00070</td>
<td>Use of premises as a Cafe.</td>
<td>20 North Parade Matlock Bath Derbyshire DE4 3NS</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/14/00006</td>
<td>Unauthorised change of use from domestic curtilage to use as commercial car park relating to Parkside Fitness</td>
<td>5 Olde Englishe Road Matlock Derbyshire DE4 3RR</td>
<td>Notice Issued</td>
</tr>
<tr>
<td>ENF/15/00030</td>
<td>Unauthorised &quot;PELI&quot; advertisement</td>
<td>Peli Deli 6 Crown Square Matlock Derbyshire DE4 3AT</td>
<td>Notice Issued</td>
</tr>
<tr>
<td>ENF/16/00014</td>
<td>Unauthorised fencing/decking to the side and rear with associated engineering operations.</td>
<td>38 Megdale Matlock Derbyshire DE4 3JW</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/16/00101</td>
<td>Unauthorised erection of sheds, chicken enclosures and a &quot;shepherds hut&quot;.</td>
<td>High Croft Salters Lane Matlock Derbyshire DE4 2PA</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/17/00034</td>
<td>Demolition of dwelling.</td>
<td>The Lawns Cavendish Road Matlock Derbyshire DE4 3GZ</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/17/00043</td>
<td>Engineering operations to create a raised patio area.</td>
<td>161 Smedley Street Matlock Derbyshire DE4 3JG</td>
<td>Pending Consideration</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>Pending Consideration</td>
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**Matlock All Saints**

<table>
<thead>
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<tr>
<td>ENF/13/00084</td>
<td>Unauthorised erection of workshop</td>
<td>Phillips Woodware Smuse Lane Matlock Derbyshire DE4 5EY</td>
<td>Notice Issued</td>
</tr>
<tr>
<td>ENF/16/00046</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>
<td>Hurst Cottage 14 Bull Lane Matlock Derbyshire DE4 5LX</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/16/00053</td>
<td>Unauthorised access off Riber Road.</td>
<td>Brookdale Riber Road Lea Derbyshire DE4 5JQ</td>
<td>Notice Issued</td>
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<tr>
<td>ENF/16/00056</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>
<td>72 Starkholmes Road Matlock Derbyshire DE4 3DD</td>
<td>Pending Consideration</td>
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<tr>
<td>ENF/16/00089</td>
<td>Breaches of Planning Control</td>
<td>ALS Scaffolding Services Limited Sunnyside Farm Whitelea Lane Tansley Derbyshire DE4 5FL</td>
<td>Pending Consideration</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>Pending Consideration</td>
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**Matlock St Giles**

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<tbody>
<tr>
<td>ENF/17/00034</td>
<td>Demolition of dwelling.</td>
<td>The Lawns Cavendish Road Matlock Derbyshire DE4 3GZ</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/17/00043</td>
<td>Engineering operations to create a raised patio area.</td>
<td>161 Smedley Street Matlock Derbyshire DE4 3JG</td>
<td>Pending Consideration</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>Pending Consideration</td>
</tr>
<tr>
<td>ENF/17/00020</td>
<td>Unauthorised use of land for the storage and stationing of caravans.</td>
<td>Duke William Hotel 91 Church Street Matlock Derbyshire DE4 3BZ</td>
<td>Notice Issued</td>
</tr>
<tr>
<td>ENF/17/00059</td>
<td>Extensions/building works to Veronica</td>
<td>Verona Alders Lane Tansley Derbyshire DE4 5FB</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td><strong>Norbury</strong></td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>ENF/11/00091</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, Thervaston Road, Marston Montgomery, Ashbourne, Derbyshire, DE6 2FF</td>
<td>Home Farm Thervaston Road Marston Montgomery Derbyshire DE6 2FF</td>
<td>Notice Issued</td>
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<tr>
<td>ENF/13/00050</td>
<td>Unauthorised building works to an agricultural building. (Increasing the height).</td>
<td>Barn Opposite Field Cottage Finny Lane Rodsley Derbyshire</td>
<td>Pending Consideration</td>
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<tr>
<td>ENF/14/00030</td>
<td>Change of use of land from use for Microlight flying to use for the flying of Biplane aircraft.</td>
<td>Airways Airsports Darley Moor Airfield Darley Moor Ashbourne Derbyshire DE6 2ET</td>
<td>Pending Consideration</td>
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<tr>
<td>ENF/16/00068</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>
<td>Land To The South Of West View Shields Lane Roston Derbyshire</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/17/00029</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>
<td>WELLIES HQ, Chapel O The Hill Somersal Herbert Derbyshire DE6 5PE</td>
<td>Notice Issued</td>
</tr>
<tr>
<td>ENF/17/00056</td>
<td>Unauthorised engineering works to facilitate access at Old House Farm, Can Alley, Roston, Derbyshire</td>
<td>Old House Farm Can Alley Roston Derbyshire DE6 2EF</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td><strong>Winster And South Darley</strong></td>
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<tr>
<td>ENF/17/00053</td>
<td>Unauthorised rear extension</td>
<td>72 Eversleigh Rise Darley Bridge Derbyshire DE4 2JW</td>
<td>Pending Consideration</td>
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<tr>
<td><strong>Wirksworth</strong></td>
<td></td>
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<tr>
<td>ENF/12/00022</td>
<td>Unauthorised stationing of a wooden chalet building and two steel containers.</td>
<td>The WoodYard, Homesford, Matlock, Derbyshire. DE4 5HL</td>
<td>Notice Issued</td>
</tr>
<tr>
<td>Reference</td>
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</tr>
<tr>
<td>ENF/15/00068</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>
<td>Peak View Caravan Site Brassington Lane Wirksworth Derbyshire</td>
<td>Notice Issued</td>
</tr>
<tr>
<td>ENF/16/00079</td>
<td>Erection of timber fence over 1 metre in height adjacent a highway.</td>
<td>20 Willowbath Lane Wirksworth Derbyshire DE4 4AY</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/17/00002</td>
<td>Unauthorised engineering operations to create a raised area.</td>
<td>11 New Road Bolehill Derbyshire DE4 4GL</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/17/00018</td>
<td>Unauthorised works to remove a fire surround in a Grade II Listed Building.</td>
<td>Red Lion Hotel Market Place Wirksworth Derbyshire DE4 4ET</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/17/00023</td>
<td>Breach of conditions on planning permission 14/00891/FUL</td>
<td>Mount Cook Adventure Centre Porter Lane Middleton By Wirksworth Derbyshire DE4 4LS</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/17/00031</td>
<td>Unauthorised installation of a white plastic door and window.</td>
<td>1 Cavendish Cottages Cromford Road Wirksworth Derbyshire DE4 4FP</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/17/00051</td>
<td>Unauthorised change of use of garage/store to beauty studio.</td>
<td>The Mews 3 Wirksworth Hall Farm Wash Green Wirksworth Derbyshire DE4 4FD</td>
<td>Pending Consideration</td>
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**Total Open Cases**: 74
<table>
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<th>Type</th>
<th>Date</th>
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<tbody>
<tr>
<td>Ashbourne North</td>
<td>Unauthorised extension to dwelling - side and rear extension fronting the highway.</td>
<td>112 Park Avenue Ashbourne Derbyshire DE6 1GB</td>
<td>Complied Voluntarily</td>
<td>29/03/2017</td>
</tr>
<tr>
<td></td>
<td>Unauthorised extension to dwelling - side and rear extension fronting the highway.</td>
<td>112 Park Avenue Ashbourne Derbyshire DE6 1GB</td>
<td>Complied Voluntarily</td>
<td>09/03/2017</td>
</tr>
<tr>
<td></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>
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<td></td>
<td>Alleged unauthorised engineering operation to clear the rear garden and create hardstanding area.</td>
<td>71 Park Avenue Ashbourne Derbyshire DE6 1GB</td>
<td>Complaint Unfounded</td>
<td>19/04/2017</td>
</tr>
<tr>
<td>Ashbourne South</td>
<td>Breach of condition 9 relating to planning permission 14/00722/FUL - specifically the environmental and construction management plan and hours of site work.</td>
<td>Land Formerly Hillside Farm Wyaston Road Ashbourne Derbyshire DE6 1NB</td>
<td>Complied Voluntarily</td>
<td>29/03/2017</td>
</tr>
<tr>
<td></td>
<td>Alleged replacing of timber windows for plastic, within a conservation area.</td>
<td>The White Hart Public House 8 - 10 Church Street Ashbourne Derbyshire DE6 1AE</td>
<td>Complaint Unfounded</td>
<td>08/03/2017</td>
</tr>
<tr>
<td></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>Brailsford</td>
<td>Unauthorised change of use of land from agricultural to domestic. Engineering works to remove trees and hedging to facilitate hardstanding area including the erection of a boundary fence in excess of 1m high adjacent to a classified vehicular highway.</td>
<td>Orchard Cottage Longford Lane Longford Derbyshire DE6 3DT</td>
<td>Complied Voluntarily</td>
<td>07/03/2017</td>
</tr>
<tr>
<td></td>
<td>Breach of condition 16 (hours of work) of planning permission 13/00826/FUL - Land off Luke Lane Brailsford</td>
<td>Land Off Luke Lane Luke Lane Brailsford Derbyshire</td>
<td>Complaint Unfounded</td>
<td>02/02/2017</td>
</tr>
<tr>
<td>Reference</td>
<td>Description</td>
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<tr>
<td>ENF/16/00106</td>
<td>Unauthorised change of use of agricultural land to use for the storage of a shipping container on land known as &quot;Rick Yard Orchard&quot;, Church Lane, Brailsford.</td>
<td>Rick Yard Orchard Church Lane Brailsford Derbyshire</td>
<td>Complied Voluntarily</td>
<td>10/03/2017</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/15/00108</td>
<td>Non compliance with approved plans &quot;Erection of two dwellings&quot; at Peakland View, Darley Dale, office code 14/00300/FUL</td>
<td>Robinsons Limited Longcliffe Works Longcliffe Brassington Derbyshire DE4 4HN</td>
<td>Complied Voluntarily</td>
<td>08/03/2017</td>
</tr>
<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/16/00095</td>
<td>Unauthorised building works for the conversion of outbuildings to living accommodation.</td>
<td>Charity Farm Orchard Lane Wyaston Derbyshire DE6 2DR</td>
<td>Planning Application Received</td>
<td>02/02/2017</td>
</tr>
<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/17/00036</td>
<td>Confirmation of satisfactorily complying with terms and conditions of s.106 relating to planning permission 05/00759/OUT - Waterside Park Development, Former Nestle' Factory, Ashbourne</td>
<td>Waterside Park Waterside Road Ashbourne Derbyshire</td>
<td>Not in the Public interest to pursue</td>
<td>11/04/2017</td>
</tr>
<tr>
<td>ENF/13/00022</td>
<td>Expiration of temporary planning permission. Erection of mobile home/chalet for agricultural worker for a temporary period of 3 years and retention of existing amenity building/office.</td>
<td>Woodside Farm Buildings Back Lane Darley Moor Matlock Derbyshire DE4 5LP</td>
<td>Appeal Allowed</td>
<td>08/03/2017</td>
</tr>
<tr>
<td>ENF/15/00034</td>
<td>Stationing of a caravan on land for suspected residential purposes and the use of an agricultural building for the keeping of horses.</td>
<td>Land At The Junction Of Back Lane And Flash Lane, Darley Moor, Matlock.</td>
<td>Not in the Public interest to pursue</td>
<td>29/03/2017</td>
</tr>
<tr>
<td>ENF/16/00055</td>
<td>Unauthorised engineering works to facilitate caravan hardstanding pitches</td>
<td>Tax Farm Farley Lane Farley Derbyshire DE4 5LQ</td>
<td>Planning Application Received</td>
<td>08/03/2017</td>
</tr>
<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</td>
<td>14/06/2017</td>
</tr>
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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>
</tbody>
</table>

**Doveridge And Sudbury**

| ENF/13/00019 | Unlawful siting of caravan for human habitation in agricultural field adjacent to Marston Lane at Doveridge. | Land North East Of Holmlea Farm Bungalow Marston Lane Doveridge Derbyshire | Notice complied with | 30/01/2017 |
| ENF/17/00003 | 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 accomodation above and link to newly built timber clad building. (15/00459/FUL). | 81 Aston Lane Sudbury Derbyshire DE6 5HG | Planning Application | 09/05/2017 |

**Hulland**

| ENF/16/00043 | Unauthorised engineering works on land at Whinney Hill Farm | Winney Hill Farm Hob Lane Kirk Ireton Derbyshire DE6 3LG | Planning Application | 02/02/2017 |
| ENF/17/00055 | Alleged breach of condition relating to removal of P/D rights. Installation of external heat source pump on Laburnham Cottage, Nether Lane, Kirk Ireton. | Bluebell House Nether Lane Kirk Ireton Derbyshire DE6 3JW | Complaint Unfounded | 08/06/2017 |

**Masson**

| ENF/15/00060 | Unauthorised installation of two roof-lights and flue on the rear roof slope. | Swifts Cottage 15 The Hill Cromford Derbyshire DE4 3RF | Notice complied with | 15/02/2017 |
| ENF/16/00024 | Unauthorised occupation of holiday let as residential dwelling. | The Farrow Chestnut Farm Abel Lane Bonsall Derbyshire | Planning Application | 29/03/2017 |
| ENF/16/00028 | Unauthorised erection of fence within the curtilage, at the rear, of a Grade II Listed Building. | 86 The Hill Cromford Derbyshire DE4 3QU | Planning Application | 29/03/2017 |
| ENF/16/00037 | Unauthorised extension to property. | 1 Water Lane Cromford Derbyshire DE4 3QH | Planning Application | 24/05/2017 |
| ENF/16/00063 | Change of Use of premises to Cafe | Restoration Cafe Former Tourist Information Centre Grand Pavilion South Parade Matlock Bath Derbyshire DE4 3NR | Complaint Unfounded | 16/05/2017 |
| ENF/16/00066 | Alleged unauthorised building works to rear of property. - 138-142 North Parade, Matlock Bath, Derbyshire, DE4 3NS | Kostas Restaurant 138 North Parade Matlock Bath Derbyshire DE4 3NS | Not in the Public interest to pursue | 29/03/2017 |
ENF/16/00076  Unauthorised "mini fish, chips & peas" banner on railings.  Halls Merry Go Round 200 South Parade Matlock Bath Derbyshire DE4 3NR  Complied Voluntarily 29/03/2017

ENF/16/00078  Works to clad a bus stop in stone.  Bus Stop Near To The Fountain. Bonsall.  Complied Voluntarily 29/03/2017

ENF/16/00084  Unauthorised banner advertisements.  RIVA 124 - 126 North Parade Matlock Bath Derbyshire DE4 3NS  Complied Voluntarily 01/02/2017

ENF/17/00025  Alleged unauthorised ride/attraction.  Gullivers Kingdom Temple Road Matlock Bath Derbyshire DE4 3PG  Complaint Unfounded 06/03/2017

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/17/00032  Alleged new blockwork wall.  Masson Road Matlock Bath  Complaint Unfounded 04/04/2017

ENF/17/00045  Unauthorised satellite dish.  3 Holme Villas Brunwood Road Matlock Bath Derbyshire DE4 3PA  Complied Voluntarily 13/06/2017

ENF/17/00071  Alleged unauthorised car standing space  16 Rose End Avenue Cromford Derbyshire DE4 3QP  Complaint Unfounded 11/07/2017

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/16/00015  Breach of condition 2 on planning permission (office code) 13/00005/FUL.  19 Dale Road Matlock Derbyshire DE4 3LT  Not in the Public interest to pursue 04/04/2017

ENF/16/00038  Unauthorised erection of fences and alleged car sales business.  2 Bentley Close Matlock Derbyshire DE4 3GF  Complied Voluntarily 29/03/2017

ENF/17/00006  Unauthorised erection satellite dish.  12 Snitterton Road Matlock Derbyshire DE4 3LZ  Complied Voluntarily 08/03/2017

ENF/17/00011  Erection of retaining wall at the bottom of the garden adjacent to a footpath.  64 Wellington Street Matlock Derbyshire DE4 3GS  Planning Application Received 21/06/2017

ENF/17/00062  Alleged unauthorised fencing  Jackson Tor Hotel 76 Jackson Road Matlock Derbyshire DE4 3JQ  Complaint Unfounded 21/06/2017

ENF/17/00068  Alleged unauthorised railings at 47-49 Smedley Street East, Matlock.  47 Smedley Street East Matlock Derbyshire DE4 3FQ  Complaint Unfounded 10/07/2017
<table>
<thead>
<tr>
<th>Reference</th>
<th>Description</th>
<th>Location</th>
<th>Status</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>ENF/15/00083</td>
<td>Non compliance with pre-commencement conditions attached to planning permission (15/00453/FUL)</td>
<td>Gate Inn The Knoll Tansley Derbyshire DE4 5FN</td>
<td>Complied Voluntarily</td>
<td>08/03/2017</td>
</tr>
<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</td>
<td>21/06/2017</td>
</tr>
<tr>
<td>ENF/16/00102</td>
<td>Unauthorised excavation of front garden and tipping of excavated material in the rear garden.</td>
<td>157 Hurst Rise Matlock Derbyshire DE4 3EU</td>
<td>Not in the Public interest to pursue</td>
<td>27/03/2017</td>
</tr>
<tr>
<td>ENF/17/00014</td>
<td>Breach of condition relating to builders parking outside the site on planning permission 15/00200/FUL</td>
<td>1 Hawleys Close Matlock Derbyshire DE4 5LY</td>
<td>Complied Voluntarily</td>
<td>08/02/2017</td>
</tr>
<tr>
<td>ENF/17/00021</td>
<td>Alleged non compliance with Certificate of Lawful Proposed Development.</td>
<td>7 Asker Lane Matlock Derbyshire DE4 3FY</td>
<td>Complaint Unfounded</td>
<td>28/02/2017</td>
</tr>
<tr>
<td>ENF/17/00060</td>
<td>Alleged unauthorised vehicular access.</td>
<td>25 Knowlestone Place Matlock Derbyshire DE4 3BU</td>
<td>Complaint Unfounded</td>
<td>19/06/2017</td>
</tr>
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**Norbury**

<table>
<thead>
<tr>
<th>Reference</th>
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<th>Location</th>
<th>Status</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</td>
<td>28/07/2017</td>
</tr>
<tr>
<td>ENF/17/00024</td>
<td>Unauthorised building works - Building not in accordance with approved plans - 15/00779/FUL Conversion of barn to dwelling</td>
<td>Old Barn Riggs Lane Marston Montgomery Derbyshire DE6 2FD</td>
<td>Planning Application Received</td>
<td>18/03/2017</td>
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**Wirksworth**

<table>
<thead>
<tr>
<th>Reference</th>
<th>Description</th>
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<th>Status</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<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/16/00040</td>
<td>Unauthorised satellite dish.</td>
<td>21 North End Wirksworth Derbyshire DE4 4FG</td>
<td>Complied Voluntarily</td>
<td>29/03/2017</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>
</tr>
<tr>
<td>ENF/16/00080</td>
<td>Engineering operations in a field to create a pond.</td>
<td>2 Little Bolehill Bolehill Derbyshire DE4 4GR</td>
<td>Planning Application Received</td>
<td>27/03/2017</td>
</tr>
<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>
</tr>
<tr>
<td>Case Number</td>
<td>Description</td>
<td>Location</td>
<td>Status</td>
<td>Date</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
## 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>16/00095/OUT</td>
<td>Babbs Lane, Doveridge</td>
<td>PI</td>
<td>Appeal being processed</td>
</tr>
<tr>
<td>16/00411/FUL</td>
<td>37 Windmill Lane, Ashbourne</td>
<td>WR</td>
<td>Appeal allowed - copy of appeal decision attached</td>
</tr>
<tr>
<td>16/00429/S106M</td>
<td>37 Windmill Lane, Ashbourne</td>
<td>WR</td>
<td>Appeal dismissed - copy of appeal decision attached</td>
</tr>
<tr>
<td>ENF/15/00065</td>
<td>Land at The Okeover Arms, Mappleton Road, Mappleton</td>
<td>WR</td>
<td>Appeal dismissed – copy of appeal decision attached</td>
</tr>
<tr>
<td>16/00567/OUT</td>
<td>Land off Main Road, Brailsford</td>
<td>HEAR</td>
<td>Appeal being processed</td>
</tr>
<tr>
<td>16/00922/OUT</td>
<td>Land east of Derby Road, Doveridge</td>
<td>WR</td>
<td>Appeal being processed</td>
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<tr>
<td>17/00030/FUL</td>
<td>The Old Cottage, Main Street, Kirk Ireton</td>
<td>WR</td>
<td>Appeal being processed</td>
</tr>
<tr>
<td>17/00052/FUL</td>
<td>83 The Green Road, Ashbourne</td>
<td>WR</td>
<td>Appeal being processed</td>
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<tr>
<td>Reference</td>
<td>Description</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>
</tr>
<tr>
<td>ENF/16/00089</td>
<td>Sunnyside Farm, Whitelea Lane, Tansley</td>
<td>WR</td>
<td>Appeal being processed</td>
</tr>
<tr>
<td>16/00362/FUL</td>
<td>12 Market Place, Cromford</td>
<td>WR</td>
<td>Appeal being processed</td>
</tr>
<tr>
<td>16/00775/OUT</td>
<td>Land at Stancliffe Hall, Whitworth Road, Darley Dale</td>
<td>WR</td>
<td>Appeal being processed</td>
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<tr>
<td>16/00913/OUT</td>
<td>Land adjacent to Thatchers Lane, Tansley</td>
<td>WR</td>
<td>Appeal being processed</td>
</tr>
<tr>
<td>17/00100/FUL</td>
<td>Plot 26, Moorcroft, Matlock</td>
<td>WR</td>
<td>Appeal being processed</td>
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<tr>
<td>17/00259/FUL</td>
<td>Windmill Cottage, Willersley Lane, Cromford</td>
<td>HH</td>
<td>Appeal being processed</td>
</tr>
</tbody>
</table>

WR - Written Representations
IH - Informal Hearing
PI – Public Inquiry
LI - Local Inquiry
HH - Householder

**OFFICER RECOMMENDATION:**

That the report be noted.
Appeal Decisions

Site visit made on 28 March 2017

by Louise Nurser  BA (Hons) Dip UP MRTPI
an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 27 June 2017

Appeal A: Appeal Ref: APP/P1045/W/16/3163678
37 Windmill Lane, Ashbourne, Derbyshire DE6 1EY

- 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 R Purewal (Pearl Developments Ltd) against the decision of Derbyshire Dales District Council.
- The application Ref 16/00411/FUL, dated 10 June 2016, was refused by notice dated 12 August 2016.
- The development proposed is to create 1 no dwelling.

Appeal B: Appeal Ref: APP/P1045/Q/16/3166502
37 Windmill Lane, Ashbourne, Derbyshire DE6 1EY

- The appeal is made under Section 106B of the Town and Country Planning Act 1990 against a refusal to modify a planning obligation.
- The appeal is made by Pearl Developments Ltd against the decision of Derbyshire Dales District Council.
- The development to which the planning obligation relates is erection of 14 apartments, detached garages and associated access and parking.
- The planning obligation, dated 22 January 2008, was made between Hugh Gavin Broadbent, Carla Louise du Rose, Thorpe Cloud Developments, Clydesdale Bank Plc and Derbyshire Dales District Council.
- The application Ref 16/00429/S106M, dated 10 June 2016, was refused by notice dated 23 September 2016.
- The application sought to have the planning obligation modified as follows: omit 37A Windmill Lane from the plan attached to (and referred to within) the original obligation.

Decisions

1. Appeal A: the appeal is allowed and planning permission is granted for change of use to create 1 no dwelling at 37 Windmill Lane, Ashbourne, Derbyshire DE6 1EY in accordance with the terms of the application, Ref 16/00411/FUL, dated 10 June 2016, subject to the following conditions:

   1) The development hereby permitted shall begin not later than 3 years from the date of this decision.

   2) No development shall commence until details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. These details shall include:

      i. Details of all vegetation to be retained, including details of the canopy spread of all trees, hedgerow within or overhanging the site;

      ii. earthworks showing existing and proposed finished levels or contours;

      iii. means of enclosure;
i. vehicle parking layouts;
ii. refuse storage;
iii. hard surfacing materials.

3) The landscaping works shall be carried out in accordance with the approved details before any part of the development is first occupied.

4) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

5) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:
   i) the parking of vehicles of site operatives and visitors;
   ii) loading and unloading of plant and materials;
   iii) storage of plant and materials used in constructing the development.

   The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

2. Appeal B is dismissed.

**Procedural matters**

3. Within the banner headings I have used the correct address of the appeal site as agreed by the appellant and Council.

4. There is a clear link between the two appeals before me as without the modification of the planning obligation, the proposed change of use to create an additional market dwelling cannot be implemented.

5. Nonetheless, I must consider each appeal on its own merits and conclude on each appeal separately.

6. However, to avoid duplication I have dealt with the two schemes together, except where otherwise indicated.

7. In considering Appeal B, I was aware that the appropriate notice under the provisions of Regulation 4 of The Town and Country Planning (Modification and Discharge of Planning Obligations) Regulations 1992 had not been served on all parties against whom the planning obligation is enforceable. Such notice has now been served and I am therefore able to determine the appeal.

**Background and Main Issues**

8. There is no dispute between the main parties that policies within both the Derbyshire Dales Local Plan (2005) (LP), and the emerging Derbyshire Dales Local Plan (e LP), are supportive of residential development within the main market towns, such as Ashbourne.
9. Appeal A: I consider the main issue to be whether or not the loss of the employment site is justified.

10. Appeal B: I consider the main issues in this case are whether the planning obligation continues to serve a useful planning purpose in relation to the requirement for any additional housing on site to be affordable housing.

**Appeal A: Employment land**

**Reasons**

11. The appeal site is not allocated for employment uses. Saved Policy EDT4 of the LP protects existing employment sites, such as the appeal site, from other uses unless the continuation of the use of the land is no longer required, or the current use is incompatible with the surrounding area.

12. I understand that the building has lain empty for over five years. The adjacent converted office building is linked to the appeal site by a direct pedestrian link via a maintained gap in a hedge. At my site visit, I observed people coming and going to the offices, not only from cars parked on the street, but from cars parked on the appeal site.

13. Planning permission for a change of use of a day nursery to an office (15/00275/FUL) had been granted, and the appeal site subsequently marketed. However, the letter from the appellant’s marketing agent has not provided me with sufficient details of the marketing exercise, for example, whether the site had been marketed at a reasonable rate to enable me to conclude whether there would be a demand for the property. Moreover, given the evident commercial success of the neighbouring converted offices, it seems unlikely that the appeal site’s location within a predominantly residential area would make it less attractive to the market. Therefore, I am not convinced that the use of the land is no longer required for employment uses. In addition, the use of the site would not adversely impact on the living conditions of neighbouring occupiers and the operation of the adjacent offices.

14. Therefore, I conclude that the proposal to convert the building to residential would be contrary to the provisions of Saved Policy EDT4 of the LP. However, the policy predates the publication of the Framework. Consequently, in line with Paragraph 215 of the Framework, due weight should be given to the policy according to its degree of consistency with the policies in the Framework.

15. I note the broad core planning principle set out in Paragraph 17, bullet point three of the Framework, to deliver the thriving local places that the country needs. However, Paragraph 51 of the Framework is clear that planning applications for change to residential use from commercial buildings should be approved where there is an identified need for additional housing in that area, provided that there are not strong economic reasons, which I have not been provided with, why such development would be inappropriate.

16. I note that the Council considers that it is able to provide a five year supply of affordable housing which is dependent on housing sites within the emerging Local Plan. However, I have not been provided with details of the progress of the Plan and the level of representations relating to its individual housing policies and allocations, as such I must accord its policies limited weight and therefore, I am not convinced that it is able to provide a five year supply of deliverable housing. Consequently, in the context of the Council’s position that

[https://www.gov.uk/planning-inspectorate](https://www.gov.uk/planning-inspectorate)
it considers its housing policies to be out-of-date, I conclude, for the purposes of this appeal that there is an identified need for additional housing.

17. I have been referred to emerging policy relating to the change of use of existing employment premises, which the Council considers to be supported by evidence. However, as I have not been provided with details relating to the policy’s progress, and the extent to which there are objections to the emerging policy, I am unable to give it great weight. Consequently, for the reasons set out above, whilst I consider that the proposal would be contrary to both adopted Policy EDT4 of the LP, and emerging Policy EC3 (e LP), in the absence of strong economic reasons, and my conclusions relating to housing need I accord little weight to this conflict.

Appeal A: Planning Balance and Conclusion

18. S38 (6) of the Planning and Compulsory Purchase Act and Paragraph 2 of the Framework is clear that planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. I have concluded that the proposed development would be contrary to saved Policy EDT4 of the LP. However, I accord limited weight to this conflict. Paragraph 49 of the Framework states that housing applications should be considered in the context of sustainable development. Paragraph 14, states that, for decision-taking, this means, where relevant policies are out-of-date, granting permission 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 the Framework indicated development should be restricted.

19. I have not found that level of harm to outweigh the benefit of the dwelling to the housing supply. The proposed development can therefore be considered to be sustainable development for which the Framework presumes in favour. Taken as a whole, this is a material consideration such that determination may be made other than in accordance with the development plan.

Appeal A: Conditions

20. A schedule of conditions, with attached reasons was submitted with the Council’s Statement of Case for consideration if I were minded to allow the appeal. I have considered those conditions, having regard to the six tests set out in the Planning Practice Guidance and have introduced some rewording and re-ordering in the interests of clarity and precision.

21. To control the appearance of the area I have attached conditions controlling the details of soft and hard landscaping, and to protect residential amenity I have required a Construction Method Statement. I have not however imposed conditions relating to access provision as the residential use would raise fewer access matters than the permitted use. Therefore, such a condition would be unreasonable.
**Appeal B: Planning obligation**

**Reasons**

22. The appeal site lies within the built up settlement of Ashbourne. Planning permission was granted in 2008 for the erection of 14 apartments, detached garages and associated access and parking. This development has since been implemented (Tissington Court). It, together with the appeal site and the neighbouring offices were part of a wider site formerly used as a residential and day school. At the time of the planning permission, a planning obligation was entered into by the landowners and their successors. This, amongst other matters, stipulated that, were 15 or more residential properties to be permitted on the wider application site, of which the appeal site and the now converted St Monica’s School formed a part, at least 45% of the total units on the property would be affordable housing, and that the next 12 units to be built would be affordable housing units.

23. I note that the appellant states that at the time of purchasing the site that they were unaware of the planning obligation which relates to the site and subsequently paid more money than they would otherwise have done. For whatever reason this was the case, which is not a matter of relevance to me, the current owner is bound by the provisions of the Obligation, irrespective of whether the original site had been split and sold into separate ownerships.

24. The planning purpose of the obligation is clear, to ensure that, the wider site would not be developed for housing in a piecemeal manner, and thereby circumvent the requirement contained within saved Policy H10 of the Derbyshire Dales Local Plan adopted 2005, that development of 15 or more units would require 45% of the units to be affordable.

25. I have been referred to Policy HC4 of the emerging Derbyshire Dales Local Plan. This proposes that for developments of over 10 dwellings that 30% of them should be affordable. I have not been given any information as to the progress of the plan, and whether there have been objections to the policy. Nonetheless, the principle of requiring a contribution towards affordable housing provision of developments over 10 units is consistent with the national policy, and the objective of providing affordable housing as part of developments of market housing remains current. As such, notwithstanding whether or not it would practicable to retrospectively require a proportion of the apartments which have already been built on the site to become affordable housing, I conclude that the objective of the Obligation remains relevant and broadly consistent with the policies of both the adopted local plan and the emerging local plan. Consequently, the planning obligation continues to serve a useful planning purpose and the appeal site should continue to be bound by its provisions.

26. In coming to this conclusion I am aware that the site has been marketed for other uses. In addition, the appellant argues that it would not be viable, a position accepted by the Town Council, at the price at which the site was purchased, to construct an affordable dwelling on the site, and even if it was, that no affordable housing provider would be willing to take on a single unit. However, I have not been provided with detailed evidence, relating to viability matters and the practicalities of managing the property as affordable housing,

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to support this position. Nor is it necessarily evident that the provision of a single residential unit would be the only option open to the appellant in developing the site. Moreover, the appellant’s ignorance of the provisions of the obligation when purchasing the land is not relevant to any viability assessment which should reflect an informed market value of the land.

27. The proposed modification of the planning obligation would run contrary to its planning purpose to ensure, over time, that there would not be a piecemeal development of the wider site for housing, to avoid the requirement set out within the development plan that market housing over a certain threshold should provide an element of affordable housing. Accordingly, I conclude that the Obligation continues to serve a useful planning purpose and therefore should not be modified.

**Appeal B: Conclusion**

28. For the reasons set out above I conclude the appeal should be dismissed.

*L. Nurser*

INSPECTOR
Appeal Decision

Site visit made on 13 June 2017

by Paul Dignan  MSc PhD

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

Decision date: 03 July 2017

Appeal Ref: APP/P1045/C/17/3166996
Land at The Okeover Arms, Mapleton Road, Mapleton, Derbyshire DE6 2AB.

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Mrs Carole Coxon against an enforcement notice issued by Derbyshire Dales District Council.
- The enforcement notice, numbered ENF/16/00065, was issued on 8 December 2016.
- The breach of planning control as alleged in the notice is the material change of use of the land from domestic curtilage associated with The Okeover Arms public house, to use for the stationing of a mobile home for the purposes of human habitation.
- The requirements of the notice are: 5.1 Permanently remove the mobile home from the land (shown in red on the attached plan); 5.2 Reinstate the land to its previous condition as garden land to the public house.
- The period for compliance with the requirements is 28 days for requirement 5.1 and 30 days for requirement 5.2.
- The appeal is proceeding on the ground set out in section 174(2)(a) of the Town and Country Planning Act 1990 as amended. The application for planning permission deemed to have been made under section 177(5) of the Act as amended also falls to be considered.

Decision

1. It is directed that the enforcement notice be corrected by the deletion in section 3 of the words "domestic curtilage associated with" and their substitution by the words "garden land within the curtilage of". Subject to this correction the appeal is dismissed and the enforcement notice is upheld, and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Reasons

2. The Okeover Arms public house is a Grade II listed early 19th century building in the small village of Mapleton. Set on the roadside edge, it has a car park and gardens to the side and rear. The mobile home in this case is stationed in a small section of rear garden immediately adjacent to the rear of the building, and separated from the rest of the grounds by a close boarded fence. The mobile home is visible from the public highway and from the car park and gardens and appears as incongruous and discordant. Its modern appearance and materials contrast harshly with the historic and architectural character of the listed building, matters which diminish the public appreciation of the heritage asset.
3. In considering works affecting listed buildings Sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 require the decision maker to have special regard to the desirability of preserving the building or its setting. This duty is reflected in Policy NBE16 of the adopted Derbyshire Dales Local Plan (LP) and Section 12 of the National Planning Policy Framework (NPPF). It is also carried through to the emerging local plan in Policy PD2 of the Deposit Draft Derbyshire Dales Local Plan. This latter policy only carries limited weight at this stage, but is entirely consistent with the current development plan and with national policy.

4. The harm to the setting of the listed building places the development in conflict with LP Policy NBE16. In NPPF terms, the harm I have identified above would be considered as less than substantial, and must be weighed against the public benefits of the proposal. No specific public benefits have been put forward in this case. The justification put forward for the mobile home is to provide accommodation for the landlords’ daughter, who works at the public house, and it also occasionally accommodates a mobility impaired relative who visits but who cannot use the bedrooms in the pub which are upstairs. It is claimed that without the mobile home the family could not continue to run The Okeover Arms and would have to move elsewhere. No specific evidence is provided to support this assertion, but in any case personal circumstances seldom outweigh the more general planning considerations, and I consider that the personal circumstances in this case can only be afforded limited weight.

5. The proposal would cause less than substantial harm, but the NPPF requires that this harm to a heritage asset must still be given significant weight. In the absence of public benefits to justify the harm to the setting of the listed building, I consider that the personal circumstances put forward in support of the development are not sufficient to outweigh the conflict with the development plan. I conclude accordingly, having considered all other matters raised, that the appeal must be dismissed.

6. However, I must make one correction to the notice. Curtilage is not a use of land, and while it is not essential for the description of the breach to recite the former use of the land, for clarity I shall amend the description to refer to the use from which the land has changed to use as garden land within the curtilage of the listed public house. I consider that this correction causes no injustice.

Paul Dignan

INSPECTOR

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BACKGROUND PAPERS

The following documents have been identified in accordance with the provisions of Section 100(d) (5) (a) of the Local Government Act 1972 and are listed for inspection by members of the public.

Background papers used in compiling reports to this Agenda consist of:

- The individual planning application, (including any supplementary information supplied by or on behalf of the applicant) and representations received from persons or bodies consulted upon the application by the Local Planning Authority and from members of the public and interested bodies by the time of preparation of the Agenda.
- The Town and Country Planning Act 1990 (as amended), the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) and related Acts, Orders and Regulation and Circulars published by or on behalf of the Secretary of State for the Department for Communities and Local Government.
- The National Planning Policy Framework
- The Planning Practice Guidance

These documents are available for inspection and will remain available for a period of up to 4 years from the date of the meeting, during normal office hours. Requests to see them should be made to our Business Support Unit on 01629 761336 and arrangements will be made to comply with the request as soon as practicable.