02 October 2017

To: All Councillors

As a Member or Substitute of the Planning Committee, please treat this as your summons to attend a meeting on Tuesday 10 October 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 3.05pm 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 – 05 September 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](http://www.derbyshiredales.gov.uk/attendameeting). Alternatively email committee@derbyshiredales.gov.uk or telephone 01629 761133.

4.1 APPLICATION NO. 17/00646/OUT (Site Visit)  
Residential development of up to 3 dwellings (Outline) at Northwood Bungalow, Northwood Lane, Darley Dale.

4.2 APPLICATION NO. 17/00504/FUL (Site Visit)  
Erection of dwelling at Land adjacent to Rock Cottage, St Johns Road, Matlock Bath.

4.3 APPLICATION NO. 17/00450/FUL (Site Visit)  
Erection of dwelling at Land adjacent to Alabaster Lane, Cromford.

4.4 APPLICATION NO. 17/00760/FUL (Site Visit)  
Ground-floor and first-floor extensions at The Gables, Riber Road, Starkholmes, Matlock.

4.5 APPLICATION NO. 17/00740/FUL  
Use of Sports Area as temporary location for 6 children’s activity (Fun Fair) rides, one sweet stall and picnic benches for periods between 19.07.2017 to 04.11.2017 (Retrospective), 16.07.2018 to 03.11.2018 and 15.07.2019 to 02.11.2019 at Sports Area, Derwent Gardens, South Parade, Matlock Bath.

4.6 APPLICATION NO. 17/00852/FUL  
Residential development of 11 dwellings at Trevelyan House, 43 Dimple Road, Matlock.

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

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

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

a) Public Participation will be limited to one hour per meeting, with the discretion to extend exercised by the Committee Chairman (in consultation) in advance of the meeting. On line information points will make that clear in advance of registration to speak.

b) Anyone wishing to make representations at a meeting must notify the Committee Section before Midday on the working day prior to the relevant meeting. At this time they will be asked to indicate to which item of business their representation relates, whether they are supporting or opposing the proposal and whether they are representing a town or parish council, a local resident or interested party.

c) Those who indicate that they wish to make representations will be advised of the time that they need to arrive at the meeting venue so that the Committee Clerk can organise the representations and explain the procedure.

d) Where more than 2 people are making similar representations, the Committee Administrator will seek to minimise duplication, for instance, by establishing if those present are willing to nominate a single spokesperson or otherwise co-operate in the presentation of their representations.

e) Representations will only be allowed in respect of applications or items which are scheduled for debate at the relevant Committee meeting.

f) Those making representations will be invited to do so in the following order, after the case officer has introduced any new information received following publication of the agenda and immediately before the relevant item of business is discussed. The following time limits will apply:

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


g) After the presentation it will be for the Chairman to decide whether any points need further elaboration or whether any questions which have been raised need to be dealt with by Officers

j) The relevant Committee Chairman shall exercise discretion during the meeting to rule out immediately any comments by participants that are not directed to genuine planning considerations.
SITE VISITS

Members will leave the Town Hall, Matlock at **3.05pm prompt** for the following site visits:

- **3.15pm**  APPLICATION NO. 17/00646/OUT
  NORTHWOOD BUNGALOW, NORTHWOOD LANE, DARLEY DALE.
  At the request of Officers for Members to appreciate the site and context and the impacts arising from the proposal.

- **3.40pm**  APPLICATION NO. 17/00504/FUL
  LAND ADJACENT TO ROCK COTTAGE, ST JOHNS ROAD, MATLOCK BATH.
  At the request of Officers for Members to appreciate the site and context and the impacts to heritage assets arising from the proposal.

- **4.10pm**  APPLICATION NO. 17/00450/FUL
  LAND ADJACENT TO ALABASTER LANE, CROMFORD.
  At the request of Officers to assess the proposed development of the site in its context.

- **4.30pm**  APPLICATION NO. 17/00760/FUL
  THE GABLES, RIBER ROAD, STARKHOLMES, MATLOCK.
  At the request of Officers to consider the setting, scale and topography of the proposed development.

- **5.00pm**  RETURN TO TOWN HALL, MATLOCK.
COMMITTEE SITE MEETING PROCEDURE

The purpose of the site meeting is to enable the Committee Members to appraise the application site. The site visit is not a public meeting. No new drawings, letters of representation or other documents may be introduced at the site meeting. The procedure will be as follows:

1. A coach carrying Members of the Committee and a Planning Officer will arrive at the site as close as possible to the given time and Members will alight (weather permitting)

2. A representative of the Town/Parish Council and the applicant (or representative can attend.

3. The Chairman will ascertain who is present and address them to explain the purpose of the meeting and sequence of events.

4. The Planning Officer will give the reason for the site visit and point out site features.

5. Those present will be allowed to point out site features.

6. Those present will be allowed to give factual responses to questions from Members on site features.

7. The site meeting will be made with all those attending remaining together as a single group at all times.

8. The Chairman will terminate the meeting and Members will depart.

9. All persons attending are requested to refrain from smoking during site visits.
<table>
<thead>
<tr>
<th><strong>APPLICATION NUMBER</strong></th>
<th>17/00646/OUT</th>
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<tbody>
<tr>
<td><strong>SITE ADDRESS:</strong></td>
<td>Northwood Bungalow, Northwood Lane, Darley Dale</td>
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<tr>
<td><strong>DESCRIPTION OF DEVELOPMENT</strong></td>
<td>Residential Development Of Up To 3 Dwellings (Outline)</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 G Lowe, Matlock Transport Ltd</td>
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<tr>
<td><strong>PARISH/TOWN</strong></td>
<td>Northwood and Tinkersley</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 J Wild</td>
</tr>
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<td><strong>DETERMINATION TARGET</strong></td>
<td>07.09.17</td>
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<tr>
<td><strong>REASON FOR DETERMINATION BY COMMITTEE</strong></td>
<td>Due to number of units proposed in a settlement outside a Market Town.</td>
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<tr>
<td><strong>REASON FOR SITE VISIT (IF APPLICABLE)</strong></td>
<td>For Members to appreciate the site and context and the impacts arising from the proposal.</td>
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**MATERIAL PLANNING ISSUES**

- Principle of development
- Loss of existing facility
- Character and appearance
- Impact on residential amenity
- Impact on trees, ecology and flooding
- Highway safety

**RECOMMENDATION**

Approval
17/00646/OUT

Northwood Bungalow, Northwood Lane

Derbyshire Dales DC

Date: 29/09/2017

100019785

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

1.1 The application site relates to an existing social club building with self-contained flat. The social club element of the building appears to have been empty for some years and is in need of refurbishment/repair. Residential properties are located to the south of the site and open fields to the north. To the east is the Matlock Transport yard and to the west the commercial yard of the properties fronting Dale Road North. Access to the site is via a narrow lane known as Cote Hilloc. The existing building is standing on a concrete base elevated above the ground level of the wooded area between the site and the dwellings to the south, there is a watercourse flowing through the wooded area. The site is within the settlement framework boundary for Northwood as defined in the emerging local plan policy.

2.0 DETAILS OF THE APPLICATION

2.1 Outline planning permission is sought to erect up to 3 dwellings on the site, removing the existing club building and associated flat. The application is outline only with all matters reserved for subsequent approval. An indicative layout has been submitted showing three detached dwellings on the site with an access road to the south and with the three dwellings facing the access road.

The applicant's agent has submitted a supporting statement, the pertinent points of which are summarised:

The site has an area of 0.9ha and a frontage of 25m, an indicative layout demonstrates the feasibility of the level of development proposed.
It is anticipated that the dwellings will be two storey, three bedroomed dwellings with floor areas of 120 sq m excluding garaging and that ridge heights will not exceed 7m.
No existing landscape features will be lost.
The dense bank of tree provides screening and an attractive setting for the development, some limited tree planting will be possible on the frontage.
The driveway will be permeable. Given the existing uses there will be no increase in traffic generation. The former community use was not viable and long ceased to exist. The building does not provide any significant level of employment.

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
NBE5: Development Affecting Species Protected by Law or are Nationally Rare
NBE6: Trees and Woodlands
NBE7: Features Important in the Landscape
NBE8: Landscape Character
NBE26: Landscape Design in Association with New Development
TR1: Access Requirements and the Impact of New Development
TR8: Parking Requirements for New Development
S12: Important Local Services And Facilities

3.2 Draft Derbyshire Dales Local Plan: -
S3: Settlement Hierarchy
Northwood is third tier settlement - these villages possess a limited level of facilities and services that, together with improved local employment, provide the best opportunities outside the first and second tier settlements for greater self-containment. (Under the main modifications to the emerging local plan there is no change proposed to this area of the Northwood settlement boundary.)
HC15: Community Facilities and Services

3.3 Other:
National Planning Policy Framework
National Planning Practice Guidance

4.0 RELEVANT PLANNING HISTORY
DDD/0596/0288 Demolition of club building and erection of two dwelling houses (outline) - Refused

Although under a different policy situation at the time of the decision the application was refused due to:
1. Overdevelopment of a constrained site out of scale with surroundings with limited amenity space and lack of landscaping to the site.
2. Significant tree loss to the south of the site.

5.0 CONSULTATION RESPONSES
Parish Council
5.1 No objection to residential development. Concern over the access as the private drive is very narrow with nowhere to turn a vehicle.

Derbyshire County Council (Highways)
5.2 Given the existing and previous uses associated with this site, the replacement of these uses with 3 dwellings is unlikely to increase the traffic levels by any significant level. As such, there are no highway objections. Conditions are recommended.

Derbyshire County Council (Flood Team)
5.3 Refer to standing advice, as informative.
6.0 REPRESENTATIONS RECEIVED
6.1 A total of 2 representations have been received from 1 party. A summary of the representations is outlined below:

A tree surgeon has looked at the site and advised that if houses are built close to the bank the work should be carried out by hand as the roots will be under compression. Any weakening of the roots will make the trees unstable due to the precarious nature of the trees at the side of the brook. There could be issues with regard to the stability of the bank. Some trees could already be dangerous.

Some cars use this site for parking, is provision going to be made so that further parking is available in the yard of Matlock Transport so that their workers do not park on Northwood Lane which is already busy with traffic.

7.0 OFFICER APPRAISAL
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
- Loss of existing facility
- Impact on residential amenity
- Impact on trees
- Character and appearance
- Highway safety

Principle of development

7.1 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.

7.2 In this case Northwood which is located in close proximity to the higher order settlements of Matlock and Darley Dale and is close to good transport routes along the A6. As such it is considered to be one of the more sustainable settlements and as such has been categorised a third tier settlement where growth can be accommodated. In this case the proposal being within the emerging settlement framework boundary also relates to a brownfield site.

7.3 Therefore in accordance with emerging plan policies which can now be given weight in the decision making process following the Examination in Public it is considered that the proposed site for redevelopment is sustainable. However the detail of the case requires further consideration.

Loss of existing facility

7.4 The existing building whilst dilapidated has an extant use as a social club which is considered to be a beneficial local facility. However it would appear that the building has not been used as a community facility for many years and if the use were to be reintroduced it is likely that repair and renovation works to the building would be necessary. As such it is considered unlikely that the building would be successfully reused as a community facility. Furthermore there are other facilities within Darley Dale that
are successfully used for community purposes that are appropriate alternatives for such uses. Therefore in accordance with policy S12 of the Adopted Derbyshire Dales Local Plan and emerging plan policy HC15 it is considered that the loss of the community facility in this case is acceptable.

Character and appearance

7.5 The site at present is a negative visual feature within the locality situated on the edge of the settlement looking out onto open countryside. Through this application there is the potential to enhance the appearance of the site with new housing development. The application contains an indicative layout showing three detached dwellings on the site facing towards an access road to the south. Although indicated on the indicative plan it is considered that three, two storey dwellings would appear cramped on this site contrary to the prevailing character of the area at this sensitive edge of settlement location. As such it is considered that with appropriate landscaping to soften the visual impact, two, two storey dwellings could be accommodated on the site. Alternatively three single storey dwellings which would have limited visual impact thereby needing less landscaping, replacing an existing single storey building, would be acceptable. A condition is considered reasonable in this respect.

7.6 As such whilst residential development it is considered feasible on this site, the submitted indicative layout is not considered appropriate. Furthermore in order to enhance the appearance of the site it would be preferable for a street frontage presence from the development to Cote Hiloc and the elevations facing towards the open countryside will need careful consideration. Subject to an appropriate layout, acceptable design and materials of the dwellings and suitable landscaping (including retention of the northern stone wall), residential development of on this site is considered to be acceptable in accordance with emerging and national planning policy.

Impact on residential amenity

7.7 Given the detached nature of the site and the woodland screening to the south of the site, it is considered that the proposed development will not harm the amenities of neighbouring residents.

Impact on trees, ecology and flooding

7.8 To the south of the site there is a belt of woodland surrounding the brook which leads into the river Derwent. The application site is in close proximity to the woodland and as such there is potential to harm some trees outside of the application site due to development on this site. In addition the stability of the land in this location is uncertain as it appears the site is on a made plateau. As this application is in an outline form it is not possible at this stage to determine the impacts on protected trees. However it is considered reasonable to raise the issue of the trees at this stage through a condition requiring the submission of a detailed arboricultural impact assessment as part of any reserved matters application. Whilst any development here may impact adversely on some of the nearby trees it is considered that some minimal harm to trees within a larger area of woodland would be a reasonable compromise, if necessary, in order to enhance the appearance of the site within the wider locality.

7.9 Although the building appears to have been empty for some years it is a closed and secure building with minimal gaps within which bats or other species could access the building. On this basis and despite the adjacent woodland it is considered unlikely that the building is used as a habitat for protected species. Nevertheless applicants would be obliged to abide by the requirements of The Wildlife and Countryside Act 1981, as a reminder to the applicant this information is appended in a footnote.
7.10 Whilst the site is adjacent to a water course it is not within a flood zone area. Given the modest scale of development the advice of the Environment Agency is not required. However to address the issues of and drainage and flooding being adjacent to a water course detailed standing advice has been provided by the Flood team of DCC, this advice is reiterated in the ‘Notes To Applicant’.

**Highway safety**

7.11 The Local Highway Authority have considered the proposal and have no concerns regarding the proposed development subject to conditions. Concern has been raised by a local resident that the proposal will increase on street parking as those working at the Transport yard opposite the site often park on the application site. Whilst this concern is noted an increase in on street parking is not a matter of highway safety concern to the degree promised. As such whilst such additional parking may inconvenience neighbouring residents this would not warrant refusal of planning permission.

**Conclusion**

7.12 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.

7.13 Although national guidance indicates that applications for new housing development should be granted where relevant policies are out of date, the council can now identify a rolling five year supply of housing land and allocations within the emerging local plan, including this site, will provide enough housing land throughout the plan period to meet the District Councils objectively assessed housing needs. 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.

7.14 In this case although the proposal will result in the permanent loss of a former community facility, the social role would be met through the provision of additional housing in a sustainable location.

7.15 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.

7.16 In terms of the environmental role the development of this site can be achieved in a manner that will contribute positively to the character and appearance of the locality utilising a brownfield site.

7.17 Northwood has been assessed as a sustainable settlement where additional growth can be accommodated. It is acknowledged that despite the local transport provision many journeys will need to be made by the private motor car to the nearby larger settlements. However, the provision of residential development on this site is not considered to result in disbenefits that cannot be mitigated against with appropriate conditions, therefore the proposal meets the requirements of sustainability.

7.18 When all of the above matters are weighed in the balance along with the draft settlement framework boundary it is considered that the presumption in favour of development should prevail as there is no significant and demonstrable harm from the development which cannot be mitigated against through appropriate conditions.
8.0 RECOMMENDATION
That planning permission be granted subject to the following conditions.

1. Condition ST01: Time limit on outline

2. Condition ST03a: Submission of certain reserved matters

3. Before any other operations are commenced, 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. Before any other operations are commenced (excluding Condition No 3 above) the existing vehicular accesses onto Cotehiloc shall be provided with a 2m parallel visibility sightline across the entire frontage of the development controlled by the applicant fronting Cotehiloc in accordance with a scheme first submitted to and approved in writing by the Local Planning Authority. The area in advance of the visibility sightlines shall be retained throughout the life of the development free of any object greater than 1m in height (0.6m in the case of vegetation) relative to adjoining nearside carriageway channel level.

6. No dwelling shall be occupied until details of the proposed parking and manoeuvring areas within the site have been submitted to, and approved in writing, by the Local Planning Authority. These facilities shall thereafter be retained for use at all times.

7. No part of the development shall be occupied until details of arrangements for storage of bins and collection of waste have been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the agreed details and the facilities retained for the designated purposes at all times thereafter.

8. Along with the submission of the reserved matters application an arboricultural impact assessment shall be submitted in relation to the adjacent woodland.

9. The reserved matters application shall include the retention of the dry stone wall to the northern boundary of the site.

10. Notwithstanding the submitted details the outline permission hereby granted shall be for either 2 no. two storey dwellings or 3 no. single storey dwellings and any reserved matters application should be submitted on this basis.

Reasons:

1. Reason ST01

2. Reason ST03

3-7. In the interest of highway safety on accordance with policies TR1 and TR8 of the Adopted Derbyshire Dales Local Plan and guidance contained within the National Planning Policy Framework.
8. To ensure the submission of adequate information to be able to assess the impact of
detailed proposal upon the health of adjacent trees.

9. To ensure the retention of this important landscape feature in accordance with policies
NBE7 and NBE8 of the Adopted Derbyshire Dales Local Plan and guidance contained
within the National Planning Policy Framework.

10. To define the extent of development feasible on this constrained site in order to ensure an
appropriate form of development in accordance with policies SF5, H9, NBE8 and NBE26
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 application as submitted to be
acceptable. On this basis, there was no need to engage with the applicant in a positive
and proactive manner to resolve any planning problems and permission was granted
without negotiation.

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

3. Car parking provision should be made on the basis of (a maximum ratio of 1 parking space
plus 1 space per 2 units for visitors per 1 bedroom dwelling, 2 spaces per unit for 2-3
bedroom dwellings and 3 spaces per unit, of which no more than 2 shall be in line, for a
4/4+ bedroom dwelling respectively). Each parking bay should measure 2.4m x 4.8m with
adequate space behind each space for manoeuvring.

4. Land Drainage Authority Standing Advice:

SURFACE WATER:
The LLFA has completed a brief, high level review of the Council’s surface water model
outputs for the proposed site which has not been highlighted as being of significant risk
from surface water flooding at the time of the assessment. However, any alteration to the
impermeable surface area of the development site may have the opportunity to exacerbate
surface water flood risk on and off the site.
The LLFA expect development to include Sustainable Drainage Systems (SuDS) within
the design of a drainage strategy for any proposed development, applying the SuDS
management train. Developments that do not include any SuDS features are expected to
provide evidence as to why these principles cannot be followed. The applicant is advised
to review the Planning and Development Guidance Notes available on Derbyshire
County Council’s website (www.derbyshire.gov.uk/flooding/strategy) should any guidance
on the drainage strategy for the proposed development be required.
The LLFA requires that site surface water drainage is designed in line with DEFRA’s Non
statutory technical standards for SuDS, including restricting developed discharge of
surface water to greenfield runoff rates, making suitable allowances for climate change (in
line with the latest guidance from the Environment Agency) and urban creep (allowance of
10%), managing surface water as close to the surface as possible and prioritising
infiltration as a means of surface water disposal. There should be no increase in the
current greenfield runoff rate and the LLFA require that this should be measured in l/s/ha for all proposed development sites.

It should be confirmed prior to commencement of works which organisation will be responsible for SuDS maintenance once the development is completed. The LLFA also strongly encourage that the developer should take into account designing drainage systems for exceedence working with the natural topography of the site, utilising natural mini sub-catchments.

Prior to designing the site surface water drainage, a ground conditions investigation should be undertaken (where appropriate) to fully explore the option of infiltration to manage the surface water in preference to discharging to a surface water body or public sewer system. The applicant should ensure the drainage proposed is appropriate to the specific ground conditions identified (for examples soakaways where ground conditions are permeable). Development site drainage should be considered carefully to avoid any increased risks associated with groundwater. The LLFA would not recommend infiltration as a means of surface water disposal in areas where geohazards or ground instability is deemed likely without an appropriate analysis of the risks involved. Infiltration of surface water to the ground is also not advised in areas sensitive for groundwater without an appropriate SuDS management train.

The LLFA would prefer brownfield sites that utilise below ground storage to discharge surface water at the greenfield rate. This is because underground storage is not considered to be acceptable by the LLFA as a Sustainable Drainage System to dispose of surface water. The aims of SuDS are to improve water quality, amenity and biodiversity and underground storage does not achieve these aims.

HISTORICAL DATA:
The LLFA have undertaken a high level overview of their historical records of flooding across the county. This data has been collated from a range of sources, many of which are anecdotal, and are not aware of any records of significance within a close proximity to the site. You can obtain this information from the LLFA by logging an Environmental Information Regulations (EIR) request to flood.team@derbyshire.gov.uk.

FLUVIAL DATA (ORDINARY WATERCOURSE AND MAIN RIVER WHERE APPLICABLE):
The LLFA do not generally undertake or hold any data relating to modelling on specific ordinary watercourses. The applicant is advised to contact the Environment Agency that hold modelling data for Main Rivers and some ordinary watercourses. Due to the historic mining and mineral extraction operations in Derbyshire, networks of soughs, adits or old stone drainage channels, may exist beneath the ground surface in parts of the County (particularly North East Derbyshire District, High Peak Borough, Derbyshire Dales District and the Peak District National Park area). The applicant is therefore advised to investigate the potential for hidden watercourses existing on the land prior to any works being undertaken. You can obtain any information held by the Council on likely sough locations by logging an EIR request to flood.team@derbyshire.gov.uk. Any works in or nearby to an ordinary watercourse may require consent under the Land Drainage Act (1991) from the LLFA (e.g. an outfall that encroaches into the profile of the watercourse, etc) to make an application for any works please contact Flood.Team@derbyshire.gov.uk.

GROUNDWATER DATA:
Development located in areas where the water table is at a shallow depth below the ground surface may be susceptible to groundwater flooding; it may also exacerbate problems in close proximity to the side as well as potentially result in local land instability, geohazards and groundwater contamination.
Groundwater conditions are difficult to understand without completing a ground investigation. Further advice is available from the **Groundwater Guidance Notes** available online at [www.derbyshire.gov.uk/flooding/strategy](http://www.derbyshire.gov.uk/flooding/strategy).

**WATER FRAMEWORK DIRECTIVE/WATER ENVIRONMENT DATA:**
The LLFA support the Environment Agency in delivering their objectives of the Water Framework Directive for all water bodies to reach ‘good ecological status’. No activities or works, including the proposed development, should deteriorate the status of any nearby watercourse as the main objectives for the WFD is to prevent deterioration in ‘status’ for all waterbodies. The ecological health of any receiving watercourse can be protected by the implementation of a SuDS scheme with an appropriate number of treatment stages that are appropriately maintained.

The LLFA holds a suite of information that can inform site development across Derbyshire. The information within this document has been interpreted and provided by an officer from the Council's Flood Risk Management team.

Historical data has been collated from a range of sources and is anecdotal. The provision of this data is suggested to act as a guide only.

Fluvial data has been provided by the Environment Agency however the applicant is advised to contact them directly for further information should the site lie within the floodplain of a Main River.

The LLFA have modelled surface water flooding for the whole of Derbyshire. The model output gives an indication of the broad areas likely to be at risk of surface water flooding and is intended to act as a guide only and cannot be used to identify specific properties at risk.

Further information regarding the Water Framework Directive, ecology and biodiversity should be obtained from the Environment Agency and Natural England.

5. **Notwithstanding this permission any works to the existing building shall be in full accordance with the requirements of The Wildlife and Countryside Act 1981 in relation to protected species.**

6. **This decision notice relates to the following documents:**
   - Proposed indicative plan received 13.07.17
   - Location plan received 13.07.17
   - Design and access statement received 13.07.17
<table>
<thead>
<tr>
<th>APPLICATION NUMBER</th>
<th>17/00504/FUL</th>
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<tr>
<td>SITE ADDRESS:</td>
<td>Land Adjacent To Rock Cottage, St Johns Road, Matlock Bath</td>
</tr>
<tr>
<td>DESCRIPTION OF DEVELOPMENT</td>
<td>Erection of dwelling</td>
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<tr>
<td>CASE OFFICER</td>
<td>H Frith</td>
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<td>APPLICANT</td>
<td>L Halloran</td>
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<td>PARISH/TOWN</td>
<td>Matlock Bath</td>
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<tr>
<td>AGENT</td>
<td>Mr M Stott</td>
</tr>
<tr>
<td>WARD MEMBER(S)</td>
<td>Cllr J Pawley and Cllr G Purdy</td>
</tr>
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<td>DETERMINATION TARGET</td>
<td>24.08.17</td>
</tr>
<tr>
<td>REASON FOR DETERMINATION BY COMMITTEE</td>
<td>Due to local objection</td>
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<tr>
<td>REASON FOR SITE VISIT (IF APPLICABLE)</td>
<td>For Members to appreciate the site and context and the impacts to heritage assets arising from the proposal.</td>
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</table>

**MATERIAL PLANNING ISSUES**

- Principle of development
- Impact upon heritage assets
- Highway safety

**RECOMMENDATION**

Refusal
Land Adj. Rock Cottage, Matlock Bath

Derbyshire Dales DC

Date: 29/09/2017

100019785

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Derbyshire Dales District Council,
Town Hall, Bank Road, Matlock, Derbyshire DE4 3NN.
Telephone: (01629) 761100,
website: www.derbyshiredales.gov.uk
1.0 THE SITE AND SURROUNDINGS
1.1 The application site is a steep parcel of land situated between Dale Road which is lower lying along the valley floor and St Johns Road which slopes steeply in a westerly direction. The site is wooded and is retained to the north by a boundary wall which is continuous along St Johns Road. The site is within the Matlock Dale Conservation Area. To the north of the site are the grade II listed buildings Rock House and The Rocks and to the west is the grade II* listed 138 Dale Road. Immediately adjacent to the site is the Masson Hill SSSI.

2.0 DETAILS OF THE APPLICATION
2.1 Planning permission is sought to erect a detached dwelling of contemporary design on the site accessed via St Johns Road. The design of the dwelling seeks to integrate the development into the wooded hillside. The dwelling is to be constructed on stilts with external decking, balcony features and roof top level for parking and access into the dwelling which lies below the access level.

2.2 The dwelling would be two storey accommodation comprising kitchen/dining room, sitting room, utility, shower, cinema, guest bed, en-suite and external decking on the ground floor and master bed with dressing room and en-suite, bed 2 with shower, further shower, plant room, bed 3, gallery and external decking to the first floor and above this at the level of St Johns Road access would be to the upper level of the building as a platform with parking and green roof garden area with glazed access structure.

2.3 The applicant’s agent has submitted a supporting statement of which the following pertinent points are summarised:

The site is overgrown with weeds and self-seeded multi-stemmed saplings. We have adopted an unusual design approach. The building would have a very limited physical presence above the road and access level. The stone boundary wall would be removed where it projects above the road sufficient for visibility splays, the edges of the wall would be finished with gateposts. The parking deck would be supported on a steel frame.
The accommodation would be constructed below the street level deck, supported by a steel frame with limited column short bored pile bases touching the ground. The design is contemporary with extensive glazing and some rainscreen cladding. The framed structure and gridded terraces would break up the facades of the house so it would be seen as a filigreed behind the trees. The proposal would preserve and arguably enhance the aspect to the south from the listed properties above. Additional tree planting is proposed with the frame having a symbiotic relationship with the new trees. There would be no impact on neighbouring resident’s amenity. The maximum height would be no higher than the adjacent buildings along the streetscape. The build takes the form of a contemporary intervention as opposed to a pastiche. A package treatment plant is proposed. Prior to any site clearance an ecology survey would be provided with mitigation measures as necessary.

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
   TR1: Access Requirements And The Impact Of New Development
   TR8: Parking Requirements For New Development

3.2 Other:
   Matlock Dale Conservation Area Appraisal dating from 1977
   National Planning Policy Framework
   National Planning Practice Guidance
   Deposit Draft Local Plan -
      Policy S3: Settlement Hierarchy.
      The site is within the settlement framework boundary of Matlock which is a first tier settlement

4.0 RELEVANT PLANNING HISTORY:
   WED/0994/0634/C Erection of dwelling (outline) refused – Appeal dismissed
   WED/1189/0973/C 2 houses with garages (outline) refused – appeal dismissed.

5.0 CONSULTATION RESPONSES
Parish Council
5.1 Object, the design is not at all in keeping with neighbouring properties and buildings as well as being in a Conservation Area with over 50 listed buildings.

Derbyshire County Council (Highways)
5.2 Concerns raised initially regarding the exit visibility sightlines for which further details were requested. Advice that the applicant must ensure that the structural integrity of the public highway is not compromised by the proposed works; details to clarify the engineering works would be required via condition.
Following the submission of amended plans providing the additional information required by the Local Highway Authority advised that there are no highway safety issues that would justify a reason for refusal that could be substantiated at appeal and recommended conditions.

Conservation Advisory Forum

5.3 The Forum noted the planning history of this site and the advice provided by the Authority in 2016 and endorsed the advice provided in that letter. The Forum scrutinized the proposed design for this site. In general terms, they considered it to be alien in character and in that regard would significantly harm the character and appearance of the Conservation Area. Furthermore, the forum were of the opinion that the proposal appeared not specific to this site and the design was difficult to ‘read’ with regard to how it would fit in or be assimilated to this specific site. In essence, the forum felt that such a design could have been designed for any location. Considered that the crafting and sensitivity to context and proposed materials was lacking. They considered that the scale was excessive and the overall design was unconvincing for this site and context. The forum felt the design of the building resembled a corporate headquarters rather than a residential dwelling. Concluded that the proposed design was disparate and broken-up by surface treatment and numerous materials/details rather than 3D massing. The forum considered that the proposal would significantly harm the special character and appearance of the Conservation Area and would not preserve or enhance the area. It was noted that were the principle of development of this site acceptable, then that development would need to be of exemplary design, form and materials specifically designed for this particular site, context and area. As stated above, the proposal as submitted, in the opinion of the forum, fails in this regard.

Natural England

5.4 No objection

Historic England

5.5 We suggest you seek the views of your specialist conservation and archaeological advisors as such it is not necessary for us to be consulted on the application again.

Design and Conservation Officer (Derbyshire Dales)

5.6 The site is an open parcel of sloping land located within the Buffer Zone of the World Heritage Site and within the Matlock Dale Conservation Area. Whilst there is a run of planting to the land south-east of the site (in separate ownership) adjacent to the A6 these cannot be considered as a permanent element or screen.

The land has remained an open space/area since development began in Matlock Dale. The proposal is to construct a residential dwelling house on this site. To the north of the site is The Rocks & Rock House (grade II) and to the south-west of the site is Dale Cottage (grade II*). With regard to the principle of erecting a residential dwelling on this site there is a planning history relating to this. Applications in 1989 and 1994 were both refused and both dismissed on appeal. Advice by the Local Planning Authority in August 2016, relating to the issue of the principle of erecting a dwelling house on this site remains pertinent. This advice was as follows. The Planning Inspector’s concerns (which the Authority also held, and continues to hold) over the potential impact(s) of development on this site, in terms of the character and appearance of the Conservation Area, are identified and recognised in the Inspectorate’s appeal decisions. Whilst a period of twenty years has elapsed since the last appeal dismissal, policies, local and national, have not changed or altered in any significant way which would now allow the principle of development of this site and the potential harm of such development on the special character and appearance
of the Conservation Area/Buffer Zone of the WHS. There is also a valid and pertinent concern relating to the potential impact of proposed development on this site in terms of the setting of the listed buildings in the vicinity.

In light of the planning history of this site the principle of development is a key and fundamental consideration and the following comments are re-iterated.

- The site has always been un-developed and presents itself, therefore, as an open space or gap between historic developments on this side of the Dale.
- The site is steeply sloping, being characteristic of the valley side and its northern edge is bounded by a continuous limestone wall immediately adjacent to the roadway. This wall is a distinctive and important feature, not only in its intact and solid linearity bounding the edge of the roadway but in its retaining character which is in excess of several metres in places. Such walls and structures are a distinctive part of the Conservation Area.
- The overriding character of this part of the Conservation Area are the detached villas and groups of dwellings laid out in a picturesque manner providing and presenting a spacious and woodland setting. In essence, therefore, it is considered that the existing gaps between buildings and the parcels of open or wooded land on this hillside individually and cumulatively contribute to its significance and, thereby, to its special character and appearance. They are also an integral part of that character and appearance.
- Intrinsic to this setting and its character is the traditional architecture of the buildings which assist in binding the existing development to its context and displaying a prevailing and collective character.

It is the principle of development on this site, and its potential impacts, which have resulted in two dismissed appeals. It is considered that development of the site would neither preserve nor enhance the special character and appearance of the Conservation Area. Furthermore, it is considered that development of this site will lead to harm to the significance of the Conservation Area which is not outweighed by any public benefit.

The Council’s Conservation Advisory Forum has considered the proposal in detail and has made a number of valid and pertinent comments. These comments are shared and endorsed.

Development Control Archaeologist

5.7 The location does not suggest the potential for the survival of archaeological site features and as such we have no further comment to make.

6.0 REPRESENTATIONS RECEIVED

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

St Johns Road has a dangerous access and is at the right side of the junction with Common Wood with cars coming up the incline with restricted visibility.
There would be conflict with the difficult driveway of the property opposite the site access.
Pedestrian injuries have already occurred in this area, the potential for this would increase.
There is no footpath.
At the point of the site access parking space would be lost, there are already parking difficulties in the area.
Common Wood already requires resurfacing without the proposed construction vehicles.
Construction traffic would block the area and limit visibility causing highway safety problems. There is already restricted access for emergency vehicles, this would be made worse. There is nowhere for large vehicles to turn due to the narrow nature of the site. This is the wrong design for this conservation area. The land should be left alone in view of the SSSI. We have heritage to protect which is inextricably linked to the local economy which is under threat. The junction from St Johns Road to the A6 is dangerous, additional traffic will make it worse. Pollution in the confines of this valley does not need adding to with more residents vehicles. The habitat of the site would be lost. This would be an eyesore amongst properties of architectural and historic value. We live in a neighbouring listed building and have had many restrictions imposed on us and are surprised at this application for a modern dwelling. The adjacent site is a SSSI and should not be affected. The road is impassable in the winter. Until trees grow sufficiently the building would be obtrusive and will spoil the area. How will a large metal structure suspending three vehicles blend into the environment. This will spoil beautiful historic views. The proposal should reflect on the detailed Conservation Area Appraisal from 2006 relating to Matlock Bath. The building form and materials are completely at odds with the character and appearance of the area. Access in and out of the new entrance would be hazardous. The practicality of construction on this site causes concern. There is no tree plan, would existing trees be lost? How would the package treatment plant work?

7.0 OFFICER APPRAISAL

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
- Impact upon heritage assets
- Highway safety

Principle of development

7.1 The application site is located within the settlement framework boundary for Matlock as defined in the Adopted Derbyshire Dales Local Plan and in the emerging local plan. As such the site is considered to be in a location that is sustainable and therefore in principle is locationally suitable for residential development.

7.2 However there are a number of heritage assets relating to this site, therefore despite the sustainability of the location the impact of the development upon these heritage assets require careful consideration.

The impact of the following shall be assessed:
a. Impact on the setting of the listed buildings
b. Impact on the character and appearance of the Conservation Area
Impact upon heritage assets

7.3 The site is within an extremely sensitive location, it is adjacent to the grade II listed building, Rock House and The Rocks and the grade II* listed building 138 Dale Road and therefore the impact on the setting of these listed buildings has to be considered. The site is within the Matlock Dale Conservation Area therefore the impact of development upon the character and appearance of the Conservation Area requires consideration.

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 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.

7.7 Government guidance set out in NPPF which advises on this need to preserve or enhance a heritage asset and states in Paragraphs 132, 133 and 134 that:

When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration and 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......Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh the harm or loss......Where a development will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

7.8 a. Setting of the Listed Building
The application site forms an integral part of the layout of the area in close proximity to the listed buildings. Within Matlock Dale the steep inclines are characterised by historic properties generally of stone or render finish both listed and unlisted, sitting within larger gardens, sporadically laid out between wooded or open areas. These spaces between buildings are intrinsic to the prevailing character of the area. Due to the topography of the area the application site is prominently located and any development on the site will be clearly visible and prominent in close and wide views of the grade II and Grade II* listed buildings. Any building within such a prominent and unaltered setting to these listed buildings would have an adverse impact upon significance of those listed buildings through harm to their setting.

7.9 The proposed dwelling has been designed with a contemporary approach with a stilted metal frame inserted into the hillside with large areas of decking and metal balustrading. The upper level of the proposed dwelling in line with the level of St John's Road would be an area for parking and proposes a glazed box structure as the access stairwell. The property in this form and with prominent elements at a visually elevated floor level is wholly
at odds with the existing architecture of the Dale where there is a prevailing pattern of historic cottages and ornate larger cottages of the late 18th and early 19th centuries. As such the proposed design, form and layout of the dwelling results in a wholly incongruous form of architecture would lead to harm at the higher end of less than substantial harm to the significance of the listed buildings through harm to their setting. As such the proposal is contrary to Policy NBE16 of the Adopted Derbyshire Dales Local Plan and guidance contained within the NPPF.

7.10 b. Impact on the character and appearance of the Conservation Area

The Conservation Area Appraisal of 1977 notes the exceptional nature of the topography which provides a dramatic setting for cottages, villas and prominent buildings. It also advises that the buildings are linked by the limestone rubble walls of the hillside. It is also noted that the importance of Matlock Dale from a historical point of view lies primarily in the buildings and landscaped grounds which come about as a consequence of the romantic movement of the late 18th and early 19th centuries. It is the dramatic natural landscape that lead to the area being chosen for development during that time and above all it is the beauty of the natural landscape that is responsible for the areas reputation. The harm explained in part a. above would due to the harm to the prevailing character through the loss of this open parcel of land, which is integral to the history and character of the area, also harm the character and appearance of the wider Matlock Dale Conservation Area.

7.11 Harm is also caused by the wholly incongruous form of architecture positioned on a prominent incline. The proposed design which is of a metal frame with and dominating decking and balustrading, prominent structural glazed access and parking area situated at a visually elevated floor level is wholly at odds with the existing architecture of the Dale contrary to the prevailing character. The development would also lead to the partial loss of an historic and continuous limestone boundary wall where such landscape features are intrinsic to the character and appearance of the Conservation Area. The harm identified to the significance of the Conservation Area as a heritage asset is less than substantial harm that is not outweighed by any public benefit. The proposal is therefore considered contrary to Policy NBE21 of the Adopted Derbyshire Dales Local Plan and guidance contained within paragraph 134 of the NPPF.

7.12 It is recognised that the site is currently well screened by self-set trees, the proposal will likely result in harm or loss to some of those trees. Despite the existence of the trees which partially screen the development, the impact upon heritage assets must be considered in the long term. From photographic evidence it is clear that this site and the adjacent land were relatively open with minimal tree screening in the 1990’s, thus demonstrating the transient nature of such planting. As such the existence of tree planting should not be considered as a long term justification for development which is inherently harmful.

Highway safety

7.13 Concern has been raised by local residents regarding highway safety, including; the junction at St Johns Road, the junction to Common Wood, the conflict with the driveway opposite, adverse impact on parking and the impact of construction vehicles blocking and reducing visibility along the road. It is acknowledge that St Johns Road is steep and narrow without pedestrian footways. However, the Local Highway Authority have considered the proposal and subject to detailed conditions relating to visibility sightlines, parking, gates, bin storage construction works and the stability of the highway, no objection to the proposal has been raised. As such the proposal is considered to be
acceptable in accordance with policies Tr1 and TR8 of the Adopted Derbyshire Dales Local Plan and paragraph 32 of the National Planning Policy Framework.

Other matters

7.14 Whilst it is acknowledged that the adjacent land is within a SSSI, Natural England who have been consulted on the proposal have raised no objection to the application. In terms of land drainage, whilst the site is steep it is not considered impossible to create an acceptable scheme for the drainage of the site.

Conclusion

7.15 The development of this open site, which due to the topography of the landscape is prominent within the setting of the adjacent listed buildings, would result in harm to the significance of these listed buildings though harm to their setting, without any public benefit to outweigh that harm.

7.16 The design, form and layout of the proposed dwelling being of a metal frame with dominating decked areas and balustrading, elevated glazed access and parking area is wholly at odds with the prevailing character of the buildings in the area which is typified by a prevailing pattern of historic cottages and ornate larger cottages of the late 18\textsuperscript{th} and early 19\textsuperscript{th} centuries. This incongruous dwelling would be prominently sited within the setting of the listed buildings causing harm to the significance of the listed buildings through harm to their setting. This harm is considered to be at the higher end of less than substantial harm, again without a public benefit to outweigh the harm.

7.17 The open areas and spaces between the buildings within Matlock Dale play an important role in the landscape and are an intrinsic and unchanged component of the historic character and appearance of the Conservation Area. The introduction of development on this prominent sloping site would lead to the loss of an open area of land harmful to the significance of the Conservation Area through harm to character and appearance. The partial loss of the continuous limestone boundary wall which is an integral landscape feature of the Conservation Area would likewise be less than substantial harm to the significance of the Conservation Area.

7.18 Furthermore the incongruous design, form and layout of the proposed dwelling as identified above, which would be prominently sited on raised ground would harm to the significance of the Conservation Area through harm to its prevailing character and appearance.

7.19 It is considered that the proposed development causing harm to the significance of heritage assets would be contrary to policies SF1, SF5, H9, NBE16 and NBE21 of the Adopted Derbyshire Dales Local Plan and guidance contained within the National Planning Policy Framework, in particular paragraph 134.

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

1. The open areas and spaces between the buildings within Matlock Dale play an important role in the landscape and are an intrinsic and unchanged component of the historic character and appearance of the Conservation Area. The introduction of development on this prominent sloping site along with the partial loss of the boundary wall, would lead to the loss of an open area of land, harmful to the significance of the of the Conservation Area through harm to its character and appearance and harm to the significance of the
adjacent listed buildings through harm to their setting, there is no perceivable benefit to outweigh the less than substantial harm identified. As such the proposal is contrary to Policies SF1, SF5, H9, NBE16 and NBE21 of the Adopted Derbyshire Dales Local Plan and guidance contained within the National Planning Policy Framework.

2. The incongruous design, form and layout of the proposed dwelling with elevated parking area, prominently sited on sloping land is harmful to the character and appearance of the Conservation Area and the setting of the adjacent grade II and grade II* listed buildings. This less than substantial harm to the significance of these heritage assets is not outweighed by any perceivable public benefit. As such the proposal is contrary to Policies SF1, SF5, H9, NBE16 and NBE21 of the Adopted Derbyshire Dales Local Plan and guidance contained within the National Planning Policy Framework.

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

This decision notice relates to the following documents:
Design and access statement received 30.06.17
Elevations with no trees 1703/03 received 30.06.17
Levels plan received 30.06.17
Highways visibility 1703/08 received 08.08.17
Coloured elevations to indicate materials 1703/07 received 30.06.17
Elevations with indicative trees 1703/02 received 30.06.17
Floor plan, block plan and location plan 1703/01C received 30.06.17
Simplified elevations no landscape 1703/06 received 30.06.17
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<td>SITE ADDRESS:</td>
<td>Land Adjacent to Alabaster Lane, Cromford</td>
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<td>DESCRIPTION OF DEVELOPMENT</td>
<td>Erection of Dwelling</td>
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<td>CASE OFFICER</td>
<td>Mr. G. A. Griffiths</td>
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<td>APPLICANT</td>
<td>Mr. and Mrs. Coult</td>
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<td>ADDC Architects</td>
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<td>WARD MEMBERS</td>
<td>Cllr. Mrs J. Pawley, Cllr. G Purdy</td>
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<td>DETERMINATION TARGET</td>
<td>17th August 2017</td>
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<td>REASON FOR DETERMINATION BY COMMITTEE</td>
<td>Requested by Ward Members given design, greenfield site, impact on slow worm, highway issues and outside settlement boundary</td>
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<td>REASON FOR SITE VISIT (IF APPLICABLE)</td>
<td>To assess the proposed development of the site in its context</td>
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**MATERIAL PLANNING ISSUES**

- Principle of the development
- Impact on the Character and Appearance of the Derwent Valley Mills World Heritage Site and Cromford Conservation Area
- Highway safety
- Impact on trees
- Impact on wildlife
- Impact on neighbours’ amenity

**RECOMMENDATION**

Approval
17/00450/FUL

Land Adj. Alabaster Lane, Cromford

Derbyshire Dales DC

Date: 29/09/2017

100019785

1:1,250

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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 an area of open land of approximately 800sqm in area set to the north west of Alabaster Lane. The site area is largely overgrown but there is evidence of two small cottages having previously been on the site.

1.2 The site is bounded by a drystone wall and public footpath to the south and the rear gardens of dwellinghouses beyond that. To the west, the site overlooks an area of open space which slopes downwards in a northerly direction. To the north, on the sloping land, is a wooded area. To the east are dwellinghouses and part of the domestic curtilage to 10 Alabaster Lane is included within the application site.

1.3 The site is immediately adjacent to the Settlement Framework boundary for Cromford and within the Derwent Valley Mills World Heritage Site and the Cromford Conservation Area.

2. DETAILS OF THE APPLICATION

2.1 Full planning permission is sought for a dwellinghouse on the site. The dwellinghouse is proposed to be a two storey building, with a single storey projection off this. The main part of the dwellinghouse is proposed to measure 10m wide by 5.7m deep and 7.8m in height. It is proposed to be constructed with stone cladding, with largely glazing to the north elevation, with a standing seam metal roof. It is proposed to contain two bedrooms (one ensuite) and a cloak room with stairs lead to two bedroomed (one ensuite) and a bathroom on the first floor.

2.2 A single storey projection is proposed at 90° off the east side of the two storey element measuring 12.2m wide by 6.3m deep 4.5m in height. This is proposed to be constructed with large areas of glazing to the north and south elevation and a standing seam metal roof with rooflights to the north side and photovoltaic panels to the south side of the roof. This would link onto a single storey garage measuring 6.2m wide by 5.5m deep and 5.1m high, constructed in stone facings with a standing seam metal roof. The garage door is proposed to be dark grey in colour.
2.3 The boundaries to the property are proposed to be stone walls, post and rail fences and hedges. The car parking/manoeuvring area is proposed to be surfaced with tarmac. To the north and west, the site is proposed to have a garden, with a timber decked area set into the slope of the site.

2.4 The applicant has submitted a Planning Statement. The applicant refers to a previous scheme to provide a dwellinghouse on the site. This was refused for the following reasons:

1. The proposal represents an unsatisfactory form of development, the site having no road frontage and being poorly related to the existing pattern of development.

2. The Local Planning Authority is not satisfied, on the basis of the information submitted that a new dwelling situated on this prominent site would enhance the character and appearance of the Conservation Area.

3. The formation of a vehicular access to the site would harm the rural character of the lane alongside the application site to the further detriment of the appearance of this part of the Conservation Area.

4. Approval of the proposal would intensify the use of Alabaster Lane which is a lengthy cul-de-sac which lacks formal turning facilities and has a substandard junction with Cromford Hill. As a consequence this would lead to additional hazards to and interference with the free and safe flow of traffic.

2.5 The applicant considers Reasons 1, 3 and 4 for refusal of that scheme have been addressed as the proposals detail improvements to the access and parking configuration. With regard to Reason 2, the applicant considers that this has been addressed as the proposed dwellinghouse would have a relatively low roofline with gable form and the materials and forms would help to create a design sensitive to the Conservation Area.

2.6 The applicant also refers to the District Council’s inability to provide a five year housing land supply to meet its objectively assessed need and that the Adopted Derbyshire Dales Local Plan (2005) is considered out of date and that the National Planning Policy Framework (NPPF) has assumed greater importance in local planning decision since its introduction in March 2014. The applicant has also set out a series of parameters as to why the site would be a sustainable location for development which include:

- the site is previously developed land
- it is well related and adjacent to a the existing pattern of development
- the site location has low visual impact due to topography and surroundings
- the site is accessible to public highway and services
- the design and materials will respect the Conservation Area
- the site has previously been developed for residential use
- there would be no negative impact on the heritage environment
- there would be no loss of biodiversity
- there would be no flood risk
- the site is in close proximity to employment, shops, services, public transport and sports and recreation facilities.

2.7 The applicant has also submitted an arboricultural report with regard to the proximity of the wooded area to the north of the site and an ecology report which makes an assessment of the site for slow worms.
3. PLANNING POLICY AND LEGISLATIVE FRAMEWORK

3.1 Adopted Derbyshire Dales Local Plan (2005)
- SF4 Development in the Countryside
- H4 Housing Development outside Settlement Framework Boundaries
- 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
- NBE21 Development Affecting a Conservation Area
- NBE25 Derwent Valley Mills World Heritage Site
- TR1 Access Requirements and the Impact of New Development
- TR8 Parking Requirements for New Development

3.2 Deposit Draft Derbyshire Dales Local Plan
- S2 Sustainable Development Principles
- S3 Settlement Hierarchy
- S5 Development in the Countryside
- HC1 Location of Housing Development
- HC3 Self-build Housing Provision

3.3 National Planning Policy Framework

3.4 National Planning Practice Guidance

3.5 Cromford Conservation Area Appraisal

3.6 Derwent Valley Mills World Heritage Site Management Plan

4. RELEVANT PLANNING HISTORY
- 16/00191/FUL Erection of dwelling – Withdrawn
- 15/00273/FUL Erection of dwelling – Refused
- 14/00629/FUL Erection of dwelling – Withdrawn
- WED/0590/0383/C Dwelling and garage (Outline) – Refused
- WED/1080/675/CA Erection of bungalow (Outline) - Refused

5. CONSULTATION RESPONSES

Parish Council
- object as within the DVMWHS buffer zone and Conservation Area and building is not in keeping with the area

Local Highway Authority (Derbyshire County Council)
- comments on initial submission
  - difficult to assess whether the proposed parking and turning is appropriate to conform to current design criteria
  - on site turning is recommended given the location and the distance from the public highway to enable vehicles to enter and exit the site and Alabaster Lane in a forward gear
  - whilst there would appear to be adequate on-site parking provision the area available for turning has been reduced in size
  - consider that an area of at least 9m x 9m or other such turning facility, as demonstrated by means of swept paths should be identified on revised drawings and clear of all parking provision, would be appropriate
- applicant will need to consult with the relevant refuse collection department to ascertain details of what will be acceptable to them in terms of number and location of bins
- bin storage should not obstruct the private drive access, parking or turning provision and a dwell area for bins should be provided, clear of the public highway, for use on refuse collection days
- subject to the applicant providing revised drawings suitably resolving the above matters there would be no further highway objections and, if minded to approve, would ask that all previously recommended conditions and notes are included in any consent granted.

5.3 Policy and Monitoring (Derbyshire County Council)
- no obligations requested

Derwent Valley Mills World Heritage Site (DWMWHS) Panel
5.4 - comments were provided by the World Heritage Site Partnership in January 2017 in which the sensitivities of the site were well versed
- proposed development was supported in principle although further information was requested to clarify its potential visual impact on views from within and around the WHS
- the Heritage Impact Statement (HIS) includes a visual impact assessment which demonstrates that the proposed development should, in majority, not be visible from within or around the WHS
- should any part of the development be visible, it is considered that its impact should be mitigated as it is of a sensitive design that respects the local context this aspect has been carefully articulated through the Design and Access Statement and HIS
- should permission be granted for the proposed development, it is important that the landscape design is suitably conditioned to ensure that this is followed through to the best possible standard
- construction detailing of the development will also need to be of the highest possible standard and this will also need to be suitably conditioned by the planning authority
- the loss of the derelict cottages will have a very small negative impact on the WHS - information submitted with the application clearly shows that these have lost most of their historic value but important to try and understand these and they should be recorded and interpreted as best as possible before any work on site commences
- no objection to the proposed development as it is of a suitably high standard which is considered to be in accordance with the DVMWHS Management Plan – on this basis, consider the development will have either no or a very negligible negative impact on the outstanding universal value (OUV) of the DVMWHS.

Conservation Advisory Forum
5.5 - comments on the initial scheme submitted with this application
- confirmed views discussed and recorded at the meeting in January 2017 relating to the current proposal
- considered following comment remained particularly pertinent – “CAF were unanimous in that the success of such a modern, contemporary, house on this important site would be entirely reliant on its attention to materials, detailing, abutments, verges, windows, doors etc. The submitted images appeared to indicate that attention to detail and if this can be fully realised in any new building on this site then this would be deemed acceptable”.  
- regretted the lack of building details provided and that the design, constructional detailing and materials would be crucial
- drawings are diagrammatic and unable to realise or foresee the final product in this regard
- contemporary building design would need to look good over the long-term and that would be entirely reliant on its building design details and construction
considered that there were a number of details which should be, ideally, considered prior to determination – the structure and construction of the ‘pavilions’; the detail of the metal cladding to the pavilion roofs; flat edge/face detail; and the returns and soffits; the large glazed wall to the 2-storey section and depth of recess of the glass; the ‘secret’ gutter detail; the proposed type of metal panels and their proposed jointing method; abutments and edge detailing; the ‘frameless’ glazed element; the type of glass to be used (as this is an extensive part of the elevations/design); and the stone type, method of finish and laying to the 2-storey section - this is not an exhaustive list but reveals that these details, and others, will be fundamental to the success of such a contemporary design in this important and sensitive location.

- noted an odd disparity in the proposals for powder-coated aluminium windows/doors and in part the use of upvc windows/doors - considered the former more appropriate to this building
- noted that the proposed fully glazed wall to the 2-storey section appeared to only serve bedrooms and a staircase - considered to be a missed opportunity in the internal planning of the house and in that regard gave the fully glazed wall little relevance.

Natural England
5.6 - refer to standing advice.

Derbyshire Wildlife Trust
5.7 - mitigation statement provides sufficient information for the protection of slow worms - recommend a condition that the works are carried out in accordance with the mitigation statement.

Peak and Northern Footpaths Society
5.8 - no objection provided the full width of Cromford Footpath 30 remains open and unobstructed at all times.

Derbyshire Dales Group of Ramblers
5.9 - no objection provided Cromford Footpath 30 is not affected in any way without prior permission of DCC Public Rights of Way Department.

6. REPRESENTATIONS RECEIVED

6.1 Two letters of representation have been received. A summary of the representations is outlined below:
- refer to Supreme Court verdict which takes a liberal interpretation of policies relevant to the supply of housing and, therefore, settlement framework boundaries remain up to date
- determinations must be made in accordance with the Development Plan unless material considerations dictate otherwise
- contrary to Policy H4 as outside of settlement framework boundary
- development on greenfield land within a conservation area and DVMWHS, adjacent to Via Gellia SSSI and Peak District Dales SAC – impacts will significantly outweigh the benefits when applying Paragraph 14 of the NPPF and footnote 9 where a presumption in favour of sustainable development does not apply
- annex 2 of the NPPF states that ‘previously developed land excludes that which was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape in the process of time
- significant impact on the public right of way, boundary tree loss and enlarged access would have a visual and urbanising impact on the conservation area
- drawings are unclear and do not show how the dwelling fits into the wider context
- not a brownfield site as former cottages were demolished 60 years ago and the land has become a well-established green space
- application refers to planning policy dating back to 1990
6.2 Two petitions from the residents of eleven dwellinghouses of Alabaster Lane/The Newlands which are summarised as follows:
- have daily parking and passing problems
- any wide vehicles have to reverse into privately owned car park
- more than 32 cars owned by the residents
- always difficulty using the lane and would be made worse when building the house
- cars parked in the lane cause problems for refuse lorries and other wide vehicles
- surface of the lane is degenerating and extra traffic would make this worse
- have asked for a speed limit to be implemented as there are quite a few children and elderly people living here.

7. OFFICER APPRAISAL
Introduction – Policy
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 Notwithstanding the applicants’ assertion, the District Council considers it 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 Council’s 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. However, at this point the emerging Local Plan cannot be given full weight.

7.3 Housing policies contained within the Adopted Derbyshire Dales Local Plan (2005) did not envisage new housing development beyond the plan period and is based on outdated housing needs information. The site is not located within the Settlement Framework boundary as defined by the Adopted Derbyshire Dales Local Plan (2005) and regard should be given to Policy SF4 of the Adopted Local Plan which restricts residential development outside of Settlement Framework boundaries to protect the countryside. In addition, the site is not incorporated in the settlement boundary for Cromford in the Deposit Draft Local Plan.

7.4 As such, the housing policies in the Adopted Local Plan are considered to be 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 NPPF. However, where this relates to particularly sensitive constraints, such as heritage assets, Footnote 9 to Paragraph 14 applies.

7.5 In such circumstances, no weighting of the planning balance applies. Indeed, where impacts on the significance of heritage assets are engaged (paragraphs 132 – 134 of the NPPF), great weight should be given to the asset’s conservation, being the Conservation Area and Derwent Valley Mills World Heritage Site, in the assessment of the scheme and this should be fed into the planning balance.

7.6 The National Planning Policy Framework (NPPF) advises that there is a presumption in favour of sustainable development and Paragraph 11 states that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise. It advises that proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused, unless other material considerations indicate otherwise. The Development Plan includes the Adopted Derbyshire Dales Local Plan (2005).
7.7 Paragraph 49 of the NPPF states that housing applications should be considered in the context of sustainable development and that relevant policies for the supply of housing should not be considered up-to-date if the Local Planning Authority cannot demonstrate a five-year supply of deliverable housing sites. This was the basis for the consideration of the previous planning applications submitted for this site since 2014. However, in recent times, the District Council has been able to demonstrate such a supply of housing land through the Examination in Public of the Draft Deposit Local Plan; this occurred at a similar time to which this current planning application was submitted.

7.8 There are several Local Plan Policies that remain consistent with the NPPF. In considering the site’s development potential, regard has to be given to Policies SF5 and H9 of the Adopted Local Plan (2005) with regard to the character and appearance of the development. This is particularly important in the context of Policies NBE21 and NBE25. Policy NBE21 is important to the proposal as it portrays what development is acceptable in a Conservation Area and the policy states that development will only be granted provided it will preserve or enhance the character or appearance of the area. Policy NBE25 states that planning permission for development within the Derwent Valley Mills World Heritage Site (DVMWHS) will only be granted where it does not have an adverse impact upon its character and appearance.

7.9 The site is such that there may be protected species and, as such, regard has to be given to the protection of such species in compliance with Policy NBE5. The site is abutted to the north by woodland and therefore Policy NBE6 will have to be considered. This advises that planning permission will only be granted for development likely to have direct or indirect adverse impact upon trees and woodlands if it can be demonstrated that the justification for the development outweighs their importance for nature conservation or amenity value.

7.10 Policy TR1 in Adopted Local Plan states that development requiring to be served by vehicles should be accessible to a road network of adequate standard to accommodate the anticipated traffic generated by the development safely and without detriment to the character of the road network. Policy TR8 relates to requirements to car parking provision and states that planning permission will only be granted for development where car parking is in accordance with the Council’s standards set out in the Adopted Local Plan.

7.11 The Adopted Local Plan is expected to be superceded by the emerging Local Plan in the near future. In this respect, Policies S2, S3, S5, HC1 and HC3 are considered to have some weight as they indicate a new policy direction of travel. However, whilst emerging Plan Policies can be given weight in the assessment of the application, they will not have full weight until adopted by the District Council.

7.12 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 the development
- Impact on the Character and Appearance of the Derwent Valley Mills World Heritage Site and Cromford Conservation Area
- Highway safety
- Impact on trees
- Impact on wildlife
- Impact on neighbours’ amenity

The matters detailed above are addressed as follows.
Principle of Development

7.13 The site is on the fringe of Cromford but outside of the settlement framework boundary and therefore residential development of this site is contrary to Policies SF4 and H4 of the Adopted Local Plan (2005), albeit Policy H4 is out of date and Policy SF4 has limited weight because of its variance from the NPPF. Cromford is also defined as a Tier 3 settlement in the Draft Deposit Local Plan. As such, it has a settlement boundary beyond which open market residential development is not supported. This again excludes the application site which sits just outside the boundary. The site, in its current form, would have to be classed as greenfield even though it was previously developed. Therefore, on the face of it, there is justification for resisting the development as it is not in accordance with the adopted and emerging Local Plans. However, this would not have full and proper regard to all the circumstances pertaining to this site.

7.14 There are clearly other factors which suggest a more positive consideration of this application. This is a settlement which, whilst deemed to possess a limited level of facilities, services and employment opportunities, nevertheless provides the best opportunities outside of the Tier 1 and 2 settlements for greater self-containment. Whilst now greenfield land, the site was nevertheless previously occupied by dwellings and the site sits visually contained adjacent to other residential properties. The site is reasonably close to shops, employment and services within the village and has reasonable access to public transport, such that it can be considered locationally sustainable. The development itself would provide for economic benefit with employment in the construction process and would assist with sustaining local services. In this respect, the proposed development would meet with the requirements for social and economic sustainability.

7.15 On a fine balance, taking all of the above into account, whilst the site lies outside of a settlement boundary, it is considered by virtue of its history and location to be a sustainable location for residential development which would not set an unwelcome precedent and would not undermine the emerging Local Plan. The application does, however, need to be considered in the context of the character and appearance of the landscape and its relationship to heritage assets and wildlife. The development of the site would also have the potential to impact on the amenity of nearby residents and highway safety and, therefore, these elements of social and environmental sustainability require consideration as set out below.

Impact on the Character and Appearance of the Derwent Valley Mills World Heritage Site (DVWWHS) and Cromford Conservation Area

7.16 In terms of size and scale, the building can be reasonably accommodated on the site. The applicant sought to justify the original submitted scheme but provided little justification for the design and appearance of the dwelling, how this is contextualised and how it embraces and responds to the character, appearance and setting of the Cromford Conservation Area and DVMWHS.

7.17 To the south and east of the site, the area is characterised by semi-detached, 20\textsuperscript{th} century dwellinghouses. However, to the north and west are the Cromford Conservation Area and DVMWHS, which have a fundamentally different character of largely traditional buildings. The proposed dwellinghouse, whilst separated from the more traditional buildings in terms of the area of open space and the woodland, and in its elevated position, will be visible from Water Lane/Via Gellia and read in the context of the DVMWHS and the Conservation Area. In this regard, it is considered that a building in such a prominent location should at least preserve and preferably contribute to the character and appearance of the area.

7.18 In this respect, the initial application proposal has been assessed and there were no objections raised in principle by the Conservation Advisory Forum or the DVMWHS Panel; much of the concern related to ensuring that the detailing of the dwellinghouse...
would be appropriate. However, Officers considered that the development could be improved, principally by simplifying the roofscape to the central, single storey element and the applicant has agreed to amend the proposal to address these concerns. This also has the benefit of incorporating south facing photovoltaic panels to improve the sustainability of the dwellinghouse which is a key aim advised by the applicant.

7.19 The scheme now presents a contemporary range of buildings which it is considered pay homage to and are reflective of the traditional forms of outbuildings found in the recessive locations at the rear of properties within the traditional parts of the village where it meets with the rural landscape. Whilst the north facing elevation of the two storey element of the building will present a large glazed feature, it is considered that this will provide interest to the viewer from below and will provide the occupier with a favourable aspect across Water Lane/Via Gellia.

7.20 However, much of the success of the development will be in the detailing and this will need to be addressed through conditions on any grant of planning permission. For example, the application documents detail upvc and metal frame windows; these will need to be coated metal. It will be also important to ensure that the future alterations to the dwellinghouse and further structures are controlled with the removal of permitted development rights. In this respect, the scheme as now proposed in its amended form is considered by Officers to be an acceptable design solution for the development/redevelopment of this and, having regard to the site’s residential history, is considered to preserve the character and appearance of the Conservation Area.

Highway Safety

7.21 Local residents have raised several concerns with regard to the impact that the proposed development will have on vehicle movements and activity on Alabaster Lane during and after the development has taken place. The Local Highway Authority raised initial, concerns with regard to the available manoeuvring space and size of the garage. This has been amended by the applicant and it is considered by Officers that two cars can now be parked and manoeuvred within the site as demonstrated by means of the swept paths identified on the amended site layout drawing.

7.22 The Local Highway Authority has advised that the applicant will need to consult with the relevant refuse collection department to ascertain details of what will be acceptable to them in terms of number and location of bins. It is also advised that bin storage should not obstruct the private drive access, parking or turning provision and a dwell area for bins should be provided, clear of the public highway, for use on refuse collection days. Given the above, it is considered that conditions previously requested by the Local Highway Authority can be attached to any grant of planning permission with respect to the provision of parking space, visibility splays and bin/refuse storage.

Impact on Trees

7.23 The wooded area to the north of the application site appears to be an area of self-set trees, predominantly of Ash and Sycamore that are naturally regenerating. Whilst these trees have limited amenity value from Alabaster Lane, they appear prominent against the skyline from Water Lane. Adjacent to the parking area for No 10 Alabaster Lane is a group of Sycamores and multi-stemmed Ash trees leaning out over the drive. At roughly the mid-point of the site an Ash tree significantly overhangs from the woodland.

7.24 There are three mature Ash trees in all, and many smaller, self-set young Ash trees on the bank below. At the top of the bank is a line of Hawthorn trees formed from an overgrown hedge. The better of the three Ash trees is the nearest to the proposed development. Whilst it would be possible to construct the dwelling outside the required Root Protection Area, the proposed development would probably require the removal of the four lower branches on the southern side of the tree.
Since the trees are situated within the Cromford Conservation Area, 6 weeks’ notice would be required prior to carrying out any works to the trees. Some of the works would also require the permission of the woodland’s owner. In addition, it is considered reasonable, in the event that planning permission is granted, that details should be submitted of any proposed changes of levels to avoid excavated material being tipped on the root plates of retained trees.

Impact on Wildlife

Derbyshire Wildlife Trust has assessed the submitted ecology mitigation statement and has advised that the proposals are acceptable subject to the development being carried out having regard to the statement.

Impact on Neighbour’s Amenity

There are residential properties along Hawthorn Drive and at 10 Alabaster Lane that are close to, and overlook, the site. However, given the orientation of the building it is considered that reasonable separation distances are achieved to not impact significantly upon the light, outlook and privacy of the neighbours to an extent that would reasonably justify refusal. The revised roofscape to the south facing central element also reduces the level of outlook towards properties on Hawthorn Drive that would have occurred with the twin gable detail that was initially proposed with this application for this section of the building.

Conclusion

This application is finely balanced. If it is to be determined purely on the location of the settlement framework boundary, it could be justifiably refused. However, this would, it is considered, fail to have proper regard to the site’s characteristics and underlying sustainability. To this end, it is considered that the site, whilst outside of the settlement boundary, is on the edge of a village which does have reasonable facilities and, due to its historic villagescape and landscape, otherwise presents limited opportunities for future residential development; this is one such opportunity. Whilst the site has now reverted to a greenfield site, there were dwellings historically on the site and the applicant has, over quite a protracted period, now presented a development that it is considered will preserve the character and appearance of the Conservation Area and the setting of the DVMWHHS.

Therefore, it is the balanced view of Officers that the reinstatement of a residence on the site is acceptable in principle. It is considered that the development now proposed is a building of interest which pays homage to the nature of buildings found in the more recessive areas between the built form of the village and the open countryside without intending to be a pastiche of such. It is not considered that allowing a single dwelling, having full regard to the circumstances of the site, would set a damaging precedent for other development beyond settlement framework boundaries. Therefore, on a fine balance, the scheme is recommended for approval. Subject to appropriate conditions, particularly in relation to detailing, it is considered that the building would make a positive contribution to the character and appearance of the area.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

1. Condition ST02a Time Limit on Full

2. The development hereby approved shall be carried out in accordance with the amended Drawing Nos. 14-14 27A and 33, received on 11th September 2017, except insofar as may otherwise be required by other conditions to which this permission is subject.
3. Notwithstanding the details on the approved drawings, before the development commences, samples of all facing and roofing materials 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.

4. Concurrent with the submission of the samples of facing materials, a 2m x 2m sample panel of the stonework to the dwellinghouse, shall be provided on the application site and, once approved, the works shall thereafter be carried out in accordance with the sample panel which shall also be retained on the site for reference during the construction of the stone elevations.

5. Concurrent with the submission of the samples of facing materials, a 1m high x 2m long sample panel of the stonework to the boundary, which shall be a locally sourced rubble limestone brought to course shall be provided on the application site and, once approved, the works shall thereafter be carried out in accordance with the sample panel which shall also be retained on the site for reference during the construction of the wall.

6. Before the development commences, constructional details of the following shall be submitted for approval in writing by the Local Planning Authority:

- returns and soffits to eaves;
- rainwater goods (to include their method of fixing);
- the large glazed wall to the 2-storey section (including recess depth and abutments);
- the depth of recess of all the window and door frames;
- the ‘secret’ gutter detail and facing and reveal detailing;
- head/lintels for windows on the east/west elevations;
- roofing material details to include eaves, verges and ridges;
- the door canopy construction and materials;
- the garage door (including depth of recess);
- the proposed type of metal panels and their proposed jointing method;
- abutments and edge detailing;
- details of the material and construction of the projecting walls to the living/kitchen/dining area;
- the ‘frameless’ glazed element;
- the type of glass to be used;
- the type and method of attachment of the photo voltaic panels; and
- the type of rooflights and the method of fitting.

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

7. Notwithstanding the details on the approved drawings, the stone clad buildings shall not have formal quoins.

8. 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:

- measures for the protection of retained vegetation during the course of development;
- means of enclosure; and
- all hard surfacing materials.
9. 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 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.

10. The development hereby approved shall be undertaken having full regard to the mitigation proposals set out in the Ecological Mitigation Statement (prepared by C. Monk) received on 22nd June 2017 unless otherwise agreed in writing by the Local Planning Authority.

11. The development hereby approved shall be undertaken having full regard to the mitigation proposals set out in the Arboricultural Report (prepared by K.D. Emery) received on 22nd June 2017, and in accordance with a scheme for protecting the trees during construction with appropriate fencing to be agreed in writing by the Local Planning Authority before the development commences.

12. No development shall commence, nor shall any materials or machinery be brought onto the site, until a 2 metre high fence of Weldmesh, securely attached to scaffolding poles inserted into the ground, has been erected in a continuous length in accordance with tree protection plan to previously be agreed in writing with the Local Planning Authority. The fencing must be erected prior to the commencement of the development and remain throughout the period of construction and no materials or equipment shall be stored, no rubbish dumped, no fires lit or any excavation or changes in level take place within the fenced area.

13. Construction work shall only be carried out between the hours of 08.00 and 20.00 on Mondays to Fridays, 09.00 and 13.00 on Saturdays and at no time on Sundays and Bank Holidays unless specifically agreed in writing by the Local Planning Authority beforehand.

14. Before any operations are commenced, space shall be provided within the site curtilage for site accommodation, storage of plant and materials, parking and manoeuvring of site operatives’ and visitors’ vehicles together with the loading/unloading and manoeuvring of goods vehicles, designed, laid out and constructed all as may be agreed with the Local Planning Authority in advance of construction work commencing and maintained free from impediment throughout the duration of construction works.

15. The premises, the subject of this permission, shall not be occupied until two on-site parking spaces, each measuring a minimum of 2.4 x 4.8m, have been provided in accordance with the application drawings, laid out and constructed as may be agreed with Local Planning Authority and maintained thereafter free from impediment to designated use.

16. Prior to the occupation of the dwellinghouse, a bin dwell area shall be provided within the site curtilage, clear of the public highway, and shall be clear of the access, parking and turning provision in accordance with details to be submitted to and approved in writing by the Local Planning Authority. The bin dwell area shall be retained thereafter free from impediment to the designated use.
17. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification) no external alterations or additions shall be made to the dwelling hereby approved and no buildings, extensions, gates, fences, walls, decking or engineering operations (other than those expressly authorised by this permission) shall be carried out within the curtilage of any dwelling without the prior written approval of the Local Planning Authority upon an application submitted to it.

Reasons:

1. Reason ST02a

2. To define the permission for the avoidance of doubt and to ensure the satisfactory appearance of the development to comply with Policies H9, NBE21 and NBE25 of the Adopted Derbyshire Dales Local Plan (2005) and with Government guidance contained in the National Planning Policy Framework.

3-7. To ensure the satisfactory appearance of the development to comply with Policies H9, NBE21 and NBE25 of the Adopted Derbyshire Dales Local Plan (2005) and with Government guidance contained in the National Planning Policy Framework.

8-9. To ensure the satisfactory appearance of the development to comply with Policies H9, NBE21, NBE25 and NBE26 of the Adopted Derbyshire Dales Local Plan (2005) and with Government guidance contained in the National Planning Policy Framework.

10. To safeguard protected species to comply with Policy NBE5 of the Adopted Derbyshire Dales Local Plan (2005) and with Government guidance contained in the National Planning Policy Framework.

11-12. To safeguard trees to comply with Policy NBE6 of the Adopted Derbyshire Dales Local Plan (2005) and with Government guidance contained in the National Planning Policy Framework.

13. To safeguard the amenity of neighbouring residents.


15. To ensure the provision of adequate parking and moving space within the site in the interests of highway safety to comply with Policy TR8 of the Adopted Derbyshire Dales Local Plan (2005) and with Government guidance contained in the National Planning Policy Framework.

16. In the interests of highway safety.

17. To safeguard the character and appearance of the dwellinghouse in this sensitive location to comply with Policies NBE21 and NBE25 of the Adopted Derbyshire Dales Local Plan (2005) and with Government guidance contained in the National Planning Policy Framework.
NOTES TO APPLICANT:

1. The applicant should note that under the terms of the Wildlife and Countryside Act 1981 and Countryside and Rights of Way Act 2000, it is an offence to disturb nesting birds or roosting bats. You should note that the work hereby granted consent does not override the statutory protection afforded to these species and you are advised to seek expert advice if you suspect that the demolition would disturb any protected species. For further advice, please contact Natural England.

2. Conditions 3, 4, 5, 6, 8 and 16 of this permission are conditions precedent. This means that a valid commencement of the approved development cannot be made within the lifetime of the permission until the particular requirements of the conditions precedent have been met. Failure to discharge conditions precedent may leave the development liable to the Council initiating formal enforcement proceedings.

3. The application site is adjacent to a public right of way (Cromford Footpath No. 30 on the Derbyshire Definitive Map) and the footpath between this and Alabaster Lane. These routes must remain unobstructed on their lawful alignment and the safety of the public must not be prejudiced either during or after the works take place. Details regarding the temporary or permanent diversion of the routes should be obtained by contacting the County Council’s Footpaths Section at County Hall, Matlock on 01629 533262.

4. 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 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.

5. This decision notice relates to the following documents:

   Site Location Plan 1:1250 received on 22nd June 2017
   Amended Drawing Nos. 14-14 27A and 33 received on 11th September 2017
   Arboricultural Report received on 22nd June 2017
   Ecological Mitigation Statement received on 22nd June 2017
   Planning Statement received on 22nd June 2017
<table>
<thead>
<tr>
<th>APPLICATION NUMBER</th>
<th>17/00760/FUL</th>
</tr>
</thead>
<tbody>
<tr>
<td>SITE ADDRESS:</td>
<td>The Gables, Riber Road, Starkholmes, Matlock</td>
</tr>
<tr>
<td>DESCRIPTION OF DEVELOPMENT</td>
<td>Ground-floor and first-floor extensions.</td>
</tr>
<tr>
<td>CASE OFFICER</td>
<td>Mr. Ecclestone.</td>
</tr>
<tr>
<td>APPLICANT</td>
<td>Mr. Barnacle</td>
</tr>
<tr>
<td>PARISH/TOWN</td>
<td>Matlock</td>
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<tr>
<td>AGENT</td>
<td>Ian Bullock</td>
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<tr>
<td>WARD MEMBER(S)</td>
<td>Cllr. Flitter, Cllr. Stevens, Cllr. Botham</td>
</tr>
<tr>
<td>DETERMINATION TARGET</td>
<td>28th September 2017</td>
</tr>
<tr>
<td>REASON FOR DETERMINATION BY COMMITTEE</td>
<td>Requested by Ward Member.</td>
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<tr>
<td>REASON FOR SITE VISIT (IF APPLICABLE)</td>
<td>To consider the setting, scale and topography of the proposed development</td>
</tr>
</tbody>
</table>

**MATERIAL PLANNING ISSUES**

1. Impact of the extensions on the character and appearance of existing building.

**RECOMMENDATION**

Refusal.
THE SITE AND SURROUNDINGS
The application property is situated on the steep, winding road which leads up from Starkholmes to Riber. It is an old, stone-built house, which stands close to the road and has twin gables on the sides which are rendered. It has been previously extended with subordinate, flat-roof extensions and is operated as a Bed & Breakfast establishment.

DETAILS OF THE APPLICATION
The proposal includes a single-storey, flat-roof extension to the dining room. However, the main part of the proposal amounts to extending above the currently flat-roof single-storey extension to create 2 further en-suite bedrooms. This will be significantly extended by providing a first-floor with a pitched roof and a balcony on the west elevation.

PLANNING POLICY AND LEGISLATIVE FRAMEWORK
1. Adopted Derbyshire Dales Local Plan (2005)
   SF5  Design And Appearance Of Development
   EDT18 Tourist Accommodation Within The Settlement Frameworks Of Market Towns And Other Settlements

2. Deposit Draft Derbyshire Dales Local Plan
   PD1  Design and Place Making
   EC8  Promoting Peak District Tourism and Culture
3. National Planning Policy Framework (NPPF)
   Part 7 Requiring Good Design

RELEVANT PLANNING HISTORY
15/00638/FUL Ground-floor and first-floor extensions. Refused and Appeal
   Dismissed

0697/0384 First-floor side extension to dwelling. Granted

CONSULTATION RESPONSES
Local Highway Authority
Not received.

Town Council
No objection.

REPRESENTATIONS RECEIVED
One representation has been received which can be summarised as follows:
The applicants have established a well-regarded and successful local business. The
proposed extension is a good, sensitive design and will enable more visitors to enjoy the
facilities, thereby contributing to the region’s tourist industry.

OFFICER APPRAISAL
The following material planning issue is relevant to this application:
Impact on character and appearance of existing building.

Impact on character and appearance of existing building
1. The Gables Bed & Breakfast is a successful local business which attracts visitors to
   the area. This is positive for the area and both Adopted and Emerging Local Plan
   Policies support economic activity through enhanced tourist accommodation. However,
   this does not override the need for sensitive design. The previous planning
   application (15/00638/FUL), which was larger and taller than the current proposal, was
   refused planning permission, because it appeared as incongruous additions which
   dominated and detracted from the character and appearance of the main property.
   The subsequent Planning Appeal against this refusal was also dismissed. The
   Planning Inspector highlighted some clear issues in his grounds for refusal:
   • “…the extension would introduce a new, dominant roof form comprising a substantial
     increase in height above the existing eaves and ridge lines of the twin gables that
     would result in an awkward, incompatible and harmful relationship to the existing
     building.”
   • “The harmful effect of the first-floor extension would be worsened by its substantial
     width. The resultant scale and massing would be significantly greater than the existing
     two storey element of the building and therefore its overall form would appear both
     dominant and insubordinate. In addition, the proposed design and proportions of the
     first-floor windows would not complement those existing on the front elevation and
     would therefore emphasise the harmful contrast of the extension,”
   • “…the development would significantly harm the character and appearance of the host
     property and the surrounding area due to the design, substantial scale and proportions
     of the first-floor element of the extension.”
2. It is important for applicants to address the findings of a Planning Inspector, as they form the baseline for assessing revised schemes. Whilst the proposed scheme in this case has a reduced height and width, it remains a substantial extension with discordant design elements. It repeats the failings of the earlier scheme as it includes an extension of a height above the existing eaves and ridge lines of the twin gables. The overall form continues to appear dominant and insubordinate.

3. The main house has a traditional character and appearance. Although it has been extended previously, the existing extensions are subordinate and the main house remains the dominant feature. In dismissing the earlier Appeal, the Planning Inspector gave the clear message that the principal building should remain the main focal point, with the extensions remaining subordinate. The proposed first-floor extension, by reason of its scale, height and design detailing, will dominate and detract from the main building. The first-floor extension will be higher than the main house and the balcony will also be a prominent feature.

4. The overall scheme is considered to appear as an incongruous addition which dominates and detracts from the character and appearance of the main building.

5. The proposal will conflict with Local Plan Policy SF5 – Design And Appearance Of Development, because the scale, massing, height and layout does not preserve or enhance the quality or local distinctiveness of the surroundings. The scheme does not reinforce a sense of place and it is not well related to surrounding properties or land uses.

6. The proposal will conflict with Local Plan Policy EDT18 – Tourist Accommodation Within The Settlement Frameworks Of Market Towns And Other Settlements, because it is not well related to its surroundings and it will have an adverse impact on the character and appearance of the settlement. It will also have a detrimental impact on the character and appearance of the of the existing tourist accommodation and its surroundings.

7. The proposal will also conflict with Chapter 7 of the NPPF where the Government attaches great importance to the design of the built environment. The proposal does not contribute positively to making the place better for people. It also fails to improve the character and quality of the area. Paragraph 64 also states that planning permission should be refused for poor designs that fail to take the opportunities available for improving the character and quality of an area and the way it functions.

Conclusion
Whilst the economic benefits of allowing this successful tourist accommodation to grow should also be given weight in the deliberation, it is considered that alternative schemes of alteration are possible without causing this harm to the character and appearance of the building and the wider area. On this basis, harm to the environment outweighs any economic benefits and refusal is recommended.
RECOMMENDATION
Planning Permission be refused for the following reasons:
The size and design of the first-floor extension would appear as incongruous additions which
would dominate and detract from the character and appearance of the main property. The
proposal as such, conflicts with Policies SF5 and EDT18 of the Adopted Derbyshire Dales
Local Plan (2005) and Chapter 7 of the NPPF.

Note to applicant:

This Decision Notice relates to the following documents:
Drawings numbered 1, 2 and 0517/1407-2, received by the Council on 3rd August 2017.

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.
<table>
<thead>
<tr>
<th>APPLICATION NUMBER</th>
<th>17/00740/FUL</th>
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</thead>
<tbody>
<tr>
<td>SITE ADDRESS:</td>
<td>Sports Area, Derwent Gardens, South Parade, Matlock Bath</td>
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<tr>
<td>DESCRIPTION OF DEVELOPMENT</td>
<td>Use Of Sports Area As Temporary Location For 6 Children’s Activity (Fun Fair) Rides, One Sweet Stall And Picnic Benches For Periods Between 19.07.2017 to 04.11.2017 (Retrospective), 16.07.2018 to 03.11.2018 and 15.07.2019 to 02.11.2019</td>
</tr>
<tr>
<td>CASE OFFICER</td>
<td>H Frith</td>
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<tr>
<td>APPLICANT</td>
<td>Ms J Baranek for Matlock Bath Parish Council</td>
</tr>
<tr>
<td>PARISH/TOWN</td>
<td>Matlock Bath</td>
</tr>
<tr>
<td>WARD MEMBER(S)</td>
<td>Cllr J Pawley and Cllr G Purdy</td>
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<td>DETERMINATION TARGET</td>
<td>24.08.17</td>
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<td>REASON FOR DETERMINATION BY COMMITTEE</td>
<td>Due to extent of public interest.</td>
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<td>REASON FOR SITE VISIT (IF APPLICABLE)</td>
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**MATERIAL PLANNING ISSUES**

- Principle of the development
- Impact upon heritage assets
- Conflict with the Matlock Bath Illuminations Event
- Residential amenity

**RECOMMENDATION**

Refusal
Derwent Gardens, Matlock Bath

Date: 29/09/2017

17/00740/FUL

Derbyshire Dales DC

1:1,250

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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

The application relates to the existing play area/pitch of the Derwent Gardens which is owned by DDDC and leased by Matlock Bath Parish Council. The site is surfaced and is partly bounded by a stone wall and railings. The fencing to the play area has been removed leaving only the upright elements. Basketball nets remains on site along with the timber kick boards to the pitch. The rides/activities have now been removed from the site.

The play area/pitch forms part of the Derwent Gardens which is a Grade II Registered Park and Garden of around 1.5ha and is described as a public park which originated as commercial pleasure grounds in the late 19th century. Derwent Gardens has a group value with Lovers Walks (see Riverside Area), High Tor; the Heights of Abraham (see Temple Walk and the Heights of Abraham) and Willersley Castle. These parks all had common origins in that they exploited the dramatic scenic qualities of the gorge and the River Derwent. The gardens themselves are situated on a flat area of land adjacent to the river and they are enclosed by the A6, the Pavilion, the river and private land to the south.

The site is within the Derwent Valley Mills World Heritage Site Buffer Zone and Matlock Bath Conservation Area.

2.0 DETAILS OF THE APPLICATION

2.1 Planning permission is sought to change the use of the land for a temporary period over the next three years between July and November to utilise the area for small rides, play equipment and stalls. It is proposed that the activity will operate from 10am to 10pm daily throughout the temporary period requested.

2.2 To support their application Matlock Bath Parish Council have provide the following additional information:

Our current application is for short term activity which we feel is an added attraction for the whole village community, residents and visitors as well as also generating an income to help reinstate the sports area for the Parish.

It must be remembered that conservation can include more than bricks and mortar, tors and trees. The village of Matlock Bath exists because of tourism. Without visitors, the
village would never have been created and developed to what it is today and would not be worthy of the status of a Conservation Area. The Derby University report clearly identified that the current tourism model is not sustainable and positive action needs to be taken. Both the Parish Council and the newly formed Matlock Bath Development Association CIC, which was born out of the University report and with whom we work very closely, are striving long term to achieve a revived tourist model. This short term attraction is the first attempt at this. With a thriving tourism industry, the village and Derbyshire Dales can reinvest in the Conservation Area ensuring its survival. What we are attempting to achieve here, we believe, fulfils 5 of the 10 key issues in the Derbyshire Dales Draft Local Plan (KI6-KI10).

It always has been one of the strategic aims of the Parish Council to preserve the sports area for the whole community. This was our motivation for obtaining the lease and we have since operated a program of minor maintenance over a number of years. Unfortunately the area was in a very poor state of repair when we took it on and our affordable maintenance budgets have been unable to keep up with costs.

Matlock Bath Parish Council submitted a LEADER grant application in March. This grant is for a number of Matlock Bath projects, one of which is the sports area. Our long term aim for the sports area is laid out in our LEADER grant application which is attached.

Matlock Bath Parish Council has been building a protected pot of money ring-fenced for the renovation project. Our total funds are currently £16,500, of which the fair this year raised £4,500. We are currently looking for a total of around £33,695 (plus VAT) in order to renovate the area including new fencing, tarmac surfacing and basic equipment. The Parish Council will need to provide 25% of funding with LEADER providing the remaining 75%. If we are successful in our grant application we are looking to complete the work in the Spring. Monies earned through the rent of the facility will be put into the sports area budget for maintenance of the area as well as providing lighting and/or equipment.

I hope you can see from the above that we care deeply about the Matlock Bath Conservation Area and have not made this application without serious and intelligent thought. With reference to the Matlock Bath Illuminations and its overlap with our proposal, we did speak with the Illuminations Team and after consideration decided to withdraw our proposed use for the duration of the illuminations this year. However, we would like the option of operating next year and would be pleased to have the opportunity to meet with the Illuminations Team to discuss this further and to work with them.

The Parish Council have always tried to assist in supporting the visitor economy whenever possible, providing benches, signage, grants to charitable organisations etc. Many of the residents rely on tourism for employment. In 2015, a couple of businesses seemed to give a cash injection and move forward with development and renovation began on the New Bath Hotel which had been closed for some years. With this new feeling of optimism, the Parish Council enlisted the help of Derby University Department of Tourism and Leisure to embark on the project ‘Into the Future’ to see how the village could develop as a tourism destination. The resulting 28-page report, to be found on our website, concluded that the current situation was not sustainable and outlined the necessary action that were needed. The evidence was based on information gleaned from all stakeholders – residents, businesses and visitors through focus groups and surveys. The project was managed by a steering group made up of representatives of all local authorities (DCC, DDDC and the PC) residents and businesses.

Matlock Bath Development 1 LEADER grant application is the first phase of the process to implement as many of the recommendations in the report as possible and to move the village forward to become an exciting, economically viable, 21st century tourist destination. The key immediate issues identified in the University Destination Management report are:
The need for an improved and extended visitor experience Extending the season outside the peak times. Provide facilities that can be used by both the residents and the visitors. These will be addressed by:

- Provision of illuminations for the winter period. This will include festoon lights along the riverside, cross river lights, column lighting on the street lights and branch wrap lighting in a large tree.
- Providing the infrastructure to make Memorial Gardens suitable as a high profile multipurpose area for community activities, visitor events and attractions. This will involve extending the tarmaced area to make it usable for community events and small markets.
- Renovating the old tennis court area to provide a multi-use community recreational area for both residents and visitors. The area will be resurfaced, new fencing provided and infrastructure for popular sports provided.
- Improving and enhancing the visitor experience with interpretation and signage by fitting information /map lecterns in 4 key areas and adding signage and fingerposts at key points.

The infrastructure project will have high profile, high visibility physical outcomes that will:
- encourage businesses to open on more occasions and for longer hours
- enable activities to take place in the Memorial Gardens for both residents and visitors
- provide an extra facility for use by both residents and visitors focused on physical activity
- enhance the visitor experience encouraging a longer stay

By achieving these outcomes, it will assist current businesses to become more profitable and employ more staff for longer hours. Premises currently unused will be more attractive to prospective entrepreneurs and open further the employment possibilities for residents. The facilities and infrastructure provided for residents will also be improved. The infrastructure for visitors will be more welcoming and make their visit to be pleasurable and thus more likely to return.

3.0 PLANNING POLICY AND LEGISLATIVE FRAMEWORK

1. Adopted Derbyshire Dales Local Plan (2005)
   SF1: Development Within Settlement Frameworks Boundaries
   SF5: Design And Appearance Of Development
   NBE21: Development Affecting a Conservation Area
   NBE23: Conservation Of Historic Parks And Gardens
   NBE25: Derwent Valley Mills World Heritage Site
   L13: Matlock Parks

2. Deposit Draft Local Plan:
   Policy PD2: Protecting the Historic Environment (as modified)
   Policy HC14: Open Space and Outdoor Recreation Facilities (as modified)
   Policy HC17: Promoting Sport, Leisure and Recreation (as modified)
   National Planning Policy Framework
   National Planning Practice Guidance
   Matlock Bath Conservation Area Appraisal
   Derwent Valley Mills World Heritage Site Management Plan

4.0 RELEVANT PLANNING HISTORY:

16/00160/FUL Extension and renovation of tennis courts / sports area – Permitted with conditions

05/01109/FUL Refurbishment of park to include new boating shed, restoration of grottos/shelters, reinstatement of chain ferry, provision of new dry/wet play area and associated landscape restoration works – Permitted with conditions
5.0 CONSULTATION RESPONSES
Derbyshire County Council (Highways)

5.1 No highway objections in principle, however, it is recommended a condition be included requiring a method statement to be submitted covering the movement of equipment/apparatus to and from the site (this may need banksman control or traffic management for the fun fair vehicles, which will need to be arranged with DCC). Operations should thereafter be carried out in accordance with the agreed/approved details.

Heritage Coordinator Of The Derwent Valley Mills World Heritage Site

5.2 The proposal will not have any impact on the outstanding universal value of the World Heritage Site.

Natural England

5.3 Statutory nature conservation site – no objection
Protected species – refer to standing advice
Local sites the authority should ensure it has enough information to fully understand the impact on the local site.
Consider opportunities for biodiversity and landscape enhancements.

Design and Conservation Officer (Derbyshire Dales)

5.4 The site is a tennis court/basketball court adjacent to the A6. It is located within the Matlock Bath Conservation Area, the Derwent Gardens Registered Historic Park and Garden (grade II) and the Buffer Zone of the World Heritage Site. The site is partially screened from the A6 by a limestone wall. The court is tarmaced with a timber kick fence to its perimeter and tall metal stanchions with netting. The netting to the stanchions has been removed within the last year or so and the stanchions left in place.

The proposal is to site a children’s funfair, sweet stall and picnic benches on the site between mid-July and early November for a period of three years. The principal elements of the ‘funfair’ are the large inflatable items in bright colours.

The proposed 15 week occupancy per year of the fun fair on this site is likely to be perceived as a temporary presence allowing the sports area to be used for the remaining 37 weeks of the year. In that regard, whilst it is in occupancy it may be deemed to have a detrimental impact on the Conservation Area, Registered Historic Park and Garden and World Heritage Site, however, that impact needs to be considered in terms of the relatively short annual duration of its presence and the long-established ‘inland resort’ character and nature of Matlock Bath. It is considered, therefore, that whilst there is a potential visual harm to the identified heritage assets that harm is short and transitory and the removal of the (moveable and non-fixed) elements at the end of the period will return the site to its former appearance.

Environmental Health (Derbyshire Dales)

5.5 No objections

6.0 REPRESENTATIONS RECEIVED

6.1 A total of 11 representations have been received in support of the application (not including the one copied to the Local Planning Authority from the Parish Council) and 11 objecting to the application (not including the anonymous letter received). A summary of all of the representations is outlined below, organised into support and objection:

Support

The use of the area will be of great benefit to visitors and residents.
Have enjoyed using the area through the summer.
Lovely addition to Matlock Bath.
This has been successful in bringing in visitors to the area, particularly for young children.
All health and safety risks have been covered and the necessary insurance.
The income from this area will benefit the renovation/improvement of the sports area in the future which will also benefit the village.
This is in keeping with the Parish Council strategic initiative for improvements to the area for visitors.
This brings a much needed tourist amenity to the village.
The area whilst marked out for recreational purposes has been/ is used very infrequently on an ad hoc basis.
The proposed junior fair will bring in added facilities to the illuminations.
This provides family entertainment which is in short supply in the town.
Adds a splash of colour and is very popular.
This brings in more visitors for traders.
Could the fun fair use other areas of the village such as the Memorial Gardens.
The Parish Council is losing income due to have to paying business rent.
This will be a source of income to the Parish Council.
Opposition is coming from those seeking to limit competition for their businesses.
The area should be larger and utilise Derwent Gardens.
The area has been falling into disrepair for a number of years and the cost of repairing the area is beyond the reach of a small Parish Council, the village have been kept informed of this problem which is a priority for the council but the recession has kept it out of reach.
It is ridiculous to imply that the fair has taken the area out of use or preventing the village from using it. The Parish has sizeable funds but is thousands of pounds short of the money to do the works.
The fair will bring the re-opening of the area closer.
The village has many children who need a sports area where they can safely play.
To see a new bright attraction is refreshing.
Users of the area will visit our fantastic park and a percentage of the profits will go back to the Parish.
Additional visitors will benefit local traders.
Rather than being a distraction to road users this may slow down traffic at the junction which is welcomed.
The fun fair has been managed very effectively and safely and the children have enjoyed their experience.

The Local Planning Authority have been copied in to correspondence to the Parish Council which notes:
The area is not well used and has not been for many years. The Parish have been proactive in now using that space to the advantage of locals and visitors and putting funds back to the Parish Council.

Objections

The site is in an unsatisfactory location in respect to the main road encouraging people to cross on what is considered to already be a dangerous area for pedestrians to cross.
Without appropriate permission for the use are the insurances in place?
Unfair on established local traders allowing new traders to come into the area and effect trade. Without the local traders Matlock Bath would not be an attraction.
There was no consultation prior to the use taking place.
There has been a recent fatal accident on this area of road therefore a danger to pedestrians, who access the site from the large car park on Temple Road.
It would be irresponsible to put a facility in such a dangerous location.
Disappointed that the Parish Council have fed into commercial means in order to raise funds for a sports area for the children.
The Parish Council have not published their accounts and the public have a right to view this. The site is run by a generator, the environmental impact of a large diesel generator running 12 hours per day over 4 months is not appropriate in a location for children’s play, what measures are in place regarding the environmental impacts of this? This area should be used as a play area, it has been padlocked and out of bounds for many years as an unsafe area, why is it now deemed safe for a paying activity when unsafe for free use? The opening hours applied for will soon become a nuisance, could the opening hours be limited to minimise the impact? There are already enough downmarket attractions in the area that lower the tone of this lovely conservation area. It cannot be in the interest of the community to have the fun fair open from 10 am until 10 pm. Parking is already an issue and this will make matters worse, where will traders park? The area is used by children playing football which is more in keeping with its intended use. Permitting this will lead to the loss of one of the only community sites it has and the fair will become a permanent fixture. Let’s have some quality control. This area is in the quiet area of the village away from the hub of Matlock Bath, this proposal will change the dynamic of the village contrary to planning policy. The hours of operation should be reduced to be more in line with children’s activities e.g. 5pm, similar to the nearby Gulliver’s Kingdom theme park. It should be offered as a recreation area and stalls offering retail sales should not be allowed given the impact on local traders. The proposal will detract from the village having adverse effects both visually, environmentally and on the local economy. This is going against the lease from DDDC. No detailed plans have been included to demonstrate the impact on the Conservation Area. In an area promoting sports activity the area is a wonderful addition to children’s lives and helps promote a healthy lifestyle. The addition of a catering unit (sweet stall) on the site is not in the interest of a sports recreational activities or in keeping with the intended use of the land. The late opening of the activity would exacerbate pedestrian safety concerns due to limited visibility on darker evenings. The late opening would impact on local residents due to noise and nuisance. If this is to encourage visitor numbers what provisions are being put in place for public overcrowding, crowd safety, Manning residential access only roads, extra parking stewards and would there be a Park and ride? Will the Parish Council be paying the attention to detail that DDDC have to during the illuminations event, this is for a longer period than the illuminations event, has the Parish set aside the funding required for the safety management issues? Fun fairs rides are already provided by the Gulliver’s attraction which provides its own parking and is well assimilated into the landscape and Conservation Area. Increased traffic to the area increases the risk of subsidence, problems with this are well documented by DCC. The proposal has no benefit to the community. The proposal is unattractive and garish and does not maintain the expected appearance of a designated Conservation Area. This area has been promised to the local community as a multi-sports area. The needs of the village must be balanced with the needs of tourists, there is no play area for older children. Given the lack of flat gardens children need a play area for football etc.
With the refurbished hotel to the entrance to the village has improved the approach from Cromford, this proposal is an eyesore. The recent initiative by the Parish with local traders and the University of Derby looking into the future of the area was to concentrate on the unique heritage and historical associations, this fun fair mentality should not be allowed to dominate. No development of the sports area for a further three years is not acceptable, this would not happen on the approach to Bakewell or Ashbourne. The area should be available for children to play/have team sports through the summer holidays. This will be an attraction away from the town centre harmful to commercial viability. The application contains insufficient information and no justification, the proposal is contrary to policy L13 being wholly inconsistent with the historic qualities of the Conservation Area. As an amusement centre outside the town centre it would harm the vitality and viability of the town by drawing leisure trade away contrary to policy S5. The application fails to preserve or enhance the Conservation Area contrary to policy NBE21. The proposal is contrary to policies S8, PD2, HC14, HC17 and EC6 as it fails to protect open space, would undermine the vitality and viability of the centre and fails to protect the Conservation Area and loss of locally used facility.

7.0 OFFICER APPRAISAL

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

− Principle of the development
− Impact upon heritage assets
− Conflict with the Matlock Bath Illuminations Event
− Residential amenity

Principle of development

7.1 The application relates to an existing sports area which is a poorly maintained facility for the community. The site is within the settlement boundary for Matlock Bath in a sustainable location albeit towards the edge of the settlement. As such proposal to increase economic activity and promote tourism and visitor numbers are generally supported.

7.2 However the site is part of a larger grade II historic park and garden, within the World Heritage Site Buffer Zone and Matlock Bath Conservation Area. As such the impact any proposed use will have upon the character and appearance of the area requires careful consideration in accordance with policies SF1, SF5, NBE21, NBE23 and NBE25 of the Adopted Derbyshire Dales Local Plan. Furthermore the area also has a community use as a sports facility within a larger park and any loss of this requires assessment in accordance with Policy L13 of the Adopted Derbyshire Dales Local Plan. The impact of such a use within the specified operational times also has to be considered.

Impact upon heritage assets

7.3 The site is within an extremely sensitive location, it is within the grade II registered park and garden, within the Matlock Bath Conservation Area and the buffer zone of the Derwent Valley Mills World Heritage Site. Therefore the impact of the proposed use upon the significance of these heritage assets has to be considered.
7.4 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.

7.5 Policy NBE23 of the Adopted Derbyshire Dales Local Plan states that planning permission will only be granted for development within a registered park or garden where it does not have an adverse impact upon its character and appearance.

7.6 Policy NBE25 of the Adopted Derbyshire Dales Local Plan states that planning permission will only be granted were it does not have an adverse impact upon the setting of the World Heritage Site.

7.7 The emerging policies of the Deposit Draft Local Plan regarding heritage matters are in line with adopted local plan policy and guidance contained within the National Planning Policy Framework. As a starting point Policy PD2 (as modified) notes that the District Council will conserve heritage assets in a manner appropriate to their significance. This will take into account the desirability of sustaining and enhancing their significance and will ensure that development proposals contribute positively to the character of the built and historic environment.

7.8 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.

7.9 Government guidance set out in NPPF which advises on this need to preserve or enhance a heritage asset and states in Paragraphs 132, 133 and 134 that:

> When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration and 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…….Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh the harm or loss……Where a development will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use .

7.10 The siting of large and colourful apparatus on the main entrance to Matlock Bath will have a visual impact upon the Grade II Registered Park and Garden, Conservation Area and the Buffer Zone of the World Heritage Site. The appearance of such apparatus will have an adverse visual impact being a visually dominant feature. However, it is acknowledged that as the proposal is of a temporary reversible nature, so the harm to the significance of those heritage assets will be temporary and reversible, nevertheless there will be harm and that harm is considered to be less than substantial harm due to its temporary nature.

7.11 National Planning Policy Framework in paragraph 134 advises that where a proposal will lead to less than substantial harm to a heritage asset this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. In this case the justification has been put forward by the Parish Council that the proposal use will assist in the funding of the repair works to the play area and long term maintenance and that the use will assist the tourism provision for Matlock Bath.
7.12 It would appear from the submission made by the Parish Council that sufficient funding is now available for the repair works to the play area and assuming grant funding is secured, these works are scheduled to take place in the spring of next year. As such notwithstanding that further improvements may be intended, the income derived in subsequent years seems likely to be for the funding towards the long-term maintenance of the play area and for increased tourism provision. On the basis of this justification it would appear that whilst the proposal being considered is of a temporary nature it is intended that this would continue in the long term to maintain a maintenance fund. On this basis it is not considered that the justification for the proposed use is a public benefit which outweighs the harm to the significance of the heritage assets. As such the proposal is considered to be contrary to policies NBE21, NBE23 and NBE25 of the Adopted Derbyshire Dales Local Plan and contrary to the advice contained within paragraph 134 of the National Planning Policy Framework.

7.13 Whilst no details of the proposed ride or apparatus have been provided it is considered that due to their temporary nature and the limited size of the application site it is not necessary to have specific details of these elements in order to assess this planning application.

Conflict with the Matlock Bath Illuminations Event

7.14 The area to the frontage of the Derwent Gardens Tennis Court site is part of a ticketedblocked area when the Illuminations event is being held. The reason this area is blocked and ticketed during this time is for site security and emergency evacuation. As such should this proposed children’s activityfun fair be allowed then there would be a direct conflict with the Illuminations event. As this is an issue in terms of public safety in accordance with an established event which it is a matter to be considered in the planning balance.

7.15 Should the proposal have been considered to be acceptable then one way in which this could be resolved would be to restrict the use of this event from 4pm on days when the Illuminations event is to take place.

Residential amenity

7.16 It is proposed that the operation of the proposed use will be from 10am until 10pm daily throughout the temporary period. Whilst 10pm is considered late in the evening for the operation of a children’s activities, given the distance to neighbouring properties and the level of activity already in Matlock Bath in the evenings, it is not considered that the noisedisturbance caused by the use that refusal of planning permission would be warranted on the grounds of impact upon residential amenity. It should also be noted that the operation due to its nature will be a supervised event. It is nevertheless considered reasonable to restrict amplified musicannouncements via condition to minimise any potential impacts.

Other issues

7.17 In terms of highway safety, concern has been raised that the location of the site will encourage people to cross from the Temple Road car park straight across to this site. The Local Highway Authority have considered the application and have no concerns subject to a condition relating to safely managing vehicles to and from the site. Whilst it is recognised that some people may choose to cross the road at this point which would be dangerous there are safe areas to cross. As such it is not considered that this proposal would warrant refusal on the grounds of pedestrian safety.
7.18 Local concern has also been raised regarding the parking issues within Matlock Bath and that this proposal would exacerbate the problems. Whilst it is anticipated that the proposed use would draw in more visitors it is not considered that these would be of such a number that local parking would be significantly harmed by this. Whilst not always in the location people choose to park there are ample parking facilities in and around Matlock Bath to accommodate visitors as such local parking problems become more of an issue of management and individuals choosing to park is unacceptable locations. It would be unreasonable to expect that a development of this small scale would be able to put measures in place to address such issues.

7.19 Concern has been raised that the generator used for the rides will cause health issues, having discussed the matter with the Council’s Environmental Health Officer such a generator would not cause health issues provided it is appropriately sited. The siting of such a unit if unacceptable would be a matter that the Environmental Health Officers would seek to resolve.

**Conclusion**

7.20 This is a finely balanced application. The objectives of the Parish Council are recognised and both the increase in tourism and the renovation of the locality are supported. However, this is a highly sensitive location with layers of heritage interest which engage statutory protection. Whilst short term harm to these interests can be justified to aid renovation projects the case made by the Parish Council envisages more permanent presence on an annual basis to continue to raise funds. The duration of this in this sensitive locality is a clear negative consequence of the application. This use of the play area as a children’s activity area/fun fair, for the temporary period identified in the submission, would be harmful to the significance of the Registered park and garden, the Conservation Area and the buffer zone of the World Heritage Site through the siting of visually dominant and eye catching equipment on the gateway into Matlock Bath contrary to policies NBE21, NBE23 and NBE25 of the Adopted Derbyshire Dales Local Plan. In accordance with paragraph 134 of the National Planning Policy Framework it is not considered that the submitted justification identifies sufficient public benefit to outweigh the harm identified.

**8.0 RECOMMENDATION**

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

The proposed temporary use of the play area as a children’s activity area/fun fair for 3 years would be harmful to the significance of the grade II Registered park and garden, the Conservation Area and the buffer zone of the World Heritage Site through the siting of visually dominant and eye catching equipment on the gateway into Matlock Bath. Without sufficient public benefit to outweigh the less than substantial harm the proposal is contrary to the requirements of policies NBE21, NBE23 and NBE25 of the Adopted Derbyshire Dales Local Plan and paragraph 134 of the National Planning Policy Framework.

**9.0 NOTES TO APPLICANT:**

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

This decision notice relates to the following documents:

Email from Matlock Bath Parish Council dated 28.09.17
Block plan and location plan received 17.08.17
<table>
<thead>
<tr>
<th>APPLICATION NUMBER</th>
<th>17/00852/FUL</th>
</tr>
</thead>
<tbody>
<tr>
<td>SITE ADDRESS:</td>
<td>Trevelyan House, 43 Dimple Road, Matlock.</td>
</tr>
<tr>
<td>DESCRIPTION OF DEVELOPMENT</td>
<td>Residential development of eleven dwellings</td>
</tr>
<tr>
<td>CASE OFFICER</td>
<td>Mr. G. A. Griffiths</td>
</tr>
<tr>
<td>APPLICANT</td>
<td>YHA (England &amp; Wales) Ltd</td>
</tr>
<tr>
<td>TOWN</td>
<td>Matlock</td>
</tr>
<tr>
<td>AGENT</td>
<td>Just-H Architects</td>
</tr>
<tr>
<td>WARD MEMBERS</td>
<td>Cllr. M. Burfoot</td>
</tr>
<tr>
<td></td>
<td>Cllr. Mrs. S. Burfoot</td>
</tr>
<tr>
<td></td>
<td>Cllr. Mrs. A. Elliott</td>
</tr>
<tr>
<td>DETERMINATION TARGET</td>
<td>29th November 2017</td>
</tr>
<tr>
<td>REASON FOR DETERMINATION BY COMMITTEE</td>
<td>Requested by Ward Members</td>
</tr>
<tr>
<td>REASON FOR SITE VISIT (IF APPLICABLE)</td>
<td>N/A</td>
</tr>
</tbody>
</table>

**MATERIAL PLANNING ISSUES**

- Principle of the development
- Planning policy
- Impact on the character and appearance of the area
- Impact on residents’ amenity
- Highway matters
- Affordable housing and open space provision
- Other matters

**RECOMMENDATION**

Approval
17/00852/FUL

Trevelyan House, Matlock

Derbyshire Dales DC

Date: 29/09/2017

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1:2,000

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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 comprises the car park and outbuildings servicing the Head Office of the Youth Hostel Association. The site is set in a largely residential area other than some offices on the opposite side of The Dimple. There are a group of trees to the south of the car park which are subject to a Tree Preservation Order (DDDC/012).

2. DETAILS OF THE APPLICATION

2.1 Full planning permission is sought for the following:
- the erection of 11, three bedroomed, open market dwellinghouses on the overspill car park to the west serving the offices
- each unit is proposed to measure 5.75m wide by 9.5m deep and 8.3m high and be in two blocks of four and a block of three units
- the dwellings are proposed to be constructed with brick and render with light brown roof tiles to match those of dwellinghouses in the area
- windows to be grey aluminium and doors to be timber with a natural stained finish
- coloured aluminium flashings with cavity wall trays over the roof/wall abutments
- the dwellinghouses would have two car parking spaces each (one at the dwelling and one at a central courtyard)
- the demolition of the outbuildings to the south side of the principal building and provision of parking space to offset the loss of the parking area to the west as part of the residential development
- the re-landscaping of the approach to the dwellinghouses alongside the office building and other landscaping works around the site.

2.2 The applicant has submitted the following documentation in support of the application:
- Design and Access Statement
- Appeal Decision APP/P1045/A/14/2217275
- Ecology Report
- Arboricultural Statement
- Parking Analysis.

The applicant has also submitted further information that was submitted to discharge conditions attached to the previous planning permission as follows:
- Proposed Landscape Works and Hard Surfacing Materials
- Window and Door Details
- Retaining Wall and Boundary Fence Details
- Details of Gutters and Downpipes.

2.3 The access road is proposed to be tarmac. The ‘pavements’ are proposed to be natural (grey) blocks, the car parking areas to the properties having bracken (buff/charcoal) blocks and the kerbs sets are proposed to be charcoal colour. The foopath and patio areas are proposed to be standard concrete flags. The retaining wall to the access ramp and along the northern boundary, and the 1.2m high car park wall proposed along the southern boundary to the revised car park, are proposed to be of brick to match the local area. The fences to the properties are proposed to be 1.8m in height.

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
- H10 Affordable Housing within the Settlement Framework of Market Towns
- EDT4 Other Existing Employment Land and Business Premises
- NBE5 Development Affecting Species Protected by Law or are Nationally Rare
- NBE6 Trees and Woodlands
- NBE26 Landscape Design in Association with New Development
- L6 Outdoor Playing Space in New Housing Developments
- TR1 Access Requirements and the Impact of New Development
- TR8 Parking Requirements for New Development

2. Deposit Draft Derbyshire Dales Local Plan
- S3 Settlement Hierarchy
- S4 Development within Defined Settlement Boundaries
- HC1 Location of Housing Development
- HC4 Affordable Housing
- HC11 Housing Mix and Type
- HC14 Open Space and Outdoor Recreation Facilities
3. National Planning Policy Framework

4. National Planning Practice Guidance

4. RELEVANT PLANNING HISTORY
13/00779/FUL Redevelopment of site - 11 dwellings, car parking and alterations to access – Refused – Appeal Allowed
11/00823/FUL Installation of 272 no. solar panels to existing roofs – Granted
09/00413/FUL Siting of storage container to house summer camp equipment for temporary period to 30th September 2010 – Granted
01/02/0120 Refurbishment of offices including external cladding and new roofs – Granted.

5. CONSULTATION RESPONSES

Town Council
5.1 - no objection.

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

Land Drainage Authority (Derbyshire County Council)
5.3 - holding objection as unable to provide an informed response until further information is submitted.

Derbyshire Wildlife Trust
5.4 - have requested updated ecology report.

Landscape Officer (Derbyshire Dales District Council)
5.5 - no objection.

6. REPRESENTATIONS RECEIVED

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

• previously refused and not a suitable plan to revisit
• number of dwellings excessive for space available on site
• basically a terrace that is not architecturally compatible and sympathetic with the adjacent properties on Wyvern Close and Megdale despite the comments of the applicant and the Planning Inspector
• proposal would not preserve the character and appearance of the area
• volume of traffic on The Dimple which is single lane due to parked cars
• access onto Dimple Road is not easy - poor visibility caused by parked cars when turning right and sight to the left is obscured by the bend
• present car park is almost full with sometimes as many as 70 cars on the site – do not consider the alternative parking to be adequate particularly on event days
• parking space inadequate for employees on training days and park on street – DCC employees also encroach into the area when parking
• two schools nearby with traffic accessing them along The Dimple
• recommend single yellow line to restrict daytime parking if allowed
• construction traffic will cause problems
• inadequate and unsafe pedestrian access to the site given the narrow access
• concerned with regard to planting trees and shrubs below retaining wall which could affect its stability
• loss of light and views from tree planting
• overlooking and loss of privacy
• streetlighting would be a nuisance – already live with overnight security lighting
• concerned with regard to the type of boundary fencing
• concerned about refuse access and bin storage
• owls visit the trees in the YHA grounds and would disappear as their food supply
  would be reduced and bats are often seen in the evening – recommend the whole
  situation is monitored
• loss of trees which provide habitat for bats, owls and other species of birds
• has consideration been given to what would happen if the YHA moved to a cheaper
  area and the whole site is allocated – need to get infrastructure in place first
• burglar alarm is always being activated and seems to be a continual noise which takes
  a long time to be switched off
• should not have spent so much money covering the building if they cannot afford to
  run it just as offices
• could make extra money renting car parking spaces to residents
• discrepancies in the drawings
• DDDC does not have a good track record for passing aesthetically pleasing
  developments e.g. Bakewell Road, Poppyfields and Matlock Green
• Plans for affordable houses at Megdale appear very much more appropriate for the
  locality
• impact on rights of access to the rear of neighbouring properties

6.2 Matlock Civic Association
• new application for previously permitted site
• brownfield site close to town centre and All Saints Infant and Junior Schools
• ideal for young families
• suggest two amendments to make it more accessible for pedestrians:
  o access road is narrow with no footway and a shared-space treatment (paving blocks
    rather than tarmac) is considered essential to slow traffic
  o a new pedestrian path from Prospect Drive seems feasible and should be provided.

7 OFFICER APPRAISAL

Principle of Development

7.1 The principle of developing the site has previously been approved with the decision of the
Planning Inspectorate to allow the development of the site with planning permission
13/00779/FUL. Whilst the details to address the conditions of that permission were
submitted by the applicant, this was only done recently and the conditions could not be
discharged in time, or a commencement of the permission undertaken, within the three
years of the granting of the planning permission. As such, the current application is
essentially seeking a renewal of that planning permission for a further three years. The
principle matter for assessment is therefore whether there has been any significant
changes in planning policy since the Planning Inspector granted the planning permission.
In addition, there are points of detail submitted by the applicant, in seeking to address the
conditions on the previous planning application, which are addressed in assessing the
detail of this application. In addition, the concerns of neighbouring residents have been
noted and are considered in the context of the Planning Inspector’s decision to grant the
previous planning permission and having regard to the points of detail now submitted by
the applicant.

Planning Policy

7.2 The Adopted Local Plan (2005) remains the principle consideration of any planning
application where its policies remain consistent with the NPPF. When the previous Appeal
application was allowed by the Planning Inspector, he had regard to the Adopted Local
Plan and the NPPF in making his assessment.
7.3 Whilst the emerging Local Plan is yet to be adopted, it is considered that this would not introduce policies that would otherwise conflict with those of the Adopted Local Plan, by which the previous planning application was assessed (along with the NPPF), except with regard to Policy HC4 of the Deposit Draft Local Plan where changes are proposed to the requirements for affordable housing provision; this is addressed later in this report.

7.4 At the time of the Appeal application, the District Council made a case that it had the requisite five year housing land supply and, to that effect, it still does to date. However, the Planning Inspector stated:

28. Finally, the Council suggest that it now has a five year supply of deliverable housing land available. Representations from local residents also question the need for further housing in the area. However, the need to provide a five year supply of housing land is a minimum requirement. In the context of the Framework, which seeks to boost significantly the supply of housing, this does not justify dismissing what is an otherwise acceptable scheme.

7.5 As such, it is considered that the policy principle favouring the development has not changed and that there is no justifiable reason to refuse what is essentially a renewal of a relatively recent planning permission on such ‘in principle’ grounds.

Impact on the character and appearance of the area

7.6 Local residents have raised concern with regard to the design of the development. Having assessed this same scheme with the previous planning application, the Planning Inspector stated:

6. In terms of layout the majority of housing in the area is set back from the street with driveways to the front and gardens at the rear. In response, the proposal also reflects this suburban characteristic with driveways to the front and gardens to the rear large enough for future occupiers to sit outside and incorporate areas of planting. In total approximately 30% of the development area would be dedicated to soft landscaping, or roughly 46% when taking into account the tree-lined embankment to the south. Consequently, the scheme would not be dominated by hard landscaping, nor would it represent a harmful overdevelopment of the site……

7.7 The Inspector added:

8. I therefore conclude that the proposal would preserve and respect the character and appearance of the area. As a result, it does not conflict with Derbyshire Dales Local Plan Policies SF1 or H1 which require proposals to preserve or enhance, and respect the character, appearance and setting of the area. There is also no conflict with Local Plan Policy SF5 which requires proposals to preserve or enhance the quality and local distinctiveness of their surroundings, reinforce a sense of place and be well related to surrounding properties. The scheme does not conflict with Local Plan Policy H9 either which requires the design and appearance of housing to be in scale and character with its surroundings, have regard to distinctive landscape features and provide supplementary landscaping. For the same reasons the proposal also accords with the National Planning Policy Framework (‘the Framework’) which seeks to secure good design that reinforces or promotes local distinctiveness.

Layout and Landscaping

7.8 As part of this application, further details have been submitted of the proposed layout of the spaces around the dwellinghouses, the hardsurfacing materials and landscaping of the site. It is considered that the boundary fences to the properties provide acceptable privacy
to existing residents and the future occupiers of the proposed dwellinghouses. Concern has been raised with regard to the differences in the submitted layout and landscaping drawings. These showed differing curtilages to the dwellinghouses. This is will be rectified with a single drawing setting out the site and how it relates to the boundaries with the site which will be presented to the Planning Committee.

7.9 As part of this amendment to the drawings, Officers have requested that further space be provided to ensure that a buffer of planting be provided along the western boundary of the site, where there is currently ad hoc planting with a post and wire fence. This is to soften the view of the development but also to provide a deterrent to accessing the rear of properties for the purposes of crime. The applicant has agreed to this with an amended drawing. Whilst there may be issues of access to the rears of properties, these are legal matters and could potentially be addressed with gates being provided and minor modifications to the landscape if this is a legal requirement; this does not prevent the determination of the application in the form presented.

Impact on resident's amenity

7.10 Local residents have raised concern with regard to the impact of the development on their amenity. Having assessed this same scheme with the previous planning application, the Planning Inspector stated:

22. I have also taken into account concerns regarding the living conditions of the occupiers of neighbouring properties, having particular regard to privacy, outlook, sunlight and noise. However, the Council confirm that at a distance of roughly 20m the degree of separation between the proposal and the nearest facing houses on Megdale would be sufficient not to cause any harmful loss of privacy. Based on the evidence provided, and considering the intervening trees and outbuildings I find no reason to disagree. The combination of oblique views, boundary landscaping and the change in level would also prevent any harmful overlooking of properties on Wyvern Close and Prospect Drive.

7.11 In terms of noise issues, the Planning Inspector advised:

25. Similarly, no convincing evidence has been provided to illustrate that the occupation of 11 family houses would lead to any significant noise disturbance. Whilst there would be some disruption during the construction process this would only be temporary and could be minimised through the use of a management plan. Likewise, no evidence has been provided to substantiate comments regarding drainage capacity and I have not been made aware of any objections from the Council. The requisite foul and surface water details could therefore be adequately controlled by the use of a planning condition.

Highway matters

7.12 The local residents have raised concern with regard to the access visibility and parking requirements for the YHA building, the level of on street parking and the narrowing this causes to the highway, the level of increased traffic in the area and pedestrian/vehicle conflict which, it is considered, lead to highway safety concerns. However, the Local Highway Authority has raised no in principle objections to the previous and current planning applications and, having assessed this same scheme with the previous planning application, the Planning Inspector stated:

18. I therefore conclude that the proposal would retain sufficient parking spaces for Trevelyan House and would not result in any hazardous on-street parking or congestion to the detriment of highway safety, even during periods of inclement weather. As a consequence, there is no conflict with the Framework which states
that development should only be refused on transport grounds where the residual cumulative impacts are severe.

**Affordable Housing and Open Space Provision**

7.13 The proposal for eleven dwellinghouses exceeds the threshold of more than 10 dwellings which trigger the requirement for affordable housing provision on the site. With such a development, there would also normally be a requirement for open space provision either on site or, in the case of smaller developments, as a financial contribution to the improvement/maintenance of existing facilities in the locality. These matters were previously considered by the Planning Inspector who concluded that:

14. **without making any provision for affordable housing or play space provision the proposals conflicts with Local Plan Policies H10 and L6. However, the Council’s evidence suggests that it would only marginally exceed the relevant site area thresholds. The only development plan policy referred to in relation to affordable housing is also largely out of date, and no evidence has been provided to indicate that off-site play space is necessary given existing provision nearby. On balance therefore, and in the absence of any harm having been identified, in this instance the benefits of the proposal justify a departure from Local Plan Policies H10 and L6.**

7.14 Given the above, it is considered that there is no requirement for open space provision. With regard to the matter of affordable housing, there has been a change in Policy direction with Policy H10 of the Adopted Local Plan requiring a 45% affordable housing provision on the basis of exceeding the provision of 15 dwellinghouse being on the site. The Planning Inspector made his assessment when the Local Planning Authority was seeking such a level of provision but on the basis of fewer dwellinghouses being provided on the site based on the interim assessment of affordable housing need. However, Emerging Policy HC4 would now only require 30% of all dwellinghouses to be provided as affordable housing where this exceeds 10 dwellings on a site and that the affordable dwellings should be provided on the application site.

7.15 However, the planning application is for a reasonably high density of residential development and provides for fairly modest, three bedrooomed dwellinghouses given that the smallest bedroom is only 2.5 x 2.2m in size and the largest bedroom only 4.5m by 3m. Therefore, if the requirement for affordable housing was imposed on the applicant, it would be reasonable for them to reduce the scheme by one dwellinghouse and therefore fall outside of the requirement to make such a contribution. This could be justified with the density of development being quite high and with the applicant changing house types to meet with Policy HC11 which would normally seek to secure a mix of 1, 2, 3 and 4+ bedrooomed properties. In this respect, given that the developer is proposing dwellinghouses that are at the more affordable end of the spectrum of house prices, it is considered in this instance, and having due regard to the Inspector’s decision, that the requirement for affordable housing provision is unjustified.

**Other Matters**

7.16 The North Derbyshire CCG has now advised that there should be a contribution towards the health practices in Matlock and Darley Dale. However, the exact nature of the funding requirements is not specified and this was not a requirement of the previous planning permission. In addition, given the scale of the development, the £4,260 requested by the CCG is rather modest. On this basis, it is considered reasonable to not to impose this cost now on the development of the site.

7.17 The Land Drainage Authority has raised a holding objection to the planning application. However, the Planning Inspector previously approved the development without the requirement for such information subject to a condition on the planning permission. As
such, it is considered that this condition can reasonably be repeated to address such matters

7.18 Derbyshire Wildlife Trust has raised concern with the submission of an outdated ecological survey for the site. The applicant has commissioned a further survey and its findings will be presented to the Planning Committee.

Conclusion

7.19 Whilst the concerns of local residents have been taken into account, and that of the Planning Committee who previously refused planning permission for the residential development on this site, the Authority has to give full regard to the findings of the Planning Inspector in determining that residential development of the site, in the manner currently proposed, is acceptable subject to conditions.

7.20 There have been no changes in Development Plan policy that would justify a different view now being reached on the acceptability of the proposal. Therefore, Officers recommend that planning permission be granted in accordance with the amended drawings and the conditions attached by the Planning Inspector to the previous planning permission, except where adequate information has now been submitted to address these with this latest planning application.

8 RECOMMENDATION

That planning permission be granted subject to the following conditions:

1. The development hereby permitted shall begin no later than three years from the date of this decision.

2. Except where directed otherwise by conditions below, the development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan, Drawing Nos. AS01, AP02, AP01/C and AL01/C received on 30th August 2017 except as amended by Drawing Nos…….. received on …..October 2017 and except insofar as may otherwise be required by other conditions to which this permission is subject.

3. No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

4. The development hereby permitted shall be carried out in accordance with the recommendations in the Ecology Report (dated ……….. October 2017), unless otherwise agreed in writing by the Local Planning Authority.

5. Demolition and clearance works shall only be undertaken at a time of the year (September – February) when disturbance to bats will be minimised, unless otherwise agreed in writing by the local planning authority.

6. Unless otherwise detailed in the Rycroft Associates Arboricultural Statement (dated September 2013), or otherwise agreed in writing by the Local Planning Authority, all trees detailed on the approved drawings shall be retained and protected during the course of development. No works shall commence on site until the approved protective measures have been installed, and all works shall be carried out in accordance with the recommendations in Section 9 of the Arboricultural Statement.
7. All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the dwellings 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, unless the local planning authority gives written approval to any variation. All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of the dwellings or in accordance with a programme to be agreed with the local planning authority.

8. No development shall take place until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The approved Plan shall be adhered to throughout the construction period and shall provide for:
   • the parking of vehicles of site operatives and visitors;
   • loading and unloading of plant and materials;
   • storage of plant and materials used in constructing the development;
   • the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
   • wheel washing facilities; and
   • hours of construction.

9. Prior to the construction of any of the dwellings hereby permitted 79 car parking spaces shall have been provided within the site in accordance with the approved plans. Car parking spaces shall measure a minimum of 2.4m x 4.8m and shall be retained for their intended use at all times thereafter.

10. Prior to the construction of any of the dwellings hereby permitted the existing access to Dimple Road shall be modified, laid out and constructed in accordance with the approved plans. The area in advance of the sightlines illustrated on the approved plans shall be kept free of any object greater than 1m in height, or 0.6m in the case of vegetation relative to the adjoining nearside carriageway channel level.

11. Prior to the occupation of any of the dwellings hereby permitted space for the parking and manoeuvring of residents/visitors vehicles shall be laid out and surfaced in accordance with the approved plans. Car parking spaces shall measure a minimum of 2.4m x 4.8m and shall be retained for their intended use at all times thereafter.

12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no extensions, windows or dormer windows shall be constructed on any of the dwellings hereby permitted under the provisions of Schedule 2, Part 1, Classes A and B.

Reasons:

1. Reason ST02a

2. To define the permission and to ensure the satisfactory appearance of the development and to safeguard the character and appearance of the area to comply with Policies SF1, SF5, H1 and H9 of the adopted Derbyshire Dales Local Plan (2005) and Government guidance contained in the National Planning Policy Framework.

3. To ensure the satisfactory appearance of the development and to safeguard the character and appearance of the area to comply with Policies SF1, SF5, H1 and H9 of
the adopted Derbyshire Dales Local Plan (2005) and Government guidance contained in the National Planning Policy Framework.

4-5. In order to protect species protected by law and to ensure the satisfactory appearance of the development and to safeguard the character and appearance of the area to comply with Policies SF1, SF5, H1, H9, NBE5 and NBE26 of the adopted Derbyshire Dales Local Plan (2005) and Government guidance contained in the National Planning Policy Framework.

6-7. To ensure the satisfactory appearance of the development and to safeguard the character and appearance of the area 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.

8-10. In the interests of highway safety to comply with Policy TR1 of the adopted Derbyshire Dales Local Plan (2005).

11. To ensure the provision of adequate on-site parking facilities in the interests of highway safety to comply with Policy TR1 of the adopted Derbyshire Dales Local Plan (2005).

12. To safeguard the character and appearance of the development and to safeguard the amenity of the occupiers of neighbouring dwellinghouses to comply with Policies SF1, SF5, H1 and H9 of the adopted Derbyshire Dales Local Plan (2005) and Government guidance contained in the National Planning Policy Framework.

NOTES TO APPLICANT:
Pursuant to Section 184 of the Highways Act 1980 and Section 86(4) of the New Roads and Streetworks Act 1991, at least 3 months prior notification should be given to the Strategic Director of Environmental Services at County Hall, Matlock (tel: 01629 538595 and ask for Mr. Andy Maltby) before any works commence on the vehicular access modifications within highway limits.

The Local Planning Authority, prior to the submission of the application and during its consideration, engaged in a positive and proactive dialogue with the applicant which resulted in the scheme addressing initial concerns relating to ecological and arboricultural matters, the amenity of neighbouring residents, access and parking requirements and the character and appearance of the dwellinghouses.

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

This decision notice relates to the following documents subject to revision with the amended plans and updated ecology report being received:

Site Location Plan1:1250 received on 30th August 2017
Drawing Nos. YH53/AD01, 02, 03 and 04, AL01/B, AL01/C, AP01/B AP02, AP03/A and AS01 and SR717.2 and 3 received on 30th August 2017
Amended Drawing Nos ……….received on ……October 2017
Design and Access Statement received on 30th August 2017
Parking Analysis received on 30th August 2017
Ecology Report received on ........
Arboricultural Statement received on 30\textsuperscript{th} August 2017
Proposed Landscape Works and Hard Surfacing Materials brochure received on 30\textsuperscript{th} August 2017
Alumasc Rainwater Gutter and Downpipes brochure received on 30\textsuperscript{th} August 2017
## Ashbourne North

<table>
<thead>
<tr>
<th>Reference</th>
<th>Description</th>
<th>Location</th>
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</thead>
<tbody>
<tr>
<td>ENF/14/00071</td>
<td>Unauthorised building works to facilitate a Biomass Boiler and affecting the setting of a listed building.</td>
<td>Sturston Hall Farm Mill Lane Sturston Derbyshire DE6 1LN</td>
<td>Notice Issued</td>
</tr>
<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>
<td></td>
<td>Notice Issued</td>
</tr>
<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>
</tr>
<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>
</tr>
<tr>
<td>ENF/17/00094</td>
<td>Unauthorised facia signs at 1 Shawcroft Centre, Dig Street, Ashbourne, DE6 1GF</td>
<td>1 Shawcroft Centre Dig Street Ashbourne Derbyshire DE6 1GD</td>
<td>Pending Consideration</td>
</tr>
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## Ashbourne South

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<tr>
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<th>Location</th>
<th>Status</th>
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<tbody>
<tr>
<td>ENF/14/00070</td>
<td>Unauthorised internally illuminated signage above front of restaurant - 25 Dig Street, Ashbourne, DE6 1GF</td>
<td>25 Dig Street Ashbourne Derbyshire DE6 1GF</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/17/00008</td>
<td>Unauthorised development - Breach of conditions relating to planning permission 09/00207/REM. Erection of 5 two storey dwellings and associated car parking (approval of reserved matters), Olivers Mount Works, South St, Ashbourne.</td>
<td>39 South Street Ashbourne Derbyshire DE6 1DP</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/17/00030</td>
<td>Unauthorised building works to facilitate a raised platform/decking and additional fencing on land at the rear of 47 South St, Ashbourne.</td>
<td>47 South Street Ashbourne Derbyshire DE6 1DP</td>
<td>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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### Brailsford

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<tr>
<th>Reference</th>
<th>Description</th>
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</thead>
<tbody>
<tr>
<td>ENF/17/00058</td>
<td>Unauthorised erection of replacement fencing around boundary of South Lodge, Long Lane, Longford, Derbyshire</td>
<td>South Lodge Long Lane Longford Derbyshire DE6 3DS</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/17/00063</td>
<td>Various adverts around Brailsford</td>
<td>Land To The North Of The Telephone Exchange Luke Lane Brailsford Derbyshire</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/17/00073</td>
<td>Alleged breach of condition 9 relating to planning permission DDD/0299/0100 - CHANGE OF USE OF PART OF CHEESE FACTORY TO DWELLING WITH COMMERCIAL STUDIO AND SEPARATE OFFICE - for Mr S Webb</td>
<td>The Cheese Factory Longford Lane Longford Derbyshire DE6 3DT</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/17/00093</td>
<td>Alleged unauthorised use of parking area to serve food and provide outdoor seating, use of first floor as living accommodation and siting of log burner</td>
<td>Blueberry Tea Room 13A Main Road Brailsford Derbyshire DE6 3DA</td>
<td>Pending Consideration</td>
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</tbody>
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### Carsington Water

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<tr>
<th>Reference</th>
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<th>Details</th>
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</thead>
<tbody>
<tr>
<td>ENF/16/00034</td>
<td>Unauthorised erection of Dog kennels</td>
<td>Four Lane Ends Farm Gibfield Lane Hulland Ward Derbyshire DE6 3EJ</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/16/00073</td>
<td>Unauthorised change of use and conversion of outbuildings on land at Rock Cottage, Brassington, Matlock, Derbyshire, DE4 4HA</td>
<td>Rock Cottage Hillside Lane Brassington Derbyshire DE4 4HA</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/17/00041</td>
<td>Unauthorised change of use of land for the stationing of a static caravan for the purpose of human habitation</td>
<td>Barn At Arm Lees Farm Ryder Point Road Wirksworth Derbyshire</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/17/00052</td>
<td>Unauthorised engineering works to install septic tank on land at the Manor House, Church St, Brassington, Derbyshire.</td>
<td>Manor House Church Street Brassington Derbyshire DE4 4HJ</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/17/00082</td>
<td>Unauthorised erection of raised platform on land within the conservation area and to the rear of Barnwood, Hopton, Wirksworth, Matlock, Derbyshire DE4 4DF</td>
<td>Barnwood Main Street Hopton Derbyshire DE4 4DF</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/17/00085</td>
<td>Unauthorised building works comprising a change of structure on a building approved under PDA change of use.</td>
<td>Former Wallands Farmhouse Ashbourne Road Brassington Derbyshire DE4 4DB</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/17/00095</td>
<td>Unauthorised building works to create a roof over an existing muck store and unauthorised minor enlargement of approved building, 15/00493/FUL.</td>
<td>Turlow Fields Farm Turlowfields Lane Hognaston Derbyshire DE6 1PW</td>
<td>Pending Consideration</td>
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</table>
### Clifton And Bradley

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<tr>
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<tbody>
<tr>
<td>ENF/17/00013</td>
<td>Unauthorised change of use of land from agricultural to domestic curtilage, and engineering works to create new access drive/parking area to dwelling.</td>
<td>Laurel Cottage Clifton Road Clifton Derbyshire DE6 2DH</td>
<td>DC Application Submitted</td>
</tr>
</tbody>
</table>

### Darley Dale

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<thead>
<tr>
<th>Reference</th>
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<tbody>
<tr>
<td>ENF/12/00034</td>
<td>Unauthorised demolition of a Listed wall and unauthorised access off the A6 at Dale Road North Darley Dale.</td>
<td>Stancliffe Quarry, Darley Dale, Matlock.</td>
<td>Notice Issued</td>
</tr>
<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/17/00048</td>
<td>Alleged unauthorised lamp posts.</td>
<td>St Elphins St Elphins Park Darley Dale Derbyshire DE4 2RL</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/17/00098</td>
<td>Erection of an outbuilding</td>
<td>11 Hillside Gardens Matlock Derbyshire DE4 3SH</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/17/00100</td>
<td>Alleged - Unauthorised Use of Site and Building for the Holding of Weddings</td>
<td>Peak Village Ltd Darwin Lake Holiday Village Jaggers Lane Darley Moor Matlock Derbyshire DE4 5LJ</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/17/00107</td>
<td>Extension not being carried out in accordance with the approved plans.</td>
<td>The Beeches Hallmoor Road Darley Dale Derbyshire DE4 2HF</td>
<td>Pending Consideration</td>
</tr>
</tbody>
</table>

### Dovedale And Parwich

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<thead>
<tr>
<th>Reference</th>
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</thead>
<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>
</tr>
</tbody>
</table>

### Hulland

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<thead>
<tr>
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<th>Status</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>
</tr>
<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>
</tr>
<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>
</tr>
</tbody>
</table>
ENF/17/00064  Unauthorised change of use of land to create a horse riding Manege' on land West side of Broadway, Kirk Ireton

Caravan At Valley View Broad Way Kirk Ireton Derbyshire
Pending Consideration

ENF/17/00065  Unauthorised engineering works to create field access with gate onto Hobs Lane, Kirk Ireton.

Winney Hill Farm Hob Lane Kirk Ireton Derbyshire DE6 3LG
Pending Consideration

Masson

ENF/11/00083  Unauthorised rebuilding of retaining wall.

24 Chapel Hill Cromford Derbyshire DE4 3QG
Notice Issued

ENF/13/00108  Unauthorised works to Grade II Listed Building

Corn Mill Cottage Water Lane Cromford Derbyshire DE4 3QH
Notice Issued

ENF/15/00054  Unauthorised alterations to a Grade II Listed Building.

Rita’s Fish Bar 182 South Parade Matlock Bath Derbyshire DE4 3NR
Pending Consideration

ENF/15/00104  Unauthorised internal works and demolition of external boundary wall.

Mill Managers House  Cromford Mill Mill Road Cromford Derbyshire DE4 3RQ
Pending Consideration

ENF/16/00041  Unauthorised instalation of plastic windows and door.

2,4,6 North Parade Matlock Bath Derbyshire DE4 3NS
Notice Issued

ENF/16/00090  Erection of a shed, decking and fence.

2 Primrose Cottages St Johns Road Matlock Bath Derbyshire DE4 3PQ
Notice Issued

ENF/16/00097  Unauthorised engineering operations and the creation of concrete retaining wall.

UK Slipform Ltd Dunsley Mill Via Gellia Road Bonsall Derbyshire DE4 2AJ
Pending Consideration

ENF/17/00022  Erection of two wooden sheds.

The Cottage Puddle Hill Bonsall Derbyshire DE4 2BA
Pending Consideration

ENF/17/00061  Unauthorised works to a Listed Building

RIVA Rose Cottage 124 - 126 North Parade Matlock Bath Derbyshire DE4 3NS
Pending Consideration

ENF/17/00070  Use of premises as a Cafe.

20 North Parade Matlock Bath Derbyshire DE4 3NS
Pending Consideration

ENF/17/00078  Potential change of use of tennis courts to a Fun Fair from 22nd July until 3rd September 2017

Tennis Courts Derwent Gardens South Parade Matlock Bath Derbyshire
Pending Consideration

ENF/17/00102  Erection of Four Sheds

Land Adj. The Allotments Between North Street And Bedehouse Lane Cromford Derbyshire DE4 3QZ
Pending Consideration

Matlock All Saints

ENF/14/00006  Unauthorised change of use from domestic curtilage to use as commercial car park relating to Parkside Fitness

5 Olde Englishe Road Matlock Derbyshire DE4 3RR
Notice Issued
<table>
<thead>
<tr>
<th>ENF/15/00030</th>
<th>Unauthorised &quot;PELI&quot; advertisement</th>
<th>Peli Deli 6 Crown Square Matlock Derbyshire DE4 3AT</th>
<th>Notice Issued</th>
</tr>
</thead>
<tbody>
<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/17/00043</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/17/00090</td>
<td>Breach of condition regarding opening hours.</td>
<td>McDonald’s 43 Bakewell Road Matlock Derbyshire DE4 3AU</td>
<td>Pending Consideration</td>
</tr>
</tbody>
</table>

### Matlock St Giles

<table>
<thead>
<tr>
<th>ENF/13/00084</th>
<th>Unauthorised erection of workshop</th>
<th>Phillips Woodware Smuse Lane Matlock Derbyshire DE4 5EY</th>
<th>Notice Issued</th>
</tr>
</thead>
<tbody>
<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>
</tr>
<tr>
<td>ENF/16/00056</td>
<td>Change of use of agricultural land to the rear of 70 - 80 Starkholmes Road Matlock, to incoorporate 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>
</tr>
<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/17/00020</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/17/00079</td>
<td>Breach of condition 5 on planning permission 16/00889/FUL</td>
<td>ALS Scaffolding Services Limited Sunnyside Farm Whitelea Lane Tansley Derbyshire DE4 5FL</td>
<td>Notice Issued</td>
</tr>
<tr>
<td>ENF/17/00088</td>
<td>Unauthorised creation of pond</td>
<td>Mount Pleasant Nottingham Road Tansley Derbyshire DE4 5GA</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/17/00089</td>
<td>Unauthorised decking and shed.</td>
<td>1 Hill Top Terrace Alfreton Road The Cliff Tansley Derbyshire DE4 5FY</td>
<td>Pending Consideration</td>
</tr>
</tbody>
</table>

### Norbury
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<tr>
<th>Reference</th>
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<tbody>
<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, Thurvaston Road, Marston Montgomery, Ashbourne, Derbyshire, DE6 2FF</td>
<td>Home Farm Thurvaston Road Marston Montgomery Derbyshire DE6 2FF</td>
<td>Notice Issued</td>
</tr>
<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>
</tr>
<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>
</tr>
<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>
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**Winster And South Darley**

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<tr>
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<tbody>
<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>
</tr>
</tbody>
</table>

**Wirksworth**

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<thead>
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<tbody>
<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>Case Reference</td>
<td>Offence Description</td>
<td>Location</td>
<td>Status</td>
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</tr>
<tr>
<td>ENF/17/0002</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</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>
</tr>
<tr>
<td>ENF/17/00092</td>
<td>Failure to correctly discharge pre-commencement planning conditions relating to planning permission 16/00229/PDA - change of use of agricultural building to dwelling house(use class C3) and associated building operations.</td>
<td>Arm Lees Farm Ryder Point Road Wirksworth Derbyshire DE4 4HE</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/17/00104</td>
<td>Alterations to entrance area and non compliance with boundary planting condition</td>
<td>11A Little Bolehill Bolehill Derbyshire DE4 4GR</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/17/00105</td>
<td>Finished detail on apartment bay windows not in accordance with the approved design</td>
<td>Land At Cromford Road Wirksworth Derbyshire</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/17/00106</td>
<td>Erection of High Fence Posts</td>
<td>2 New Road Bolehill Derbyshire DE4 4GL</td>
<td>Pending Consideration</td>
</tr>
</tbody>
</table>

**Total Open Cases**: 79
## Enforcement Investigations Closed

### Ashbourne North

<table>
<thead>
<tr>
<th>Case Number</th>
<th>Description</th>
<th>Address</th>
<th>Status</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>ENF/12/00110</td>
<td>Unauthorised extension to dwelling - side and rear extension fronting the highway. 112 Park Avenue, Ashbourne, DE6 1GB</td>
<td>112 Park Avenue Ashbourne Derbyshire DE6 1GB</td>
<td>Complied Voluntarily</td>
<td>29/03/2017</td>
</tr>
<tr>
<td>ENF/17/00019</td>
<td>Unauthorised erection of timber structure in field to rear of Sunny Mount, Windmill Lane, Ashbourne, DE6 1JA</td>
<td>Sunny Mount Windmill Lane Ashbourne Derbyshire DE6 1JA</td>
<td>Complied Voluntarily</td>
<td>12/06/2017</td>
</tr>
<tr>
<td>ENF/17/00037</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>
</tbody>
</table>

### Ashbourne South

<table>
<thead>
<tr>
<th>Case Number</th>
<th>Description</th>
<th>Address</th>
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<tbody>
<tr>
<td>ENF/16/00031</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>ENF/17/00075</td>
<td>Unauthorised erection of shed on land to rear of 49 Lodge Farm Chase, contrary to condition 9 of planning permission 13/00854/REM - Erection of 38 no. dwellings and associated public open space and infrastructure (approval of reserved matters)</td>
<td>49 Lodge Farm Chase Ashbourne Derbyshire DE6 1GY</td>
<td>Complied Voluntarily</td>
<td>28/07/2017</td>
</tr>
<tr>
<td>ENF/17/00083</td>
<td>Removal of boundary hedgerow</td>
<td>Land South Of Old Derby Road Ashbourne Derbyshire</td>
<td>Complaint Unfounded</td>
<td>11/08/2017</td>
</tr>
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</table>

### Brailsford

<table>
<thead>
<tr>
<th>Case Number</th>
<th>Description</th>
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<tbody>
<tr>
<td>ENF/17/00009</td>
<td>Unauthorised building works - Building does not accord with approved plans 15/00407/FUL (Part) for the erection of the freestanding garage/studio.</td>
<td>Burton Shutts Farm Cuscas Lane Brailsford Derbyshire DE6 3BG</td>
<td>Planning Application Received</td>
<td>22/06/2017</td>
</tr>
<tr>
<td>ENF/17/00050</td>
<td>Unauthorised change of use of domestic garage to use for commercial dog grooming parlour.</td>
<td>The Spruces Main Road Brailsford Derbyshire DE6 3DA</td>
<td>Planning Application Received</td>
<td>18/08/2017</td>
</tr>
</tbody>
</table>

### Carsington Water

<table>
<thead>
<tr>
<th>Case Number</th>
<th>Description</th>
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</tr>
</thead>
<tbody>
<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>Reference</td>
<td>Description</td>
<td>Location</td>
<td>Status</td>
<td>Date</td>
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<tr>
<td>ENF/17/00103</td>
<td>Early Morning Construction Noise from Development</td>
<td>Former Goodacres Farm Furlong Lane Hognaston Derbyshire DE6 1PX.</td>
<td>Complaint Unfounded.</td>
<td>28/09/2017</td>
</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/17/00096</td>
<td>Alleged unauthorised excavation to create slurry pit on land adjacent to Rough Wood, Bradley</td>
<td>Land North Of Rough Wood Rough Lane Yeldersley Derbyshire.</td>
<td>Complaint Unfounded.</td>
<td>08/09/2017</td>
</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/16/00071</td>
<td>Unauthorised engineering operations</td>
<td>The Beeches Hallmoor Road Darley Dale Derbyshire DE4 2HF.</td>
<td>Planning Application Received</td>
<td>14/06/2017</td>
</tr>
<tr>
<td>ENF/17/00044</td>
<td>Alleged use of property for car and motorcycle repairs.</td>
<td>47 Painters Way Two Dales Derbyshire DE4 2SB</td>
<td>Complaint Unfounded.</td>
<td>22/05/2017</td>
</tr>
<tr>
<td>ENF/17/00047</td>
<td>Unauthorised engineering/earthwork operations on the Western boundary of Denacre House and the building of a retaining wall between Denacre House and the road.</td>
<td>Denacre House Denacre Lane Two Dales Derbyshire DE4 2FL.</td>
<td>Planning Application Received</td>
<td>28/09/2017</td>
</tr>
<tr>
<td>ENF/17/00086</td>
<td>Unauthorised side extension.</td>
<td>Lynfield Dale Road South Darley Dale Derbyshire DE4 2EU.</td>
<td>Planning Application Received</td>
<td>20/09/2017</td>
</tr>
<tr>
<td>ENF/17/00091</td>
<td>Alleged unauthorised fence.</td>
<td>Meadow View Centre 300 Bakewell Road Matlock Derbyshire DE4 2JF.</td>
<td>Complaint Unfounded.</td>
<td>23/08/2017</td>
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**Darley Dale**

<table>
<thead>
<tr>
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</thead>
<tbody>
<tr>
<td>ENF/15/00041</td>
<td>Alleged unauthorised excavation to create slurry pit on land adjacent to Rough Wood, Bradley</td>
<td>Land North Of Rough Wood Rough Lane Yeldersley Derbyshire.</td>
<td>Complaint Unfounded.</td>
<td>08/09/2017</td>
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**Doveridge And Sudbury**

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<thead>
<tr>
<th>Reference</th>
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<table>
<thead>
<tr>
<th>No.</th>
<th>Case Number</th>
<th>Summary</th>
<th>Location</th>
<th>Date</th>
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<tbody>
<tr>
<td>ENF/17/00003</td>
<td>Unauthorised building works relating to planning permission 15/00459/FUL. Building not built in accordance with approved plans. Also the demolition of an existing double garage and erection of new garage with accomodation above and link to newly built timber clad building, (15/00459/FUL).</td>
<td>81 Aston Lane Sudbury Derbyshire DE6 5HG</td>
<td>Planning Application Received</td>
<td>09/05/2017</td>
</tr>
<tr>
<td>ENF/17/00099</td>
<td>Unauthorised use of land for Commercial/Industrial Storage</td>
<td>Hallmark Tractors Limited Springfield Garage  Ashbourne Road Sudbury Derbyshire DE6 5HL</td>
<td>Justification from Officer</td>
<td>18/09/2017</td>
</tr>
<tr>
<td><strong>Hulland</strong></td>
<td></td>
<td></td>
<td></td>
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</tr>
<tr>
<td>ENF/17/00055</td>
<td>Alleged breach of condition relating to removal of P/D rights. Installation of external heat source pump on Laburnham Cottage, Nether Lane, Kirk Ireton.</td>
<td>Bluebell House Nether Lane Kirk Ireton Derbyshire DE6 3JW</td>
<td>Complaint Unfounded</td>
<td>08/06/2017</td>
</tr>
<tr>
<td>ENF/17/00066</td>
<td>Unauthorised building work to create a chimney on roof of barn conversion contrary to planning permission 16/00501/PDA - Change of use of agricultural building to 2 no dwelling houses (use class c3) and associated building operations.</td>
<td>Highcroft Hillcliff Lane Turnditch Derbyshire DE56 2EA</td>
<td>Complied Voluntarily</td>
<td>11/08/2017</td>
</tr>
<tr>
<td>ENF/17/00072</td>
<td>Breach of condition 1 of planning permission 15/00817/FUL - The temporary mobile home hereby approved shall be removed from the site and the land reinstated to its former condition no later than 18 months from the date of this permission. Occupancy of the dwelling shall be restricted to the applicant and her immediate dependants/family members for the duration of the temporary permission, hereby granted.</td>
<td>Log Cabin At Millfield Stables Millfield Lane Kirk Ireton Derbyshire</td>
<td>Planning Application Received</td>
<td>11/09/2017</td>
</tr>
<tr>
<td><strong>Masson</strong></td>
<td></td>
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</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>Not in the Public interest to pursue</td>
<td>20/09/2017</td>
</tr>
<tr>
<td>ENF/16/00024</td>
<td>Unauthorised occupation of holiday let as residential dwelling.</td>
<td>The Farrow Farm Chestnut Farm Abel Lane Bonsall Derbyshire</td>
<td>Planning Application Received</td>
<td>29/03/2017</td>
</tr>
<tr>
<td>ENF/16/00028</td>
<td>Unauthorised erection of fence within the curtilage, at the rear, of a Grade II Listed Building.</td>
<td>86 The Hill Cromford Derbyshire DE4 3QU</td>
<td>Planning Application Received</td>
<td>29/03/2017</td>
</tr>
<tr>
<td>ENF/16/00037</td>
<td>Unauthorised extension to property.</td>
<td>1 Water Lane Cromford Derbyshire DE4 3QH</td>
<td>Planning Application Received</td>
<td>24/05/2017</td>
</tr>
<tr>
<td>Reference</td>
<td>Description</td>
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<tr>
<td>ENF/16/00063</td>
<td>Change of Use of premises to Cafe</td>
<td>Restoration Cafe Former Tourist Information Centre Grand Pavilion South Parade Matlock Bath Derbyshire DE4 3NR</td>
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<tr>
<td>ENF/16/00066</td>
<td>Alleged unauthorised building works to rear of property. - 138-142 North Parade, Matlock Bath, Derbyshire, DE4 3NS</td>
<td>Kostas Restaurant 138 North Parade Matlock Bath Derbyshire DE4 3NS</td>
<td></td>
<td></td>
</tr>
<tr>
<td>ENF/16/00076</td>
<td>Unauthorised &quot;mini fish, chips &amp; peas&quot; banner on railings.</td>
<td>Halls Merry Go Round 200 South Parade Matlock Bath Derbyshire DE4 3NR</td>
<td></td>
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</tr>
<tr>
<td>ENF/16/00078</td>
<td>Works to clad a bus stop in stone.</td>
<td>Bus Stop Near To The Fountain. Bonsall.</td>
<td></td>
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</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></td>
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</tr>
<tr>
<td>ENF/17/00027</td>
<td>Unauthorised erection of a satellite dish.</td>
<td>4 Holme Villas Brunsworth Road Matlock Bath Derbyshire DE4 3PA</td>
<td></td>
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</tr>
<tr>
<td>ENF/17/00028</td>
<td>Engineering operations to extend a car parking area.</td>
<td>Rock View Temple Walk Matlock Bath Derbyshire DE4 3PG</td>
<td></td>
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</tr>
<tr>
<td>ENF/17/00032</td>
<td>Alleged new blockwork wall.</td>
<td>Masson Road Matlock Bath</td>
<td></td>
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</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></td>
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</tr>
<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>136 North Parade Matlock Bath Derbyshire DE4 3NS</td>
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</tr>
<tr>
<td>ENF/17/00045</td>
<td>Unauthorised satellite dish.</td>
<td>3 Holme Villas Brunsworth Road Matlock Bath Derbyshire DE4 3PA</td>
<td></td>
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</tr>
<tr>
<td>ENF/17/00071</td>
<td>Alleged unauthorised car standing space</td>
<td>16 Rose End Avenue Cromford Derbyshire DE4 3QP</td>
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</tr>
<tr>
<td>ENF/17/00080</td>
<td>Alleged unauthorised works to a Listed Building.</td>
<td>19 North Street Cromford Derbyshire DE4 3RG</td>
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</tr>
<tr>
<td>ENF/17/00081</td>
<td>Alleged unauthorised C.O.U to a wedding venue</td>
<td>Masson Farm St Johns Road Matlock Bath Derbyshire DE4 3PQ.</td>
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</tr>
<tr>
<td>ENF/17/00084</td>
<td>Alleged unauthorised works.</td>
<td>County And Station Hotel 258 Dale Road Matlock Bath Derbyshire DE4 3NT</td>
<td></td>
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</table>

**Matlock All Saints**
<table>
<thead>
<tr>
<th>Reference</th>
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<th>Outcome</th>
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<tbody>
<tr>
<td>ENF/15/00087</td>
<td>Breach of conditions on planning application number 14/00493/FUL</td>
<td>10 Imperial Road Matlock Derbyshire DE4 3NL</td>
<td>Complied Voluntarily</td>
<td>21/06/2017</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>Not in the Public interest to pursue</td>
<td>20/09/2017</td>
</tr>
<tr>
<td>ENF/16/00015</td>
<td>Breach of condition 2 on planning permission (office code) 13/00005/FUL.</td>
<td>19 Dale Road Matlock Derbyshire DE4 3LT</td>
<td>Not in the Public interest to pursue</td>
<td>04/04/2017</td>
</tr>
<tr>
<td>ENF/16/00038</td>
<td>Unauthorised erection of fences and alleged car sales business.</td>
<td>2 Bentley Close Matlock Derbyshire DE4 3GF</td>
<td>Complied Voluntarily</td>
<td>29/03/2017</td>
</tr>
<tr>
<td>ENF/17/00011</td>
<td>Erection of retaining wall at the bottom of the garden adjacent to a footpath.</td>
<td>64 Wellington Street Matlock Derbyshire DE4 3GS</td>
<td>Planning Application Received</td>
<td>21/06/2017</td>
</tr>
<tr>
<td>ENF/17/00034</td>
<td>Demolition of dwelling.</td>
<td>The Lawns Cavendish Road Matlock Derbyshire DE4 3GZ</td>
<td>Planning Application Received</td>
<td>14/08/2017</td>
</tr>
<tr>
<td>ENF/17/00062</td>
<td>Alleged unauthorised fencing</td>
<td>Jackson Tor Hotel 76 Jackson Road Matlock Derbyshire DE4 3JQ</td>
<td>Complaint Unfounded</td>
<td>21/06/2017</td>
</tr>
<tr>
<td>ENF/17/00068</td>
<td>Alleged unauthorised railings at 47-49 Smedley Street East, Matlock.</td>
<td>47 Smedley Street East Matlock Derbyshire DE4 3FQ</td>
<td>Complaint Unfounded</td>
<td>10/07/2017</td>
</tr>
<tr>
<td>ENF/17/00069</td>
<td>Unauthorised construction of raised platform/patio.</td>
<td>21 Snitterton Road Matlock Derbyshire DE4 3LZ</td>
<td>Planning Application Received</td>
<td>20/09/2017</td>
</tr>
</tbody>
</table>

**Matlock St Giles**

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

**Norbury**
<table>
<thead>
<tr>
<th>Case Number</th>
<th>Description</th>
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<th>Outcome</th>
<th>Date</th>
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</thead>
<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/17/00087</td>
<td>Alleged unauthorised engineering works to raise land level within the curtilage of Dove Bank House, Marston Bank, Roston</td>
<td>Dove Bank House Marston Bank Rocester Derbyshire ST14 5BP</td>
<td>Complaint Unfounded</td>
<td>21/08/2017</td>
</tr>
<tr>
<td>Wirksworth</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/15/00079</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/17/0001</td>
<td>Unauthorised occupation of The Chalet</td>
<td>The Chalet Millers Green Wirksworth Derbyshire DE4 4BL</td>
<td>Planning Application Received</td>
<td>08/05/2017</td>
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<tr>
<td>ENF/17/00033</td>
<td>Creation of an additional dwelling.</td>
<td>HotHouse Gatehouse Drive Wirksworth Derbyshire DE4 4DL</td>
<td>Planning Application Received</td>
<td>14/06/2017</td>
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<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**: 65
PLANNING COMMITTEE – 10\textsuperscript{th} October 2017

PLANNING APPEAL – PROGRESS REPORT

Report of the Corporate Director

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<tr>
<td>16/00567/OUT</td>
<td>Land off Main Road, Brailsford</td>
<td>HEAR</td>
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<td>16/00922/OUT</td>
<td>Land east of Derby Road, Doveridge</td>
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<tr>
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<td>83 The Green Road, Ashbourne</td>
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<td>ENF/16/00089</td>
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<td>HH</td>
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<td>Windmill Cottage, Willersley Lane, Cromford</td>
<td>HH</td>
<td>Appeal dismissed - copy of appeal decision attached</td>
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WR - Written Representations  
IH - Informal Hearing  
PI – Public Inquiry  
LI - Local Inquiry  
HH - Householder

**OFFICER RECOMMENDATION:**

That the report be noted.
**Appeal Decision**

Hearing held on 28 June 2017  
Site visit made on 28 June 2017  

by B Bowker  Mplan MRPI  
an Inspector appointed by the Secretary of State for Communities and Local Government  

Decision date: 08 September 2017

**Appeal Ref: APP/P1045/W/17/3167362**  
**Land off Main Road, Brailsford, Derbyshire**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by Gladman Developments against the decision of Derbyshire Dales District Council.
- The application Ref 16/00567/OUT, dated 3 August 2016, was refused by notice dated 16 November 2016.
- The development proposed is outline planning permission for up to 75 residential dwellings (including up to 35% affordable housing), introduction of structural planting and landscaping, informal public open space and children’s play area, surface water flood mitigation and attenuation, vehicular access point from Main Road and associated ancillary works. All matters to be reserved with the exception of the main site access.

**Decision**

1. The appeal is allowed and outline planning permission is granted for 75 residential dwellings (including up to 35% affordable housing), introduction of structural planting and landscaping, informal public open space and children’s play area, surface water flood mitigation and attenuation, vehicular access point from Main Road and associated ancillary works. All matters to be reserved with the exception of the main site access, at Land off Main Road, Brailsford, Derbyshire, in accordance with the terms of the application Ref 16/00567/OUT, dated 3 August 2016, subject to the conditions in the attached schedule.

**Preliminary Matters**

2. The proposal as submitted is for outline planning permission with all matters reserved apart from access. Appearance, landscaping, layout and scale are reserved for later consideration and the appeal has been determined on this basis. The layout plan and illustrative material submitted with the planning application has been taken into account for indicative purposes.

3. A Unilateral Undertaking (UU) has been submitted by the appellant taking into account the views of the Council. As the UU was not signed and dated, I allowed the appellant two working days at the hearing to provide a completed version. The completed version was duly received and has been taken into account in my determination of the appeal.

4. It was explained during the hearing that the appellant’s housing land supply representative and the Council had discussed the matter of housing land supply.
at a recent Inquiry\(^1\). Consequently the parties choose to submit the cases put forward at the Inquiry to form the basis of their cases at the hearing. Updates were provided at the hearing in relation to aspects of the respective cases and the appeal has been determined on this basis.

5. At the time of the hearing, an application\(^2\) seeking outline permission for residential development on the eastern section of the site had been deferred from the Council’s May 2017 Planning Committee in anticipation of additional highway safety information. Following the hearing, outline permission was granted for residential development on the eastern section of the site. Comments were sought regarding the effect of this matter on the proposal and the appeal has been determined accordingly.

6. A signed Statement of Common Ground (SOCG) between the appellant and the Council was provided as part of the appeal documentation. The SOCG records that following the submission of additional evidence the Council no longer seek to defend its reasons of refusal relating to highway safety and protected species.

7. Based on all I have seen and read, I have no reason to question the Council’s acceptance of these matters. Consequently my determination of the appeal focusses on the main issues identified below.

Main Issues

8. The main issues are:
   - Whether or not the Council is able to demonstrate a five-year supply of housing land for the area;
   - The effect of the proposal on the character and appearance of the surrounding area;
   - The planning balance: Whether the proposal comprises sustainable development as defined by the National Planning Policy Framework (the Framework) and whether the adverse impacts of approving the development would significantly and demonstrably outweigh the benefits.

Reasons

Policy Background

9. The appeal site comprises two fields located to the western edge of Brailsford. Outline permission has been granted for the development of 32 dwellings on the eastern field. For planning purposes, the site is not located within the settlement of Brailsford as defined by saved Policy SF4 of the 2005 Derbyshire Dales Local Plan (DDLP).

10. The emerging Local Plan (LP) has allocated the eastern field for housing and defines the western field as being outside the settlement. The emerging LP is currently under examination with a number of modifications proposed to meet concerns raised by the Examining Inspector. Paragraph 216 of the Framework states that decision-takers may give weight to relevant policies in emerging plans according to the stage of preparation, the extent to which there are

\(^{1}\) APP/P1045/W/16/3152087  
\(^{2}\) Council Ref 17/00026/OUT

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unresolved objections and the degree of consistency of the policy with the Framework. This is a matter I return to as part of the planning balance exercise.

11. Saved policies of the 2005 DDLP form the current development plan for the area. As the DDLP is based on outdated housing needs information and does not envisage housing development beyond the end of its plan period, the Council state that paragraph 14 of the Framework is engaged. In this respect, the parties agree that Policy SF4 should not be considered up to date and thus should be afforded limited weight.

12. The Council consider that with reference to the emerging LP, they can demonstrate a five year supply of housing land. Consequently, the Council are of the view that the contribution of the proposal to housing supply should be afforded limited weight when applying the planning balance required by paragraph 14 of the Framework. The appellant has a number of concerns regarding the housing land supply put forward in the emerging LP.

**Housing Requirement**

13. Of relevance, in order to boost significantly the supply of housing, paragraph 47 of the Framework requires local planning authorities to identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements. Footnote 11 of paragraph 47 states that to be considered deliverable, sites should be available now, offer a suitable location for development, and be achievable to ensure that housing will be delivered on site within five years.

14. The appellant notes that the GL Hearn Housing Need update (HEDNA - February 2017) forms part of the main modification consultation and considers that it would not provide fully for affordable housing need. However, the parties agree that the HEDNA update sets out the housing need for the area which is 284 dwellings per annum from 1 April 2017 – 31 March 2022, giving a total five year need of 1420 dwellings. The parties also agree that a 20% buffer should be applied, the extent of the previous housing shortfall and that the Sedgefield method should be used. Including a 20% buffer and the previous shortfall gives a housing requirement of 454 dwelling per annum, equating to 2270 over the five year period.

**Housing Supply**

15. The appellant considers that the Council can demonstrate a housing land supply of 4.42 years whilst the Council consider it has 6.70 years of supply which includes a lapse rate of 5%. The parties dispute the level of contribution that windfall development, committed sites and allocated sites will make to housing supply.

16. **Windfall.** The appellant contends that the inclusion of windfall contributions from years 1 and 2 could result in double counting and not account for lead in times. An appeal decision\(^3\) is cited by the appellant in which the Inspector accepted that the first two years of windfall supply should be discounted taking into account the necessary lead in period.

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\(^3\) APP/X1545/W/15/3032632

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17. The lead in time outlined by the appellant appears reasonable and with no substantive evidence to the contrary, I concur with the appellant and the approach adopted in the cited appeal decision. Therefore supply from windfall sites in years 1 and 2 are removed and supply is reduced by 30 dwellings.

18. A list of disputed sites has been submitted as part of the appeal. These are dealt with in turn below.

19. **St Elphins Park.** The parties disagree on whether 130 units (110 of which have already been completed) from this C2 use class development should count towards housing supply. The related section 106 agreement requires residents to comply with the basic care package provided and for occupants to be of a minimum age of 55. I also note that the 2015 HEDNA treats care home need separately from C3 use class dwellings and that an affordable house requirement did not apply to the St Elphins Park site.

20. However, paragraph 37 of the Planning Practice Guidance states that local planning authorities should count housing provided for older people, including residential institutions in Use Class C2, against their housing requirement. Consequently it is reasonable to account for the 130 units in the housing supply.

21. **Land at Middleton Road, Wirksworth (Council 150: appellant 0).** The appellant identifies that no planning permission or application is in place and considers that it is unsatisfactory to depend on a signed SoCG between the Council and developer. However, the site SoCG indicates initial site viability work has been undertaken as has an appraisal of constraints with relevant agencies.

22. The SoCG notes formal pre-application discussions have taken place and that an application is being prepared for submission. The site SoCG trajectory reflects the absence of permission and anticipates delivery in years 2, 3, 4 and 5. With no site specific evidence to the contrary, I have no reason to doubt the Council’s position. Nor has the Examining Inspector outlined any initial concerns with the use of a SoCG for housing sites. However, taking into account the lead in times outlined by the appellant balanced against the site preparation already undertaken, it would be reasonable to assume that site delivery will not commence until year 3. Therefore, based on the evidence before me, the contribution of this site is likely to be 100 dwellings.

23. **Land at Ashbourne Airfield (Council 360: appellant 75).** The appellant’s figure includes consideration of the need to provide a link road as specified by a planning condition. The appellant also states that the site is heavily reliant on employment uses being delivered, that preferred developers have yet to be appointed and that it would take up to 24 months to discharge reserved matters and related conditions. As outline planning permission is not in place for phase 2 and is contingent upon delivery of the link road, the remaining 120 houses put forward by the Council are dismissed by the appellant.

24. The Council confirmed at the hearing that the link road has secured planning permission and funding. In addition, the Council state that a reserved matters scheme is being prepared for submission in the near future and that the landowner is engaged with several developers. In terms of phase 2, the site SoCG anticipates that following the grant of outline permission, 120 dwellings would be delivered in years 3, 4 and 5. Based on the evidence before me, it appears likely the site will deliver in excess of 75 units across both sites.
25. However, the appellant’s lead in time of 24 months appears likely based on the
timescales involved with the outline permission. Whilst this has already been
accounted for in phase 2, it appears optimistic that the reserved matters stage
could be completed and 40 houses constructed by year 3. The appellant’s lead
in time of 34 months to secure outline permission, discharge all reserved
matters and commence on site appears reasonable.

26. I do not have the annual delivery rate anticipated from phase 1 which the
Council anticipated will deliver 140. Taking into account the appellant’s lead in
times, it is likely to take 18 months to discharge the reserved matters and
commence on site. Adopting a pre-cautionary approach and assuming years 1
and 2 were considered deliverable by the Council, two fifths of the total of 140
is deducted from the five year housing land supply which equates to 56. In
total, based on the evidence before me, it appears likely that both sites would
deliver roughly 264 dwellings.

27. The submitted headroom calculations indicate that, based on the appellant’s
position, an addition of 287 dwellings would result in the Council being able to
demonstrate a five year housing land supply. Based on my reasoning above
and after deducting supply from windfall years 1 and 2, 464 dwellings have
been added to the appellant’s five year housing land supply position. As any
findings reached on the remaining 18 disputed sites would not alter my
conclusion in respect of housing land supply, they are not considered any
further as part of my determination of the appeal.

28. Therefore I conclude that the Council is able to demonstrate a five-year supply
of housing land for the area. This is a matter that I will return to as part of the
planning balance exercise.

Character and Appearance

29. The appeal site comprises two fields enclosed by mature hedgerows on its
outer boundaries with residential development and an emerging LP housing
allocation on its eastern boundary. The eastern section of the site has been
allocated for housing development in the emerging LP and granted outline
permission for 32 dwellings. Land to the east of the site is on slightly higher
ground and the site gently slopes down towards the west and south. The A52
runs across the south frontage of the site and a network of public footpaths are
located further to the north, west and south.

30. The appellant considers that DDLP saved policies SF5 and NBE8 are not
consistent with the Framework. It is contended that saved Policy SF5 sets a
high bar by stating that planning permission will only be granted for
development that complies with the listed criteria, of which a) and c) are
considered by the Council to be of most relevance. Similarly, it is contended
that saved Policy NBE8 sets a high bar by stating that planning permission will
only be granted for development that protects or enhances the character,
appearance and local distinctiveness of the landscape. The Council\textsuperscript{4} and
appellant\textsuperscript{5} cite a number of appeal decisions to support their divergent views on
this matter.

31. In comparison to the more balanced approach to landscape protection
endorsed by the Framework, in my view saved Policy NBE8 takes a more

\textsuperscript{4} APP/P1045/W/16/3148676 and APP/P1045/W/17/3167657
\textsuperscript{5} APP/P1045/W/15/3132525, APP/P1045/W/14/2227116 and APP/P1045/A/14/2227116

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restrictive approach. Consequently saved Policy NBE8 is afforded limited weight. Section 7 of the Framework outlines the importance of good design and seeking to promote and reinforce local distinctiveness. At paragraph 64 the Framework states that permission should be refused for poor design that fails to take the opportunities for improving the character and quality of an area. In this respect, I consider saved Policy SF5 is consistent with the Framework and thus it attracts full weight. However, as the proposal is in outline form only, criteria c) would be of most relevance.

32. The entire site was considered under the Strategic Housing Land Availability Assessment (SHLAA) as part of the housing allocation stage in relation to the emerging LP. The Council’s Landscape Sensitivity Study 2016 (LSS) formed part of this process and considered the entire site to be of high to medium landscape sensitivity. The SHLAA put forward the eastern section of the site for housing in the emerging LP but concluded that development to the west would result in a significant adverse impact on landscape character and the settlement pattern in relation to the village centre. An update to the LSS in April 2016 classified the site as having high landscape sensitivity. However, as discussed during the hearing, this change in landscape sensitivity does not appear to be based on any evidence.

33. The LSS study did not take into account land to the immediate east and north east of the site which has subsequently been developed for residential purposes. In my view, the development adjoining the site has had a material effect on the landscape value of the appeal site. Furthermore, the eastern section of the site has received outline planning permission for residential development. The LSS acknowledges that it is a strategic level assessment and that there will inevitably be variations in the level of landscape impacts where land has been categorised as being of high sensitivity. In such cases the LSS states that such variations could be determined by further more detailed site surveys.

34. The appellant’s Landscape and Visual Appraisal (LVA) classifies the site as having a medium landscape value overall which appears a reasonable assessment taking into account the immediate surroundings of the site. At a county and district level, the LVA considers that the proposal would have a minor adverse effect on completion reducing to negligible once the landscape mitigation measures have matured. Whilst landscape details are a reserved matter, indicative mitigation measures proposed include the plantation of a woodland area along the western part of the site and a landscape frontage extending back approximately 30 metres from the A52.

35. During the hearing, the Council confirmed that its concern relates to the effect of the proposal on the setting and settlement pattern of Brailsford. Concerns have also been raised in relation to the cumulative scale of previously permitted development and allocated sites at Brailsford. However, the proposal would continue the existing pattern of the village which is focussed mostly to the north of the A52 and would directly abut more recent development to the west of Luke Lane. Having viewed the site from vantage points identified in the appellant’s LVA, I agree with the Council that the proposal would not have a wider landscape effect. In this respect, the proposal would be most visible from LVA viewpoint locations 4 and 9 and from along the immediate section of the A52.
36. Views from viewpoint 9 are made in the context of the Miller Homes residential site whilst views from viewpoint 4 include the backdrop of development to the east of the site. Views of the site from this section of the A52 are limited and made within the context of the more built up character of the road and backdrop of the village. Consequently whilst the site currently comprises open agricultural fields, owing to the topography of the site and its surroundings, the visual effect of the proposal would be localised. Views from local vantage points in which the site is most prominent would be made in the context of existing development adjoining the site.

37. I agree with the Council’s Landscape Officer who considers that the proposed mitigation measures would substantially mitigate the effect of the proposal and bring medium and long term benefits to the setting of the village. Whilst I accept the proposal would have a minor adverse effect as the mitigation measures establish, this would be for a relatively short period of 10 years as suggested by the appellant. Furthermore this short term minor adverse effect would be outweighed by the medium to long term benefits the mitigation measures would have on the setting of the village.

38. Therefore I conclude that the proposal would not have a harmful effect on the character and appearance of the surrounding area. Consequently the proposal would meet the requirements of DDLP saved Policy SF5 and paragraph 17 bullet point 5 of the Framework. Combined, these policies seek to protect the intrinsic character and beauty of the countryside.

Other Matters

39. Concerns are made in relation to highway and pedestrian safety. During my site visit I walked along the footway that abuts the A52 from the proposed site access to Luke Lane. Owing to the insufficient width of the footway and its proximity to the A52, I can understand local concern regarding pedestrian safety, which includes the safety of wheelchair and pram users. I also observed that the junction of Luke Lane and saw that the A52 is busy and traversed by large vehicles.

40. Highway mitigation measures have been agreed between the appellant and Council. These measures include the extension of the 30mph speed limit with accompanying traffic calming measures to the north west of the site, a footpath connecting the site with the primary school at Luke Lane, the widening of the footway along the A52, and the provision of uncontrolled crossings.

41. As the mitigation works required would be on land in the ownership of the Highway Authority, a Grampian condition would be realistically achievable. Consequently, based on all I have seen, read and heard at the hearing, I have no reason to doubt the effectiveness of the proposed measures in ensuring highway and pedestrian safety.

42. Wildlife concerns have also been raised. Since the determination of the application, previous ecological issues at the site have been resolved between the appellant and the Derbyshire Wildlife Trust.

43. Great Crested Newts (GCN) were identified in relation to the development permitted at the adjacent site which necessitated mitigation measures. An agreed mitigation strategy would be secured at the reserved matters stage and proceed on the basis for the potential of a medium sized GCN population being
present within the terrestrial habitat of the site. Satisfactory design, landscape and layout details informed by a mitigation strategy at the reserved matters stage would ensure no harm in this respect.

44. In addition, further bat survey work has been undertaken and a sympathetic light strategy has been suggested for the site as a result. Consequently, based on the evidence before me, I have no reason to disagree with the Council’s acceptance in relation to wildlife matters.

45. The appellant’s site survey classifies the land as sub-grade 3a agricultural quality. Consequently dismissing the appeal based on loss of agricultural land would be unjustified.

46. As layout and scale are part of the reserved matters stage, dismissing the appeal on design grounds or for not providing bungalows would be unjustified. Based on the appellant’s Foul Drainage Analysis (which involved engagement with the Statutory Undertaker), dismissing the appeal on site drainage grounds would be unjustified. Nor does the evidence before me indicate that the works necessary to connect to the main sewers would threaten the viability of the proposal.

Planning Obligation

47. The UU would secure financial contributions towards affordable housing, Brailsford Village Institute, secondary school (including post 16 education), healthcare, traffic improvement works, travel initiatives and long term management arrangements for the proposed open space. I note that no main modifications are proposed to emerging LP Policy S11 which forms the policy basis for the contributions and I consider it accords with the Framework in relation to its approach to education capacity and infrastructure delivery. Consequently I afford it significant weight. Correspondence from the noted infrastructure providers provide justification for the extent of contributions sought.

48. Based on the evidence submitted, the obligations would comply with the statutory tests contained in Regulation 122 of The Community Infrastructure Levy Regulations 2010. However I am not convinced that the financial contribution towards the Brailsford Village Institute is necessary to make the development acceptable in planning terms. Consequently I have not taken this contribution into account in my determination of the appeal.

Planning Balance

49. Based on the allocations outlined in the emerging LP, I have concluded that the Council are able to demonstrate a five year supply of housing land. However as part of the examination exercise, the emerging LP is currently subject to additional consultation and thus the number of unresolved objections to the allocations and policies cannot be fully known at this stage. Thus I afford some and not full weight to the emerging LP housing land supply.

50. Moreover, the DDLP remains the adopted development plan for the area and the parties agree that saved policy S4 is not up to date as it is based on out-of-date housing requirements. Consequently it is common ground between the parties that paragraph 14 of the Framework is engaged.
51. Based on all I have seen and read, I have no reason to disagree with the consensus reached on this matter. Accordingly, a presumption in favour of sustainable development applies to the proposal and planning permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

52. The Framework identifies three dimensions\(^6\) to sustainable development that should be sought simultaneously through the planning system. In this light, the appellant highlights a number of benefits in support of the proposal.

53. **Economic.** The proposal would roughly represent a £7.8 million investment, and future residents would increase expenditure in the local area. The proposal would also generate Council tax payments, a New Homes Bonus Payment and direct and indirect construction employment. These economic benefits are afforded some weight in favour of the appeal.

54. **Social.** The proposal would increase housing choice and make a financial contribution towards affordable housing. The Council consider that affordable housing is not required in Brailsford. That said the evidence before me indicates that delivery rates across the County from 2013 - 2016 have not met those set out in the Council’s HEDNA report. Consequently the affordable housing contribution attracts some weight in favour of the appeal.

55. The proposed bus stop upgrades and crossing facilities would also be of benefit to existing residents and thus attract some weight in favour of the appeal. Whilst the proposal would have limited non-private vehicular access to employment, it would have good levels of access to services and facilities in Brailsford including public transport. This factor attracts some weight in favour of the appeal.

56. **Environmental.** Significant planting is anticipated to form part of the reserved matters stage which would involve the enhancement of existing wildlife corridors. These benefits attract moderate weight in favour of the proposal. The medium to long term benefits of the proposed landscape mitigation measures have been balanced against the moderate and short term adverse visual effect of the proposal and thus are a neutral factor in the planning balance.

57. Based on my reasoning above, I have not identified any adverse impact that would significantly and demonstrably outweigh the noted benefits. The proposal would simultaneously achieve the three dimensions of sustainable development set out by the Framework. Consequently the proposal comprises sustainable development as defined in the Framework; a factor which would outweigh the conflict of the proposal with LP saved Policy SF4. On this basis and for the reasons given above, the appeal should succeed.

**Conditions**

58. The conditions set out in the accompanying schedule are based on those suggested by the Council. Where necessary I have amended the wording in the interests of precision and clarity in order to comply with advice given in the Planning Practice Guidance.

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\(^6\) Economic, social and environmental

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59. Conditions 1 – 3 requiring the submission of reserved matters are necessary in view of the outline nature of the application. Condition 4 is necessary in the interests of certainty. As the signed UU secures affordable housing provision a condition to this effect is unnecessary. As wild birds are protected by the Wildlife & Countryside Act, the condition regarding breeding birds is not necessary.

60. Condition Nos 10 – 18 are necessary for highway safety and sustainable transport purposes. Condition No 5 is necessary in order to protect the living conditions of neighbouring occupants. Condition Nos 6, 7 and 8 are included based on the comments of Derbyshire Wildlife Trust. Condition No 9 is necessary to ensure that the site is adequately drained.

Conclusion

61. For the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should be allowed subject to the attached schedule of conditions.

B Bowker

INSPECTOR

Attached – schedule of conditions

Schedule of conditions

1) Details of appearance, landscaping, layout and scale (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.

2) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.

3) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.

4) The development hereby permitted shall be carried out in accordance with the following approved plans: 7062-L-02 REV C Location Plan, P16007-001 Access Plan, but only in respect of those matters not reserved for later approval.

5) Demolition or construction works shall take place only between 08.00 – 18.00 hours on Mondays to Fridays and 09.00 – 13.00 hours Saturdays, and shall not take place at any time on Sundays or on Bank or Public Holidays.

6) No development shall take place until a detailed mitigation and monitoring strategy in relation to Great Crested Newts has been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
7) Prior to the commencement of development a Landscape and Ecological Management Plan (LEMP) detailing long-term design objectives for nature conservation, management responsibilities and maintenance schedules for all landscape areas which are not in the ownership of individual properties shall be submitted to and approved in writing by the Local Planning Authority. The plan should include the following:
   a) Description and evaluation of features to be managed / enhanced or created.
   b) Ecological trends and constraints on site that might influence management.
   c) Aims and objectives of management.
   d) Appropriate management options and methods for achieving aims and objectives.
   e) Timescales.
   f) Prescriptions for management actions.
   g) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
   h) Details of the body or organization responsible for implementation of the plan.
   i) Ongoing monitoring and remedial measures.

The plan should also include 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 and where the results from monitoring show that conservation aims and objectives of the plan are not being met how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan shall thereafter be carried out in accordance with the approved details.

8) No development shall commence on site until a detailed lighting strategy has been submitted to and approved in writing by the Local Planning Authority. The lighting strategy shall be carried out in accordance with the approved details.

9) No development shall take place until details of the implementation, maintenance and management of the sustainable drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include:
   i) a timetable for its implementation; and
   ii) a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage system throughout its lifetime.

10) No development shall take place, including any works of demolition, until a construction management plan has been submitted to and approved in writing by the Local Planning Authority. The approved plan shall be adhered to throughout the construction period. The plan shall provide for:
i) Parking of vehicles for site operatives and visitors,
ii) Storage of plant and materials and site accommodation,
iii) Routes for construction traffic,
iv) Method of prevention of mud/debris being carried onto the public highway,
v) Proposed temporary traffic management/restrictions,
vi) Arrangements for loading/unloading and turning vehicles within the site; and,
vii) Site access arrangements and roadside fencing/hoarding.

11) As part of any subsequent reserved matters application, detailed designs of the layout, dimensions and construction of the pedestrian improvements between the site access to Main Road and The Green (including safe tactile paving crossing facilities across the A52) shall be submitted to and approved in writing by the Local Planning Authority. The works shall be laid out and constructed in accordance with the approved details prior to occupation of any dwelling hereby permitted, or other such timescale as agreed with the Local Planning Authority.

12) As part of any subsequent reserved matters application, detailed designs of the layout, dimensions and construction of the pedestrian footpath between the application site and the new school on Luke Lane shall be submitted to and approved in writing by the Local Planning Authority. The approved works shall be laid out and constructed in accordance with the approved details prior to the occupation of any dwelling hereby permitted, or other such timescale as agreed with the Local Planning Authority.

13) No development shall take place until a detailed scheme for the proposed traffic calming amendments on Main Road, as identified on drawing number P16007-002 (contained in Appendix II, Transport Technical Note 01, dated 3rd November 2016), incorporating layout, lighting and construction materials/details, have been submitted to and approved in writing by the Local Planning Authority. The approved works shall be carried out before or in conjunction with the formation of the permanent access to the site.

14) No development shall take place until the permanent access to Main Road has been laid out in accordance with drawing number P16007-001B (contained in Appendix II, Transport Technical Note 01, dated 3 November 2016). No other development shall be carried out until the first 15 metres of the access road has been constructed to at least binder course level, and a timetable for the full completion of these works has been submitted to and approved in writing by the Local Planning Authority. The approved works shall be completed in accordance with the approved timetable.

15) No development, other than works required for the construction of the site access under the above condition (No 14), shall take place until the site access has been provided with visibility sightlines in each direction in accordance with those identified on drawing number P16007-001B (contained in Appendix II, Transport Technical Note 01, dated 3

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November 2016). Thereafter, clear visibility shall be maintained within these splay areas above a height of 600mm from ground level.

16) As part of any subsequent reserved matters application, detailed designs for the internal site layout shall be submitted to and approved in writing by the Local Planning Authority, to include details of all necessary on-site highway infrastructure including; access roads, turning areas, footways, street lighting and highway drainage, together with a timetable for the implementation of these works. No dwelling shall be occupied until the highway infrastructure serving that unit has been provided in accordance with the approved details, and the relevant roads and footways finished to at least binder course level between the dwelling and the public highway. The approved works shall be completed in accordance with the approved timetable.

17) No development shall take place until details of the means to prevent the discharge of water from the development onto the highway have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be completed prior to the first use of the access and retained as such thereafter.

18) No dwelling hereby permitted shall be occupied until a full Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall include arrangements for a Travel Plan coordinator who shall be in place until year 5 after completion of the final phase of development. The measures set out in the approved plan and any approved modifications shall be implemented in full thereafter. The approved plan shall be audited, updated and submitted for the approval of the Local Planning Authority at intervals no longer than 12 months, starting from the date of first approval.

End of Schedule
APPEARANCES

FOR THE APPELLANT:
John Chorlton                      Gladman Developments
Tracey McCann                      Gladman Developments
Johnathan Penrose                  Gladman Developments
Nina Pindham                       Counsel
Tim Jackson                        Director, FPCR
David Stoddart                     Prime TP
Richard Mowat                      Johnson Mowat

FOR THE LOCAL PLANNING AUTHORITY
Chris Whitmore                     Principal Planning Officer

INTERESTED PERSONS
Pat Laughlin                       Brailsford Council
Michael Cannon                     Local Resident

DOCUMENTS SUBMITTED AT THE HEARING
1. Letter of objection from Michael Cannon.
2. Derbyshire Count Council email dated 8 June 2017 in relation to primary school education contribution.
4. Copy of relevant saved LP 2005 policies.
5. Copy of relevant emerging LP policies.
6. Signed Highway SOCG.
8. Appeal decision ref APP/P1045/W/17/3167657.
9. Appeal decision ref APP/P1045/W/16/3148676.
10. St Elphins School Site Section 106 agreement.
13. Housing Land Supply Closing Submissions (the Appellant).
14. Housing Land Supply Closing Submissions (the Council).

15. Five Year Housing Land Supply Review: Disputed Sites Pro-formas Update from appellant.


17. Appellant final position on housing land supply.

18. Council final position on housing land supply.

19. Housing land supply headroom position for party.

The Planning Inspectorate

Appeal Decision

Site visit made on 4 July 2017

by Rachael A Bust  BSc (Hons) MA MSc LLM MIEnvSci MInstLM MCMI MRTPi

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

Decision date: 04 September 2017

Appeal Ref: APP/P1045/W/17/3173143
The Old Cottage, Main Street, Kirk Ireton, Derbyshire DE6 3LD

- 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 and Mrs S & G Patel against the decision of Derbyshire Dales District Council.
- The application Ref 17/00030/FUL, dated 15 January 2017, was refused by notice dated 15 March 2017.
- The development proposed is the erection of a single dwelling to land to the rear of The Old Cottage.

Decision

1. The appeal is allowed and planning permission is granted for the erection of a single dwelling at The Old Cottage, Main Street, Kirk Ireton, Derbyshire DE6 3LD in accordance with the terms of the application, Ref 17/00030/FUL, dated 15 January 2017, subject to the conditions set out in the Schedule to this decision.

Preliminary and Procedural Matters

2. This appeal proposal follows on from previous applications and appeals on the rear garden to The Old Cottage. Planning permission was refused\(^1\) for two dwellings, (one to the western part and the other to the eastern part) and subsequently dismissed at appeal\(^2\). A second application was refused\(^3\) for one dwelling on the western part, and was allowed on appeal\(^4\). I have had regard to these previous appeal decisions, but I have in any event determined this appeal on the basis of the evidence before me.

3. This appeal proposal does not include the demolition of the ancillary stone building to the side of The Old Cottage which would be required to facilitate access into the site. From my site visit I saw that the demolition process was substantially complete.

Main Issue

4. The appeal site is located within the Kirk Ireton Conservation Area. This is a designated heritage asset and I am mindful of my statutory duties under s72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 in this regard. The main issue is whether or not the proposed development would

\(^1\) 15/00842/FUL, dated 20 November 2015
\(^2\) APP/P1045/W/16/3156391, dated 29 November 2016
\(^3\) 16/00307/FUL, dated 26 April 2016
\(^4\) APP/P1045/W/16/3157642, dated 29 November 2016

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preserve or enhance the character or appearance of the Kirk Ireton Conservation Area.

Reasons

5. The appeal site is the eastern part of the large rear garden to The Old Cottage which is a detached two storey house within the historic core of Kirk Ireton. The significance of the Kirk Ireton Conservation Area (KICA) lies, in part in the way it contains a number of traditional stone cottages, houses and other buildings. Collectively they form an attractive, high quality environment that reflects the evolution of this historic settlement. The KICA has a unified character which is demonstrated through its historic building core. The building distribution within the historic core is relatively dense. The buildings fronting onto Main Street are broadly set in line with each other and are part of the historic core. Part of the character of the KICA is that there is variation in the position and siting of buildings to each other, as such creating a more interesting pattern of development. The appeal site is not within the setting of any Listed Buildings within the KICA and also not close to other buildings identified as landmarks in the Conservation Area Character Appraisal.

6. Saved Policy NBE21 of the Derbyshire Dales Local Plan (DDLP), adopted 2005, indicates that development proposals within Conservation Areas will be granted permission provided that they preserve or enhance the character or appearance of the area. General design considerations are set out in Saved Policy SF5 and for new housing design Saved Policy H9 is also relevant. The National Planning Policy Framework (the Framework) has been published since the adoption of the DDLP; however, I consider that there is general consistency between the aims and objectives of these policies and the Framework.

7. Spaces, gaps and open areas are important to the overall character and appearance of the Conservation Area. The Conservation Area Character Appraisal identifies a number of green spaces within the village confines that contribute positively to the character and appearance of the KICA. The appeal site is not identified as one of these green spaces. The Old Cottage is one of the older properties along Main Street and its large curtilage to the rear forms part of an undeveloped space in the village. The previously allowed appeal has already permitted the partial loss of this undeveloped space. This appeal proposal would lead to an additional loss of this undeveloped space. It now turns to examine the contribution that the remaining portion of undeveloped space makes to the character and appearance of the KICA.

8. The space feels somewhat detached from Main Street and the historic frontage properties. It may be visible from the rear of some nearby residential properties; however, it is not at all prominent from the public realm. On balance I therefore consider its contribution to the character and appearance of the KICA is limited.

9. Having regard to the varied housing design and layout, and mindful that the development would not be prominent; I find that the appeal proposal would not be visually intrusive or result in a form of development that would not be incongruous to the local and historic context.

10. Although there are many buildings of a traditional design, there are examples of more modern development of simple design within the KICA, such as Peats Close. The overall result is that the character and appearance of the KICA has

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null
and parking provision is the same as the dwelling to the west which was allowed subject to suitably worded conditions. Accordingly without any further detailed evidence, there is no reason why the same conditions would not be relevant in this appeal. In relation to the local school, there is no evidence before me that indicates that there is an existing capacity problem.

17. I have had regard to the evidence submitted regarding the trees, notably an apple tree (TR01) on the site and the Lawson’s cypress tree located inside the boundary of ‘Greenway’.

18. The apple tree is substantial and mature, but it is not visible from the public realm and as such its contribution to the KICA is limited. Furthermore, it does not exhibit any defined special qualities that would justify its retention. It would be too close to the proposed dwelling to be retained, accordingly it would therefore need to be removed. The loss of the apple tree would not harm the character and appearance of the KICA.

19. The young Lawson’s cypress tree is not within the appeal site and is therefore outside of the control of the appellants. It is not protected in its own right through the means of a Tree Preservation Order; however it is within the KICA. There is some disagreement between parties regarding the impact on this tree, and the extent of the root protection area required. The appellants’ arboriculture report suggests that the matter could be addressed by foundation design. I note that the British Standards guidance5 suggests that younger trees can generally withstand more root-loss than more mature trees. Although this young tree is likely to suffer limited adverse effects from the construction, it would be reasonable to impose a planning condition regarding root protection measures to ensure its long-term well-being.

20. I note the statement in the British Standards document regarding future pressure for removal. However as the young tree remains within the boundary of ‘Greenways’ it is not within the control of the future occupiers of the proposed dwelling. The impact on both trees would not be a sufficient enough reason on its own to withhold planning permission.

21. Although construction would cause some disruption, it would be temporary and could be mitigated with careful construction management.

22. Submissions were made relating to Article 8 of the Human Rights Act and I recognise that if the appeal is allowed it would interfere with the neighbours’ home and family life. This consideration must be balanced against the rights and freedoms of others, however, and in the light of my findings above I am satisfied that the effects on the occupiers of 2 Laurel Mount would not be disproportionate. For the same reasons given in respect of Article 8, I consider the interference with the neighbours’ peaceful enjoyment of their property is proportionate and strikes a fair balance in compliance with the requirements of Article 1 of the First Protocol.

23. Finally, the issue of impact on property values has also been raised. It is a well-founded principle that the planning system does not exist to protect private interests such as the value of land or property. Accordingly this particular matter has not had any material bearing on my assessment of the planning issues within this appeal.

5 BS 5837

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Conditions

24. The Council have suggested a number of conditions to which I have had regard. In addition to the standard condition which limits the lifespan of the planning permission, I have specified the approved plans as this provides certainty. Conditions requiring the submission and prior approval of materials, design details and in respect of landscaping details and timescales are necessary in the interests of preserving the character and appearance of the Conservation Area. A condition to ensure the root protection of the Lawson’s cypress tree within ‘Greenway’ is also necessary to ensure its long-term well-being.

25. I have also specified conditions relating to the provision of space for site accommodation, storage of plant and materials, parking and manoeuvring of site operatives’ and visitors’ parking, together with the loading, unloading and manoeuvring of goods vehicles and the laying out of spaces for car parking and turning in the interests of highway safety.

26. The submitted plans clearly show the position of refuse, recycling and garden waste bins within the curtilage of the proposed dwelling. Consequently, I do not find it necessary to impose a condition relating to bin storage. Whilst the submitted plans indicate the provision of obscure glazing to the eastern elevation, I consider it necessary to ensure that this is provided and retained through the imposition of a specific condition in order to protect the living conditions of neighbouring properties.

27. I have not, however, imposed a condition removing permitted development rights to extend or alter the building or erect structures within its curtilage. Planning Practice Guidance advises that such conditions should only be imposed where there is clear justification to do so. I am not satisfied that such a justification has been presented to me and therefore I do not find it necessary.

Conclusion

28. Having had regard to all other matters raised, it is concluded that the appeal should succeed and planning permission should be granted subject to conditions.

Rachael A Bust
INSPECTOR

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Schedule of Conditions (8 in total)

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

2) The development hereby permitted shall be carried out in accordance with the approved plans: 01-001 rev 001 (site location plan); 01-002 rev 001 (site plan proposed block plan); 01-101 rev 001 (proposed floor plans ground and roof level layouts); 01-301 rev 001 (proposed elevations); 01-302 rev 001 (proposed site section A-A); and 01-303 rev 001 (proposed site section B-B) all for Project Number 20349.

3) The dwelling shall not be occupied until space has been laid out within the site in accordance with drawing no. 01-002 rev 001 (site plan proposed block plan), for 2 cars to be parked and for vehicles to turn so that they may enter and leave the site in forward gear and that space shall thereafter be kept available at all times for those purposes.

4) No development shall commence until samples of the materials to be used in the construction of the external surfaces of the dwelling hereby permitted have been submitted and approved in writing by the local planning authority. This shall include stonework, roofing materials, windows and doors including colour and recess, downpipes and guttering. The relevant works shall be carried out in accordance with the sample details.

5) The dwelling shall not be occupied 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) an indication of existing trees, hedgerows and other vegetation on the land;
   ii) retained trees, hedgerows and other soft landscaping features where relevant;
   iii) measures for the protection of retained vegetation during the course of the development;
   iv) soil preparation, cultivation and improvement;
   v) all plant species, planting sizes, planting densities, the number of each species to be planted and plant protection;
   vi) earthworks showing existing and proposed finished levels or contours;
       means of enclosure and retaining structures;
       boundary treatments; and
       hard surfacing materials.

   The soft landscaping works 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. All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of the dwelling or in

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accordance with a programme to be agreed in writing with the local planning authority.

6) No development shall commence until details of root protection works have been submitted to and approved in writing by the local planning authority together with a timetable for its implementation. The development shall be carried out in accordance with the approved details and timetable. These details shall include: any proposed alterations to existing ground levels, and of the position of any proposed excavation, that might affect the root protection area of the Lawson's cypress tree within 'Greenway'; and all appropriate tree protection measures required before and during the course of development (in accordance with paragraph 5.5 of British Standard BS 5837) (or in an equivalent British Standard if replaced).

7) Prior to the commencement of any development space shall be provided within the site for site accommodation, storage of plant and materials, parking and manoeuvring of site operatives' and visitors' vehicles, together with the loading, unloading and manoeuvring of goods vehicles in accordance with a scheme to be submitted to and approved in writing by the local planning authority prior to the commencement of development. Once implemented the space shall be retained free from any impediment to its designated use throughout the construction period.

8) The building hereby permitted shall not be occupied until the windows on the eastern elevation have been fitted with obscured glazing and a restricted opening mechanism. Details of the type of obscured glazing and restricted opening mechanism shall be submitted to and approved in writing by the local planning authority before the windows are installed. Once installed the obscured glazing and restricted opening mechanism shall be retained thereafter.

End of Schedule


**Appeal Decision**

Site visit made on 12 September 2017

by Elaine Worthington  BA (Hons) MTP MUED MRTPi

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

Decision date: 19th September 2017

Appeal Ref: APP/P1045/W/17/3175161

83 The Green Road, Ashbourne, DE6 1EE

- 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 I Beresford against the decision of Derbyshire Dales District Council.
- The application Ref 17/00052/FUL, dated 24 January 2017, was refused by notice dated 24 March 2017.
- The development proposed is the construction of a detached garage with studio/workshop above.

**Decision**

1. The appeal is dismissed.

**Main Issues**

2. The main issues in this case are:

   - The effect of the proposal on the character and appearance of the surrounding area; and
   - The effect of the proposal on the living conditions of the occupiers of 81 The Green Road with particular reference to outlook.

**Reasons**

*Character and appearance*

3. The appeal site is a semi-detached house with an existing detached single storey timber garage to the rear. The garage is accessed via a driveway from The Green Road which serves a number of other nearby residential properties. The proposal seeks to replace the existing garage with a two storey building which would provide a garage on the ground floor with a studio/workshop above. It would be some 4.9 metres wide and 7.5 metres long, with a pitched roof rising to a height of around 5.8 metres.

4. I note the appellant’s view that the upper floor accommodation would be provided in the roof space (such that the proposal would be commensurate with a 1.5 storey building) and that the eaves height (at 3.6 metres) would only be marginally above that expected of a single storey building (indicated by the appellant to be 3 metres). I also appreciate that the proposed building would be in the same position as the existing garage and would not lead to a large increase in its footprint. In this sense, I accept that it would retain the same relationship with the rear of the host property as the existing garage.
5. Nevertheless, in my view the proposal would be a tall and substantial brick built structure that would appear considerably larger than the existing garage.

6. There are other detached garages nearby. In particular the appellant draws my attention to an example of a garage with a steep pitched roof and rooms in the roof space. However, I saw at my visit that that structure appears to form part of a more recent pocket of development to the north in St James Court which is set apart from the rear of the properties fronting The Old Green Road. Furthermore, that garage is positioned to the side of the dwellings there rather than the rear. This being so, I concur with the Council that the garages in the immediate vicinity of the appeal site, including at neighbouring No 81, are relatively modest single storey structures.

7. In this context, the proposal would appear as an unduly large and dominant feature that would be out of scale with nearby development and at odds with its immediate surroundings. Although views of the proposal from the main road would not be possible, it would be visible from nearby properties and the driveway and would stand out as an unsympathetic and obtrusive feature.

8. The appellant intends to use high quality materials and to match the period features of the host property and adjoining No 85. Be that as is may, even taking into account the current condition and appearance of the existing garage, due to its unacceptable scale, I am not persuaded that the proposal would enhance the appearance of the site.

9. I therefore conclude on this main issue that the proposal would be harmful to the character and appearance of the surrounding area. This would be contrary to Policy SF5 of the Derbyshire Dales Local Plan (Local Plan) which states that permission will only be granted for development where the scale, density, massing, height, layout, access, materials of construction and landscaping preserves or enhances the quality and local distinctiveness of its surroundings (a); it reinforces a sense of place (b); and is well related to surrounding properties and land uses (c).

10. The Council also cites Local Plan Policy H2 which concerns extensions to dwellings. Whilst the appeal scheme relates to a standalone building rather than an extension to the dwelling itself, the Council considers that an ancillary garden building the proposal would be an extension of the dwelling’s domestic accommodation. I do not consider this stance to be unreasonable, and find the proposal would fail to support Local Plan Policy H2 which states that planning permission will be granted provided that (amongst other things) it would not result in a detrimental impact on the character and appearance of the dwelling and its surroundings (a). The proposal would also conflict with the core planning principle of the National Planning Policy Framework (the Framework) to seek to secure high quality design.

Living conditions

11. The proposed garage would be on the boundary with the adjacent detached house at No 81. It would be sited in the position of the existing garage and would be only slightly longer and wider than it. However, with an eaves height of 3.6 metres and ridge height of 5.8 metres, it would be much taller than it. As a consequence, it would present a high blank flank wall immediately facing No 81’s rear garden. This would extend for some 7.5 metres along the shared
boundary (which the Council estimates would equate to around 68% of the length of No 81’s rear garden).

12. Although the proposal would be screened in part by the existing boundary hedge, it would be seen well above this as an unduly overbearing and dominant structure that would be appreciated at rather close quarters from the rear of No 81. To my mind, it would be an oppressive feature that would create an unsatisfactory sense of enclosure to No 81’s rear garden and give rise to an unacceptable loss of outlook.

13. I therefore conclude on this main issue that the proposal would be harmful to the living conditions of the occupiers of 81 The Green Road with particular reference to outlook. This would be contrary to Local Plan Policy H2 which indicates that planning permission will be granted provided that (amongst other things) it would not result in a significant loss of privacy or amenity for residents of neighbouring properties (b). It would also be at odds with the core planning principle of the Framework to seek to secure a good standard of amenity for all existing and future occupants of land and buildings.

Other matters

14. There are no objections from local residents or Ashbourne Town Council and I note the appellant’s view that the proposal is welcomed by his neighbours. However, that is not a reason to allow development that I have found to be harmful.

15. The proposal would not introduce any further vehicle movements to the site, and the windows would be positioned to avoid opportunities for overlooking. The Council raises no objections to the scheme on these grounds and I have seen nothing that would lead me to a different view. Even so, the absence of harm in these regards counts neither for, nor against the proposal.

Conclusion

16. For the reasons set out above, I conclude that the appeal should be dismissed.

Elaine Worthington

INSPECTOR
The Planning Inspectorate

Appeal Decision

Site visit made on 12 September 2017

by Elaine Worthington  BA (Hons) MTP MUED MRTPi
an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 25th September 2017

Appeal Ref: APP/P1045/W/17/3175842
12 Market Place, Cromford, DE4 3QE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mrs Daryl Robbins against the decision of Derbyshire Dales District Council.
- The application Ref 16/00362/FUL, dated 18 May 2016, was refused by notice dated 14 December 2016.
- The development proposed is a rear flat roof/terrace, proposed patio doors and 4 no. roof lights to rear elevation.

Decision

1. The appeal is dismissed.

Application for Costs

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

Main Issue

3. The main issue is the effect of the proposal on the living conditions of the occupiers of 10 Market Place, with particular reference to privacy and noise and disturbance.

Reasons

4. The appeal property is a three storey building with a commercial use on the ground floor and residential use above. It has a number of single storey offshoots and a small enclosed courtyard to the rear.

5. The proposal seeks to create a rear terraced area to serve the first floor flat. It would see the replacement of the lean to roofs of the existing rear offshoots with a flat roof area that would form a terrace. This would wrap round the courtyard area and be enclosed by a metal balustrade. A glass roof would be provided over the remaining open middle area of the courtyard along with a pull out fire escape ladder. An existing window at first floor level would be replaced with glazed doors to allow access onto the terrace.

6. The terrace would provide an area of external amenity space for the flat and could be used as a fire escape. I understand that a fire in the ground floor stairwell at the property meant that the owners had to be rescued from a first floor window.
7. The residential property at adjoining No 10 has a number of first and second floor windows looking out towards the courtyard. The proposed terrace would be immediately adjacent to the flank of No 10 and close up to those windows positioned at first floor level in particular. In practical terms, it seems to me that anyone standing on the terrace would be afforded direct and close range views into No 10’s first floor windows. This would lead to serious overlooking and a significant loss of privacy for the occupiers of No 10, to the extent that they would be unlikely to feel comfortable in those rooms.

8. Furthermore, activity on the terrace would be likely to give rise to some noise and disturbance and would take place in very close proximity to No 10. Given the close and direct relationship between No 10’s windows and the proposed terrace, in my view this would be unduly disruptive and intrusive to the occupiers of No 10. This would be so even in the context of the commercial uses nearby.

9. The appellant refers in particular to existing overlooking and noise and disturbance arising from the neighbouring restaurant to the rear. This has a covered external dining area/terrace that I understand was granted planning permission retrospectively. I am not aware of the circumstances that led to the restaurant roof terrace and the merits of that existing development are not before me for consideration.

10. In any event, I saw at my visit that the restaurant terrace is enclosed by high wooden fencing and trellis on its boundary with the appeal property and No 10. It seems to me that this would to some extent mitigate the potential for overlooking and the impacts of noise and disturbance arising from its use by customers. Furthermore, that existing terrace is much further away from No 10’s windows than the proposed terrace would be. As such, I am not convinced that this existing development justifies the appeal proposal.

11. There are no objections from the occupier of No 10 who indicates that the rear window is usually shuttered and considers that the proposal would lead to an improvement in the outlook from No 10 which is dominated by an existing restaurant extractor chimney. The occupier of No 10 also welcomes the proposal in terms of being able to access the windows for cleaning and maintenance purposes. Even so, the absence of objections from the current occupier of No 10 is not a reason to allow development that would be harmful. There could be a change in occupier of No 10 in the future and paragraph 17 of the National Planning Policy Framework (the Framework) is clear that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings.

12. I therefore conclude on the main issue that the proposal would be harmful to the living conditions of the occupiers of 10 Market Place, with particular reference to privacy and noise and disturbance. This would be contrary to Policy SF1 of the Derbyshire Dales Local Plan (Local Plan) which requires that development is well related to surrounding properties and land uses (d) and to Local Plan Policy SF5 (c). It would conflict with Local Plan Policy H2 which advises that extensions to dwellings will only be supported where it does not result in a significant loss of privacy or amenity for residents of neighbouring properties (b). It would also undermine the core planning principle of the Framework to always seek to secure a good standard of amenity for all existing and future occupants of land and buildings.
Other matters

13. The appeal property is within the Cromford Conservation Area and the Derwent Valley Mills World Heritage Site. Since the proposal would be to the rear of the property in an enclosed courtyard and hidden from public view the Council raises no objection to the proposal in terms of its impact on heritage assets. However, since I am dismissing the appeal in relation to the main issue, it has not been necessary for me to consider these matters further in this instance.

14. The appellant is dissatisfied with the pre-application advice given by the Council and questions whether the planning committee members understood the proposal. However, these are matters between the Council and the appellant and I understand that they are already the subject of a formal complaint to the Council. I confirm in any case that I have considered the proposal on its individual planning merits and made my own assessment as to its impact.

Conclusion

15. For the reasons set out above, I conclude that the appeal should be dismissed.

Elaine Worthington

INSPECTOR
Appeal Decision

Site visit made on 5 September 2017

by Katie McDonald MSc MRPI
an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 12 September 2017

Appeal Ref: APP/P1045/D/17/3175853
55 Yokecliffe Drive, Wirksworth DE4 4PF

- 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 Darren Gill against the decision of Derbyshire Dales District Council.
- The application Ref 17/00196/FUL, dated 9 March 2017, was refused by notice dated 26 April 2017.
- The development proposed is a ground floor infill extension to front elevation and further ground floor extension to rear elevation.

Decision

1. The appeal is allowed and planning permission is granted for a ground floor infill extension to front elevation and further ground floor extension to rear elevation at 55 Yokecliffe Drive, Wirksworth, Matlock DE4 4PF in accordance with the terms of the application, Ref 17/00196/FUL, dated 9 March 2017, subject to the following conditions:

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

   2) The development hereby permitted shall be carried out in accordance with the approved plans, drawing Nos 1016/P01 Rev A, 1016/P02 Rev A, 1016/P03 Rev A and 1016/P04 Rev A.

   3) No development shall commence until details of the materials to be used in the construction of the external surfaces of the extension hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Main Issue

2. The main issue is the effect of the development upon the character and appearance of the existing building and the surrounding area.

Reasons

3. The site is a detached two storey house located on a residential estate. The dwelling is constructed from red brick with a tiled roof, set within a spacious plot that sits at a marginally lower level than Yokecliffe Drive. The area has a pleasing appearance and is characterised by predominantly detached dwellings of a similar material palette.

4. The proposal is to erect a single storey extension to the front and rear. The Council has no objections to the rear extension, and I see no reasons to disagree. The front
extension would infill between the existing gable fronted two storey outrigger and the single storey garage, which is also proposed to be converted. The extension would be set back from the front elevation of both the outrigger and garage and would feature a tiled roof with horizontal timber (Larch) clad walls. Its scale and siting leads me to conclude that it would be a subordinate addition to the host dwelling.

5. Sited in the context of a late 20th Century sub-urban housing estate which features a variety of house types, I find that the area is not particularly distinctive. The dwelling is set back from the road and the ground floor is not overly prominent within the street scene, due to the topography and existing landscaping.

6. I note that timber cladding is not a prolific material in the immediate context, but there are examples of timber cladding in the surrounding area. Furthermore, Larch is a natural high quality material that would weather over time, and consequently I do not consider that its introduction as an external material to the dwelling would be inappropriate in this setting. Indeed, it would complement the existing building and provide some interesting relief from the solid brick walling. Therefore, I find that its use in this modest single storey proposal could be carried out without undermining the quality and local distinctiveness of the surroundings, or detracting from the simple character and appearance of the host dwelling.

7. The location of the window for the garage conversion would be in an off-set position. The appellant’s agent has detailed that the position of the window is required due to the intended use of the room and whilst being in an unusual location, I do not find it unduly harmful. Similarly, even though the absence of a glazing bar would give the appearance of a larger window, its size would be comparable to that of the first floor window and I do not find it would be disproportionate, nor harmful to the host dwelling or street scene.

8. Consequently, I find that the proposal would not harm the character and appearance of the host property and surrounding area. Thus there would be no conflict with Policies SF5 and H2 of the Derbyshire Dales Local Plan (November 2005) which seek, amongst other things, to ensure that developments preserve or enhance the quality and local distinctiveness of the surroundings, reinforcing a sense of place. I also find compliance with the National Planning Policy Framework, which requires that decisions should not stifle innovation, originality or initiative, whilst ensuring that developments promote or reinforce local distinctiveness.

Conclusion

9. To ensure certainty I shall attach a condition requiring that development is carried out in accordance with the approved plans. A condition relating to the submission of external materials is needed to ensure that the appearance of the development is satisfactory. It would be unreasonable to insert a condition which requires the existing parking arrangement to be maintained because changes to the driveway area are not part of the scheme before me; and whilst the conversion of the garage is proposed, there is sufficient off street parking to accommodate at least 3 cars.

10. Having had regard to all other matters raised, and for the reasons above, I conclude that the appeal should be allowed.

Katie McDonald
INSPECTOR

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The Planning Inspectorate

Appeal Decision
Site visit made on 22 August 2017
by Brendan Lyons BArch MA MRTPI IHBC
an Inspector appointed by the Secretary of State for Communities and Local Government
Decision date: 8th September 2017

Appeal Ref: APP/P1045/D/17/3179151
Windmill Cottage, Willersley Lane, Cromford DE4 5JG

- 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 A Bridge against the decision of Derbyshire Dales District Council.
- The application Ref 17/00259/FUL, dated 31 March 2017, was refused by notice dated 7 June 2017.
- The development proposed is described as a single-storey rear extension.

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed extension on the character and appearance of the cottage and of the surrounding area, which forms part of the designated ‘buffer zone’ of the Derwent Valley Mills World Heritage Site.

Reasons

3. The appeal relates to a two-storey cottage or former farmhouse that makes up part of a small group of dwellings in an elevated position overlooking the Derwent valley. The cottage is of traditional stone construction, built partly into the sloping site. It has a tiled gabled roof, and a small single-storey lean-to at one end. Because of the slope, the principal windows and entrance are all on the downhill side. A modern porch with a tiled roof has been added, and the window openings have been fitted with modern frames but retain their plain stone surrounds and central mullions.

4. It is now proposed to add a single-storey extension that would encompass the existing porch and cover one end of the house, including the lean-to. The extension would have a stepped plan form under a flat roof and would be clad in timber boarding. The window to one of the two main ground floor rooms would be removed and the opening taken down to floor level.

5. The Council does not object to the principle of an extension on this side of the cottage and has previously granted permission for a somewhat smaller addition in a similar position¹. I agree that there should be scope to enlarge the

¹ The permission (Ref 05/00743/FUL) has now lapsed.

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dwelling in order to provide more varied living space or, as in this instance, to allow for the effect of disability.

6. However, I also agree with the Council that the extension now proposed would represent an unsympathetic addition that would be harmful to the cottage’s character and appearance. Because the extension would obscure so much of the principal elevation, including the bases of upper floor windows, it would no longer be possible to easily appreciate the cottage’s original appearance, even with glimpses through the proposed large windows. While later features, such as the porch, are not fully consistent in design with the original cottage, their alteration by the appeal proposal would not amount to a net benefit.

7. The extension’s flat-roofed rather box-like shape and the splayed plan form would not relate well to the simple rectilinear lines of the original dwelling. The extent of the boarded cladding and large scale openings immediately next to the traditional scale and materials of the original building would tend to dominate the cottage’s simple vernacular character. The pyramid rooflights would also be highly prominent from the raised approach and would appear incongruous.

8. I acknowledge the appellant’s intention to respond to the cottage’s character by making a clear distinction between the original and the new, which is an approach that can often prove sound. However, I find in this case that the balance between old and new has been unacceptably tilted. The appellant accepts that the proposal would not be directly comparable with the other example provided, where the extension was not masking principal elements of interest of the original building.

9. The appellant also accepts that reservations expressed about the previously permitted scheme are not directly relevant to the current decision. Other forms of extension that would achieve the desired objective would be possible, and should not necessarily require the loss of internal features of interest.

10. For these reasons, I find that the proposal would be contrary to saved Policy SF5 of the Derbyshire Dales Local Plan 2005 (‘LP’), as the scale, massing, height and layout of the proposed extension would not preserve or enhance the quality or local distinctiveness of the original building, and would not reinforce the sense of place engendered by distinctive local building styles and materials. It would also be contrary to saved LP Policy H2, as it would have a detrimental impact on the character and appearance of the dwelling.

11. Because of the location of the cottage, the extension would not be highly visible from the immediate surroundings. The appellant has illustrated that it would also be screened by neighbouring buildings in longer distance views from within the World Heritage Site. There would be very little adverse effect on the appearance of the surrounding area.

12. Nevertheless, the site forms part of the buffer zone of the World Heritage Site, a designated heritage asset identified by the National Planning Policy Framework (‘NPPF’) as of the highest significance. The Planning Practice Guidance (‘PPG’) lists protection from inappropriate development of the setting of World Heritage Sites, including any buffer zone, as one of the key principles in their planning. The PPG also warns of the danger of the cumulative effect of minor change.

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13. The existing building is a very small element of the setting of the extensively drawn asset. However, the stock of vernacular buildings within the buffer zone provide a context that must make a positive contribution to the asset’s heritage significance, which should be preserved from cumulative harm in accordance with the national advice. In this instance, the adverse effect on the character of the cottage would thus result in a very small degree of harm to the significance of the heritage asset. As the enlargement of the dwelling would be to meet the appellant’s own domestic needs, this minor harm would not be outweighed by any public benefit.

14. I therefore find that the proposal would also be contrary to saved LP Policy NBE25, which resists development that would have an adverse impact on the setting of the World Heritage Site.

15. For the reasons set out above, and having taken account of all representations made, I conclude that the appeal should be dismissed.

_Brendan Lyons_

INSPECTOR
BACKGROUND PAPERS

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

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

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

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