03 April 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 11 April 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 at 2.30pm prompt. A schedule detailing the sites to be visited is attached to the Agenda.

1. APOLOGIES/SUBSTITUTES

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

2. APPROVAL OF THE MINUTES OF THE PREVIOUS MEETING

Planning Committee – 14 March 2017

3. INTERESTS

Councillors are required to declare the existence and nature of any interests they may have in subsequent agenda items in accordance with the District Council’s Code of Conduct. Those Interests are matters that relate to money or that which can be valued in money, affecting the Councillor, her/his partner, extended family and close friends. Interests that become apparent at a later stage in the proceedings may be declared at that time.

4. APPLICATIONS FOR DETERMINATION

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

To provide members of the public WHO HAVE GIVEN PRIOR NOTICE (by no later than 12 Noon on the working day prior to the meeting) with the opportunity to express views, ask questions or submit petitions relating to planning applications under consideration. Representations will be invited immediately before the relevant item of business/planning application is discussed. Details of the Council’s Scheme are reproduced overleaf. To register to speak on-line, please click here www.derbyshiredales.gov.uk/attendameeting. Alternatively email committee@derbyshiredales.gov.uk or telephone 01629 761133.

4.1 APPLICATION NO. 16/00700/OUT (Site Visit) 6 - 29
Demolition of Service Station Buildings and erection of 41 dwellings, access and balancing pond (Outline) at Dove Service Station Garage, Mayfield Road, Ashbourne.

4.2 APPLICATION NO. 16/00779/FUL (Site Visit) 30 - 43
Erection of three dwellings and associated garages at Land adjacent to 9 Oak Tree Gardens, Tansley.

4.3 APPLICATION NO. 17/00025/REM (Site Visit) 44 - 59
Residential development – reserved matters application for the erection of 86 dwellings and associated works (Outline Permission 14/00089/OUT) at Land at Asker Lane, Matlock.

4.4 APPLICATION NO. 16/00941/FUL 60 - 75
Residential development of up to 9 dwellings and associated access (Outline) at Land at Pump Close, Starkholmes.

5. INFORMATION ON ACTIVE AND CLOSED ENFORCEMENT INVESTIGATIONS 76 - 86

6. APPEALS PROGRESS REPORT 87 - 111
To consider a status report on Appeals made to the Planning Inspectorate.

Members of the Committee
Councillors Garry Purdy (Chairman), Tony Millward BEM (Vice Chairman),
Jason Atkin, Sue Burfoot, Sue Bull, Albert Catt, Tom Donnelly, Graham Elliott, Richard FitzHerbert, Chris Furness, Neil Horton, Jean Monks, Tony Morley, Mike Ratcliffe, Lewis Rose OBE, Peter Slack and Jo Wild.

Substitute Members
Deborah Botham, Jennifer Bower, Richard Bright, Martin Burfoot, Phil Chell, Ann Elliott, Helen Froggatt, Alyson Hill, Angus Jenkins, Vicky Massey, Joyce Pawley, Mark Salt, Andrew Shirley, Andrew Statham, Jacquie Stevens, 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 2.30pm prompt for the following site visits:

3.00pm  APPLICATION NO. 16/00700/OUT
DOVE SERVICE STATION GARAGE, MAYFIELD ROAD, ASHBOURNE.
At the request of Officers to allow Members to fully assess the impact of the development on its surroundings.

3.50pm  APPLICATION NO. 16/00779/FUL
LAND ADJACENT TO 9 OAK TREE GARDENS, TANSLEY.
At the request of Officers to allow Members to fully appreciate the site and context.

4.20pm  APPLICATION NO. 17/00025/REM
LAND AT ASKER LANE, MATLOCK.
At the request of Officers to allow Members to fully assess the details of the application on the character and appearance of the area, the impact on amenity, highway matters and the impact on protected species.

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.
APPLICATION NUMBER 16/00700/OUT

SITE ADDRESS: Dove Service Station Garage, Mayfield Road, Ashbourne

DESCRIPTION OF DEVELOPMENT Demolition of Service Station Buildings and Erection of 41 Dwellings, Access and Balancing Pond (Outline)

CASE OFFICER Mr Chris Whitmore

APPLICANT Mr and Mrs McNair and Renshaw

PARISH Ashbourne

AGENT Mr Ian McNair

WARD MEMBER(S) Cllrs Donnelley and Chell

DETERMINATION TARGET 8th March 2017

REASON FOR DETERMINATION BY COMMITTEE Major application

REASON FOR SITE VISIT (IF APPLICABLE) At the request of Officers to allow Members to fully assess the impact of the development on its surroundings

MATERIAL PLANNING ISSUES

- The appropriateness of redeveloping the site for housing;
- The impact of development on the character and appearance of this part of the settlement, Ashbourne Conservation Area and the special setting of St Oswald's Church (Grade I Listed);
- The loss of existing employment land;
- Highway / pedestrian safety;
- Impact on ecology;
- Impact on the amenity of the future occupants of the dwellings and the occupants of nearby residential dwellings;
- Housing mix and affordable housing;
- Developer contributions / the impact of the development on existing infrastructure, and;
- Flood risk and contamination.

RECOMMENDATION

Approval with conditions.
16/00700/OUT

Dove Service Station, Mayfield Road, Ashbourne

Derbyshire Dales DC

Date: 28/03/2017

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 comprises Dove Service Station and associated garage, car wash facility and former car sale showroom / workshop buildings on an irregular shaped 1.04 hectare parcel of land located to the south of Mayfield Road at Ashbourne (see photograph 1). The commercial activity is concentrated at the northern part of the site closest to the road. The land beyond to the south falls gently and is largely open though partially hard surfaced, before it reaches Henmore Brook (see photograph 2). The frontage to Mayfield Road to the west and east comprises rows of traditional terraced and semi-detached housing (see photograph 3 and 4). To the east is an open meadow beyond which is the Grade I Listed St Oswald’s Church (see photograph 5). To the south-west of the site is cadet hut and to the north of this parking areas associated with dwellings on Mayfield Road. On the opposite side of Mayfield Road is a terrace of dwellings adjoining open land. On the opposite side of Henmore Brook, beyond a tree belt is Ashbourne Hospital (see photograph 6) and the Bernard Gadsby Close housing development. The buildings on site are a mix of materials and designs. Cars are relatively extensively parked on hard surfaced areas and building materials are currently stored in the north-eastern corner. The site has some tree cover along its eastern and north-eastern boundaries with hedging to the west. The site lies within the settlement boundary for Ashbourne and the eastern boundary of the site marks the boundary of Ashbourne Conservation Area. The land in the vicinity drops gently down from north to south with a level change of approximately 2m.
2.0 DETAILS OF THE APPLICATION

2.1 This application seeks outline planning permission to erect up to 41 no. dwellings on the site, with only landscaping reserved for subsequent approval. The proposed concept for the scheme is a contemporary, modern development of houses and apartments. In plan-form it is proposed that the houses and apartments are laid out in a triangle formation with a range of buildings facing onto Mayfield Road. The proposed development closes the current wide gap to Mayfield Road with a terrace of two storey buildings and an apartment block, three storeys high, either side of the entry point into the central part of the site. Behind these buildings lines of two and three storey high terraced and semi-detached dwellings will frame a triangular area of open space.

2.2 Although three storeys high in the case of the apartment block, the maximum height of the buildings fronting Mayfield Road will coincide with the ridge line of the existing, adjacent, terraced and semi-detached dwellings. The dwellings will be of a contemporary form / design, however, will feature openings in an ordered and geometric pattern and will be faced in red brick to match / assimilate with the existing rows of terraces and semi-detached dwellings along Mayfield Road. Above the brickwork of the three storey dwellings will be a set back and a grey composite cladding to the upper floor with a flat roof over. The largest four bedroomed dwellings will have balconies. All of the dwellings and apartment block will have flat roofs. Between the existing terrace row and the new apartments a flank wall pierced by apertures is proposed. The corner of the apartment block with the new access road will be mainly glazed, with the second floor overhanging the first and ground floors. It is intended that the internal estate roads will be private which will be reinforced by a gated access for vehicles and pedestrians, set back from Mayfield Road.

2.3 At the rear of the development an area of open space and a balancing pond is proposed. The proposed housing mix will comprise 13 no. two bedroomed, two storey dwellings, 4 no. three bedroom, two storey dwellings, 15 no. four bedroomed, three storey dwellings and 7 no. 1 bedroomed and 2 no. 2 bedroomed apartments. Parking is shown in front of the dwellings, behind the Mayfield Road fronting terrace and framing the central area of open space. 70 spaces in total are proposed.

2.4 The application is accompanied by a marketing assessment in relation to the housing mix proposed and continued use of the site for employment purposes, Design and Access Statement, Flood Risk Assessment, Protected Species Survey, Phase I Geo Environmental Site Assessment, Phase II Geo Environmental Investigation, Human Health & Groundwater Risk Assessment and Transport Assessment. All of this supporting information has been retained on the public file for examination and comment and
circulated to consultees. They are referred to, where necessary and pertinent in the ‘Issues’ section of the report.

3.0 PLANNING POLICY AND LEGISLATIVE FRAMEWORK

3.1 Adopted Derbyshire Dales Local Plan (2005):

SF1   Development within Defined Settlement Framework Boundaries
SF5   Design and Appearance of Development
SF7   Waste Management and Recycling
SF8   Catering for the Needs of People with Disabilities in Development and Redevelopment
EDT4  Other Existing Employment Land and Business Premises
H9    Design and Appearance of New Housing
H11   Affordable Housing within the Settlement Framework of Other Settlements
NBE5  Development Affecting Species Protected by Law or are Nationally Rare
NBE6  Trees and Woodlands
NBE8  Landscape Character
NBE12 Foul Sewage
NBE16 Development Affecting a Listed Building
NBE21 Development Affecting a Conservation Area
NBE26 Landscape Design in Association with New Development
NBE27 Crime Prevention
TR1   Access Requirements and the Impact of New Development
TR8   Parking Requirements for New Development
L6    Outdoor Playing Space in New Housing Developments

3.2 Deposit Draft Derbyshire Dales Local Plan (August 2016):

S3    Settlement Hierarchy
S9    Ashbourne Development Strategy
PD2   Protecting the Historic Environment
PD5   Landscape Character
PD8   Flood Risk Management and Water Quality
HC1   Location of Housing Development
HC4   Affordable Housing
HC11  Housing Mix and Type
HC19  Accessibility and Transport

3.3 Other
National Planning Practice Guidance

4.0 PLANNING HISTORY

4.1 15/00253/OUT Demolition of service station buildings and construction of 33 dwellings, access road and balancing pond (outline) - Withdrawn

06/00080/FUL Redevelopment of site to include 37 no. dwellings, 16 no. apartments and associated access/car parking - Withdrawn

05/00717/FUL Erection of 30 no. dwelling houses and 32 no. apartments and associated access/parking - Withdrawn
5.0 CONSULTATION RESPONSES

5.1 Ashbourne Town Council:

Object. The Town Council considers that the dwellings are of a poor design, the proposal would result in overdevelopment of the site and will have a major impact on traffic in an already congested part of the town. They also raise concerns that it does not appear to have social housing on site and the impact on the 'vista from St Oswald's Church'. It is recognized that it is a good 'brownfield site' for a residential development if designed in an appropriate way. The Town Council would like to see the 33% of affordable housing on site, as detailed in the adopted Local Plan, the emerging Local Plan and Neighbourhood Plan and advise that they could assist with preparing a development brief with the District Council and the developer.

5.2 Derbyshire County Council (Highways):

Initial comments:

The Transport Statement makes reference to a swept path analysis being undertaken on the streets, however, this does not appear to have been provided. This should be provided, to see how the street operates, and should be based on a large refuse vehicle / fire tender. Given that these larger vehicles are likely to utilise the majority of the available carriageway width (or more, depending on vehicle tracking) to manoeuvre around the 'triangle' area the street will also need to be provided with adequate forward visibility around bends. This is likely to engender the removal / modification of part of the central 'triangle' area.

2.4m x 25m (or 17m absolute minimum) visibility splays need to be provided at internal junctions, spur roads and individual driveways (including forward visibility around bends). The road to the rear of plots 1-3 has severely restricted visibility to on-coming vehicles as shown and will need to be modified. The visibility from individual driveway also needs to be demonstrated on suitable plans.

It is likely the extents of any potential adoption, with this Authority, will not include all the estate streets as drawn – particularly where the roads are extended beyond the main 'triangle' area. These will need to be curtailed (to circa 15m long) for adoption purposes, to ensure vehicles using the public highway do not have to reverse over-long distances.

The proposed footway should be returned around the frontage of plot 12.

The parking arrangements for plot 12 are also considered to be awkward and due to the proximity of the dwelling to the carriageway manoeuvres would be under conditions of restricted visibility. Revised parking to the side / rear should be considered as well as locating the plot further back from the carriageway edge.

It would be desirable to enhance the pedestrian provision across the entire site frontage by providing a minimum 2.5m wide footway – this would connect to and extend the existing wide footway linking to the nearby school and town centre. The Highway Authority has also previously highlighted that a possible pedestrian connection be provided to the new multi-user route that has now been constructed to the south of the site. However, it is appreciated that there may be technical difficulties in achieving this given the constructed route of the path and the Henmore Brook. Therefore the preference would be to enhance the pedestrian environment on Mayfield Road.

It would appear 66 no. on-plot parking spaces are being provided together with 18 no. spaces in the central ‘triangle’ area – the drawing does however indicate 74 No being
provided. The larger properties have 3 No parking spaces, including an integral garage and the smaller properties have 1 or 2 spaces – it is presumed the central parking area will be for visitors / 'over-spill' parking. As highlighted above will need to see any impact resulting from the swept path analysis through this space to ensure it operates in a safe and satisfactory manner. It may transpire that alternative arrangements for the central area may need to be considered e.g. a wider carriageway and lay-by type parking arrangement – subject to further design input.

Given the nature of the outline application the local Highway Authority advised that the above issues needed to be addressed, especially given access, layout and scale are to be considered at this stage.

The applicant supplied additional information and submitted amended plans to address the above comments.

Second response:

Following receipt of an updated plan (drawing number 996-D06 Rev H) and further information I can confirm the Highway Authority’s previous concerns appear to have been addressed, such that it would not be in a position to sustain an objection to the proposals on highway safety grounds. The access arrangements are considered acceptable to serve the new development and the applicant / agent has formally confirmed that it is intended the development is to remain private and that gated access points for vehicles and pedestrians, will set back from the public highway.

Internally the street layout would appear capable of accommodating the swept path of a refuse / delivery vehicle, however, these vehicles will be expected to use the entire carriageway – it will therefore be necessary to consider the landscaping in the central area to ensure suitable inter-visibility is available for users of the street (and a maintenance regime to ensure it is maintained to this level in the future).

Taking the above into consideration and subject to conditions and advisory footnotes, the Local Highway Authority raise no objections.

5.3 Environment Agency

The Agency raise no objections, in principle, to the proposed development, however, recommend conditions to help mitigate flooding and deal with any contamination on site.

5.4 Derbyshire County Council Strategic Planning

Have advised verbally that a financial contribution towards the provision of additional school places will be required on the back of this development to make the development in acceptable in planning terms. At the time of writing this report, details of the number and type of school places to be provided has not been provided. This information, if received, will be presented to members at the planning committee meeting.

5.5 Design and Conservation Officer (Derbyshire Dales)

It is considered that a modern, contemporary, development, subject to its detailing and materials being exemplary and well-considered, is appropriate for this site and its context. Current and future views & vistas from the parish church & its churchyard should be carefully considered and the potential impact of the development on/adjacent to the boundary with the Conservation Area also carefully considered in this regard.
CAF reviewed their comments on a previous scheme for this site of 2015 and its layout/design etc.
With regard to the current scheme they considered that, on balance, it was a better design/layout which presented a refreshing and dynamic concept but raised the following concerns:

- The photomontage of the existing properties either side on Mayfield road were not drawn in true elevation and therefore the new development appeared to be much higher than the adjacent properties – is this the case?
- The elevations to Mayfield Road, and to the other elevations on the site, appear ‘flat’ as no detail of the proposed depth of the various recesses is given. It was considered that if these recesses were substantial then this would give depth to the elevations.
- There was concern over the commercial character of the building design in so much as the Mayfield Road elevations do not repeat the front door access as all the existing houses do onto Mayfield Road. CAF also thought that the concept was monolithic and not of a human-scale.
- CAF noted that the Mayfield Road elevations were the key parts of the scheme on this access/entry point into the town and it would be of prime importance to ensure that the design/character and detailing of these was correct & appropriate.
- CAF noted that the scheme appeared to be dominated by external car parking in front of the properties and within the triangular centre. This was considered regrettable and appeared to be a result of the proposed intensity of the development. In that regard the intensity should be re-considered to enable car parking to be more discreet and integrated within the scheme and a less dominating element.
- CAF noted the proposed materials – predominantly brick - which was considered to be the correct material (subject to type, colour/texture etc.). Insufficient detail was given on the type and extent of the ‘metal and composite’ materials.
- CAF noted the ‘screen wall’ onto part of the Mayfield Road elevation. They considered that its scale was too abrupt a change or transition between the terraced housing to the proposed new scheme.
- CAF concluded that the current scheme was better than the previous scheme (of 2015) and that they had no objection to a modern ‘contemporary’ design concept. The eastern boundary of the site abuts the Conservation Area and this boundary line/treatment will require special consideration and design (together with views/vistas from the churchyard of the grade I parish church). CAF’s concerns and reservations as noted above should be given further consideration.

5.7 Head of Housing (Derbyshire Dales)

The smaller homes on the proposed scheme should be affordable housing to meet local need. We do not require a 3 bedroomed flat, so would ask that this be changed to a 2 bedroomed flat. The affordable on the scheme would then be 6 x 1 & 2 bedroomed flats and 6 x 2 bed 4 person houses, totalling 12 units.

The applicant has since reconsidered the layout of the apartments, following receipt of the above comments which has increased the total number of units to 41. Based on this higher number the Head of Housing requests that the 7 no. one bedroomed and 2 no. two bedroomed apartments and 4 no. two bedroomed houses are affordable (13 units in total).

5.8 Southern Derbyshire CCG:

No comments received at the time of writing this report.
Make the following comments:

The application is supported by a Protected Species Survey report prepared by EMEC Ecology dated December 2014 which outlines the findings of a survey conducted on 25th November 2014. The survey included an appropriate assessment of the buildings for their suitability to support roosting bats.

The report acknowledges limitations in respect of the brief assessment of the site and the fact that, apart from a bat assessment of the buildings, no systematic surveys to establish the presence/absence of protected species were undertaken.

The Henmore Brook runs along the south-east boundary of the site with a number of trees along the banks of the Brook. From our database we are also aware of the presence of water vole on the brook. The record for water vole 35m to the east is included in the desk study results set out in Table 4.1 of the report. The Illustrative Masterplan indicates the provision of a suitable stand-off to the Brook including a balancing pond. Provided that this stand-off is incorporated in the subsequent reserved matters layout we do not anticipate any impact on water vole. We recommend that this is secured by an appropriately worded planning condition.

A single small shallow pond is located just beyond the boundary to the north-east of the site. Although it is understood that the pond will not be directly affected by the proposal, the survey has identified the presence of rubble piles on the site with potential to provide sheltering habitat for amphibians. The presence of great crested newt should not be discounted on the basis of a lack of records for this species in the area. Similarly, the rubble piles are considered to provide potential sheltering and hibernating habitat for reptiles. We note that no specific surveys for amphibians or reptiles have been carried out in support of the application. We would advise that such information is lacking.

We would point out that the survey appears to have focussed entirely on the presence of habitats with potential to support protected species and that insufficient consideration has been given to the evaluation of the habitats themselves. From the site description and the site visit we are of the view that areas of the site have potential to support the UK BAP priority habitat “Open Mosaic Habitat on Previously Developed Land”. The timing of the survey would have placed limitations on the identification of plant species associated with this priority habitat. Further survey work to determine the presence or otherwise of open mosaic priority habitat is lacking and needs to be provided.

We are satisfied that sufficient survey work has been carried out to establish that bats and badger are unlikely to be impacted by the proposed development.

This species is listed in Schedule 9, Part 2 of the Wildlife and Countryside Act 1981, as amended, which makes it an offence to introduce, plant or cause it to grow in the wild.

A condition to secure the control and removal of Japanese Knotweed on site is recommended.

We would expect the landscaping associated with the stand-off to the Henmore Brook and the balancing pond, which we anticipate will be dealt with at the reserved matters stage, to be designed to provide maximum benefit for wildlife. In addition, we advise that an Ecological Management Plan for the areas of the site outside the curtilage of the properties should be provided as part of any reserved matters application.
6.0 REPRESENTATIONS RECEIVED

6.1 Representations from three local residents have been received, two objecting to the development and one letter raising issue with vehicles parked by the side of the road and cars using the pavement to get past. It is considered that with the school being opposite and there not being a full time lollypop man this increases the risk of an accident. In objecting to the proposed development the following comment are made:

- There are numerous inaccuracies in the Design and Access Statement.
- The terrace of three small houses adjacent to no. 4 and no. 6 Mayfield Road are proposed with low level walls and front gardens, which would hinder access to the off road parking to these properties.
- The development will result in an increase in traffic in a location where on street parking already causes highway safety issues.
- The proposal to create a contemporary factory feel, with brick, metal cladding and timber panels does not reflect the long standing Mayfield Road market town street view. This style of façade is not in keeping with the surrounding street feel.
- The loss of the Dove Service Station shop facility will be a great loss to local residents.

7.0 OFFICER APPRAISAL

The appropriateness of redeveloping the site for housing

7.1 It has been previously resolved that planning permission be granted for 37 no. dwellings and 16 no. apartments on the site at planning committee in April 2007. The option agreement on the land had, however, expired prior to committee consideration and a decision was made not to continue with the application and it was withdrawn before a section 106 agreement to secure necessary developer contributions could be agreed.

7.2 The site is located within Ashbourne Town Centre, within the defined settlement framework boundary for the town as set out in the Adopted Derbyshire Dales Local Plan (2005). Although housing policies within the Adopted Derbyshire Dales Local Plan do not envisage housing development beyond the plan period they support the redevelopment of previously developed land for residential purposes within defined settlement framework boundaries / the districts main market towns where full and effective use of the land is made. Deposit Draft Local Plan Policies also support new residential development within the main market towns, such as Ashbourne which are seen as a primary focus for growth and development to safeguard and enhance their strategic roles as employment and service centres. Policies within the Deposit Draft Local Plan have been drafted to ensure that they will continue to provide significant levels of jobs and homes, together with supporting community facilities and infrastructure to meet their economic potential in the most sustainable way. Housing development on the site is therefore considered to be an appropriate form of development, in location terms, in principle.

The loss of existing employment land

7.3 An important issue to consider in respect of this planning application is the loss of existing employment land and premises. Policy EDT4 of the Adopted Derbyshire Dales Local Plan seeks to prevent the loss of valuable buildings that can serve an employment use. Policy S9 of the Deposit Draft Local Plan sets out a development strategy for Ashbourne and states that the District Council will seek to promote the sustainable growth of Ashbourne, whilst seeking to safeguard its important role as a historic market town serving a wide rural hinterland, by amongst other objectives encouraging the growth of local employment opportunities and supporting the diversification and growth of local business through safeguarding existing employment sites for industrial and business use unless specifically allocated for an alternative use. The applicants have submitted a marketing report which
advises that since the withdrawal of application code ref. 06/00080/FUL the site has been actively marketed. The only interest that has been shown in the site has been from house builders. It is stated at no point between 2005 and the present day has there been any expressions of interest in the property for existing use as a petrol station and ancillary uses, or employment use. The majority of the existing buildings on site are in a poor state of repair and in need of significant investment. The site is also surrounded by residential development and contains infrastructure associated with its current primary use as petrol filling station. Combined with the expansion of Ashbourne Airfield Industrial Estate and existing employment land provision to meet the economic needs of the area, the loss of the existing employment land and premises is not considered to outweigh the benefits of making full and effective use of the site and delivering new dwellings in a sustainable location in this case.

The impact of development on the character and appearance of this part of the settlement, Ashbourne Conservation Area and the special setting of St Oswald’s Church (Grade I Listed)

7.4 This application seeks to agree the layout, scale and appearance of the development. In respect of the impact of the development on the character and appearance of its immediate surroundings paragraph 61 of the National Planning Policy Framework (NPPF) advises that securing high quality and inclusive design goes beyond aesthetic considerations and that planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment. Paragraph 58 advises that decisions should aim to ensure that developments respond to local character and history and reflect the identity of local surroundings. Policies contained within the Adopted Derbyshire Dales Local Plan which deal with design align with this guidance. Policy SF5 advises that planning permission will only be granted for development where... (a) the scale, density, massing, height, layout, materials of construction and landscaping preserves or enhances the quality and local distinctiveness of its surroundings. Policy H9 requires new housing development to be in scale and character with its surroundings to have regard to distinctive landscape features and provides supplementary landscaping where appropriate and to provide adequate amenity space and reasonable privacy for each dwelling, amongst other considerations.

7.5 Mayfield Road was developed from the mid-19th century onwards as a linear development of terraced houses, of varying designs, but essentially of a similar type, style, form and materials. This character is urban and is different from the core of the town which is of medieval origin with its Georgian character imposed from c. 1700 to 1850. The geometric layout of the development is considered to respond positively to this local character and history. The Mayfield Road frontage buildings will close the current wide gap to Mayfield Road. The infilling of this space is considered to be acceptable and follows the 19th century theme of the linearity of the street.

7.6 Whilst the design of the housing and apartment block is modern & contemporary it will assimilate with the existing buildings on Mayfield Road which include the architectural rhythm of openings in an ordered and geometric pattern. All new buildings will be faced in red brick. Above the brickwork of the three storey dwellings will be grey composite cladding, set back to the upper floor with a flat roof over. This, in some respects will be a contemporary version of the slated roofs to the terraced row all be it vertical rather than sloping. The brickwork elevations to the proposed scheme will be punctuated with openings or apertures. Subject to these openings/apertures being deeply recessed to avoid the facades appearing flat, they are considered to be acceptable as they would be an appropriate response to the rhythm of openings to existing terraced and semi-detached housing in the locality. The punctuated flank wall at the western end of the apartment block will assist in the transition between the existing and the new. The scale of the housing along the main road frontage and apartment block will be consistent with the existing
terraced and semi-detached houses either side. Behind these buildings the layout and scale of the dwellings would respond positively to the sites topography. The applicants have sought to lessen the visibility overall of the development by focusing the 3 and 4 storey elements at the south western corner where they will be screened partially by other buildings and new entrance gates to the development and be set a slightly lower level. The feature corner of the apartment block would create interest in the streetscene and help break up the massing of the building.

7.7 The design concept is considered to be an appropriate response to the sites industrial past and its immediate surroundings and would enhance the character and appearance of this part of the settlement. In this respect the development would satisfy the requirements of Adopted Derbyshire Dales Local Plan Policies and policies contained in the Deposit Draft Local Plan and national guidance.

7.8 Having considered the layout, scale and appearance of the development to respond positively to its immediate context, it is important to separately assess how it impacts on the Conservation Area and setting of the Parish Church. Policy NBE21 ‘Development Affecting a Conservation Area’ reflects guidance contained within Part 12 of the National Planning Policy Framework (NPPF) and requires development to either preserve or enhance the character and appearance of a Conservation Area. The site lies on the boundary of Ashbourne Conservation Area and therefore has to safeguard its setting. Finally, in design terms the site has some visibility from Ashbourne Parish Church which is a Grade I Listed Building and development needs to have due regard to its setting. The NPPF gives great support to preserving the setting / significance of designated heritage assets. NPPF para 132 advises that great weight should be given to the asset’s conservation and that the more important the asset, the greater the weight should be.

7.9 The boundary with the Conservation Area is primarily rear garden spaces. It is deemed important that this boundary treatment is given very careful consideration as it will, at certain times of the year (and when existing planting is removed/pruned/felled etc. over time) be visible between the Grade I Listed church and its associated churchyard. It is considered that the boundary to the Conservation Area should be a brick wall of a sufficient height to conceal any domestic paraphernalia and act as a strong and robust boundary in this location. This will need to be secured by condition. Subject to careful consideration of materials, detailing and securing an appropriate boundary treatment it is considered that the development would not cause harm to the setting of Ashbourne Conservation Area or St Oswald’s Church and thereby their significance will be safeguarded.

Highway / pedestrian safety

7.10 Further drawings and information has been submitted to address the Local Highway Authority’s initial concerns. In overall terms the Local Highway Authority are satisfied that the development can be safely accessed and the layout makes appropriate provision for parking and manoeuvring. The Town Council and local residents raise concerns with regard to traffic along this part of Mayfield Road, existing problems regarding vehicles parking on street and the danger this poses to pedestrians. The proposed development would be served by a sufficient number of parking spaces, which should prevent any additional parking along Mayfield Road. Furthermore, redevelopment of the site is unlikely to result in any significant volume of traffic in excess of that which is already experienced from the current use of the site and its continued use for employment purposes. Whilst concern has been raised with regard to the impact of the development on access serving nos. 4 and 6, this access benefits from splays which cross over the application site / land not within their control or ownership. The Local Highway Authority has not raised this as a constraint of the development.
Impact on ecology

7.11 The layout of the housing provides for a significant buffer between the new housing and Henmore Brook and offers the potential to reinforce the attractive planted environment along Henmore Brook and in the process enhance the wildlife environment. Whilst water voles may not be directly affected by this development appropriate landscaping creating a buffer from the brook could help to create an environment where wildlife will flourish. Although a shallow pond sits beyond the site boundary to the north east, the site which is mainly hardsurfaced is not considered in this area is not considered to provide suitable habitat for amphibians including Great Crested Newts. Bats and badgers will not be adversely affected by the proposed development.

7.12 Ten clumps of Japanese Knotweed, associated with rubble piles, are present on the boundaries to the east of the site. As recommended by Derbyshire Wildlife Trust a condition to secure the removal of this invasive species will be required.

7.13 As the development seeks to agree layout, there is no need for a condition which requires any reserved matters application to follow the parameters of the submitted drawings to ensure the provision of an appropriate buffer between the housing and Henmore Brook.

Impact on the amenity of the future occupants of the dwellings and the occupants of nearby residential dwellings

7.14 The proposed dwellings would be served by an appropriate amount of private amenity space. The layout of the dwellings, their scale and position of window openings is such that there would be no amenity implications for the occupants of the new dwellings. In terms of the impact of the development on existing residents, the site has neighbouring dwellings to the north-east, north-west and on the opposite side of Mayfield Road.

7.15 The dwellings immediately to the north-east (nos. 4 and 6) face down over the site. They sit above the proposed finished land levels of plot 32. The orientation of the dwelling which sits on this plot and its siting is such that the occupants of nos. 4 and 6 Mayfield Road would not suffer undue impact. The scale and layout of the houses at the western end of the site is such that there would be no resultant loss of privacy or amenity between the occupants of these dwelling and nos. 30 - 38 Mayfield Road. The layout and scale of the proposed dwellings is therefore considered to be acceptable insofar as impact on the amenity of the future occupants of the dwellings and the occupants of nearby residential dwellings is concerned.

Housing mix and affordable housing

7.16 In terms of housing mix Paragraph 50 of the NPPF states that:

“To deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities, local planning authorities should:

- plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community (such as, but not limited to, families with children, older people, people with disabilities, service families and people wishing to build their own homes);
- identify the size, type, tenure and range of housing that is required in particular locations, reflecting local demand ……”

7.17 Policy HC11 of the Deposit Draft Local Plan advises that the provision of market housing should be focused on delivering smaller family housing for younger households. On this basis the following mix of market housing is recommended: 1-bed properties: 5%, 2-bed
properties: 40%, 3-bed properties: 50%, 4-bed properties: 5%”. The proposed
development provides for a broad mix of housing to meet perceived market demand. The
high number of four bedroomed dwellings is balanced out by the high number of 1 and 2
bedroomed units.

7.18 In terms of the level of affordable housing to be provided the applicant agrees to the
delivery of 30% provision on site. Amendments to the size of the apartments have been
made to meet the requirements of the Head of Housing, which has resulted in the total
number of units increasing. Based on local affordable housing needs information the Head
of Housing requires that the one and two bedroomed apartments (9 units in total) and four
of the 2 bedroomed, four person houses are affordable. This would represent 31.7%
provision on site. This is considered to constitute an appropriate level of affordable
housing based on emerging Local Plan policy requirements, bearing in mind the brownfield
nature of the site, the need to deal with contamination and the requirement to make other
developer contributions.

Developer contributions and the impact of the development on existing infrastructure

7.19 The County Council has indicated that contributions towards school places will be required
on the back of this development (exc. the one bedroomed apartments), however, at the
time of writing this report the amounts have not been provided. On the basis that a
financial contribution towards school places will be necessary for the development to be
acceptable in planning terms, authority would need to be delegated to the Development
Manager to secure an appropriate education contribution in this case.

7.20 A development of this scale triggers a requirement under the terms of Local Plan Policy L6
for the provision of outdoor play space. There is opportunity to include an equipped play
area on the land between the dwellings and Henmore Brook and to enhance the waterside
environment of Henmore Brook. This could be secured by condition and as part of any
reserved matters application which seeks to agree landscaping.

Flood risk and contamination

7.21 The site in part lies within the floodplain of Henmore Brook. In order to satisfy the
requirements of national guidance the applicants have submitted a flood risk assessment.
The Environment Agency has assessed this information and its findings have fed into the
application in terms of the levels at which dwellings are to be built and compensatory flood
plain storage capacity. Subject to conditions the Environment Agency raise no objections.

7.22 The application is also accompanied by geo-environmental site assessment reports which
have been forwarded to the Environment Agency for their views. They have raised no
objection in principle to the development and are comfortable with a condition being
attached to any permission requiring further site analysis and appropriate methodology for
remediation in relation to contamination being agreed prior to any other works
commencing.

The Planning Balance

7.23 The Deposit Draft Local Plan has not undergone the scrutiny of an inspectors examination.
Therefore, although this site lies within the town centre it has to be assessed principally on
the basis of whether it constitutes sustainable development. 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.
7.24 In social terms the development would contribute towards meeting the District Councils objectively assessed housing needs and would deliver affordable housing on a site, which is well related to the town centre and the services and facilities it has to offer and employment opportunities. Although the additional housing would put a strain on local schools, this would be offset by monies towards projects to extend these facilities to increase capacity.

7.25 The economic benefits would be to employment generated during construction, which can be said of any new housing development and the benefit to businesses within the town from additional resident spend. The loss of an existing employment site is a disbenefit of the development. However, over 10 years of marketing has stimulated no interest in the site for employment purposes and the allocation of new employment land in the town would not undermine its status as a key employment area.

7.26 In environmental terms the development would make full and effective use of this brownfield site and would introduce development that would be appropriate, in design scale and layout to its immediate context and enhance the character and appearance of this part of the town. The development also has the potential to bring with it habitat enhancements that would benefit wildlife.

7.27 When all of the above matters are weighed in the balance, it is not considered that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits in this case. A recommendation of approval subject conditions and the applicant entering into a legal agreement to secure appropriate developer contributions towards school places and to secure the delivery of the affordable units on site is put forward on this basis.

8. OFFICER RECOMMENDATION:

8.1. That, subject to:-

The applicants entering into an agreement under the provisions contained at section 106 of the Town and Country Planning Act 1990 to secure:

- Funding towards additional school places that will be necessary on the back of the development (exc. the one bededroomed apartments), and;
- The delivery and tenure of 7 no. 1 bedroomed and 2 no. two bedroomed affordable apartments and 4 no. 2 bedroomed four person affordable dwellings.

Outline planning permission be granted subject to the following conditions:

1. An application for approval of all reserved matters must be made not later than the expiration of three years from the date of this permission. The development hereby permitted must be begun not later than the expiration of two years from the final approval of the reserved matters, or in the case of approval of such matters on different dates, the date of the final approval of the last such matter to be approved.

2. An application for details of the following matters (hereafter referred to as the “reserved matters”) shall be submitted to and approved in writing by the Local Planning Authority before the commencement of any works:-

   a) the landscaping of the site (which shall include an equipped play area).

The development shall thereafter be implemented in accordance with the approved details.
3. This permission relates to the original application documentation except as amended by the revised plans received by the Local Planning Authority on the 8th and 22nd March 2017 numbered PP6-P11 Rev D, 996-P06 Ref H and 996-P10 Rev G.

4. No development shall take place, including any works of demolition, until a construction management plan / construction method statement has been submitted to and been approved in writing by the Local Planning Authority. The approved plan / statement shall be adhered to throughout the construction period. The plan / statement 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,
   vii. site access arrangements and roadside fencing / hoarding,

5. Before any other operations are commenced detailed designs for the vehicle and pedestrian ‘access’ gates to the development together with a timescale for implementation shall be submitted to and agreed in writing with the Local Planning Authority. The details shall include the precise set back from the carriageway edge and the means / method of access control for residents, visitors, service, delivery and emergency vehicles. The gates shall thereafter be installed in accordance with the approved details.

6. No development shall be commenced until a temporary access for construction purposes has been provided in accordance with a detailed design first submitted to and approved in writing by the Local Planning Authority. The access shall be provided with 2.4m x 59m visibility splays in each direction (the area in advance of the sightlines remaining free from any obstructions to visibility over 1m high – relative to the nearside carriageway channel level) and shall be retained in accordance with the approved scheme throughout the construction period, or such other period of time as may be agreed in writing by the Local Planning Authority, free from any impediment to its designated use.

7. A pedestrian footway shall be provided across the entire controlled site frontage to Mayfield Road – it shall be a minimum of 2m wide, constructed to adoptable specification and provided with appropriate pedestrian crossing facilities across vehicle access points, all in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.

8. The details approved under condition 7 shall be laid out in accordance with the approved details prior to occupation of any dwelling, the subject of the application, and maintained for the life of the development.

9. Prior to occupation of the first dwelling the permanent access to serve the site shall be laid out in accordance with drawing number 996-D06 Rev H and constructed to adoptable criteria within public highway limits. The access shall be laid out at least 5.5m wide and be provided with 2.4m x 59m visibility splays in each direction, the area in advance of the sightlines forming part of the estate street and not part of any plot or other sub-division of the site.

10. No development shall take place, with the exception of the temporary or permanent site access, until construction details of the residential estate road and footways (including layout, levels, gradients, surfacing and means of surface water drainage) have been submitted to and approved in writing by the Local Planning Authority.
11. The carriageways and footways shall be constructed in accordance with the details approved under condition 9 above, up to and including binder course surfacing, to ensure that each dwelling, prior to occupation, has a properly consolidated and surfaced carriageway and footway between the dwelling and the existing public highway. Until final surfacing is completed, the footway binder course shall be provided in a manner to avoid any upstands to gullies, covers or other such obstructions within or abutting the footway. The carriageways, footways and footpaths in front of each dwelling shall be completed with final surface course within twelve months (or three months in the case of a shared surface road) from the occupation of such dwelling, unless otherwise agreed in writing by the Local Planning Authority.

12. No dwelling shall be occupied until space has been provided within the site curtilage / plot for the parking and manoeuvring of residents and visitors vehicles associated with that dwelling, together with secure cycle parking, all to be laid out, constructed and approved in writing by the Local Planning Authority. The facilities shall be retained throughout the life of the development free from any impediment to their designated use.

13. The garage spaces provided shall be kept available for the parking of motor vehicles at all times. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and/or re-enacting that Order) the garage/car parking space(s) hereby permitted shall be retained as such and shall not be used for any purpose other than the garaging of private motor vehicles associated with the residential occupation of the property without the grant of further specific planning permission from the Local Planning Authority.

14. No gates, including any part of their opening arc shall be permitted to open out over public highway limits. Any gates should therefore be set back an appropriate distance from the carriageway edge or be physically prevented from opening over the adjoining highway.

15. 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.

16. Within 21 days of the permanent access being constructed any existing vehicular access to Mayfield Road shall be permanently closed and the highway margin re-instated, in a manner to be agreed with the Local Planning Authority in consultation with the Highway Authority.

17. Prior to the commencement of the development details shall be submitted to and approved in writing by the Local Planning Authority showing the means to prevent the discharge of water from the development onto the highway. The approved scheme shall be undertaken and completed prior to the first use of the access and retained as such thereafter.

18. No development shall be commenced until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved by the local planning authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as a private management and maintenance company has been established.

19. Prior to the commencement of development, an invasive non-native species protocol shall be submitted to and approved by the local planning authority, detailing the containment, control and removal of Japanese Knotweed on site. The scheme shall thereafter be carried out in strict accordance with the approved measures and agreed timetable.
20. The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) Revision A, Dated 15 September 2016, Ref: 2016/2013 and the following mitigation measures detailed within the FRA:

1. Provision of compensatory floodplain storage scheme for the proposed ground level raising within the 100 year plus 20% (for climate change) flood plain envelope - Section 5, Table 5-2 and Appendix G
2. Finished floor levels are set no lower than 117.81m above Ordnance Datum (AOD).

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

21. The development hereby permitted shall not be commenced until such time as the detailed design of a scheme to ensure adequate compensation for the loss of floodplain to the development up to a 1 in 100 year plus 20% (for climate change) critical flood event, as outlined by the scheme included in the Flood Risk Assessment (FRA) (Revision A, Dated 15 September 2016, Ref: 2016/2013), has been submitted to, and approved in writing by, the Local Planning Authority in consultation with the Environment Agency. The scheme shall demonstrate through the submission of plans, drawings and calculations that the area of floodplain to be created exceeds the loss of floodplain upon completion of the development.

The scheme to be submitted shall also show the location of the excavation works and provide detailed designs of the compensation area through the submission of plans and cross-sectional drawings.

The scheme shall be fully implemented at the ground works phase of the development and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority in consultation with the Environment Agency.

22. Upon completion of the scheme of floodplain compensation an ‘as built’ topographical survey of the floodplain, including the compensation area will be submitted to and approved in writing by the Local Planning Authority in consultation with the Environment Agency.

23. No development approved by this planning permission shall take place until a remediation strategy that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:

1. A preliminary risk assessment which has identified:
   o all previous uses
   o potential contaminants associated with those uses
   o a conceptual model of the site indicating sources, pathways and receptors
   o potentially unacceptable risks arising from contamination at the site.
2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be
undertaken.

4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.

24. No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a “long-term monitoring and maintenance plan”) for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

25. Samples of all materials to be used in the construction of the external surfaces of the proposed dwellings shall be submitted to and approved in writing by the Local Planning Authority before the commencement of development. The development shall be constructed in accordance with the approved details.

26. No meter boxes and/or soil waste pipes shall be fixed to the exterior of the building without the prior written approval of the Local Planning Authority.

27. No development shall commence on site until details of the design, external appearance and decorative finish of all railings, fences, gates, walls, bollards and other means of enclosure have been submitted to and approved in writing by the Local Planning Authority. With the exception of the boundary treatments separating individual gardens all site boundary enclosures shall be completed in accordance with the approved details prior to the first occupation of any dwelling on site.

28. Prior to the commencement of development, details of the materials, treatment and/or colour of the window and door frames shall be submitted to and approved in writing by the Local Planning Authority. The window and door frames shall then be installed in accordance with the approved details and so retained.

29. Prior to the commencement of development, drawings at a scale of 1:10 showing the detailing of the following architectural components shall have been submitted to and approved in writing by the Local Planning Authority, namely depth of reveal and treatment of window openings and the north eastern corner of the apartment block. The development shall thereafter be carried out in accordance with the approved details and so retained.

30. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order with or without modification) no external alterations or additions shall be made to the dwellinghouses hereby approved and no buildings, extensions, gates, fences or walls (other than those expressly authorised by this permission) shall be carried out within their curtilages without the prior written approval of the Local Planning Authority upon an application submitted to it.

31. The affordable housing units comprising 7 no. one bedroomed and 2 no. two bedroomed apartments and 4 no. two bedroomed, four person units shall be provided in accordance with a scheme that shall be submitted to and approved in writing by the Local Planning Authority.
Authority. The scheme shall meet the definition of affordable housing in Annex 2 of the National Planning Policy Framework or any future guidance that replaces and include:

- a) the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
- b) the arrangements for the transfer of the affordable housing to an affordable housing provider (or the management of the affordable housing) if no Registered Social landlord is involved;
- c) the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
- d) the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

32. No machinery shall be operated on the site, no process or operations shall be carried out and no deliveries shall be taken at or despatched from the site except between 8:00 and 18:00 hours Monday to Friday and 9:00 and 13:00 on Saturdays or at any time on Sundays and Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.

Reasons:

1. Reason ST01a.
2. Reason ST03a.
3. For the avoidance of doubt.

4-18. In the interests of highway safety in accordance with Policy TR1 of the Adopted Derbyshire Dales Local Plan and guidance contained within the National Planning Policy Framework (2012).

19. To ensure the safe and proper removal of an invasive non-native plant species from the site in accordance with guidance contained within the National Planning Policy Framework (2012).

20. To prevent flooding elsewhere by ensuring that compensatory storage of flood water is provided and to reduce the risk of flooding to the proposed development and future occupants in accordance with guidance contained within the National Planning Policy Framework (2012).

21. To ensure floodplain lost to the development is adequately compensated for upon completion of the development to mitigate flood risk in accordance with guidance contained within the National Planning Policy Framework (2012).

22. To ensure that the floodplain compensation area is constructed in accordance with the approved scheme to mitigate flood risk in accordance with guidance contained within the National Planning Policy Framework (2012).

23. The request for this condition is based on the potential for contamination to be present on the site as indicated by the preliminary risk assessment included within the report ‘Dove Service Station, Mayfield Road, Ashbourne, Derbyshire – Phase I Geo-Environmental Site Assessment for Wheeldon Brothers Limited’ (Abatech International, April 2005) discussed above. Any contamination present has the potential to impact on the ‘Controlled Waters’ receptors of Henmore Brook and the groundwater in the underlying Principal and Secondary Aquifers. Consequently the extent of any contamination and significance to
these receptors should be assessed to determine the need for remedial actions.

National Planning Policy Framework (NPPF) paragraph 109 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of water pollution. Government policy also states that planning policies and decisions should also ensure that adequate site investigation information, prepared by a competent person, is presented (NPPF, paragraph 121).

24. To ensure that any remedial works required as an outcome of the site investigation and risk assessment are completed to a satisfactory standard.

National Planning Policy Framework (NPPF) paragraph 109 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of water pollution. Government policy also states that planning policies and decisions should ensure that adequate site investigation information, prepared by a competent person, is presented (NPPF, paragraph 121).

25. To ensure the use of appropriate materials and a satisfactory external appearance of the development in accordance with the aims of Policies SF5 and H9 of the adopted Derbyshire Dales Local Plan (2005) and guidance contained within the National Planning Policy Framework (2012).

26 - 29. To ensure a satisfactory external appearance of the development in accordance with the aims of Policies SF5 and H9 of the adopted Derbyshire Dales Local Plan (2005) and guidance contained within the National Planning Policy Framework (2012).

30. To preserve the appearance of the dwellings and the character and appearance of this part of the settlement in accordance with the aims of Policies SF5 and H9 of the Adopted Derbyshire Dales Local Plan (2005) and guidance contained within the National Planning Policy Framework (2012).

31. In order to secure the provision of affordable housing in accordance with guidance contained within the National Planning Policy Framework and the aims of Policies contained within the Derbyshire Dales Deposit Draft Local Plan.

32. In the interests of preserving the amenities of the occupants of nearby residential properties in accordance with the aims of Policies SF4 of the Adopted Derbyshire Dales Local Plan (2005) and guidance contained within the National Planning Policy Framework (2012).

Footnotes:

1. The Local Planning Authority have during the consideration of this application engaged in a positive and proactive dialogue with the applicant which resulted in revised proposals that overcame initial problems with the application relating to highway safety matters, and the nature / type of affordable housing to be provided on site.

2. The applicants are advised in respect of conditions 20 - 24 of the following:

   It is recommended that developers should:

   1. Follow the risk management framework provided in CLR11, Model Procedures for the
Management of Land Contamination, when dealing with land affected by contamination.

2. Refer to the Environment Agency document ‘Guiding principles for land contamination’ for the type of information that we required in order to assess risks to controlled waters from the site. The Local Authority can advise on risk to other receptors, such as human health.

3. Refer to our website at www.gov.uk/environment-agency for more information.

The applicant / developer should refer to our ‘Groundwater Protection: Principles and Practice’ document, available from our website (www.gov.uk/environment-agency). This sets out our position on a wide range of activities and developments, including:

- Storage of pollutants and hazardous substances
- Solid waste management
- Discharge of liquid effluents into the ground (including site drainage)
- Management of groundwater resources
- Land contamination
- Ground source heat pumps

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

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

4. Pursuant to Section 163 of the Highways Act 1980, where the site curtilage slopes down towards the public highway, measures shall be taken to ensure that surface water run-off from within the site is not permitted to discharge across the footway margin. This usually takes the form of a dish channel or gulley laid across the access immediately behind the back edge of the highway, discharging to a drain or soakaway within the site.

5. Pursuant to Section 184 of the Highways Act 1980 and Section 86(4) of the New Roads and Street-works Act 1991 prior notification shall be given to the Strategic Director of the Economy, Transport and Communities Department at County Hall, Matlock regarding access works within the highway. Information, and relevant application forms, regarding the undertaking of access works within highway limits is available via the County Council’s website http://www.derbyshire.gov.uk/transport_roads/roads_traffic/development_control/vehicular_access/default.asp, Email - ETENetmanadmin@derbyshire.gov.uk or telephone Call Derbyshire on 01629 533190.

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

7. Pursuant to Section 278 of the Highways Act 1980 and the provisions of the Traffic Management Act 2004, no works may commence within the limits of the public highway without the formal written Agreement of the County Council as Highway Authority and the
works being covered by the appropriate legal Agreement. It must be ensured that public transport services in the vicinity of the site are not adversely affected by the development works. Advice regarding the technical, legal, administrative and financial processes involved in Section 278 Agreements may be obtained from the Strategic Director of the Economy, Transport and Communities Department at County Hall, Matlock. The applicant is advised to allow approximately 16 weeks in any programme of works to obtain a Section 278 Agreement.

8. Pursuant to Section 50 (Schedule 3) of the New Roads and Street Works Act 1991, before any excavation works are commenced within the limits of the public highway (including public Rights of Way), at least 6 weeks prior notification should be given to the Strategic Director of the Economy, Transport and Communities Department at County Hall, Matlock (telephone: 01629 533190 and ask for the New Roads and Street Works Section).

9. Construction works are likely to require Traffic Management and advice regarding procedures should be sought from David Nicholson, Traffic Management - telephone 01629 538685.

10. Under the provisions of the New Roads and Street Works Act 1991 and the Traffic Management Act 2004, all works that involve breaking up, resurfacing and / or reducing the width of the carriageway require a notice to be submitted to Derbyshire County Council. Works that involve road closures and / or are for a duration of more than 11 days require a three month notice; developers’ works will generally fall into this category. Developers and Utility companies (for associated services) should prepare programmes for all works that are required for the development, such that these can be approved through the coordination, noticing and licencing processes. This will require developers and Utility companies to work to agreed programmes and booked slots for each part of the works. Discussions should therefore take place with Derbyshire County Council’s Highway Noticing Section, at County Hall, Matlock at the earliest stage possible.

11. Derbyshire County Council strongly promotes Sustainable Drainage Systems (SuDS) to be incorporated within the design of a drainage strategy, applying the SuDS management train. The applicant should also seek to promote betterment or meet green-field runoff rates taking into account the impacts of climate change. For more advice regarding the County Council’s requirements please contact flood.team@derbyshire.gov.uk.

12. The applicant is advised to obtain a ‘technical’ approval for all estate street details from the Local Highway Authority prior to the submission of such approved details to the Local Planning Authority to discharge Condition 9 of this consent.

13. This planning permission shall be read in conjunction with the accompanying legal agreement under Section 106 of the Town and Country Planning Act 1990 dated **********.

14. NFA20: Conditions Precedent (Various).

15. NFA21: Conditions Discharge Fee.

This Decision Notice relates to the following documents:
Site Location Plan numbered 996-P02;
Site Plan As Existing numbered 996-P03 Rev A;
Existing Block Plan numbered 996-P02 Rev A;
Proposed Block Plan numbered 996-P04;
Flood Risk Assessment Report by EWE Associates;
Planning, Design and Access Statement;
Supporting Photographs
House Type B Floor Layout and Elevations Plan numbered 996-P07 Rev B:
House Type A Floor Layout and Elevations Plan numbered 996-P06 Rev D:
House Type B2 Floor Layout and Elevations Plan numbered 996-P08 Rev D:
House Type C Floor Layout and Elevations Plan numbered 996-P09 Rev B:
Letter from Scargill Mann and Co dated 29th November 2016;
Letter from Mather Jamie received 8th December 2016;
Protected Species Survey dated July 2016;
Phase I Geo-Environmental Site Assessment dated April 2005;
Phase II Geo-Environmental Investigation dated April 2005;
Human Health and Ground Water Risk Assessment dated November 2005, and
Transport Statement and Supporting Drawings Rodgers Leask received by the District Council on the 8th December 2016 and 6th March 2017;
Proposed visuals received by the District Council on the 13th February 2017;
Site Plan as Proposed numbered 996-P06 Ref H received by the District Council on the 8th March 2017;
Street Elevations and Site Sections as Proposed Plan numbered 996-P11 Rev D and
Apartment Block Floor Layout and Elevations Plan numbered 996-P10 Rev G received by the District Council on the 22nd March 2017.
<table>
<thead>
<tr>
<th>APPLICATION NUMBER</th>
<th>16/00779/FUL</th>
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<tbody>
<tr>
<td>SITE ADDRESS:</td>
<td>Land Adjacent to 9 Oak Tree Gardens, Tansley</td>
</tr>
<tr>
<td>DESCRIPTION OF DEVELOPMENT</td>
<td>Erection of three dwellings and associated garages</td>
</tr>
<tr>
<td>CASE OFFICER</td>
<td>H Frith</td>
</tr>
<tr>
<td>APPLICANT</td>
<td>Mr Joe Woods</td>
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<tr>
<td>PARISH/TOWN</td>
<td>Tansley</td>
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<tr>
<td>AGENT</td>
<td>Evans Vettori Architects Limited</td>
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<tr>
<td>WARD MEMBER(S)</td>
<td>Cllr Flitter, Cllr Stevens and Cllr Botham</td>
</tr>
<tr>
<td>DETERMINATION TARGET</td>
<td>30.12.16</td>
</tr>
<tr>
<td>REASON FOR DETERMINATION BY COMMITTEE</td>
<td>Due to level of public interest</td>
</tr>
<tr>
<td>REASON FOR SITE VISIT (IF APPLICABLE)</td>
<td>For Members to fully appreciate the site and context.</td>
</tr>
</tbody>
</table>

**MATERIAL PLANNING ISSUES**

1. Principle of Development
2. Setting of adjacent listed buildings
3. Layout and Scale
4. Design
5. Amenity

**RECOMMENDATION**

Approval
Land adjacent to 9 OakTree Gardens, Tansley
1. **THE SITE AND SURROUNDINGS**

The application site relates to a steeply sloping parcel of land situated to the end of a cul-de-sac within the village of Tansley. There is planting towards the western edge of the site and a tree located on higher ground to the south of the site. The site wraps around to the east and south to the rear gardens of the neighbouring properties which are grade II listed buildings known as The Beeches and The Grove. The site is within the defined settlement boundary for Tansley as identified in the Deposit Draft Local Plan.

2. **DETAILS OF THE APPLICATION**

2.1 Outline planning permission was granted in 2014 for the erection of 4 dwellings on this site subject to conditions relating to the siting and height of the dwelling units. This application is for the erection of 3 detached dwellings of contemporary design set into the hillside. Through the application process the design and layout for the dwellings has been amended to address the concerns of residents and officers.

2.2 The dwellings as proposed are to be sited along the hillside utilising the natural topography to inform the finished levels of the dwellings. Plots 1 and 2 are three storeys in height and plot 3 at the western end of the site is of two storeys. All are to a degree nestled into the hillside. Plot 1 has a single detached garage, plot 3 is to have a detached double garage to the southern corner of the site with workshop and plot 2 has an integral garage to the lower ground floor.

2.3 The dwellings are of a modern and innovative design with stepped elevational details, large windows, zinc roofing, timber cladding to the upper floor and stone to the ground and
first floor. Plot 3 would form an ‘L’ shape utilising the dog leg of the site area for a side projection. External walling and associated steps between the plots will visual cohesion between the dwellings and provide access to the rear gardens.

3. **PLANNING POLICY AND LEGISLATIVE FRAMEWORK**

1. Adopted Derbyshire Dales Local Plan (2005)
   - SF4: Development in The Countryside
   - SF5: Design And Appearance of Development
   - SF7: Waste Management And Recycling
   - 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
   - NBE12: Foul Sewage
   - NBE16: Development Affecting A Listed Building
   - NBE26: Landscape Design In Association With New Development
   - TR1: Access Requirements And The Impact Of New Development

2. Deposit Draft Local Plan
   - Policy S3: Settlement Hierarchy

3. National Planning Policy Framework
   - National Planning Practice Guidance

4. **RELEVANT PLANNING HISTORY:**

   14/00890/OUT Erection of four houses (outline) - Permitted with Conditions

5. **CONSULTATION RESPONSES**

   5.1 Parish / Town Council
   - There is a letter of support from the applicant’s partner, as such there is bias in the comments.
   - The proposal bears little resemblance to the outline application.
   - The application does not state how the site will be drained.
   - The original proposal said the houses would be in keeping with the houses on Oak Tree Gardens.
   - The design is out of keeping with the village. The materials do not reflect Tansley. The original permission restricted the height of the dwellings to be no higher than 0.5m above the ridge height of the adjacent Fairbank in order to limit the impact of the development, this application does not follow this.
   - We supported the Outline application.
   - This application would have adverse impacts on amenity, ruin the setting of the Beeches and the Grove and would be intrusive.

   Derbyshire County Council (Highways)

   5.2 As you will be aware the Highway Authority did not raise any objections to the proposed development of this site at outline stage; my letter dated 12 February 2015 in connection with application ref 14/00890/OUT refers.

   Although the proposed layout of the site has now changed in this full application, there are again no objections from a highway safety viewpoint.

   The proposal is to construct a new vehicular access to serve 3 dwellings off the un-adopted section of Oak Tree Gardens. Passing vehicle volumes and speeds are low and an adequate level of emerging visibility is achievable due to the wide grass verge fronting
the site. During a recent site visit it was estimated that approaching vehicle speeds from both directions are approximately 10mph. In accordance with current design guidance, based on this speed assessment emerging visibility sightlines of 2m x 12m should be provided in both directions. These can be achieved within the submitted blue outline boundary.

The proposed parking level for each dwelling is satisfactory and sufficient space is being provided within the site to enable all residents’ vehicles and small delivery vehicles to enter the site, turn and exit in a forward gear.

The only modification the Highway Authority does recommend is the proposed detached garage associated with plot 1 to be relocated away from the sites access. A driver emerging from this garage would have no visibility of another driver entering the site. Alternatively, this garage could be removed from the proposals completely and just have the second car parking space for Plot 1 to the front of the dwelling with no cover. However, as this situation is well clear of the public highway it's not classed as a highway safety concern, so if your Authority is comfortable with the proposed layout and does not wish to ask the applicant to amend the layout in line with these comments, then this would not result in a highway safety objection.

If your Authority is minded to permit the application on an as-submitted basis, the Highway Authority recommends the detailed conditions are included in any consent in the interest of highway safety.

Derbyshire County Council (Flood Team)
5.3 Due to the nature of the plans and the parameters of the site the flood management team have no comment to make and would refer to standing advice.

Coal Authority
5.4 Refer to standing advice

Landscape Design Officer (Derbyshire Dales)
5.5 There is no objection to the application in principle, existing landscape features will be retained and a planted buffer will help assimilate the properties into their surroundings and creating an attractive street scene. A contemporary design can be successfully accommodated within a village which has a range of styles.

However, concerns that the impact of these dwellings on local visual amenity is likely to be adverse as they are set high on the slope and three storeys in height. They are likely to be overbearing on neighbours to the west and north and prominent in the view from some viewpoints further afield. The original condition on height was intended to prevent this. No details have been submitted in terms of the landscaping of the site.

Comments in regard to the amended scheme:

Generally the revisions made will help to mitigate the visual effects of the proposed dwellings within the immediate and wider surroundings. This is particularly the case with unit 3 which was, originally likely to have the most adverse impact.

6. REPRESENTATIONS RECEIVED

6.1 A total of 15 representations have been received. A summary of the representations is outlined below:

6.2 5 letters in support:
The design fits in well with the surroundings and follows the contours of the land.
The shallow angle of the roof limits the height and could not be achieved with a traditional design.
The village has a good mix of styles, the contemporary look will work well with the slope of the land.
No adverse impacts on neighbours.
Good distance is maintained between the proposed and existing dwellings.
The dwellings are below those on Gold Hill.
The use of materials works well.
These stunning contemporary homes will enhance the village.
The development will prevent any further development beyond the site.
There are individual designs on Oak Tree Gardens, this development is in keeping.

6.3 10 letters of objection:
Concerns regarding the height of the dwellings.
Concerns relating to adverse impacts from overshadowing, overbearing and overlooking resulting in a gross invasion of privacy.
Several residents of the street will benefit financially from the scheme and therefore you may not get a clear view of the impacts form residents.
Design is not in keeping with the area.
Development will harm adjacent listed buildings.
The materials are not in keeping.
There storey buildings on the highest piece of land will be intrusive and incongruous.
The roof terraces will overlook like a watchtower over existing residents.
Excavation of the land could mitigate to some extent.
The dwellings will be an eyesore.
The dwellings will be visible from the A615.
The chalet on plot 3 is of particular concern.
Development should be on brownfield land.
Adverse impact on landscape character and obliterate the skyline.
Paragraph 60 of the NPPF seeks the promotion or reinforcement of local distinctiveness.

6.4 In response to the amended scheme the 2 further representations have been received:

The landscape officer notes that the revised plans will help mitigate the landscape impact, by definition this is merely an easement.
The visual impact of this development will be of a lesser severity due to the changes proposed but they will still be very severe.
The roof height to plots 2 and 3 remains dismissive of condition imposed by the outline permission, particularly condition 11 which was meant to safeguard the listed buildings.
The applicant has had ample time to remedy the proposal but has failed to adequately do so.
Permission should be refused.
Plot 1 adjacent to our property will still have its guttering close to the height of the top most part of our roof, so again we will have a solid wall the height of our bungalow and longer than the length of our bungalow blocking out natural light, which is unacceptable.
Some residents of Oak Tree Gardens have a vested interest in the proposal and their letters of support should be disregarded.

7. OFFICER APPRAISAL
The following material planning issues are relevant to this application:
- Principle of Development
- Setting of adjacent listed buildings
- Layout and Scale
- Design
- Amenity
- Other matters – highway safety and land drainage
Principle of Development

7.1 The principle of development on this site has previously been established under the permission 14/00890/OUT which was an Outline planning application for the erection of 4 dwellings. This permission was granted subject to two particular restrictions as follows:

- Condition 3 - The ridge height of the proposed dwellings shall be no higher than 0.5m above the ridge height of the adjacent Fairbank House.

- Condition 11 - The proposed dwellings shall be located on the part of the site which lies between no. 9 Oak Tree Gardens and the northern boundary of the property known as The Beeches. There shall be no dwellings located to the east of the garden to The Beeches.

7.2 As this application is for full planning permission, and not the submission of reserved matters following on from the Outline, the proposed development needs to be reconsidered on its own merits bearing in mind the material consideration of the previous grant of planning permission and the requirements of paragraph 14 of the NPPF. Whilst the previous permission lays down clear parameters this does not mean that the site cannot be developed successfully in an alternative manner.

7.3 In terms of the principle of development the material consideration of a previous permission is a significant factor. It should also be considered that the site is within the defined settlement boundary of Tansley as a third tier settlement in the Deposit Draft Local Plan. Overall it is considered that the development of this site for housing is acceptable, however the detail of any development given the site constraints should be carefully considered.

Setting of Adjacent Listed Buildings

7.4 Footnote 9 to paragraph 14 requires that where there are heritage considerations the presumption in favour of development does not apply.

In this case there are two listed buildings located to the south west of the application site. The two dwellings known as The Beeches and The Grove are Grade II Listed buildings. The local authority has a duty to protect or enhance such buildings as set out in primary legislation in Section 66 of the Listed Buildings and Conservation Areas Act 1990.

This requirement is reiterated in paragraphs 132, 133 and 134 of the NPPF which state in part 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.*
7.5 In this case the development is within close proximity of listed buildings and therefore such development may impact upon their significance through harm to their setting. These listed buildings are domestic properties within a village context. Their setting is the surrounding residential development, most of which is relatively modern, along with the hillside leading to open countryside beyond. It is considered that a change to this context in the form of residential development of contemporary design situated to the north east of the listed buildings will not harm the setting of those listed buildings. The single storey projection to the side of plot 3 is the only element of the development which will extend to a minor degree into the site area immediately to the rear of the listed buildings. This is considered to be a minor intrusion into this area and this in itself will not cause harm to the setting. It is considered that the listed buildings will retain their elongated gardens with the hillside beyond and within the existing village context; as such it is considered that the significance of these listed buildings will not be harmed as a result of this development within their wider setting.

Layout and Scale

7.6 Given the slope of the hillside any development on this site particularly towards the upper most part of the hillside has the potential to be a prominent and incongruous element on the hillside detrimental to landscape character. Initially the Local Planning Authority had concerns in this regard. It has been noted by the architect that the scheme follows the contours of the land and the pattern of development as it flows up the hillside to the end of the cul-de-sac. It is considered that as the road rises the prevailing pattern of development is that dwellings then begin to nestle further into the lower part of the slope and are generally closely contained adjacent to the highway.

7.7 In this respect it is considered that the siting of the proposed dwellings in the revised form is appropriate and in keeping with this prevailing pattern of development.

Design

7.8 Concern has been raised that the design of these contemporary dwellings will be harmful to the prevailing character and appearance of the village. The NPPF in paragraph 63 advises that in determining applications great weight should be given to outstanding or innovative design which helps to raise the standard of design more generally in the area.

7.9 This encouragement is reiterated by paragraphs 58 to 61 where it is clear that architecture should establish a strong sense of place, reflect local identity and consider the connections between people and places in respect of the natural, built and historic environment. In this case whilst the design is contemporary and the use of materials goes beyond what is normally envisaged in this area, it is consider that such a design with appropriate choice of finish to the external timber cladding and the use of local stone would assimilate into the village without causing harm to local character.

7.10 The topography of the site raises consideration of how prominent the proposed dwellings would be within wider landscape views. The repositioning and lowering in height of the dwellings as proposed through the amended plans results in a scheme that is acceptable in this respect.

Amenity

7.11 Neighbouring residents have raised concerns regarding the impact the development will have on their outlook, privacy and loss of light. It is acknowledged that the layout of the dwellings as proposed would have some impact upon the neighbouring residents. Given the relationships and distances between the existing and proposed dwellings it is not
considered that the proposed dwellings will result in an overbearing impact or lead to a loss of light that would be sufficient to warrant refusal of the application.

7.12 The proposed dwellings have large glazed areas and balcony features primarily fronting Oak Tree Gardens. The siting of the balconies to the south western elevations has been carefully considered. Given the level differences between the existing and proposed due to existing topography and the associated separation distances it is considered there would be no justification for refusal in this case on the grounds of residential amenity.

**Other Matters – Highway Safety and Land Drainage**

7.13 As set out in the Outline permission the Local Highway Authority have no significant concerns with regard to the development of this site. The Local Highway Authority did raise a concern with the location of the garage to plot 1 which would cause vehicle conflict with users of the access. This element has not been amended to remove this concern and therefore it is appropriate to impose a condition to effectively remove permission for the garage. If the applicant wished to reinstate a garage in this location they would need to apply for this separately. It is considered that the development is acceptable in terms of highway safety subject to detailed conditions.

7.14 Given the topography of the site concern has been raised regarding the drainage of the site and the potential for surface water to cause localised flooding. Whilst the application does not contain information to demonstrate the approach to drainage on the site, nevertheless it is not considered that the drainage issues relating to the development would not be insurmountable. The Lead Local Flood Authority have advised compliance with their standing advice, which would be added to any permission as a footnote.

**Conclusion**

7.15 Permission has already been granted for dwellings on this site. This principle remains acceptable and due to the existing permission, the site has been included within the settlement framework boundary for Tansley in the emerging local plan.

7.16 Concerns have been raised regarding the impacts of the development upon character and appearance and residential amenity. It is considered that whilst the proposal is of a contemporary design this is appropriate in this context. Whilst the dwellings will impact upon the neighbouring residents through change to the local environment it is not considered that this would result in harm to amenity that would justify refusal.

7.17 In the outline planning permission relating to this site there were two constraints to development; firstly that the proposed dwellings should be no higher than 0.5m above the adjacent dwelling known as ‘Fairbank’ and secondly, that there should be no development to the area of the site to the rear of The Beeches. These restrictions were put in place to guide and restrict development given that the proposal was outline only. This application is for full planning permission and therefore is not bound by these earlier conditions. However, these conditions were important in setting out how the site should be developed and therefore this development should be carefully considered in regard to these restrictions.

7.18 With regard to condition 3, the ridge height of Fairbank was chosen for the height restriction as it of a higher ridge than the immediately adjacent dwelling no. 9 which is a bungalow. In this case an assessment of the height of Fairbank in relation to this development has not been provided. However, a plan demonstrating the heights in relation to no. 9 has been provided. Plot 1 which is immediately adjacent to no. 9 would be 2m higher than no 9, plot 2 would be 2.8m higher than no. 9 and plot 3 would be 2.6m higher than no. 9. It is considered that plot 1 being an 8m distance from no. 9 and 2m higher than
this dwelling will nevertheless assimilate appropriately into this context without adversely impacting upon amenity to an unacceptable degree. Plots 2 and 3 being 0.8m and 0.6m higher than plot 1 respectively are likewise considered to be of an appropriate height in relation to existing dwellings bearing in mind the topography of the area.

7.19 With regard to condition 11, in this case the single storey element of plot 3 will project into the land to the rear of The Beeches. This element is single storey and projects to only a minor degree into this area of the site, landscaping of this area will soften the impact of this projection. On this basis it is considered that this element of the scheme is acceptable.

7.20 The principle of development on this site is established and the proposal is considered to be of an appropriate design form and layout. There are not considered to be any significant or demonstrable adverse impacts which would weigh against the presumption in favour of development in this case. As such the proposal is recommended for approval.

8. RECOMMENDATION

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

1. Condition ST01a: Time limit on full

2. Condition ST06: amended application (no. P02_B, 386 P06_D, 324 P12_B, 386 P07_C, 386 P05D, 386 P101_D, 386 P08_E, 386 P09_D all received 16.03.17)

3. Condition DM1: All materials to be approved

4. Condition LA12a: Approval of landscaping (delete l, m and n)

5. Condition LA13a: Landscaping to be carried out.

6. Prior to the commencement of development the following shall be submitted to and agreed in writing by the Local Planning Authority:
   - Details of chimneys
   - Details of balconies and their railing/balustrading
   - 1:20 detailed plans of all windows and doors including garage doors.
   - Details of all areas where varying materials meet, junctions with windows, doors and balconies.

All works shall be completed in accordance with the agreed details.

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

8. Before any other operations are commenced, excluding construction of the temporary access referred to in Condition No 7 above, space shall be provided within the site for storage of plant and materials, site accommodation, loading, unloading and manoeuvring of goods vehicles, parking and manoeuvring of employees and visitors vehicles, laid out and constructed in accordance with detailed designs first submitted to and approved in writing by the Local Planning Authority. Once implemented the facilities shall be retained free from any impediment to their designated use throughout the construction period.

9. 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.

10. No dwelling shall be occupied until a new vehicular access to Oak Tree Gardens has been formed in accordance with application drawing No 386_P05_D, and provided with emerging visibility sightlines extending from a point 2 metres from the carriageway edge, measured along the centreline of the access, for a distance of 12 metres in each direction measured along the nearside carriageway edge. The land 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.

11. No dwelling shall be occupied until space has been laid out within the site in accordance with drawing No 386_P05_D for cars to be parked for each dwelling and for vehicles to turn so that they may enter and leave the site in forward gear. These facilities shall thereafter be retained for use at all times.

12. The garages hereby permitted shall be kept available for the parking of motor vehicles at all times. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and/or re-enacting that Order) the garages hereby permitted shall be retained as such and shall not be used for any purpose other than the garaging of private motor vehicles associated with the residential occupation of the property without the grant of further specific planning permission from the Local Planning Authority.

13. The proposed access drive to Oak Tree Gardens shall be no steeper than 1:14 for the first 5m from Oak Tree Gardens and 1:10 thereafter.

14. Prior to the commencement of the development details shall be submitted to and approved in writing by the Local Planning Authority showing the means to prevent the discharge of water from the development onto Oak Tree Gardens. The approved scheme shall be undertaken and completed prior to the first use of the access and retained as such thereafter.

15. Notwithstanding the submitted detail this permission shall not include a detached garage the frontage of plot 1.

16. Condition PD10: Permitted development removal barn conversions

Reasons:

1. Reason ST02a

2. For clarification

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

4. Reason LA12a: in accordance with policies SF5, NBE6, NBE8 and NBE26 of the Adopted Derbyshire Dales Local Plan and guidance contained within the National Planning Policy Framework.

5. Reason LA13a: in accordance with policies SF5, NBE6, NBE8 and NBE26 of the Adopted Derbyshire Dales Local Plan and guidance contained within the National Planning Policy Framework.
6. To ensure an appropriate finished form of development in accordance with policies SF5 and H9 of the Adopted Derbyshire Dales Local Plan and guidance contained within the National Planning Policy Framework.

7-15. In the interests of highway safety in accordance with policies TR1 and TR8 of the Adopted Derbyshire Dales Local Plan and guidance contained within the National Planning Policy Framework.

16. To preserve the architecture of the dwellings and to protect the amenity of neighbouring residents in accordance with policies SF5 and H9 of the Adopted Derbyshire Dales Local Plan and guidance contained within the National Planning Policy Framework.

NOTES TO APPLICANT:

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

2. Please refer to the standing advice of the Lead Local Flood Authority as follows:

   Surface water flood risk
   Any alteration to the existing impermeable surface area of the development site may exacerbate surface water flood risk, so the introduction of new impermeable surface should be limited where possible.

   Where an increase in impermeable area is unavoidable, Derbyshire County Council (DCC) strongly promote Sustainable Drainage Systems (SuDS) to be incorporated within the design of a drainage strategy for any proposed development, applying the SuDS management train with an appropriate number of treatment stages. Applicants and planners should consult Table 3.3 of the CIRIA SuDS Manual (C697) to confirm the appropriate number of treatment stages, or contact the EA or the DCC Flood Risk Management Team directly. Surface water drainage should be designed in line with the non-statutory technical standards for SuDS (March 2015) where reasonably practicable. Specifically, this includes restricting the peak runoff of surface water from the development to greenfield rate for the 1 in 1 and 1 in 100 year rainfall events.

   For previously developed sites, DCC surface water discharge from the developed site to the receiving waterbody should be as close to the greenfield runoff rate for these events as is reasonably practicable.

   Prior to designing the site surface water drainage, a full ground investigation should be implemented to fully explore the option of ground infiltration to manage the surface water in preference to discharging to a surface water body or public sewer system, as stipulated by Approved Document H of the Building Regulations 2000. Priority should also be given to providing storage at or near to the ground surface rather than deep below the surface (e.g. in tanks or oversized sewers).

   The non-statutory technical standards for SuDS state that the surface water drainage system should be designed to contain all surface water during the 1 in 30 year rainfall event and that flooding is managed safely on site within the development during events up to, including and in excess of the 1 in 100 year rainfall event.
PROXIMITY TO LOCAL ORDINARY WATERCOURSES:
DCC do not generally undertake or hold any data relating to modelling on specific ordinary watercourses. The applicant is advised to contact the Environment Agency (EA) that hold modelling data for Main Rivers and some ordinary watercourses which may help to further understand local fluvial flood risk.

Due to the historic mining and mineral extraction operations in Derbyshire, networks of old stone soughs (drainage channels, sometimes known as adits) may exist beneath the grounds 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.

GROUNDWATER FLOOD RISK:
Development located in areas where the water table is at a shallow depth below the ground surface may be susceptible to groundwater flooding. In such areas, development may lead to groundwater flooding at the development site and in the close vicinity as well as potential land instability, geohazards and groundwater contamination.

Development site drainage should be considered carefully to avoid any increased risks associated with groundwater. DCC would not recommend infiltration as a means of development site surface water disposal in areas where geohazards or ground instability is deemed likely without appropriate analysis of the risks involved. Infiltration of surface water to the ground is also not advised in sensitive groundwater areas without an appropriate SuDS management train.

It is recommended that a site specific ground investigation is undertaken for the site to ascertain the water conditions on the proposed development site.

SUDS MAINTENANCE:
As of 6th April 2015 LPAs have, under the Planning Practice Guidance (PPG), been responsible for ensuring through the use of planning conditions and planning obligations that there are clear arrangements in place for ongoing maintenance of drainage systems over the lifetime of the development. The sustainable drainage system should be designed to ensure that the maintenance and operation requirements are economically proportionate and that a maintenance plan is available to the persons/organisations that will be responsible for ongoing maintenance.

DCC do not adopt any private SuDS schemes. As such, it should be confirmed prior to the granting of planning approval which organisation will be responsible for the long term maintenance of drainage systems once the development is completed.

3. Please refer to the standing advice of the Coal Authority.

4. Highway footnotes:
   A. The Highway Authority recommends that the first 5m of the proposed access driveway should not be surfaced with a loose material (i.e. unbound chippings or gravel etc.). In the event that loose material is transferred to the highway and is regarded as a hazard or nuisance to highway users the Authority reserves the right to take any necessary action against the householder.

   B. Pursuant to Section 163 of the Highways Act 1980, measures shall be taken to ensure that surface water run-off from within the site is not permitted to discharge onto Oak Tree Gardens. This usually takes the form of a dish channel or gulley laid across the access discharging to a drain or soakaway within the site.
C. Pursuant to Sections 149 and 151 of the Highways Act 1980, the applicant must take all necessary steps to ensure that mud or other extraneous material is not carried out of the site and deposited on the public highway. Should such deposits occur, it is the applicant’s responsibility to ensure that all reasonable steps (eg; street sweeping) are taken to maintain the roads in the vicinity of the site to a satisfactory level of cleanliness.

5. This decision notice relates to the following documents:
Amended plans no. P02_B, 386 P06_D, 324 P12_B, 386 P07_C, 386 P05D, 386 P101_D, 386 P08_E, 386 P09_D all received 16.03.17
Location plan received 04.11.16
Design and access statement received 04.11.16
Garage plan 386_P11 received 04.11.16
### APPLICATION NUMBER
17/00025/REM

### SITE ADDRESS:
Land at Asker Lane, Matlock

### DESCRIPTION OF DEVELOPMENT
Residential Development – Reserved Matters application for the erection of 86 dwellings and associated works (Outline Permission 14/00089/OUT).

### CASE OFFICER
Mr. G. A. Griffiths

### APPLICANT
Peter Waterfield

### TOWN
Matlock

### AGENT
Pegasus Planning Group

### WARD
Cllr S. Flitter
Cllr Mrs. J. Stevens
Cllr Mrs. D. Botham

### MEMBER(S)
Cllr S. Flitter
Cllr Mrs. J. Stevens
Cllr Mrs. D. Botham

### DETERMINATION TARGET
20.04.17

### MATERIAL PLANNING ISSUES
- Principle of the development
- General layout and design
- Housing mix
- Affordable housing
- Landscape and visual impact
- Impact on residential amenity
- Highway safety
- Nature conservation
- Flooding and drainage
- Footpaths
- Crime Prevention

### REASON FOR DETERMINATION BY COMMITTEE
Major Application

### REASON FOR SITE VISIT (IF APPLICABLE)
To assess the details of the application on the character and appearance of the area, the impact on amenity, highway matters and the impact on protected species

### RECOMMENDATION
Approvall
17/00025/REM

Land at Asker Lane, Matlock

Derbyshire Dales DC

Date: 28/03/2017

100019785
1. THE SITE AND SURROUNDINGS

1.1 The application site is located at the northern end of Matlock off Chesterfield Road which defines part of the western boundary of the site. Asker Lane lies to the north, with residential development beyond. A recreation ground/open space associated with Bull Lane, including Baileys Tump, lies to the east. To the south is the residential development of Hurst Farm Estate. The Presentation Sisters Convent lies immediately adjacent to the south west.

1.2 The area is generally dominated by twentieth century residential development, with older institutions such as the convent and former hydro buildings on the western side of Chesterfield Road. Older properties and former farm buildings are sparsely scattered. Although largely surrounded by built development, the site is currently outside of the Settlement Framework boundary for Matlock.

1.3 The site comprises a series of fields, bounded by a mix of hedgerows and walls, which steadily slope down from north to south. This affords open views from the existing residential properties to the north and north west of the site towards the south. In this respect, the higher parts of the site are prominent in long views from the south and elevated locations such as Riber Castle.

1.4 The land is generally pastoral, with rough grassland reverting to scrub in the south and south east. There are some well-established hedgerows, one of which is a prominent feature running north/south through the eastern part of the site. There are widely scattered mature trees associated with the Asker Lane frontage, in back gardens of properties at the Asker Lane/Chesterfield Road junction, at the entrance to the Presentation Sisters Convent off Chesterfield Road and alongside the footpath that connects this access road to Bull Lane. The field in the south west is characterised by regenerating woodland and woodland understorey shrubs. The adjoining field to the east comprises a children's playground and rough open space. The area to the south was well treed but a large area of this has been removed in anticipation of development.

1.5 In terms of constraints in the area, there is a public footpath routed across the site alongside the Convent access road and following the track through to Bull Lane. Outside of the application site, the convent to the south, the land and buildings on the western side of Chesterfield Road and some properties in the north eastern corner of the site lie within the Matlock Bank Conservation Area. The play area and associated land to the south are protected as areas of important open space in the Adopted Derbyshire Dales Local Plan. There is also a group Tree Preservation Order on trees at the southern end of Bull Lane. Another constraint to the development of the site is the Severn Trent Aqueduct which crosses underground in a generally north-south direction.
2. DETAILS OF THE APPLICATION

2.1 Outline planning permission has been granted on Appeal for a residential development of the site for up to 110 dwellinghouses. This application is to now address all the reserved matters. The applicant has submitted the following information to address these matters:

- Site Layout Plan
- Details of house types
- Landscaping and boundary detail drawings
- Design and Access Statement
- Tree Survey and retention and removal plan

2.2 It is proposed that the dwellinghouses would be constructed with Birchover stone and/or Ibstock Priory Red brick. The roofing materials are proposed to be reconstituted slates for the dwellings largely on the periphery of the site and ‘gemini’ tiles for those set into the site.

2.3 It is now proposed to provide 86 dwellinghouses with the following mix:

<table>
<thead>
<tr>
<th>Type</th>
<th>Quantity</th>
</tr>
</thead>
<tbody>
<tr>
<td>Open Market</td>
<td></td>
</tr>
<tr>
<td>2 bedrooms</td>
<td>10</td>
</tr>
<tr>
<td>3 bedrooms</td>
<td>23</td>
</tr>
<tr>
<td>4 bedrooms</td>
<td>25</td>
</tr>
<tr>
<td>5 bedrooms</td>
<td>7</td>
</tr>
</tbody>
</table>
2.4 The applicant has also submitted an updated protected species survey given that the original ecology work was undertaken in 2014 when the outline planning application was submitted.

3. PLANNING POLICY AND LEGISLATIVE FRAMEWORK

3.1 Adopted Derbyshire Dales Local Plan (2005)
   SF4: Development in the Countryside
   SF5: Design and Appearance of Development
   SF7: Waste Management and Recycling
   H4: Housing Development outside Settlement Framework Boundaries
   H9: Design and Appearance of New Housing
   H10: Affordable Housing within the Settlement Framework Of Market Towns
   H12: Alternative Provision for Affordable Housing outside Settlement Frameworks
   H13: Affordable Housing Exceptional Sites in Rural Areas
   H14: Housing to Meet the Needs of the Elderly and People with Disabilities
   NBE4: Protecting Features or Areas of Importance to Wild Flora And Fauna
   NBE5: Development Affecting Species Protected by Law or are Nationally Rare
   NBE6: Trees and Woodlands
   NBE7: Features Important in the Landscape
   NBE8: Landscape Character
   NBE12: Foul Sewage
   NBE21 Development Affecting a Conservation Area
   NBE24: Archaeological Sites and Heritage Features
   NBE26: Landscape Design in Association with New Development
   NBE27: Crime Prevention
   TR1: Access Requirements and the Impact of New Development
   TR2: Travel Plans
   TR3: Provision for Public Transport
   TR8: Parking Requirements for New Development
   CS8: Provision of Community Infrastructure
   L6: Outdoor Playing and Play Space In New Housing Developments
   L9: Safeguarding Public Rights of Way

3.2 Deposit Draft Derbyshire Dales Local Plan (2016)
   Policy S3 Settlement Hierarchy
   Policy HC4 Affordable Housing
   Policy HC11 Housing Mix and Type

3.3 National Planning Policy Framework (2012)
   Paragraphs 14, 17, 47, 49, 50, 56, 57, 58, 60, 61, 64, 65, 69, 72, 73, 74, 75, 93, 94, 95, 96, 99, 103, 109, 112, 119, 125, 128, 129, 131, 132, 133, 141, 146, 148, 187, 188, 189, 190, 191, 185, 196, 197, 203, 204, 205 and 206.
   Annex 1 Implementation paragraphs, 210, 211, 212, 213, 215 and 216.

3.4 National Planning Policy Guidance

3.5 Matlock Bank and Lumsdale Conservation Area Appraisals.
4. RELEVANT PLANNING HISTORY

14/00527/OUT Residential development of up to 110 dwellings and associated open space (outline) - Refused
14/00089/OUT Residential development of up to 110 dwellings and associated open space (outline) – Refused – Appeal Allowed
0399/0183 Residential development and open space (outline) - Refused

5. CONSULTATION RESPONSES

Town Council
5.1 - no objection.

North Derbyshire Clinical Commissioning Group
5.2 - request £32,714 towards GP practices most likely to be affected.

Strategic Planning (Derbyshire County Council)
5.3 - request financial contribution of £193,788.127 towards the provision of 17 places at Castle View Primary School
- normal area Secondary School would have sufficient capacity
- comments with respect to broadband provision.

Local Highway Authority (Derbyshire County Council)
5.4 - awaiting comments with regard to amended plans.

Peak and Northern Footpaths Society
5.5 - the full width of the public footpaths Matlock 8 and 83, which cross or abut the application site, must at all times be unobstructed unless temporary closure orders are obtained
- since the use of these footpaths will greatly increase when the development is completed, the developers should contribute to the improvement of their surfaces
- note that it is proposed that the eastern section of FP8, and the on-site section of FP 83, will run through tree belts - it must be ensured that the vegetation does not overhang and obstruct the paths
- the new paths, called "Informal Pedestrian Footpath" should be legally dedicated as public rights of way
- the change in surface of the access road where FP 8 will cross it is welcome
- there should be no new barriers across the paths unless these are authorised by the County Council for the safety of walkers; any existing barriers should be removed unless they improve safety.

Derbyshire Dales Group of the Ramblers
5.6 - no objection after 14/00089/OUT was passed on appeal provided that, as indicated in the initial application, the ROW that cross and run alongside the development are not obstructed either during or after construction unless given prior permission by the ROW dept. - the ROW affected are Nos 8 (which runs alongside the development and through a green area) and FP 83 which runs down the side of the development.

Environment Agency
5.7 - no objection.

Local Drainage Authority (Derbyshire County Council)
5.8 - object
- flood risk assessment required but not submitted
- flood risk assessment can be utilised to inform a sustainable drainage strategy
- the minimum details required on all major planning applications are:
  - appropriate evidence to support how the site will drain.
  - basic calculations of the greenfield/brownfield runoff and discharge rates for the site
  - a quick storage estimate to show the required storage volume of surface water on site and an indication of the likely location.

Landscape Officer (Derbyshire Dales)
5.9 - generally disappointed that the great potential offered by the housing layout, the associated open space and the existing vegetation structure is unrealised
- opportunities to create attractive street-scenes and open spaces, diverse wildlife habitats and interesting play environments have been missed
- amended proposals have not addressed all concerns.

Police Force Designing Out Crime Officer
5.10 - majority of the site has the potential to meet community safety recommendations with some attention to detail
- significant concerns over one section of the site, that being the outermost square portion between Chesterfield Road and the side boundary of 96 Chesterfield Road
- the courtyard parking provision in this area removes all parking for the roadside terraces from view of associated housing and, in fact, out of view of any development, which is a potential crime generator - will likely be a concern for the residents affected and this feature often leads to unregulated front of plot or roadside parking
- the semi-private areas around plot 22 are poorly overlooked once beyond the side elevations of plots 26 and 27, with a distant view only from plot 20
- parking allocation seems a little haphazard
- some garden access is shown through garages, which don’t have interconnecting doors on floor plans - foresee problems here if not amended
- alterations proposed to some plots to introduce further windows to overlook the street
- minor access detail alterations.

Development Control Archaeologist (Derbyshire County Council)
5.11 - archaeological potential has been assessed as part of the outline consent
- red line site boundary includes Baileys Tump but this is to be retained as undisturbed open space.

Natural England
5.12 - no comments.

Derbyshire Wildlife Trust
5.13 - no objection in principle
- issues raised with outlier setts and need to obtain a license from Natural England
- suggest measures to mitigate the impact of the development on badgers.

6. REPRESENTATIONS RECEIVED

6.1 A total of 11 representations have been received. A summary of the representations is outlined below:

- impact on views from Asker Lane
- previously requested that all houses in the north western part of the site have restricted roof heights
- shortage of bungalows in the Matlock area
- concerned at the height and massing of the 5 bedroomed dwellinghouses
• wish to see the development with gritstone facings, particularly Plots 11, 12, 13, 14, 15, 16, 21 and 22 and those fronting Chesterfield Road
• not within Matlock Bank Conservation Area and many features referred to are not pertinent or in keeping with the immediate, more rural location
• urban aspect of development is criticised by police report
• box hedges have urban appearance
• courtyard parking more associated with high density, urban development
• impact off northern access road on manoeuvring of cars at 9 and 11 Asker Lane and suggest relocating towards Highfield Drive
• lack of a site drainage plan
• easement plan does not deal with the existence of an underground sewer which serves 2, 4 and 6 Asker lane and Westlea Lodge and is located 1.5m from the development site boundary – no planting should be allowed within 3m of its centre line
• a similar request is made of surface water discharge drains
• impact on sky satellite signal reception
• request hedges be retained at a height no greater than 2.5m on the downhill side
• concerned that open space could be subject to an application for development in the future
• query the fencing adjacent to St. Josephs School and The Convent
• query traffic calming measure where footpath crosses the north/south road
• increase in traffic along access from Chesterfield Road
• highway safety issues
• parking problems
• footpaths should avoid the badger sett
• concern with regard to works in the proximity of badgers
• underground WWII military shelters in the field and should be preserved
• query whether Section 106 monies have been quantified
• queries over impact of noise
• impact on property values.

Matlock Civic Association
- impact on the Severn Trent Aqueduct given proximity of houses proposed to the east of the site and should be checked by Severn Trent Water
- suggest dwellinghouses to the south of the site be accessed from Hurst Farm estate to avoid access crossing the footpath from Chesterfield Road to Bull Lane – this will have less impact on badgers and pedestrians
- welcome the retention of open space but query how this will be maintained as public open space – risk that it will become neglected
- understand that a Management Company is to be set up to maintain the open space but want to ensure it has the necessary resources
- most used footpaths should be formalised
- development should be kept to a low profile to protect views from Asker Lane and suggest removal of 2.5 storey dwellinghouses
- site boundaries need locally sourced gritstone walls and hedges planted with hawthorn and other native species
- seek to control the erection of fencing
- surrounding development is a mixture of local gritstone and buff/brown brick do not consider the use of red brick to be appropriate
- the stone should be locally sourced gritstone
- render treatment would be better in buff than white.
7. OFFICER APPRAISAL

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

1. Principle of the development
2. General layout and design
3. Housing mix
4. Affordable housing
5. Other contributions
6. Landscape and visual impact
7. Impact on residential amenity
8. Highway safety
9. Nature conservation
10. Flooding and drainage
11. Footpaths
12. Crime Prevention

Principle of the development

7.2 The site has been granted outline planning permission for residential development of 110 dwellings. The proposal is for a reduced number of 86 dwellings but this is considered reasonable in the context of the outline planning permission. With regard to the Deposit Draft Local Plan (2016), the site is now proposed to be included in the Settlement Framework boundary for Matlock as a reflection of the outline planning permission which has been granted.

General layout and design

7.3 The layout of the development has had regard to the largely north-south slope of the site. In this regard, gradients have informed the layout of the road through the site and the interrelationship of dwellings to the road. The layout has also had to have regard to the Severn Trent Aqueduct, which runs from the north west to the south east of the site, in the area designated to remain as open space. Regard has also to be given the need for surface water drainage attenuation measures, the footpath which crosses the site, and the desire to retain existing trees and hedgerows on the site.

7.4 In terms of the design of the dwellinghouses, these have been informed largely by context. The dwellinghouses fronting Chesterfield Road, and the Matlock Bank Conservation Area, are proposed to have a more traditional appearance and to be constructed with Birchover gritstone and a composite roof slate to respect the general streetscene. Other dwellinghouses set close to the access road into the site would be constructed of such materials, to the point where the access road from Chesterfield Road turns north into the site. This is considered to provide a pleasant introduction to the development when viewed from the access point and Chesterfield Road and the public footpath/access to The Convent.

7.5 When viewed from Asker Lane, the development would be seen as being primarily brick built dwellinghouses with tiled roofs and such materials would provide for the majority of the buildings on the site. The developer has chosen to use the Ibstock Priory Red brick, which Officers consider is reflective of the red brick that can often be found on traditional buildings within the town and is a brick which has been successfully used on sites throughout the District. Concern has been raised that the red brick is inappropriate in an area that is characterised by buff brick to be found at properties in and around Asker lane and Hurst Farm. However, for the house types proposed and the manner in which the development relates to traditional buildings such as The Convent, the County Council Offices and more traditional properties within the Conservation Area to the west, it is considered that the use of red brick is appropriate in this context.
7.6 There is also the occasional use of render proposed to add further interest to the development and it is considered that the quality of the materials, and how they would be used within the site, will create a visually pleasing development. However, the render is proposed on main elevations and it has been agreed that this be removed from such and, where it may be proposed, that this be the secondary material on the sides or rears of the dwellinghouses.

7.7 Chimneys have been incorporated on dwellings in the more visually prominent parts of the site and at key positions within the streetscenes. Those that were proposed with stacks to the gable sides have been removed and the chimneys have been located atop the gable ends as a reflection of more traditional vernacular properties.

7.8 The single garages have also had the gables set above the doors, rather than as initially proposed on the sides, to reduce the sense of massing to neighbouring residents and to lower the heights of these buildings.

Housing Mix

7.9 Emerging Policy HC11 of the Deposit Draft Local Plan (2016) seeks to secure a mix of house types as part of any development with a focus towards seeking a majority of houses being 2 and 3 bedrooms. The housing mix proposed unfortunately does not reflect this aim. The applicant advises that they have not had detailed regard to the private and affordable mix set out in Policy HC11 of the emerging Derbyshire Dales Local Plan as this policy has yet to be tested for soundness at Examination and the mix set out has been the subject of several unresolved objections.

7.10 In this respect, having regard to the fact that permission has already been granted in outline without a condition on mix, and in light of the fact that the policy is subject to further scrutiny, it is conceded that the policy can only be afforded limited weight in accordance with the paragraph 216 of the NPPF. The policy does, however, acknowledge, in any event, that the final mix on any site will also be informed by the nature of the site, and character of the area. In addition, the affordable housing mix proposed on the site is in accordance with the prescribed mix included in the Section 106 agreement for the outline consent. Given the above, it is considered that the proposed development is acceptable in this context.

Affordable Housing

7.11 The Section 106 agreement states that the mix of affordable dwellings should include 2 bed roomed bungalows, to Lifetime Homes Standard, as well as 1 bed accommodation, which should be in the form of houses, and the Head of Housing has advised that these unit types are required within the scheme.

7.12 The Head of Housing advises, as stated in the Section 106 agreement, that the mix would then be as follows, allowing for the reduction from 28 affordable housing units to 21 units (25% of 86 is 21.5 homes) based on the same unit type proportions on the basis of the overall development reducing from 110 dwellinghouses to 86.

<table>
<thead>
<tr>
<th>Unit type</th>
<th>Persons</th>
<th>Rented</th>
<th>Shared Ownership</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 bed house</td>
<td>2</td>
<td>3</td>
<td></td>
</tr>
<tr>
<td>2 bedroom bungalow (LH)</td>
<td>3</td>
<td>3</td>
<td></td>
</tr>
<tr>
<td>2 bedroom houses</td>
<td>4</td>
<td>5</td>
<td>4</td>
</tr>
<tr>
<td>3 bedroom houses</td>
<td>5</td>
<td>3</td>
<td>3</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>14</strong></td>
<td><strong>7</strong></td>
<td></td>
</tr>
</tbody>
</table>
7.13 The affordable housing on the site is now proposed as 9 x 2 bed houses and 12 x 3 bed houses, all at the southern end of the site. The mix of affordable housing prescribed in the Section 106 agreement is to be partly met on site (25%) and with the remainder (20%) provided for off-site by means of a commuted sum as agreed with the outline planning permission. The applicant is proposing that the element of 2-bed bungalows and 1-bed accommodation, required in the mix should, in this case, be secured by means of the off-site commuted sum, as they do not consider the site to be ideally suited to such accommodation.

7.14 The applicant considers that the steeply sloping nature of the site is such that it would be difficult to achieve level access for bungalows to Lifetime Homes standard. In addition, it is also material to note that Policy H14 of the Adopted Derbyshire Dales Local Plan (2005) seeks to direct dwellings which are accessible to persons in wheelchairs, or with restricted mobility, to sites on level ground and within 300m of reasonably level travelling distance of shops and other facilities.

7.15 The Head of Housing has also requested greater integration of the affordable dwellinghouses with the open market properties. However, the clustering of the proposed affordable units was agreed with Officers as being suitable for the site during pre-application discussions, reflecting the fact that this is what Registered Providers usually require for appropriate management of their accommodation. The applicant has advised that they find that most Registered Providers now require clusters of at least 15 units and object to any suggestion of ‘pepper-potting’.

7.16 Whilst the applicant is aware that the District Council’s Affordable Housing SPD (2005) does seek the ‘pepper-potting’ of affordable units, it is viewed by the applicant that this guidance is out of date and does not reflect what Registered Providers now prefer. In this particular case, the applicants have already secured an offer from Waterloo Housing Group (one of the District Council’s preferred providers) for the affordable units as currently proposed and they believe that this should therefore assist early delivery of the scheme.

7.17 Concern has also been raised by the Head of Housing that the car parking, in long blocks, is very unimaginative with cars dominating the street scene and would cause housing management problems for a housing association and that a more creative solution to car parking should be sought. In this respect, the applicant has amended the drawings to introduce areas of planting between groups of parking spaces to seek to break up the continuous parking vista; it is considered that such measures are now acceptable.

7.18 On such a basis, it is considered by Officers that the proposals, as set out by the applicants in the delivery of affordable housing, are acceptable.

Landscaping and Open Space

7.19 The landscaping of the site has been assessed and it is considered that more planting (including trees where at all possible) should be extended onto the frontages in order to reduce the visual prominence of roads and parking spaces as well as creating an attractive and healthy environment. More trees will need to be planted and should also be included within private back gardens, particularly where they would have a beneficial effect on the street scene, as well as within the verge and spaces associated with it.

7.20 The existing site hedgerows and associated trees are important as mature features, which should form the basis of a strong landscape structure, and whilst most are scheduled for retention there is some concern that notes on the plans indicate that “existing vegetation is to be pruned or removed where required to facilitate construction…”. At the same, time no measures to protect the hedges are indicated on the plans. These matters will need to be
addressed through a condition requiring a more detailed landscaping scheme further to any grant of approval of the reserved matters.

7.21 The open space is provided in a rather informal manner and is proposed in a location accessible to the residents of the proposed development and to existing residents in the Asker Lane area. Such a provision would also offset the loss of informal recreation use of the land that local residents have advised had taken place historically.

7.22 The open space also ties in with Bailey’s Tump and creates a green buffer between this feature of archaeological interest and the proposed development. However, the open space could be re-shaped for its new purpose or include measures to build on existing landscape features, as a basis for extended planting, and creating bio-diverse edges of woodland/woodland edge/herb rich grassland. It is also considered that a more imaginative treatment of the important frontage with Asker Lane needs to be provided.

7.23 There is little provision or a strategy for children’s play. There are a few logs, boulders and small mounds proposed to be isolated within a sea of grassland. However, the outline planning permission consented to an off-site financial contribution to upgrading existing local play facilities. Nevertheless, it is considered that further dialogue can be had with the developer to discuss opportunities for play features which would be to the overall benefit of the application site and its residents.

7.24 The attenuation basins need a certain capacity but one of the potential advantages of these SUDS features is that they can be visually interesting, create valuable habitat for wildlife and function properly all at the same time. The applicant has submitted further details of planting in association with these structures but these need to be given further thought as part of a landscaping condition, particularly with regard to the potential for biodiversity enhancement.

7.25 Therefore, whilst the applicant has responded positively on some landscaping issues, others are not satisfactorily resolved, particularly with regard to the design of the street scene and the open space immediately north of the development. Given the above, it is considered reasonable to attach conditions with regard to the landscaping of the site, in order to visually enhance the development and to secure benefits to biodiversity.

Impact on residential amenity

7.26 The development is proposed in a manner to pay regard to the amenity of existing residential properties. It is considered that the nearest part of the development to residents on Asker Lane is such that it will not harm outlook, light and privacy. There are considered to also be no such impacts on residents in the Bull Lane and Hurst Farm areas given the relative distances between existing and proposed dwellinghouses.

7.27 The development is more closely related to the properties fronting Chesterfield Road and set to the north. However, the distances between the properties and the changes in levels, mean that the development will not be imposing to an extent that would justify refusal of planning permission for these elements of the proposed development.

7.28 96 Chesterfield Road has a south facing conservatory which currently enjoys largely uninterrupted views to the south. The nearest dwelling is proposed to be the flat above the garages at plot 14 which is proposed to be set 10m away from the conservatory and, whilst having a window to the kitchen facing the conservatory, it is considered that, with the difference in levels, angle of outlook and existing boundary treatment, there will not be a significant loss of privacy from or to plot 14.
7.29 Plots 11-13 were originally proposed to be set some 7m away from the projecting gable to Westlea Lodge. Whilst there is a drop in level between this property and the application site, the dwellinghouses have now been set further back into their proposed curtilages to place the massing further away and at more of an angle to the outlook from windows. Officers now consider the revised interrelationship to be acceptable with regard to light, outlook and privacy.

Highway safety

7.30 The Local Highway Authority has advised of amendments that are required to the scheme. In this respect, the applicant has held further discussions with the Local Highway Authority. It was agreed that the Chesterfield Road junction is to remain a 5.5m carriageway with a 2m footpath to the north, which will extend to the point of the informal public right of way. The existing 1.5m wide footpath to The Convent is proposed to be retained. Due to the constraints on the site, such as the topography and size of the site, it was also agreed that the site was not suitable to accommodate a bus route.

7.31 With regards to road alignments, the bend adjacent to plot 34 has been widened and visibility splays are now shown throughout the plan. Adjustment have been made accordingly to the road structure to improve vehicular priority adjacent to plots 49 and 50 and the adoptable highway to the rear of plots 51/52 has been removed and the bend has been reconfigured. Due to the site’s constraints, the location of the pumping station and the need to ensure access for refuse vehicles, it has been agreed that the road to the southern end of the site would need to be an adoptable highway. To ensure all properties are accessible for bin collection, shared bin storage points have now been detailed on the proposed plan.

7.32 Whilst the above had not been fully assessed by the Local Highway Authority at the time of writing this report, it is considered that the alterations are likely to be acceptable and that the comments of the Local Highway Authority, and the conditions that they would require to be attached to any approval, can be reported to Members prior to the determination of the application.

Nature conservation

7.33 The applicant’s ecologist met with the Asker Lane Resident’s Association in February 2017. One of the main concerns raised by the residents was that of the safety of Badgers on site due to increased human activity. To seek to address some of these concerns, a leg of proposed footpath has been removed from the scheme to ensure pedestrians are diverted away from the badger habitat.

7.34 Derbyshire Wildlife Trust (DWT) has advised that the impact of the development on badgers was addressed in detail during the initial determination of the application and a badger mitigation plan was submitted that ultimately was considered to provide an acceptable level of information in line with Natural England’s Standing Advice. This mitigation strategy set out what was required in order to comply with Natural England’s guidance, especially in relation to maintaining a 30m stand-off from the badgers and fencing the sett and its immediate surroundings to ensure no accidental disturbance.

7.35 Since the application for reserved matters has been submitted, it has come to attention that there is an annex to the main sett. DWT understand that the clearance work was supervised by an ecologist on site and, although the timing is not ideal, precautionary measures were in place to avoid any disturbance to the badgers. The outlier sett affected is an active sett and DWT believe two of the entrance holes are in use. The most recent badger survey undertaken in March 2016, together with the Mitigation Strategy, have identified this outlier and another one further north as active.
7.36 The Mitigation Strategy recognises that both of these setts will need to be closed if the current layout is to be fully implemented. In each case a licence will be needed from Natural England in order to close the sett and Natural England will have to evaluate whether or not this is an acceptable course of action. The applicant has, at this stage, provided sufficient information on the current status of the badgers at the site. In the event that Natural England decided not to issue a licence for the closure of the two outliers, the applicant may have to revise the layout of the development to take account of this.

7.37 The mitigation plan proposes a tunnel under the road to the west of the main sett which would allow the badgers to move west into the SUDS area. It is assumed that this will be incorporated into the design, but it is not on the layout plan at present. The applicant has advised that extended traffic calming is being proposed to the road in the vicinity of the sett, which will seek to slow traffic down before meeting proposed badger tunnels to try and mitigate potential conflict between vehicular movement and badgers. In addition, it is considered that this will also increase safety for pedestrians using the public right of way running along The Convent frontage. These measures can be subject to a condition on any approval.

7.38 The badger mitigation plan also implies the retention of a corridor for the badgers running to the south-west. DWT considers that the current layout has marked this as gardens and there will need to be a 1-2m wide corridor for the badgers to use so they can continue to use this; this can again be addressed as a condition on any approval.

7.39 It is also advised that the badger fencing shown on the constraints map could be laid out slightly differently to include all the triangular field immediately south of the badger’s sett. At the moment the proposed badger fence cuts back up through this field towards the sett and DWT are unsure why it needs to do this. It is advised that the fencing for the badgers should be in place prior to the commencement of any major groundworks. Again, it is considered that these details can be addressed with a condition on any grant of approval.

Flooding, drainage and aqueduct

7.40 The Land Drainage Authority has raised concern with regard to the scheme as presented advising that appropriate evidence is required to support how the site will drain, basic calculations of the greenfield/brownfield run-off and discharge rates for the site and an estimate of the required storage volume of surface water on the site and an indication of the likely location.

7.41 However, drainage was considered at the outline planning application stage and Condition 8 attached to this permission addresses this matter. As such, the applicant will need to address this condition prior to the development commencing.

7.42 Concern has been raised with regard to the impact of the development on the Severn Trent Aqueduct given the proximity of houses proposed to the east of the site. However, this was noted as a constraint at the outline planning application stage and the current applicant has taken this into consideration.

Footpaths

7.43 It has been requested by the Peak and Northern Footpaths Society that the full width of the public footpaths Matlock 8 and 83, which cross or abut the application site, must at all times be unobstructed, unless temporary closure orders are obtained; this is a standard requirement attached to all public rights of way and can be addressed through the powers of Derbyshire County Council where necessary.

7.44 As the use of the footpaths will increase when the development is completed, it has been requested that the developers should contribute to the improvement of their surfaces. The
applicant advises that it has been agreed to upgrade the existing public right of way, which runs through the site from Bulls Lane to Chesterfield Road. This was a requirement of condition 18 of the outline consent and it is proposed that this should be upgraded with informal surfacing and that this should avoid the use of lighting due to the presence of badger in this area. The applicant has advised that details of this will follow in a formal request to discharge condition 18 of the outline planning permission.

Crime prevention
7.45 The Police Force Designing Out Crime Officer has assessed the proposals and advised that the scheme was generally acceptable albeit comments were made with regard to some of the plots. The applicant has taken on board the comments and made several alterations to the scheme.

7.46 In order to increase surveillance, the applicant has added additional windows to corner turning elevations and the gables of the Rother, Meden, Lydden, Douglas and Solent dwellinghouses. Comments with respect to the parking courts to the rear of plot 23-30 have been noted. However, due to the requirement for the development to provide a continuous built form along Chesterfield Road, in line with the consented parameters plan, and to repeat the strong build line of the Conservation Area, the development proposals have resulted in limited opportunity for direct access to the properties from Chesterfield Road; therefore plots 23-30 need to be accessed from the rear. In order to address concerns with regards to surveillance the applicants are now proposing to position properties fronting onto the pedestrian link (plots 20/21/22 and bay windows to plots 26/27/32) to ensure there is sufficient activity and surveillance of the public realm to create a successful environment.

7.47 In response to a request to make the driveway to plots 58/59 a private driveway, it is the applicant’s view that due to the constraints of the proximity of the nearby aqueduct and badger sett, and aspirations to only have pedestrian footfall near to the ecological enhancement proposed, a shared access to the garages (plots 58/59) is the most appropriate solution. The proposals for shared rear garden access to the east of the site are also constrained by the proximity of the underground aqueduct, the existing hedge and protecting the habitat of the badgers. Other alterations that have been made are the deletion of the gate to the private drive serving plots 50/51/52 and lockable gates have been added to shared garden accesses as requested. In this respect, it is considered that the applicant has reasonably addressed the points raised by the Police Force Designing Out Crime Officer subject to receiving amended plans to detail these changes.

Other Matters
7.48 Derbyshire County Council has requested monies be provided to allow for improvements at Castle View Primary School as a result of the likely increase in numbers of primary school children in the area as a result of the development. However, this is a matter which can only be, and has been, addressed at the outline planning application stage as a matter of principle in assessing a development. This matter was considered by the Planning Inspector who found no locus for the Local Planning Authority or Local Education Authority to require such a financial contribution. This was because other residential developments in the area, such as that approved at Bentley Bridge, had no requirement placed upon them for such a contribution. In this regard, the Planning Inspector considered it inappropriate to make such a requirement on the Asker Lane site as there was no certainty that the Bentley Bridge development would necessarily be progressed prior to that at Asker Lane. The Planning Inspector alluded to such contributions being sought through a Community Infrastructure Levy which the District Council has not introduced to date.
7.49 Given the above, the same case has to be applied to the request for financial contributions from the North Derbyshire Clinical Commissioning Group. As such, it is inappropriate to require financial contributions to the above as part of considering a reserved matters application and it is also inappropriate given the deliberations of the Planning Inspector.

Conclusion

7.50 The principle of residential development of this site has been established with outline planning permission 14/00089/OUT. What the scheme now presents is a less dense form of development than could have been expected with the provision of up to 110 dwellinghouses now being reduced to 86. Nevertheless, the development proposes a reasonable density of housing to make best use of the site in delivering part of the number of dwellings being required to be provided within the District going forward.

7.51 There has been some concern raised with regard to the design and the materials proposed for the development. However, it is considered reasonable to draw on the context of the development from Chesterfield Road and the Matlock Bank Conservation Area. This is because the nature and density of the development proposals leans towards more traditional character and appearance of dwellings in such a context, as opposed to the more modernistic materials, shapes and forms of dwellings generally found in and around Asker Lane and Bull Lane, and where the remaining open landscape creates a clear intervention with the application site.

7.52 It is appreciated that there are some outstanding matters that will need to be addressed such as landscaping and boundary treatments, the character and appearance of the area of open space, the need for revised drawings to detail changes to windows to ensure greater surveillance, clarity on the use of materials, details of the pumping station and addressing highway matters and the impacts on badgers. Given the proximity of some dwellings to each other, there will also be a need to remove permitted development rights from properties to ensure that future proposals that may affect character, appearance and amenity are subject to assessment. However, it is considered that these matters can be reasonable addressed with conditions on any approval of the reserved matters. As such, it is recommended that approval be granted.

8. RECOMMENDATION

That reserved matters be granted subject to the following conditions and relevant notes to the applicant covering the following:

- amended plans of elevations to address issues such as designing out crime
- revised details of the use of materials
- full details of boundary treatments
- a revised landscaping scheme
- details of the upgrading of footpaths
- further consideration of the form of the open space
- conditions with regard to protection of badgers
- highway conditions
- removal of permitted development rights
- details of the pumping station

A full list of conditions will be presented to the Committee Meeting.
<table>
<thead>
<tr>
<th>APPLICATION NUMBER</th>
<th>16/00941/OUT</th>
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<tr>
<td>SITE ADDRESS:</td>
<td>Land at Pump Close, Starkholmes</td>
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<tr>
<td>DESCRIPTION OF DEVELOPMENT</td>
<td>Residential Development of up to 9 Dwellings and Associated Access (Outline)</td>
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<td>CASE OFFICER</td>
<td>H Frith</td>
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<td>APPLICANT</td>
<td>Mrs A Saunders and Mr M Frettingham</td>
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<tr>
<td>PARISH/TOWN</td>
<td>St Giles, Matlock</td>
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<td>AGENT</td>
<td>Planning Design Practice Ltd</td>
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<tr>
<td>WARD MEMBER(S)</td>
<td>Cllr S Flitter, Cllr J Stevens, Cllr D Botham</td>
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<tr>
<td>DETERMINATION TARGET</td>
<td>17\textsuperscript{th} February 2017</td>
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<tr>
<td>REASON FOR DETERMINATION BY COMMITTEE</td>
<td>Due to public interest and previous determination by the planning committee.</td>
</tr>
<tr>
<td>REASON FOR SITE VISIT (IF APPLICABLE)</td>
<td>A site visit was undertaken in connection with the previous application.</td>
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**MATERIAL PLANNING ISSUES**

- Why this application has been submitted for consideration.
- Policy background
- Principle of development
- Impact on Character and Appearance and Heritage Assets
- Impact on Trees
- Ecology
- Drainage
- Residential Amenity
- Highways
- Contamination
- Prematurity

**RECOMMENDATION**

Approval
16/00941/FUL

Land at Pump Close, Starkholmes

Derbyshire Dales DC

Date: 28/03/2017

100019785
1.0 THE SITE AND SURROUNDINGS
1.1 The application relates to a single field of undulating nature located to the end of the cul-de-sac known as Pump Close. The site is in an open countryside location on the edge of the settlement of Matlock. The field is bounded by hedging with trees sparsely sited on the boundary and a Tree Preservation Order covers part of the site. The site has a downhill slope from south to north. To the west of the site are a number of larger detached residential properties all accessed via Pump Close which is a private road. Pump Close connects to Starkholmes Road where there is a mix of residential properties.

2.0 DETAILS OF THE APPLICATION
2.1 Outline planning permission is sought to erect up to 9 dwellings on the existing field. All matters other than access are reserved for future consideration under a reserved matters application. An indicative layout has been submitted along with a brief report regarding the potential for the presence of Great Crested Newts and a Phase 1 Habitat and Protected Fauna Survey.

2.2 The application also includes a brief statement from the agent in relation to developer contributions which is summarised as follows: Planning permission was granted for this development in February 2016 subject to the requirement of 33% provision towards affordable housing with a legal agreement signed in connection with this.
Since the approval the government has revised the national policy on affordable housing. Contributions or provision on site can no longer be sought for development of 10 units or less or which have a combined floor area of 1000 sq. m. this application therefore seeks to remove the requirement for affordable housing provision in line with government policy. Other than this issue the development remains a previously proposed.

3.0 PLANNING POLICY AND LEGISLATIVE FRAMEWORK

1. Adopted Derbyshire Dales Local Plan (2005)
   SF4: Development in the Countryside
   SF5: Design and Appearance of Development
   H4: Housing Development Outside of Settlement Framework Boundaries
   H9: Design and Appearance of New Housing
   H12: Alternative Provision for Affordable Housing Outside Settlement Frameworks
   NBE4: Protecting Features Or Areas Of Importance To Wild Flora And Fauna
   NBE5: Development Affecting Species Protected by Law or are Nationally Rare
   NBE6: Trees and Woodlands
   NBE7: Features Important in the Landscape
   NBE8: Landscape Character
   NBE16: Development Affecting A Listed Building
   NBE26: Landscape Design in Association with New Development
   TR1: Access Requirements and the Impact of New Development
   TR3: Provision for Public Transport
   TR8: Parking Requirements for New Development
   L6: Outdoor Playing and Play Space in New Housing Developments

2. Draft Derbyshire Dales Local Plan: -
   S3: Settlement Hierarchy
   Matlock is a market town within the first tier settlements – these towns are the primary focus for growth and development to safeguard and enhance their strategic roles as employment and service centres.
   HC4: Affordable Housing
   HC11: Housing Mix and Type

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

4.0 RELEVANT PLANNING HISTORY:

14/00778/OUT Residential Development of up to 9 Dwellings and Associated Access (Outline) – Permitted with conditions

5.0 CONSULTATION RESPONSES

Town Council

5.1 Recommend refusal on the following grounds:
   - The development intrudes on the setting of Riber Castle.
   - The development would be creeping development on the hitherto safeguarded hillside.
   - The development is outside the settlement boundary.
5.2 The highway Authority commented on a similar proposal under application 14/00778/OUT. Whilst initial concerns were raised regarding the increase in traffic using the junction with Starkholmes Road these were withdrawn as the applicant had carried out speed readings and was able to achieve the recommended emerging visibility sightlines by modifying the junction.

Given this is the same proposal with the same access improvements this Authority again has no objections to the proposed development. The previously recommended conditions and footnotes still apply and should be included in any permission in the interests of highway safety.

5.3 Initial response submitted under application 14/00778/OUT:

- Whilst the semi-improved grassland present across the majority of the site is of limited interest the area of marshy grassland associated with the spring provides greater botanical diversity.
- The site is unlikely to be of sufficient quality to meet the local wildlife site selection criteria.
- There is a spring that issues on the site and ditches are present along the northern and eastern boundaries, whilst there are unlikely to be any protected species issues associated with these features they nevertheless need to be fully taken into consideration with regard to the hydrology and drainage of the site.
- These features should be protected and retained within undeveloped buffers and should not be incorporated into domestic curtilages.
- The development is unlikely to impact upon great crested newt.
- No direct impacts upon bats are anticipated as a result of the development.
- Recommend a condition in relation to clearance outside of the bird breeding season.
- Do not support the use of existing native hedgerows as private garden boundaries as their long-term management cannot be guaranteed, this should be secured via a condition to inform the layout of the reserved matters application.
- Full consideration of the sites hydrology has potential to place significant constraints on the extent of available land suitable for development.

Further response as part of this application:

The previous issues relating to layout, garden hedges and hydrology have not been addressed. The survey details are out of date and normally we would require further surveys. However to prevent further delays it would be prudent for the applicant to include our comments as detailed above and a revised layout submitted.

5.4 There are no objections to the principle of developing the site for housing.

- Existing vegetation on the northern and eastern boundaries should be retained and managed in accordance with the recommendation in the submitted tree report with additional supplementary planting. This will ensure the site is well screened to views from wider countryside.
- New hedgerow planting with trees should be extended along the southern boundary.
- The likely adverse impact of development on the visual amenity of residents must be mitigated with appropriate planting on the western boundary.

6.0 REPRESENTATIONS RECEIVED

6.1 A total of 8 representations from 6 parties have been received. A summary of the representations is outlined below and categorised:

Private Road:
- We have taken legal advice and the owners have no right to alter the road in any way.
- Pump Close provides the only access to the site and is privately owned, doubt remains over the right of access given the past refusal to contribute to its maintenance.
- The road was never surfaced to a level which would sustain heavier traffic.
- The road is already showing signs of distress.
- No road drainage is provided. An engineering assessment of the road and associated walls etc should be submitted.
- The maintenance of the road is the responsibility of the existing residents, new residents will not contribute.
- The road is not wide enough for large vehicles.
- By granting permission use of the road would increase by 200%
- Evidence of subsidence required construction of buttresses to prevent collapse.
- Lack of adequate maintenance of the road makes this scheme unsustainable.
- What rights do the developers have to dig up our land for the installation of services?

Access and highway safety:
- The proposed reconfiguration of the access introduces a difficulty in vehicles turning left would now have to cross the centre line.
- The road geometry means that the required pedestrian intervisibility of 2.0 x 2.0m cannot be met even with the changes to the road layout.
- The changes to the road geometry will require works to third party land. The authority should not give permission if it depends on land not in the applicant’s control as this will place undue legal cost burdens on the neighbours to fight the applicants.
- The applicant suggests that an intervisibility of 1.4m x 1.4m can be achieved.
- The proposed visibility ignores legally parked vehicles.
- The proposal does not comply with the manual for streets guidance, the 43m distance required cannot be met.
- Whist recognising the visibility is not sufficient it is said that the guidance calls for a less prescriptive approach. From surveys carried out 65% of vehicles cross the centreline of the carriageway.
- Accidents have occurred at the junction.
- Further development will use Starkholmes Road putting excess pressure on the road system. There are already capacity issues due to the increase from Sainsbury’s development and the stopping of access via Matlock Bridge.
- The survey submitted as part of the application is not valid as it was undertaken only on northbound traffic on a limited baseline, school traffic was not taken into account.
- A swept path analysis should be submitted to demonstrate the suitability of the road and access.
- Children will no longer be safe playing on the road.
- Concerns regarding pedestrian safety.

Ecology:
- The applicant asserts that the trees are not suitable for bats, which is inconsistent with the high level of bat activity in the area.
- The assessment of amphibians ignored the spring on site.
- The study is now 4 years out of date and cannot be relied upon to assess protected species.
- This proposal will harm wildlife through the loss of green land.

Affordable housing:
- The development should go ahead as originally agreed by the Council.
- There remains a need for starter homes and a balance of larger and starter homes would be beneficial for the District.
- The applicant has removed the intention to provide affordable housing to maximise revenue.
- The social housing was seen as a benefit of the scheme.
There is a need for such housing in Matlock.

Other:
- This site is no longer needed for housing supply given other permissions issued.
- This should be considered by committee.
- No design and access statement is provided and therefore the application is invalid.
- The site was not selected through the local plan process due to highway concerns.
- The applicant is using the delay in the local plan process to push this development through.
- There is deliberate deception on the application form, it states the site is not contaminated, when they know that asbestos has been dumped there in the past as an illegal waste deposit.
- There are high levels of lead and cadmium on sites in the area.
- Whilst mitigation may be possible this would involve large amounts of removal of importation of soil, such information should be provided at this stage.
- A contamination condition was later added to the approval of the previous application.
- Permission has been refused for development at St Giles School due to being outside the boundary and having adverse visual impact. This application will have far more impact.
- How will overlooking issues be resolved?
- The applicant has direct access to DCC highways on first name terms, objectors should have equal access to DCC so all evidence is considered on equal merit.
- All previous objections should be reconsidered on this application.
- Fear the impact of flooding due to the natural water courses on the site, flooding has occurred recently with the fire service having to pump water from the properties.

7.0 OFFICER APPRAISAL

The following material planning issues are relevant to this application:
- Why this application has been submitted for consideration.
- Policy background
- Principle of development
- Impact on Character and Appearance and Heritage Assets
- Impact on Trees
- Ecology
- Drainage
- Residential Amenity
- Highways
- Contamination
- Prematurity

Why this application has been submitted for consideration

7.1 Planning permission was granted for residential development of up to 9 dwellings on this site early in 2016 which was subject to a S106 agreement for the provision of 33% affordable housing. Since that time the government guidance has changed with regard to the provision of developer contributions.

7.2 The National Planning Practice Guidance states that:

As set out in the [Starter Homes written ministerial statement](#) of 2 March 2015, starter homes exception sites should not be required to make affordable housing or tariff-style section 106 contributions.

There are specific circumstances where contributions for affordable housing and tariff style planning obligations (section 106 planning obligations) should not be sought from small
scale and self-build development. This follows the order of the Court of Appeal dated 13 May 2016, which give legal effect to the policy set out in the written ministerial statement of 28 November 2014 and should be taken into account.

These circumstances are that:

- contributions should not be sought from developments of 10-units or less, and which have a maximum combined gross floorspace of no more than 1,000 square metres (gross internal area)
- in designated rural areas, local planning authorities may choose to apply a lower threshold of 5-units or less. No affordable housing or tariff-style contributions should then be sought from these developments. In addition, in a rural area where the lower 5-unit or less threshold is applied, affordable housing and tariff style contributions should be sought from developments of between 6 and 10-units in the form of cash payments which are commuted until after completion of units within the development. This applies to rural areas described under section 157(1) of the Housing Act 1985, which includes National Parks and Areas of Outstanding Natural Beauty
- affordable housing and tariff-style contributions should not be sought from any development consisting only of the construction of a residential annex or extension to an existing home

7.3 In accordance with this national guidance the Local Planning Authority can no longer request the affordable housing provision initially sought as part of that 2016 planning permission. The applicant is therefore wholly within their rights to apply for planning permission again in order to effectively remove that earlier requirement. Given that a contribution will be required should the development exceed a floor area of 1,000 sq. m. a condition is recommended to ensure the development does not exceed this floor area.

7.4 Whilst this earlier planning permission is a material consideration in the determination of this application, nevertheless it is appropriate to re-consider all matters relating to this case.

Policy background

7.5 To begin with it is important to set out the current planning policy situation within which this proposal is to be assessed. Based on new analysis of development that will come forward in the next five years it is considered that the Council can currently identify a rolling five year supply of housing land. It is also the case that allocations within the emerging local plan will also provide enough housing land throughout the plan period to meet the District Councils objectively assessed housing needs. The deposit draft local plan is awaiting examination and as such the policies contained within it can be afforded some weight at this time.

7.6 Housing policies contained within the Adopted Derbyshire Dales Local Plan (2005) do not envisage new housing development beyond the plan period and are based on outdated housing needs information. As such, the housing policies of the adopted local plan are considered out of date. In such cases where the development plan is absent, silent or relevant policies are out of date planning decisions should be made in accordance with paragraph 14 of the National Planning Policy Framework which states that: planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.

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

**Principle of Development**

7.8 The application site is located outside of the defined settlement boundary of the Adopted Derbyshire Dales Local Plan which did not consider development needs beyond 2011. This site is within the settlement boundary of the first tier settlement of Matlock as identified in the Deposit Draft Local Plan, this factor and the previous permission are a material considerations in this case.

7.9 Policy S3 of the Deposit Draft Local plan states in part that proposals for new development will be directed towards the most sustainable locations in accordance with the settlement hierarchy. The market towns, including Matlock, are the primary focus for growth and development to safeguard and enhance their strategic roles as employment and service centres. They will continue to provide significant levels of jobs and homes.

7.10 In view of the above, the site is considered to be a sustainable location for development. However, through the application proves a number of concerns have been raised regarding the propose development. All of which need to be carefully assessed to determine whether there are any factors which would preclude planning permission in this case.

**Impact on Character and Appearance and Heritage Assets**

7.11 Concern has been raised that the development of this site will be an infringement of the hillside approaching Riber Castle and therefore the development will have an adverse impact both upon the landscape character of the area and upon the setting of Riber Castle itself.

7.12 The locality has been assessed for its landscape sensitivity to development. Whilst Riber hillside is sensitive to development it is considered that there is scope for development in discrete pockets of land most closely associated with the existing development on the edge of Starkholmes, without causing undue harm to landscape character and appearance.

7.13 In view of this analysis it is considered that the development of this site which has existing residential development to the northern and western boundaries will assimilate well into the existing built up area as logical consolidation of the settlement. It is appreciated that the development of the fields in general to the east of Starkholmes Road would likely have adverse impact upon landscape character. However it is not considered that the development of this one field closely constrained by existing development will have a significant adverse impact upon the landscape character of the area.

7.14 The site is some considerable distance from Riber Castle. However, it is acknowledged that the setting of a listed building can be far reaching. It is considered that the development of this site will assimilate well with the prevailing pattern of development and will not be conspicuous in views from or to the castle such that it will not adversely impact upon the setting of the listed building. Therefore the proposal complies with policies NBE16 of the Adopted Derbyshire Dales Local Plan and guidance contained within the National Planning Policy Framework.

**Impact on Trees**

7.15 There are protected trees located along the boundary of the site to the north, east and south. Whilst an Arboricultural Survey and Constraints Report has been submitted, the
specific impacts of any development cannot be determined at this outline stage. Once the reserved matters are submitted detailed information regarding the trees and the relationships with the sitting of the proposed dwellings will be required. The impacts of the development upon the trees can therefore be considered at the reserved matters stage as part of a detailed landscaping scheme.

Ecology

7.16 Concerns have been raised regarding the potential impact the development will have upon the protected species. Derbyshire Wildlife Trust has considered the submitted survey in detail and whilst these are now out of date the Trust has concluded that subject the site can be developed subject to appropriate mitigation, layout and conditions. Conditions regarding nesting birds and hydrology along with a detailed layout and landscaping scheme, to be submitted as part of the reserved matters, are required. The proposal is considered to meet the requirements of Policy NBE5 of the Adopted Derbyshire Dales Local Plan and guidance contained within the National Planning Policy Framework.

Drainage

7.17 Comments have been made regarding the spring that is on the site. How this stream will be dealt with will be submitted in detail as part of the reserved matters. However, given the local concern regarding this matter and the impacts this could have upon habitats it is considered reasonable at this stage to impose a condition requiring full details of how this matter will be resolved along with details of the wider ground water effects of this work.

Residential Amenity

7.18 At the outline stage it cannot be determined what the impact of the development will be upon the amenity of neighbouring residents. With the existing dwellings located primarily along the western boundary of the site it is considered that housing can be erected on this site without having a significant adverse impact upon the amenity of existing residents. It is acknowledged that as a part of the reserved matters landscaping scheme a suitable boundary treatment will be required along the boundaries with the existing properties. The outline application is therefore considered to be acceptable in terms of the impacts upon residential amenity.

Highway Safety

7.19 The development of the site includes a scheme to alter the junction at Pump Close and Starkholmes Road. The intention is to build out the junction by 0.5m along with realigning/tapering the footways either side to tie-in with the revised give way markings. Specific details/distances regarding the footway tapers have not been submitted but the Highway Authority is satisfied that these can be finalised when the S278 agreement for the works are submitted, it is recommended that the footways are tapered at a ratio of 1:30.

7.20 The conclusions of the Highway Authority were questioned by local residents in the original application in terms of vehicles crossing the centre line of the road when travelling in a downhill direction. Those concerns have been reiterated in this application. However the Highway Authority are aware of these concerns and are satisfied that the width of the roadway is acceptable for the proposed alterations to the junction to give a satisfactory access.

7.21 Pump Close is a private road and comments have been made regarding the rights of the applicant to alter the junction and have new housing accessed along this road. The applicant’s agent has confirmed that there is an appropriate right of way and have completed the certificates on the application form in their view correctly in this regard. Such
matters of ownership will have to be resolved as a private legal matter and cannot be resolved through the planning process. This also applies to the potential for damage to be caused to the surface of Pump Close and ongoing maintenance costs.

7.22 Based on the detailed assessment of the Highway Authority the proposal is considered to be acceptable with regard to highway safety in accordance with Policy TR1 of the Adopted Derbyshire Dales Local Plan and guidance contained within paragraph 32 of the National Planning Policy Framework.

Contamination

7.23 Residents have raised a concern that the land may be contaminated with high levels of lead and cadmium in the soil along with asbestos which has been left on this site in the past. With regard to the issue of the contaminated land any buried asbestos on the site would cause no harm to human health whilst it is buried. However, in order to ensure any contamination is appropriately dealt with a condition is necessary to ensure appropriate investigation and if necessary mitigation.

Prematurity of decision making due to the absence of local plan policies

7.24 National Planning Practice Guidance states that: ‘In the context of the Framework and in particular the presumption in favour of sustainable development – arguments that an application is premature are unlikely to justify a refusal of planning permission other than where it is clear that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, taking the policies in the Framework and any other material considerations into account. Such circumstances are likely, but not exclusively, to be limited to situations where both:

a) the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by pre-determining decisions about the scale, location or phasing of new development that are central to an emerging Local Plan or Neighbourhood Planning; and
b) the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area’.

7.25 This guidance goes on to advise that ‘refusal of planning permission on grounds of prematurity will seldom be justified where a draft Local Plan has yet to be submitted for examination, or in the case of a Neighbourhood Plan, before the end of the Local Planning Authority publicity period. Where planning permission is refused on grounds of prematurity, the Local Planning Authority will need to indicate clearly how the grant of permission for the development concerned would prejudice the outcome of the plan-making process’.

7.26 Taking full account of this guidance and given the stage of the draft local plan but taking into account that this is a committed site which is contributing to the Council’s housing land supply, refusal on the grounds of prematurity cannot be justified in this case.

Conclusion

7.27 Having regard to the provisions contained in Paragraph 14 of the NPPF, there is a requirement to grant planning permission where a development plan is absent, silent or where relevant policies are out of date, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

7.28 The site will form an acceptable addition to the town’s housing stock being located within the settlement boundary of Matlock as a first tier settlement, as defined in the Deposit Draft Local Plan.
7.29 The proposal also fulfils all three roles of sustainability as follows:
- In terms of the economic role the proposal will be beneficial to the economy and providing economic benefit with employment in the construction process and by assisting with sustaining local services.
- In terms of the social role the proposal will assist in the supply of housing in a sustainable location with access to services and facilities including employment.
- In terms of the environmental role there are not considered to be any adverse environmental impacts of the development that cannot be sufficiently mitigated against via conditions.

7.30 The site is in a sustainable location and in accordance with the strategic aims of the Deposit Draft Local Plan in terms of focussing development within the market towns. There are no significant or demonstrable adverse impacts which would weigh against the presumption in favour of development. As such the proposal is recommended for approval.

8.0 RECOMMENDATION
That planning permission be granted subject to the following conditions.

1. Condition ST02a: Time Limit on Outline
2. Condition ST03a: Submission of Certain Reserved Matters (remove access)
3. No works of construction shall take place on the site outside of the following hours:
   Monday to Friday    08.00 to 20.00
   Saturday            09.00 to 13.00
   Sunday/Bank Holidays No construction
4. 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.
5. 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.
6. Before any other operations are commenced (excluding Condition No 4 above) Pump Close’s existing junction to Starkholmes Road shall be modified in accordance with the application drawings and provided with visibility sightlines extending from a point 2.4 metres from the carriageway edge, measured along the centreline of the access, for a distance of 41 metres to the south and 38 metres to the north measured to the nearside wheel track in each direction. The land 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.
7. 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.
8. 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.
9. Prior to the commencement of the development details shall be submitted to and approved in writing by the Local Planning Authority showing the means to prevent the discharge of water from the development onto the highway. The approved scheme shall be undertaken and completed prior to the first use of the access and retained as such thereafter.

10. Prior to the commencement of development a detailed strategy for resolving the presence of the spring on the site shall be submitted along with a detailed assessment of the effects of this upon ground water and wildlife habitats within the locality. The development shall be carried out in accordance with the agreed strategy.

11. No removal of hedgerows, trees or brambles shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds bests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the Local Planning Authority.

12. Along with the submission of the reserved matters the following shall be submitted:
   A layout and landscaping scheme demonstrating all existing hedgerows and trees to the borders of the site identified outside of any domestic curtilages.
   A scheme for the long term management of these trees/hedges.
   A plan accurately demonstrating all protected trees and their root protection areas and shadow lines along with a detailed arboricultural assessment.

13. Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until sections A and B have been complied with.

A. Site Characterisation
   An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced and submitted in electronic format. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:-

   i. a survey of the extent, scale and nature of contamination;
   
      ii. an assessment of the potential risks to:-
         - human health;
         - property (existing or proposed), including buildings, crops, livestock, pets, woodland and service lines and pipes;
         - adjoining land;
         - groundwaters and surface waters;
         - ecological systems;
         - archaeological sites and ancient monuments.

      iii. an appraisal of remedial options and proposal of the preferred option(s)

   This must be conducted in accordance with DEFRA and the Environment Agency’s ‘Model Procedures for the Management of Land Contamination, CLR 11’.

B. Submission of Remediation Scheme
A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works, site management procedures and proposals for how the remediation works will be verified once completed. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

14. The gross internal area floor areas of the dwellings hereby approved shall not exceed 1,000 square metres.

Reasons:

1. Reason ST02a
2. Reason ST03a
3. To protect residential amenity in accordance with Policy H9 of the Adopted Derbyshire Dales Local Plan and guidance contained within the National Planning Policy Framework.
4-9. In the interests of highway safety in accordance with Policy TR1 of the Adopted Derbyshire Dales Local Plan and guidance contained within the National Planning Policy Framework.
10. In order to prevent localised flooding and loss of habitat in accordance with Policy NBE5 of the Adopted Derbyshire Dales Local Plan and guidance contained within the National Planning Policy Framework.
11. In order to ensure the protection of nesting birds in accordance with Policy NBE5 of the Adopted Derbyshire Dales Local Plan and guidance contained within the National Planning Policy Framework.
12. In order to ensure these habitats/features/trees are protected, retained and managed in the long term in the interests of visual amenity and biodiversity in accordance with Policies NBE8, NBE6 and NBE5 of the Adopted Derbyshire Dales Local Plan and guidance contained within the National Planning Policy Framework.
13. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with guidance contained within the National Planning Policy Framework.
14. To ensure the development does not exceed the threshold for developer contributions as there is no legal agreement pertaining to this as part of this permission.

Footnotes:

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 problems with the application and Permission was granted without negotiation.

2. Pursuant to Section 184 of the Highways Act 1980 and Section 86(4) of the New Roads and Streetworks Act 1991 prior notification shall be given to the Department of Economy Transport & Environment at County Hall, Matlock regarding access works within the...
highway. Information, and relevant application forms, regarding the undertaking of access works within highway limits is available via the County Council’s website: http://www.derbyshire.gov.uk/transport_roads/roads_traffic/development_control/vehicular_access/default.asp, email ETENetmanadmin@derbyshire.gov.uk or telephone Call Derbyshire on 01629 533190.

3. Pursuant to Section 163 of the Highways Act 1980, where the site curtilage slopes down towards Pump Close measures shall be taken to ensure that surface water run-off from within the site is not permitted to discharge onto Pump Close. This usually takes the form of a dish channel or gulley laid across the access, discharging to a drain or soakaway within the site.

4. Pursuant to Section 278 of the Highways Act 1980 and the provisions of the Traffic Management Act 2004, no works may commence within the limits of the public highway without the formal written Agreement of the County Council as Highway Authority. It must be ensured that public transport services in the vicinity of the site are not adversely affected by the development works. Advice regarding the technical, legal, administrative and financial processes involved in Section 278 Agreements may be obtained by contacting this Authority via email – es.devconprocess@derbyshire.gov.uk. The applicant is advised to allow approximately 12 weeks in any programme of works to obtain a Section 278 Agreement.

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

6. With effect from the 6th April 2008, the Town and Country Planning (Fees for Applications and Deemed Applications) (Amendment) (England) Regulations 2008 (SI 958/2008) stipulate that a fee will henceforth be payable where a written request is received in accordance with Article 21 of the General Development Procedure Order. Where written confirmation is required that one or more conditions imposed on the same permission have been complied with, the fee chargeable by the Authority is £97 per request. The fee must be paid when the request is made and cannot be required retrospectively. Further advice in regard to these provisions is contained in DCLG Circular 04/2008.

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. This decision notice relates to the following documents:
   Letter from the agent dated 21.12.16
   Location plan no. 825-001 received 23.12.16
Highway detail no. 825-002A received 23.12.16
Indicative layout no. 825-SK003 received 23.12.16
Great Crested newt report received 23.12.16
Phase 1 Habitat and protected fauna survey received 23.12.16
Arboricultural Survey received 23.12.16
# Active Enforcement Investigations

**30 March 2017**

### Ashbourne North

| ENF/14/00071 | Unauthorised building works to facilitate a Biomass Boiler and affecting the setting of a listed building. | Sturston Hall Farm Mill Lane Sturston Derbyshire DE6 1LN | Notice Issued |
| ENF/15/00014 | Unauthorised alterations to listed building. Installation of photo voltaic panels on roof slope - Sturston Hall Farm, Ashbourne, DE6 1LN | Sturston Hall Farm Mill Lane Sturston Derbyshire DE6 1LN | Notice Issued |
| ENF/17/00019 | Unauthorised erection of timber structure in field to rear of Sunny Mount, Windmill Lane, Ashbourne, DE6 1JA | Sunny Mount Windmill Lane Ashbourne Derbyshire DE6 1JA | Pending Consideration |

### Ashbourne South

| ENF/14/00070 | Unauthorised internally illuminated signage above front of restaurant - 25 Dig Street, Ashbourne, DE6 1GF | 25 Dig Street Ashbourne Derbyshire DE6 1GF | Pending Consideration |
| ENF/17/00008 | 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. | 39 South Street Ashbourne Derbyshire DE6 1DP | Pending Consideration |

### Brailsford

| ENF/17/00009 | Unauthorised building works - Building does not accord with approved plans 15/00407/FUL (Part) for the erection of the freestanding garage/studio. | Burton Shutts Farm Cuscas Lane Brailsford Derbyshire DE6 3BG | Pending Consideration |

### Carsington Water

| ENF/16/00034 | Unauthorised erection of Dog kennels | Four Lane Ends Farm Gibfield Lane Hulland Ward Derbyshire DE6 3EJ | DC Application Submitted |
| ENF/16/00073 | Unauthorised change of use and conversion of outbuildings on land at Rock Cottage, Brassington, Matlock, Derbyshire, DE4 4HA | Rock Cottage Hillside Lane Brassington Derbyshire DE4 4HA | Pending Consideration |
| ENF/17/00010 | Unauthorised building/demolition works | Palm Tree Cottage Hillside Lane Brassington Derbyshire DE4 4HL | DC Application Submitted |

### Clifton And Bradley
<table>
<thead>
<tr>
<th>Reference</th>
<th>Description</th>
<th>Location</th>
<th>Status</th>
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</thead>
<tbody>
<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>Pending Consideration</td>
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<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>Pending Consideration</td>
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<tr>
<td><strong>Darley Dale</strong></td>
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<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/16/00071</td>
<td>Unauthorised engineering operations</td>
<td>The Beeches Hallmoor Road Darley Dale Derbyshire DE4 2HF</td>
<td>Pending Consideration</td>
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<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>
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<tr>
<td><strong>Dovedale And Parwich</strong></td>
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<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>Pending Consideration</td>
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<tr>
<td><strong>Doveridge And Sudbury</strong></td>
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<tr>
<td>ENF/17/00003</td>
<td>Unauthorised building works relating to planning permission 15/00459/FUL. Building not built in accordance with approved plans. Also the demolition of an existing double garage and erection of new garage with accommodation above and link to newly built timber clad building, (15/00459/FUL).</td>
<td>81 Aston Lane Sudbury Derbyshire DE6 5HG</td>
<td>Pending Consideration</td>
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<td><strong>Hulland</strong></td>
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<tr>
<td>ENF/14/00041</td>
<td>Breach of condition 2 relating to planning permission 10/00812/TEMP - Provision of temporary access for a period of 2 years - Redmire Gap, Intakes Lane, Turnditch, Derbyshire DE56 2LU</td>
<td>Redmire Gap Intakes Lane Turnditch Derbyshire DE56 2LU</td>
<td>Pending Consideration</td>
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<tr>
<td>ENF/15/00004</td>
<td>Unauthorised engineering works including substantive excavation on land at Common Farm.</td>
<td>Common Farm Mugginton Lane End Weston Underwood Ashbourne Derbyshire DE6 4PP</td>
<td>Pending Consideration</td>
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<tr>
<td>ENF/15/00024</td>
<td>Unauthorised change of use of holiday cabins to dwelling.</td>
<td>Blackbrook Lodge Farm Intakes Lane Turnditch Derbyshire DE56 2LU</td>
<td>Pending Consideration</td>
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<td><strong>Masson</strong></td>
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<td>ENF/11/00083</td>
<td>Unauthorised rebuilding of retaining wall.</td>
<td>24 Chapel Hill, Cromford, Derbyshire DE4 3QG</td>
<td>Notice Issued</td>
</tr>
<tr>
<td>ENF/13/00108</td>
<td>Unauthorised works to Grade II Listed Building</td>
<td>Corn Mill Cottage, Water Lane, Cromford, Derbyshire DE4 3QH</td>
<td>Notice Issued</td>
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<tr>
<td>ENF/15/00054</td>
<td>Unauthorised alterations to a Grade II Listed Building.</td>
<td>Rita's Fish Bar, 182 South Parade, Matlock Bath, Derbyshire DE4 3NR</td>
<td>Pending Consideration</td>
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<tr>
<td>ENF/15/00104</td>
<td>Unauthorised internal works and demolition of external boundary wall.</td>
<td>Mill Managers House, Cromford Mill Road, Cromford, Derbyshire DE4 3RQ</td>
<td>Pending Consideration</td>
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<tr>
<td>ENF/15/00105</td>
<td>Unauthorised engineering operations to create extra parking/turning area.</td>
<td>G P Produce, The Hill, Cromford, Derbyshire DE4 3QL</td>
<td>Pending Consideration</td>
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<tr>
<td>ENF/16/00037</td>
<td>Unauthorised extension to property.</td>
<td>1 Water Lane, Cromford, Derbyshire DE4 3QH</td>
<td>Notice Issued</td>
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<tr>
<td>ENF/16/00041</td>
<td>Unauthorised instalation of plastic windows and door.</td>
<td>2,4,6 North Parade, Matlock Bath, Derbyshire DE4 3NS</td>
<td>Notice Issued</td>
</tr>
<tr>
<td>ENF/16/00063</td>
<td>Change of Use of premises to Cafe</td>
<td>Restoration Cafe, Former Tourist Information Centre, Grand Pavilion South Parade, Matlock Bath, Derbyshire DE4 3NR</td>
<td>Pending Consideration</td>
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<tr>
<td>ENF/16/00090</td>
<td>Erection of a shed, decking and fence.</td>
<td>2 Primrose Cottages, St Johns Road, Matlock Bath, Derbyshire DE4 3PQ</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/16/00097</td>
<td>Unauthorised engineering operations and the creation of concrete retaining wall.</td>
<td>UK Slipform Ltd, Dunsley Mill Via, Gellia Road, Bonsall, Derbyshire DE4 2AJ</td>
<td>Pending Consideration</td>
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<tr>
<td>ENF/16/00107</td>
<td>Unauthorised erection of &quot;carving&quot; building.</td>
<td>1 Black Rock Cottages, Bakers Lane, Cromford, Derbyshire DE4 3QW</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/17/00022</td>
<td>Erection of two wooden sheds.</td>
<td>The Cottage, Puddle Hill, Bonsall, Derbyshire DE4 2BA</td>
<td>Pending Consideration</td>
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<tr>
<td>ENF/17/00027</td>
<td>Unauthorised erection of a satellite dish.</td>
<td>4 Holme Villas, Brunswood Road, Matlock Bath, Derbyshire DE4 3PA</td>
<td>Pending Consideration</td>
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<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>Pending Consideration</td>
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<tr>
<td><strong>Matlock All Saints</strong></td>
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<tr>
<td>ENF/14/00006</td>
<td>Unauthorised change of use from domestic curtilage to use as commercial car park relating to Parkside Fitness</td>
<td>5 Olde Englishe Road, Matlock, Derbyshire DE4 3RR</td>
<td>Notice Issued</td>
</tr>
<tr>
<td>ENF/15/00030</td>
<td>Unauthorised &quot;PELI&quot; advertisement</td>
<td>Peli Deli 6, Crown Square, Matlock, Derbyshire DE4 3AT</td>
<td>Notice Issued</td>
</tr>
<tr>
<td>ENF/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>Pending Consideration</td>
</tr>
<tr>
<td>ENF/16/00014</td>
<td>Unauthorised fencing/decking to the side and rear with associated engineering operations.</td>
<td>38 Megdale Matlock Derbyshire DE4 3JW</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/16/00015</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>Pending Consideration</td>
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<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>
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<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>Pending Consideration</td>
</tr>
</tbody>
</table>

### Matlock St Giles

| ENF/13/00084 | Unauthorised erection of workshop | Phillips Woodware Smuse Lane Matlock Derbyshire DE4 5EY | Notice Issued |
| ENF/16/00025 | 1/ Unauthorised engineering operations to create an earth bund and storage of materials behind it. 2/ Rearrangement of existing bund. | Land Off Alders Lane, Tansley. | Pending Consideration |
| ENF/16/00046 | 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 | Hurst Cottage 14 Bull Lane Matlock Derbyshire DE4 5LX | Pending Consideration |
| ENF/16/00053 | Unauthorised access off Riber Road. | Brookdale Riber Road Lea Derbyshire DE4 5JQ | Pending Consideration |
| ENF/16/00056 | Change of use of agricultural land to the rear of 70 - 80 Starkholmes Road Matlock, to incorporate within the domestic curtilage of 72 Starkholmes Road, Matlock, DE4 3DD. | 72 Starkholmes Road Matlock Derbyshire DE4 3DD | Pending Consideration |
| ENF/16/00089 | Breaches of Planning Control | ALS Scaffolding Services Limited Sunnyside Farm Whitelea Lane Tansley Derbyshire DE4 5FL | Pending Consideration |
| ENF/17/00017 | 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. | 6 Pond Cottages Upper Lumsdale Matlock Derbyshire DE4 5LB | Pending Consideration |
| ENF/17/00020 | Unauthorised use of land for the storage and stationing of caravans. | Duke William Hotel 91 Church Street Matlock Derbyshire DE4 3BZ | Pending Consideration |

### Norbury
ENF/11/00091 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

ENF/13/00050 Unauthorised building works to an agricultural building. (Increasing the height).

ENF/14/00030 Change of use of land from use for Microlight flying to use for the flying of Biplane aircraft.

ENF/16/00068 Alleged breach of condition 9 relating to the slurry pit on land at Four Oaks Farm, Shields Lane, Roston.10/00580/FUL - condition 9 "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".

ENF/17/00015 Unauthorised engineering works to facilitate roadway onto agricultural field.

ENF/17/00024 Unauthorised building works - Building not in accordance with approved plans - 15/00779/FUL Conversion of barn to dwelling

ENF/12/00022 Unauthorised stationing of a wooden chalet building and two steel containers.

ENF/15/00068 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 poly tunnel and portaloo.

ENF/15/00079 Works to a Listed Building

ENF/15/00082 Unauthorised engineering operations.

ENF/16/00045 Change of use of land from agricultural to caravan site and domestic curtilage (for stationing of childrens play equipment). Land to the rear of Ladycroft, Wash Green, Wirksworth, DE4 4FD

ENF/16/00064 Installation of plastic windows.

ENF/16/00079 Erection of timber fence over 1 metre in height adjacent a highway.
<table>
<thead>
<tr>
<th>Case Number</th>
<th>Description</th>
<th>Address</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>ENF/17/00001</td>
<td>Unauthorised occupation of The Chalet</td>
<td>The Chalet Millers Green Wirksworth Derbyshire DE4 4BL</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/17/00002</td>
<td>Unauthorised engineering operations to create a raised area</td>
<td>11 New Road Bolehill Derbyshire DE4 4GL</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/17/00018</td>
<td>Unauthorised works to remove a fire surround in a Grade II Listed Building.</td>
<td>Red Lion Hotel Market Place Wirksworth Derbyshire DE4 4ET</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/17/00023</td>
<td>Breach of conditions on planning permission 14/00891/FUL</td>
<td>Mount Cook Adventure Centre Porter Lane Middleton By Wirksworth Derbyshire DE4 4LS</td>
<td>Pending Consideration</td>
</tr>
</tbody>
</table>

**Total Open Cases**: 65
## Enforcement Investigations Closed

### In the 6 Months Prior to 30/03/2017

### 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/17/00005</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>09/03/2017</td>
</tr>
</tbody>
</table>

### Ashbourne South

<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/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/16/00103</td>
<td>Alleged replacing of timber windows for plastic, within a conservation area.</td>
<td>The White Hart Public House 8 - 10 Church Street Ashbourne Derbyshire DE6 1AE</td>
<td>Complaint Unfounded</td>
<td>08/03/2017</td>
</tr>
</tbody>
</table>

### Brailsford

<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/15/00021</td>
<td>Unauthorised change of use of land from agricultural to domestic. Engineering works to remove trees and hedging to facilitate hardstanding area including the erection of a boundary fence in excess of 1m high adjacent to a classified vehicular highway.</td>
<td>Orchard Cottage Longford Lane Longford Derbyshire DE6 3DT</td>
<td>Complied Voluntarily</td>
<td>07/03/2017</td>
</tr>
<tr>
<td>ENF/15/00097</td>
<td>Unauthorised construction of timber cabin and subsequent occupation as a dwelling house with associated use of land as domestic curtilage.</td>
<td>Aragorn Cabin Mercaston Lane Mercaston Derbyshire</td>
<td>Appeal Allowed</td>
<td>21/12/2016</td>
</tr>
<tr>
<td>ENF/16/00033</td>
<td>Breach of condition 16 (hours of work) of planning permission 13/00826/FUL - Land off Luke Lane Brailsford</td>
<td>Land Off Luke Lane Luke Lane Brailsford Derbyshire</td>
<td>Complaint Unfounded</td>
<td>02/02/2017</td>
</tr>
<tr>
<td>ENF/16/00087</td>
<td>Failure to provide pre commencement details as per conditions 2 and 6 of planning permission 16/00400/PDA - Change of use of agricultural building to dwelling house.</td>
<td>The Old Drifthouse Park Stiles Farm Park Lane Rodsley Derbyshire DE6 3AJ</td>
<td>Complied Voluntarily</td>
<td>14/11/2016</td>
</tr>
<tr>
<td>ENF/16/00106</td>
<td>Unauthorised change of use of agricultural land to use for the storage of a shipping container on land known as &quot;Rick Yard Orchard&quot;, Church Lane, Brailsford.</td>
<td>Rick Yard Orchard Church Lane Brailsford Derbyshire</td>
<td>Complied Voluntarily</td>
<td>10/03/2017</td>
</tr>
</tbody>
</table>
### Carsington Water

<table>
<thead>
<tr>
<th>Reference</th>
<th>Description</th>
<th>Address</th>
<th>Compliance Status</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>ENF/15/00108</td>
<td>Non compliance with approved plans &quot;Erection of two dwellings&quot; at Peakland View, Darley Dale, office code 14/00300/FUL</td>
<td>Robinsons Limited Longcliffe Works Longcliffe Brassington Derbyshire DE4 4HN</td>
<td>Complied Voluntarily</td>
<td>08/03/2017</td>
</tr>
<tr>
<td>ENF/16/00074</td>
<td>Alleged unauthorised timber building to front of property known as Dragons End, Town Street, Brassington</td>
<td>Dragons End Town Street Brassington Derbyshire DE4 4HB</td>
<td>Complied Voluntarily</td>
<td>11/10/2016</td>
</tr>
<tr>
<td>ENF/16/00099</td>
<td>Unauthorised erection of external flu pipe on building fronting a highway and within the conservation area of Hopton.</td>
<td>Henmore Grange Main Street Hopton Derbyshire DE4 4DF</td>
<td>Complied Voluntarily</td>
<td>11/01/2017</td>
</tr>
</tbody>
</table>

### Clifton And Bradley

<table>
<thead>
<tr>
<th>Reference</th>
<th>Description</th>
<th>Address</th>
<th>Compliance Status</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>ENF/16/00091</td>
<td>Unauthorised change of use of land from Agricultural to domestic curtilage, to the rear of property known as 2 Yew Tree Lane, Bradley.</td>
<td>2 Yew Tree Lane Bradley Derbyshire DE6 1PG</td>
<td>Complied Voluntarily</td>
<td>18/11/2016</td>
</tr>
<tr>
<td>ENF/16/00095</td>
<td>Unauthorised building works for the conversion of outbuildings to living accomodation.</td>
<td>Charity Farm Orchard Lane Wyaston Derbyshire DE6 2DR</td>
<td>Planning Application Received</td>
<td>02/02/2017</td>
</tr>
<tr>
<td>ENF/16/00096</td>
<td>Breach of condition relating to site storage and off road parking.</td>
<td>Rose Cottage Snapes Lane Snelston Derbyshire DE6 2DL</td>
<td>Complied Voluntarily</td>
<td>18/11/2016</td>
</tr>
</tbody>
</table>

### Darley Dale

<table>
<thead>
<tr>
<th>Reference</th>
<th>Description</th>
<th>Address</th>
<th>Compliance Status</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>ENF/13/00022</td>
<td>Expiration of temporary planning permission. Erection of mobile home/chalet for agricultural worker for a temporary period of 3 years and retention of existing amenity building/office.</td>
<td>Woodside Farm Buildings Back Lane Darley Moor Matlock Derbyshire DE4 5LP</td>
<td>Appeal Allowed</td>
<td>08/03/2017</td>
</tr>
<tr>
<td>ENF/15/00034</td>
<td>Stationing of a caravan on land for suspected residential purposes and the use of an agricultural building for the keeping of horses.</td>
<td>Land At The Junction Of Back Lane And Flash Lane, Darley Moor, Matlock.</td>
<td>Not in the Public interest to pursue</td>
<td>29/03/2017</td>
</tr>
<tr>
<td>ENF/16/00042</td>
<td>Unauthorised internally illuminated advertisement.</td>
<td>Valley Lodge Nursing Home Bakewell Road Matlock Derbyshire DE4 3BN</td>
<td>Planning Application Received</td>
<td>14/11/2016</td>
</tr>
<tr>
<td>ENF/16/00052</td>
<td>Creation of earth bund in a field to the south of Bent Farm.</td>
<td>Ameycroft Farm Farley Hill Matlock Derbyshire DE4 5LR</td>
<td>Complied Voluntarily</td>
<td>20/12/2016</td>
</tr>
<tr>
<td>ENF/16/00055</td>
<td>Unauthorised engineering works to facilitate caravan hardstanding pitches</td>
<td>Tax Farm Farley Lane Farley Derbyshire DE4 5LQ</td>
<td>Planning Application Received</td>
<td>08/03/2017</td>
</tr>
<tr>
<td>ENF/16/00069</td>
<td>Unauthorised erection of wooden carport structure</td>
<td>Slayleigh 1 Rotherwood Villas Dale Road South Darley Dale Derbyshire DE4 2EU</td>
<td>Planning Application Received</td>
<td>21/11/2016</td>
</tr>
<tr>
<td>ENF/16/00075</td>
<td>Alleged unauthorised garage.</td>
<td>Whitworth House Dale Road North Darley Dale Derbyshire DE4 2FS</td>
<td>Complaint Unfounded</td>
<td>04/10/2016</td>
</tr>
<tr>
<td>ENF/16/00082</td>
<td>Alleged unauthorised engineering operations.</td>
<td>Oker House Moor Lane Darley Dale Derbyshire DE4 2HG</td>
<td>Complied Voluntarily</td>
<td>19/10/2016</td>
</tr>
<tr>
<td>ENF/16/00092</td>
<td>Engineering operations to create a car park.</td>
<td>Milners Off Road Limited Old Road Darley Dale Derbyshire DE4 2ER</td>
<td>Planning Application Received</td>
<td>23/01/2017</td>
</tr>
</tbody>
</table>

**Dovedale And Parwich**

| ENF/16/00061 | Unauthorised erection of lamposts within an agricultural field, to facilitate vehicular parking. | Callow Hall Country House Hotel Mapleton Road Mapleton Derbyshire DE6 2AA | Complied Voluntarily | 04/11/2016 |

**Doveridge And Sudbury**

| ENF/13/00019 | Unlawful siting of caravan for human habitation in agricultural field adjacent to Marston Lane at Doveridge. | Land North East Of Holmlea Farm Bungalow Marston Lane Doveridge Derbyshire | Notice complied with | 30/01/2017 |
| ENF/16/00081 | Alleged breach of condition 4 of planning permission 16/00419/FUL - cond'n 4 states, 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. | Abbotsholme Stud Marston Bank Rocester Derbyshire ST14 5BP | Complied Voluntarily | 03/11/2016 |

**Hulland**

| ENF/16/00043 | Unauthorised engineering works on land at Whinney Hill Farm | Winney Hill Farm Hob Lane Kirk Ireton Derbyshire DE6 3LG | Planning Application Received | 02/02/2017 |

**Masson**

<p>| ENF/15/00052 | Installation of plastic windows in a listed building. | 101 The Hill Cromford Derbyshire DE4 3QU | Notice complied with | 10/01/2017 |
| ENF/15/00060 | Unauthorised installation of two roof-lights and flue on the rear roof slope. | Swifts Cottage 15 The Hill Cromford Derbyshire DE4 3RF | Notice complied with | 15/02/2017 |
| ENF/16/00024 | Unauthorised occupation of holiday let as residential dwelling. | The Farrowes Chestnut Farm Abel Lane Bonsall Derbyshire | Planning Application Received | 29/03/2017 |
| ENF/16/00028 | Unauthorised erection of fence within the curtilage, at the rear, of a Grade II Listed Building. | 86 The Hill Cromford Derbyshire DE4 3QU | Planning Application Received | 29/03/2017 |
| ENF/16/00058 | Unauthorised facia advertisement. | F Coffee 6 North Parade Matlock Bath Derbyshire DE4 3NS | Complied Voluntarily | 22/11/2016 |</p>
<table>
<thead>
<tr>
<th>Case Number</th>
<th>Description</th>
<th>Location</th>
<th>Decision</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<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>Not in the Public interest to pursue</td>
<td>29/03/2017</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>Complied Voluntarily</td>
<td>29/03/2017</td>
</tr>
<tr>
<td>ENF/16/00077</td>
<td>Untidy site</td>
<td>Promenade Fish And Chip Shop 128 - 132 North Parade Matlock Bath Derbyshire DE4 3NS</td>
<td>Complied Voluntarily</td>
<td>05/10/2016</td>
</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>Complied Voluntarily</td>
<td>29/03/2017</td>
</tr>
<tr>
<td>ENF/16/00083</td>
<td>Alleged change of use for selling tea and coffee.</td>
<td>Simon Dunn Chocolatiers 52 - 54 North Parade Matlock Bath Derbyshire DE4 3NS</td>
<td>Complaint Unfounded</td>
<td>12/10/2016</td>
</tr>
<tr>
<td>ENF/16/00084</td>
<td>Unauthorised banner advertisements.</td>
<td>RIVA 124 - 126 North Parade Matlock Bath Derbyshire DE4 3NS</td>
<td>Complied Voluntarily</td>
<td>01/02/2017</td>
</tr>
<tr>
<td>ENF/16/00085</td>
<td>Alleged unauthorised alterations to a Listed Building.</td>
<td>Greyhound Hotel Market Place Cromford Derbyshire DE4 3QE</td>
<td>Compliant Unfounded</td>
<td>18/10/2016</td>
</tr>
<tr>
<td>ENF/17/00025</td>
<td>Alleged unauthorised ride/attraction.</td>
<td>Gullivers Kingdom Temple Road Matlock Bath Derbyshire DE4 3PG</td>
<td>Complaint Unfounded</td>
<td>06/03/2017</td>
</tr>
</tbody>
</table>

**Matlock All Saints**

<table>
<thead>
<tr>
<th>Case Number</th>
<th>Description</th>
<th>Location</th>
<th>Decision</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<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/16/00093</td>
<td>Breach of condition relating to Tree protection on land off Bakewell Road at Matlock</td>
<td>McDonald’s 43 Bakewell Road Matlock Derbyshire DE4 3AU</td>
<td>Not in the Public interest to pursue</td>
<td>10/01/2017</td>
</tr>
<tr>
<td>ENF/16/00094</td>
<td>Alleged unauthorised advertisements.</td>
<td>8 Snitterton Road Matlock Derbyshire DE4 3LZ</td>
<td>Complaint Unfounded</td>
<td>14/11/2016</td>
</tr>
<tr>
<td>ENF/16/00098</td>
<td>Unauthorised side extension.</td>
<td>21 Imperial Road Matlock Derbyshire DE4 3NL</td>
<td>Planning Application Received</td>
<td>23/01/2017</td>
</tr>
<tr>
<td>ENF/17/00006</td>
<td>Unauthorised erection satellite dish.</td>
<td>12 Snitterton Road Matlock Derbyshire DE4 3LZ</td>
<td>Complied Voluntarily</td>
<td>08/03/2017</td>
</tr>
</tbody>
</table>

**Matlock St Giles**

<table>
<thead>
<tr>
<th>Case Number</th>
<th>Description</th>
<th>Location</th>
<th>Decision</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>ENF/15/00083</td>
<td>Non compliance with pre-commencement conditions attached to planning permission (15/00453/FUL)</td>
<td>Gate Inn The Knoll Tansley Derbyshire DE4 5FN</td>
<td>Complied Voluntarily</td>
<td>08/03/2017</td>
</tr>
<tr>
<td>ENF/15/00088</td>
<td>Unauthorised play equipment at The Gate Inn, Tansley.</td>
<td>Gate Inn The Knoll Tansley Derbyshire DE4 5FN</td>
<td>Appeal Allowed</td>
<td>07/11/2016</td>
</tr>
<tr>
<td>Case Number</td>
<td>Description</td>
<td>Location</td>
<td>Decision</td>
<td>Date</td>
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<td>---------------</td>
</tr>
<tr>
<td>ENF/16/00018</td>
<td>Unauthorised extensions to existing stables and field shelter.</td>
<td>Land To The West Of Three Lanes End Whitelea Lane Tansley Derbyshire</td>
<td>Planning Application</td>
<td>22/11/2016</td>
</tr>
<tr>
<td>ENF/16/00057</td>
<td>Change of use of agricultural land to the rear of 76 - 78 Starkholmes Road</td>
<td>78 Starkholmes Road Matlock Derbyshire DE4 3DD</td>
<td>Complaint Unfounded</td>
<td>17/01/2017</td>
</tr>
<tr>
<td></td>
<td>Matlock, to incorporate within the domestic curtilage of 78 Starkholmes</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Road, Matlock, DE4 3DD.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>ENF/16/00102</td>
<td>Unauthorised excavation of front garden and tipping of excavated material</td>
<td>157 Hurst Rise Matlock Derbyshire DE4 3EU</td>
<td>Not in the Public interest</td>
<td>27/03/2017</td>
</tr>
<tr>
<td></td>
<td>in the rear garden.</td>
<td></td>
<td>to pursue</td>
<td></td>
</tr>
<tr>
<td>ENF/17/00014</td>
<td>Breach of condition relating to builders parking outside the site on</td>
<td>1 Hawleys Close Matlock Derbyshire DE4 5LY</td>
<td>Complied Voluntarily</td>
<td>08/02/2017</td>
</tr>
<tr>
<td></td>
<td>planning permission 15/00200/FUL</td>
<td></td>
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</tr>
<tr>
<td>ENF/17/00021</td>
<td>Alleged non compliance with Certificate of Lawful Proposed Development.</td>
<td>7 Asker Lane Matlock Derbyshire DE4 3FY</td>
<td>Complaint Unfounded</td>
<td>28/02/2017</td>
</tr>
<tr>
<td>Stanton</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>ENF/16/00067</td>
<td>Unauthorised erection of a timber fence adjacent to a highway.</td>
<td>2 River View Dale Road North Darley Dale Derbyshire DE4 2HX</td>
<td>Not in the Public interest</td>
<td>11/01/2017</td>
</tr>
<tr>
<td>ENF/16/00086</td>
<td>Unauthorised erection of an oversized fence adjacent to a highway.</td>
<td>1 River View Dale Road North Darley Dale Derbyshire DE4 2HX</td>
<td>Not in the Public interest</td>
<td>11/01/2017</td>
</tr>
<tr>
<td>Wirksoworth</td>
<td></td>
<td></td>
<td></td>
<td></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/16/00059</td>
<td>Unauthorised alterations to a Listed Building.</td>
<td>The Old Manse Coldwell Street Wirksworth Derbyshire DE4 4FB</td>
<td>Not in the Public interest</td>
<td>04/01/2017</td>
</tr>
<tr>
<td>ENF/16/00080</td>
<td>Engineering operations in a field to create a pond.</td>
<td>2 Little Bolehill Bolehill Derbyshire DE4 4GR</td>
<td>Planning Application</td>
<td>27/03/2017</td>
</tr>
<tr>
<td></td>
<td></td>
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<td>Received</td>
<td></td>
</tr>
<tr>
<td>ENF/16/00088</td>
<td>Alleged unauthorised extension to an existing building.</td>
<td>Ecclesbourne Valley Railway Wirksworth Station Station Road Wirksworth</td>
<td>Complaint Unfounded</td>
<td>31/10/2016</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Derbyshire DE4 4FB</td>
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## PLANNING APPEAL – PROGRESS REPORT

Report of the Corporate Director

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<tr>
<th>REFERENCE</th>
<th>SITE/DESCRIPTION</th>
<th>TYPE</th>
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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 Decisions

Site visit made on 8 November 2016

by A A Phillips BA(Hons) DipTP MTP MRTP
an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 29 November 2016

Appeal A Ref: APP/P1045/W/16/3156391
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 and G Patel against the decision of Derbyshire Dales District Council.
- The application Ref 15/00842/FUL, dated 20 November 2015, was refused by notice dated 17 February 2016.
- The development proposed is erection of two dwellings on land to the rear.

Appeal B Ref: APP/P1045/W/16/3157642
The Old Cottage, Main Street, Kirk Ireton, Ashbourne 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 and G Patel against the decision of Derbyshire Dales District Council.
- The application Ref 16/00307/FUL, dated 26 April 2016, was refused by notice dated 10 August 2016.
- The development proposed is the erection of a single dwelling on land to the rear of The Old Cottage.

Decisions

1. Appeal A is dismissed.

2. Appeal B is allowed and planning permission is granted for the erection of a single dwelling at The Old Cottage, Main Street, Kirk Ireton, Ashbourne DE6 3LD in accordance with the terms of the application, Ref 16/00307/FUL, dated 26 April 2016, subject to the conditions set out in the Schedule to these decisions.

Procedural Matters

3. Although at the time of determining Appeal A on 20 November 2015 the Council could not demonstrate a five year housing land supply I note that by the time of determining the application the subject of Appeal B on 10 August 2016 a five year housing land supply could be demonstrated. However, the Council considered that the policies of the Derbyshire Dales Local Plan Adopted November 2005 (the LP) were out-of-date as they pre-date the National Planning Policy Framework (the Framework). This remains the Council’s position. The Framework advises that due weight should be given to relevant policies in existing plans according to their degree of consistency with the
Framework. The closer the policies are to the policies in the Framework, the greater the weight that may be given. I have determined the current appeals on that basis.

4. I am also aware that the planning applications the subject of these appeals do not include the demolition of the ancillary stone building to the side of The Old Cottage.

Main Issues

5. The main issue in both appeals is the effect of the proposed development on the character and appearance of the Kirk Ireton Conservation Area.

6. With reference to Appeal A, there is an additional main issue of the effect of the proposed development on the living conditions of the occupants of an adjacent residential property, Greenway, with particular reference to outlook.

Reasons

Character and Appearance of the Conservation Area

7. The appeal site is a large plot of garden land to the rear of The Old Cottage which is a detached two storey house situated in the historic core of the village of Kirk Ireton. It is within the Kirk Ireton Conservation Area and is set in a particularly high quality environment comprising mainly traditional stone cottages, houses and other buildings from mainly the eighteenth and nineteenth centuries in an attractive part of the village.

8. Most buildings in the area are built of local stone with pitched or gabled roofs. The site has a variety of boundary treatments with other residential properties located close to the existing garden area.

9. Policy NBE21 of the LP relates to development affecting Conservation Areas and states that planning permission for development proposals within a Conservation Area will be granted where they preserve or enhance the character or appearance of the area. Although the Framework has been introduced since the adoption of the LP, the overall objectives of Policy NBE21 remain consistent with the broad approach of the Framework with regard to development in Conservation Areas.

10. The Old Cottage is one of the older properties along the Main Street and its large curtilage to the rear along with the large curtilage to an adjacent residential property forms a large area of open space in the village. To the rear the plot is adjacent to more modern housing on Peats Close. As a consequence of previous development in the village these rear curtilage areas form one of the last remaining large open spaces associated with the historic development along Main Street. The proposals would lead to the loss of this expanse of open space.

11. However, 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 and therefore its visual contribution to the appearance of the Conservation Area is limited. The dwellings the subject of Appeal A would be located towards the rear of the site with good separation from The Old Cottage, properties fronting onto Main Street and others in the vicinity of the site. Generous open spaces
would be retained adjacent to both properties in the form of the proposed curtilage areas and the remaining open spaces to the rear of existing residential properties.

12. With reference to Appeal B the single property would similarly retain large areas of open space at the heart of the village.

13. I acknowledge that the site the subject of these appeals has remained development free and that the proposals would alter the character and function of the area of open space which has been historically associated with residential properties along Main Street.

14. Although the space lies close to a range of properties, including the historic cottages and houses along Main Street, modern mews development on Ireton Close and less attractive residential properties along Peats Close, it is largely screened from Main Street by existing buildings and structures. As such, it is difficult to conclude that the proposal would be viewed as visually intrusive layering of housing in a cramped form incongruous in its local and historic context. The overall design and materiality of the proposals are suitable in this part of the Conservation Area.

15. The Council has approved residential development in rear gardens in the past. However, I do not consider that previous decisions should be used to justify the current proposal. In any case I do not have the full details of any previously approved developments and the circumstances of nearby sites appear to me to be materially different to the current case. I am also required to determine the current appeals on their own merits.

16. On this issue, I conclude that both forms of development would preserve the overall character and appearance of the Kirk Ireton Conservation Area and would not prejudice the setting of important buildings within the Conservation Area to the detriment of overall character and appearance. They would therefore comply with the requirements of Policy NBE21 of the LP and the Framework.

Living Conditions

17. With respect to Appeal A only there is concern arising from the proximity of the proposed dwelling Plot B to an existing residential property known as ‘Greenway’, which is situated to the rear of the appeal site. I observed at my site visit that Greenway appears to have windows serving habitable rooms in its elevation which faces directly towards Plot B at a distance of less than 10 metres.

18. The appellant contends that the proposed development has been designed to take account of the effect on the living conditions of the occupants of Greenways and that the proposal meets the requirements of the standards of sunlight and daylight published by the Building Research Establishment (BRE) in ‘Site Layout for Daylight and Sunlight. A guide to good practice 2011’. I also observed on site that relatively dense hedging and shrubs exist along the boundary between Greenway and the appeal site which do restrict daylight levels to the existing property.

19. Nonetheless, Plot B would be a mostly solid structure with a gable end very close to the site boundary. The nature of the effect of such a solid structure would be very different to the effect of existing vegetation on the outlook of
adjoining occupants. Although the evidence before me indicates that the proposal meets BRE guidance in terms of sunlight and daylight standards, it would be a dominant, intrusive and overbearing feature which would be harmful to the outlook of the occupants of the adjacent property.

20. The Council considers that the development may also be prejudicial to the existing landscaping along the boundary. Although I have no evidence that this would be the case, given the proximity of the buildings to the boundary there is some risk that the screening could be harmed, exacerbating the effect of the solid structure on the outlook of the occupants of Greenway.

21. I conclude that the proposal the subject of Appeal A would be harmful to the living conditions of the occupants of the adjacent property, Greenway, with particular reference to outlook. This would be contrary to the amenity requirements of Policies SF5 and H9 of the LP which remain broadly consistent with the approach to development as set out in the Framework.

Other Matters

22. With respect to Appeal A I have had regard to other matters raised including highways and access concerns, overlooking and privacy, drainage, lack of affordable housing, wildlife and health and safety concerns. However, as I am dismissing Appeal A on the main issue of living conditions for the reasons given above, I have not pursued these matters further.

23. However, with respect to Appeal B I am aware of other matters raised from interested parties that are not addressed above. These include living conditions, highways and access, drainage, pressure on local schools, trees and wildlife and precedent.

24. In terms of living conditions the evidence before me, and my observations on site, lead me to conclude that because of separation distances and orientation of the properties the proposal would not result in harm to the living conditions of the occupants of existing residential properties in terms of privacy, overlooking or loss of light. Nor do I consider that the noise levels arising from the access to a single property would be harmful to living conditions. Given the limited scale of the proposal I do not consider that the disturbance arising from construction activity would be significant. As such, a condition limiting the hours of operation is unnecessary in this case.

25. The County Council’s Highways Officer has raised no objections to the proposals, subject to the attachment of suitably worded conditions. I consider that the proposed access and parking arrangements are adequate to serve the needs of the proposed dwelling. In approving planning permission with respect to Appeal B I have attached appropriate highways conditions as explained below.

26. I have also considered concerns regarding the drainage of the site. The application proposes connection in to the existing drainage system via mains drainage connections in the nearby road. The site is not within an area at risk from flooding and as such I consider that satisfactory drainage can be achieved.

27. Finally, there is some concern that the development would lead to further pressure on local schools. I have no evidence that this is a current problem.
and the development of a single dwelling would be of little consequence with regard to this matter.

28. I have no evidence that the proposal would be harmful to any nature conservation interest within the site or that important trees would be lost.

29. I have also considered the argument that the grant of planning permission would set a precedent for other similar developments. However, there are limited comparable sites nearby where a similar proposal may be put forward in the future. Each application and appeal must be determined on its individual merits, and a generalised concern of this nature does not justify withholding permission in this case.

30. Finally, some concern has been raised regarding the effect of development on the stability of neighbouring properties. However, I have no evidence that this would be the case. Furthermore, it is a well-established principle that the planning system is not concerned with such matters. Furthermore, I can find no reason why the grant of planning permission would negate or supersede any private legal rights relating to property. Accordingly, such issues have not had any material bearing on my assessment of the planning issues in this case.

Conditions

31. The Council has suggested a number of conditions that I have had regard to in allowing Appeal B. In addition to the condition limiting the lifespan of the planning permission I have specified the approved plans, as this provides certainty. Conditions requiring the submission and approval of external materials and hard and soft landscaping details including their implementation are required in order to safeguard the character and appearance of the area.

32. I have also specified conditions relating to the provision of space for site accommodation, storage of plant and materials, parking and manoeuvring of site operative’s and visitors’ parking, together with loading, unloading and manoeuvring of goods vehicles and the laying out of spaces for car parking and turning in the interests of highway safety. The submitted plans clearly show the provision 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 the bin storage.

33. The Framework advises that conditions should restrict national permitted development rights only where there is clear justification to do so. I am not satisfied that in this case the Council’s suggested condition to remove householder rights is necessary as no clear justification is provided.

Conclusion

34. I have found no harm with respect to both Appeals A and B, in terms of the effect of the proposals on the character and appearance of the Kirk Ireton Conservation Area.

35. However, with respect to Appeal A I have found that the proposal would be harmful to the living conditions of the occupants of an adjacent residential property, Greenway, with particular reference to outlook. That is the overriding consideration in that case.
36. Therefore, having had regard to all other matters raised, I conclude that Appeal A should be dismissed and Appeal B should be allowed.

*Alastair Phillips*

INSPECTOR
SCHEDULE OF CONDITIONS (6 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 following approved plans: 01-001 rev 001, 01-002 rev 001, 01-003 rev 001, 01-101 rev 001, 01-102 rev 001, 01-301 rev 001 and 01-302 rev 001, all for Project Number 20349.

3) 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 to and approved in writing by the local planning authority. This shall include stonework, roofing materials, windows and doors, downpipes, guttering and hard surfacing. The relevant works shall be carried out in accordance with the approved sample details.

4) No development shall commence until details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. These details shall include:
   i) 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;
   vii) means of enclosure and retaining structures;
   viii) boundary treatments; and
   ix) 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 any part of the development or in accordance with a programme to be agreed in writing with the local planning authority.

5) 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.

6) The dwelling shall not be occupied until space has been laid out within the site in accordance with drawing no. 01-003 rev 001 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.
**Appeal Decision**

Site visit made on 28 February 2017

by Caroline Jones BA (Hons) DipTP MTP MRTPI

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

**Decision date: 16th March 2017**

**Appeal Ref: APP/P1045/W/16/3164517**

The Barn Haven House Farm, Unnamed section of C82 from Marston Lane to Marston Bank, Waldley, Doveridge DE6 5LQ

- 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 Jean Holbeche against the decision of Derbyshire Dales District Council.
- The application Ref 16/00262/FUL, dated 8 April 2016, was refused by notice dated 6 June 2016.
- The development proposed is modifications to existing agricultural access.

**Decision**

1. The appeal is allowed and planning permission is granted for modifications to existing agricultural access at The Barn, Haven House Farm, Waldley, Doveridge, Derbyshire DE6 5LQ in accordance with the terms of the application, Ref 16/00262/FUL, dated 8 April 2016, subject to the following conditions:

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

   2) The development hereby permitted shall be carried out in accordance with the following approved plan: 176/P/100.

   3) No development shall commence on site until a scheme of soft landscaping has been submitted to and approved in writing by the local planning authority, which sets out the size, number and type of hedgerow plants to be planted behind the visibility splay to be provided in respect of Condition 5 and the treatment of land up to the carriageway edge. All soft landscaping comprised in the approved details shall be carried out in the first planting and seeding season following commencement of the development. Thereafter, all planting shall be maintained in accordance with the approved details and shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any planting which, within a period of five years after planting, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with other species, size and number as originally approved.

   4) Notwithstanding condition 2 above, the post and rail fence shown on plan no. 176/P/100 shall be located to the rear of the hedgerow agreed under condition 3 above.
5) The existing agricultural access shall be modified as per the application drawings and shall comprise of an improved exit visibility sightline of 2.4m x 37m to the north, the area in advance of the sightline is to be maintained thereafter free from all obstructions greater than 1m in height (600mm in the case of vegetation measured relative to the nearside carriageway channel level).

Preliminary Matter

2. The address differs on the application form to the appeal form and decision notice. I have used the address from the decision notice in the decision above as having visited the site it appears to correctly identify the application site.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

4. The appeal relates to an existing access to a parcel of agricultural land some 209m² in size. An existing access and stone track lie at the south western corner of the field leading to an agricultural barn. The land is used for the grazing of a particular Hebridean rare sheep breed which were grazing the land at the time of my site visit. The surrounding land is predominantly agricultural with roadside hedgerows contributing to the visual amenity of the area. Access to a residential development lies opposite the site.

5. At present, the boundary between the field and the road comprises a hedgerow. A length of this hedgerow would be removed as part of the proposal to improve visibility to the access with the first section surfaced in tarmac. Notwithstanding comments in the Council’s officer report, it is agreed by both parties that the stone track shown on the submitted plans is an existing stone track that has grassed over.

6. The Council are primarily concerned with the impact of the loss of a large section of roadside hedgerow on the intimate character and appearance of this part of the lane. However, the proposal does not include the removal of the hedge in perpetuity. The hedgerow would be replanted, albeit set back behind a grass verge to allow for visibility, the species of which could be subject to the Council’s approval so that they would be compatible with the surrounding hedgerows and with the rural character of the area. I am not persuaded that the relocation of the hedgerow a short distance behind the verge would materially harm the rural character and appearance of the area, particularly given there is variation in the position of hedgerows relative to the road in the locality.

7. I acknowledge that there would inevitably be a change in the appearance of this side of the lane, which would be more noticeable in the short term, before the new hedge planting is established. However, because of the replacement of the hedge and because the views of the field beyond the hedge that would be available in the short term would be rural in character, that change would not materially detract from the rural appearance of the area even in the short term. Field accesses, even when properly engineered and with visibility splays, are common in agricultural areas, and an access of this nature in this location would not appear out of place. Therefore, I do not consider that the
modifications to the access with the associated replanting of the hedgerow would materially harm the character and appearance of the area.

8. I have had regard to the Council’s assertions regarding the size of the holding, the number of trips required and the type of vehicle likely to be using the access. The Council has also stated that the appellant has not demonstrated that there are no other locations for the access, although there is no policy requirement for them to do so. Nevertheless, given that I have found no material harm on the substantive issue, these matters do not lead me to alter my view. I share the Council’s concerns regarding the location of the post and rail fence to the front of the hedgerow but note that the appellant would be agreeable to its relocation to the rear of the hedgerow which can be controlled by condition.

9. Therefore, I conclude that the proposal would not have an adverse impact on the character and appearance of the surrounding area and find no conflict with Policies SF4 and NBE7 and NBE8 of the Derbyshire Dales Local Plan (2005). These seek, amongst other things, that development within the countryside is appropriate in nature and scale to a rural area, that development will not have an adverse impact on landscape features such as hedgerows and protects or enhances the character, appearance and local distinctiveness of the landscape.

Conditions

10. The conditions I have imposed are based upon those suggested by the Council with some minor variation in wording in the interests of clarity and precision. In addition to the standard time limit condition, a condition is necessary to identify the approved plan in order to provide certainty. A landscaping condition and a condition to relocate the post and rail fence are necessary in order to ensure a satisfactory appearance. A condition relating to the visibility splay is necessary in the interests of highway safety.

Conclusion

11. For the reasons given above I conclude that the appeal should be allowed.

Caroline Jones

INSPECTOR
Appeal Decision

Site visit made on 7 February 2017

by Susan Ashworth BA (Hons) BPL MRTPI

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

Decision date: 23 March 2017

Appeal Ref: APP/P1045/W/16/3164514

Land east of Glebe Farm, Lower Street, Doveridge, Derbyshire.

- 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 Chadwick against the decision of Derbyshire Dales District Council.
- The application Ref 16/00476/FUL, dated 15 September 2016, was refused by notice dated 10 November 2016.
- The development proposed is erection of dwelling.

Decision

1. The appeal is dismissed.

Preliminary Matter

2. The appeal site includes land owned by occupiers of the neighbouring property, The Old Byre. The owner’s private legal rights over that part of the site are not negated by my consideration of the proposal before me.

Main Issue

3. The main issue in this case is the effect of the proposed development on the character and appearance of the area.

Reasons

4. The appeal site is an open area of land, part of which is hard surfaced and part of which is roughly grassed. The site also includes the driveway of the neighbouring property ‘The Old Byre’, as set out above. The site currently provides vehicular access to a collection of farm buildings to the south.

5. Permission is sought for a detached single-storey dwelling on the site, incorporating a carport with parking space for two vehicles. The dwelling would have a T shaped form, with a series of stepped roofs and would be faced in brick and timber with a clay tile roof. The existing access to The Old Byre would provide vehicular access to the site from Lower Street.

6. Lower Street at this point is characterised on its south side by clusters of buildings, with areas of open space between, beyond which is open agricultural land. The road is narrow, has no footpaths and is unlit. Although the road serves a number of residential properties on the north side, it seems to me that Lower Street forms a clear physical boundary separating the built up part of Doveridge from the open countryside to the south.
7. The site has been the subject of a previous appeal for a dwelling\textsuperscript{1} and I agree with the previous Inspector that the presence of significant gaps of open land, free of buildings, helps define the rural character of the area. The appeal site, which forms part of one of those gaps, is open and bordered by a hawthorn hedgerow and consequently makes a positive contribution to that character.

8. The proposal would introduce a domestic building into an area where no building currently exists. Although single storey in height the dwelling would be visible along Lower Street from the east. Consequently the development would erode part of the visual break between groups of buildings and as such would have an urbanising influence on the rural character of the area. In this regard I am not persuaded that the previous Inspector’s concerns have been adequately addressed.

9. The appellant has referred me to several appeal decisions concerning proposals for single dwellings in rural areas. One of those relates to a site further along Lower Street close to The Willows.\textsuperscript{2} I do not have the full details of the case before me but it seems from the decision that the proposal did not relate to an open gap between clusters of buildings. The context of the site is therefore somewhat different to that of the appeal site. In addition, the Inspector concluded that the design of the development was outstanding and innovative and this factor added considerable weight to the decision. Similarly decisions to which I have been referred at Tansley\textsuperscript{3} and Kirk Ireton\textsuperscript{4}, also appear to relate to development on sites of a different character and context to the appeal site. Again I do not have the full details of the cases before me but that at Tansley, whilst being in the countryside is surrounded on three sides by residential development and that at Kirk Ireton appears to relate to a site already in domestic use, between existing buildings. Consequently I am not persuaded that these appeals decisions justify the proposal before me.

10. I understand that the design of the proposed building has been altered since the previous decision but nevertheless I must consider the appeal as it is presented to me. The proposed dwelling would reflect the linear form and siting of The Old Byre and its positioning perpendicular to the road. I understand that the building has been designed to resemble an agricultural outbuilding. However, the mix of materials and fenestration detailing would result in a building which would lack coherence and would appear contrived. Consequently, I am unconvinced the building would resemble the local vernacular.

11. For these reasons, the proposal would harm the character and appearance of the countryside and as such would be contrary to policies SF5 and NBE8 of the adopted Derbyshire Dales Local Plan 2005 which seek in various ways to protect the local distinctiveness of the landscape.

12. I accept that the site lies in a sustainable location close to services and amenities and that the dwelling would not occupy an isolated location, which Paragraph 55 of the National Planning Policy Framework (the Framework) seeks to avoid. It would provide an additional unit of residential accommodation which is a social benefit of the scheme. However, one of the

\textsuperscript{1} Appeal Ref: APP/P1045/W/15/3119169
\textsuperscript{2} Appeal ref: APP/P1045/W/16/3158359
\textsuperscript{3} Appeal ref: APP/P1045/W/15/3138585
\textsuperscript{4} Appeal ref: APP/P1045/W/16/3143109
core planning principles of the Framework is to take account of the different roles and character of different areas, recognising the intrinsic character and beauty of the countryside. For the reasons set out above, the proposal would encroach into the countryside and harm the character and appearance of the area. Consequently the proposal would not constitute sustainable development.

13. There is some disagreement between the parties as to whether or not the Council can demonstrate a 5 year supply of housing land. Even if policies for the supply of housing are treated as being out of date, and the mechanism of paragraph 14 of the Framework applied, the adverse impacts of the proposal, set out above, significantly and demonstrably outweigh the benefits that would flow from the provision of one new dwelling, when assessed against the Framework taken as a whole. Moreover, for the reasons set out above, the proposal does not constitute sustainable development, which the government is seeking to promote.

Other Matters

14. No objection has been raised by the Council to the proposal on the grounds of highway safety or the effect of the development on the living conditions of adjoining residents. Nevertheless I have taken into consideration comments made by the occupiers of The Old Byre. Whilst I accept that there is currently a degree of activity associated with the neighbouring agricultural buildings, the proposal would introduce domestic vehicle manoeuvring on the shared access in very close proximity to the frontage of the Old Byre. It seems to me that noise and disturbance associated with such activity could result in harm to the living conditions of occupiers of that property. It is also unclear how access would be gained to the agricultural buildings were the appeal allowed. Nevertheless, as I am dismissing the appeal for other reasons these matters are not determinative.

Conclusion

15. My overall conclusion, having considered all other matters raised, is that the appeal should be dismissed.

S Ashworth

INSPECTOR
Appeal Decision

Site visit made on 15 February 2017

by Grahame Kean  B.A. (Hons), PgCert CIPFA, Solicitor HCA
an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 17 March 2017

Appeal Ref: APP/P1045/C/16/3158982
Land at 2, 4 and 6 North Parade, Matlock Bath, Derbyshire DE4 3NS

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Mr Nicholas Box against an enforcement notice issued by Derbyshire Dales District Council.
- The notice was issued on 27 July 2016.
- The breach of planning control as alleged in the notice is without planning permission the removal of nine painted timber, single-glazed, sliding sash windows and one painted timber and part-glazed door and the installation of new double-glazed, casement style, white UPVC windows to the south, east and north elevations of the property and a UPVC door in the north elevation.
- The requirements of the notice are:
  5.1 South Elevation (facing the A6):
  Remove the three double-glazed UPVC windows to the second floor. Fabricate and install three new timber, traditionally constructed vertically sliding sash windows (with concealed timber sash boxes, metal weights and associated sash cords/pulleys/catches etc.) appropriately sized for each of the structural openings. Each new sash window shall be 2 over 2 with the glazing divided by a vertical glazing bar (19mm wide). The base of the upper sash, in each case, shall have a moulded timber horn. The glass shall be clear, single-glazing and shall be traditionally puttied into the timber frames. The new window frames shall be given a painted finish on installation.
  5.2 East Elevation (facing Holme Road):
  Remove the two double-glazed UPVC windows to the first and second floors. Fabricate and install two new timber, traditionally constructed, vertically sliding sash windows (with concealed timber sash boxes, metal weights and associated sash cords/pulleys/catches etc.) appropriately sized for each of the structural openings. Each new sash window shall be 2 over 2 with the glazing divided by a vertical glazing bar (19mm wide). The base of the upper sash, in each case, shall have a moulded timber horn. The glass shall be clear, single-glazing and shall be traditionally puttied into the timber frames. The new window frames shall be given a painted finish on installation.
  5.3 North Elevation (facing into rear yard):
  Remove the two double-glazed UPVC windows to the rear ground floor and the two double-glazed UPVC windows to the rear upper floor. Fabricate and install four new timber, traditionally constructed, vertically sliding sash windows (with concealed timber sash boxes, metal weights and associated sash cords/pulleys/catches etc.) appropriately sized for each of the structural openings. Each new sash window shall be 6 over 6 with the glazing divided by vertical and horizontal glazing bars (19mm wide). The base of the upper sash, in each case, shall have a moulded timber horn. The glass shall be clear, single-glazing and shall be traditionally puttied into the timber frames. The new window frames shall be given a painted finish on installation.
Remove the double-glazed UPVC door to the rear upper floor (top of rear access staircase). Fabricate and install a new timber door and timber doorframe, appropriately sized for the structural opening. The new timber door shall have a solid timber panel to the lower two-thirds of the door and a single-glazed section to the upper (one third) part of the door. The glass shall be clear (or obscure), single-glazing and shall be traditionally putted into the timber frame. The new door shall be furnished with handle, lock and letter plate. The new door and doorframe shall be given a painted finish on installation.

- The period for compliance with the requirements is (for all works identified above): 6 (six) months from when this Notice takes effect.
- The appeal is proceeding on the ground set out in section 174(2)(a) of the 1990 Act.

**Summary of Decision**

1. The appeal is dismissed and the enforcement notice is upheld.

**Ground (a) and the deemed application for planning permission**

2. The main issue is the effect of the windows on the character and appearance of the building and wider area, with reference to its location in the Matlock Bath Conservation Area (CA) and the Buffer Zone of the Derwent Valley Mills World Heritage Site (WHS).

3. The appeal building is Victorian, stone built with a slate roof, comprising a shop unit to the ground floor and flats above. It has three storeys to the front, two to the rear and is located prominently on North Parade at the end of a row of similar commercial properties, at the junction with Holme Road.

4. The first floor front elevation has two distinctive canted bay windows with decorative timber fretwork, although the original sash windows have been replaced with painted timber window frames. The front is altered but retains original joinery work. The building contributes positively to the character of the CA, a heritage asset designated in 1972, as part of the Matlock Bath spa town development, established as a popular inland resort since the 19th century.

5. An Article 4 Direction has removed certain permitted development rights in the centre of the town, including the buildings of North Parade and South Parade. As applied to the appeal site, it removes development rights for exterior painting on the front and rear elevations, and side elevation to Holme Road. Furthermore the “Case for the Direction”, which is a material consideration, suggests there is a serious threat to the character of the area by substituting original sash windows with inappropriate designs and materials.

6. Photographs show that prior to their removal, the three second floor openings contained original 2 over 2 vertically sliding, painted timber sash windows. There were four 6 over 6 windows to the rear, and at the side elevation, two 2 over 2 windows, all of which were original vertically sliding painted timber sash windows. An external staircase leads to the second floor flat via a rear upper floor doorway, previously containing a painted timber door with glazed section.

7. The windows on all three elevations and the door have been replaced by double-glazed UPVC windows and a door, materially altering the appearance of the property. The appellant was unaware that the property is in the CA, but the Council suggests that he should have been so aware from publicity before and after its designation. To clarify, I accept that the development was not
intentional unauthorised development so this factor does not count against the appellant, but that he was unaware of the CA does not assist him either.

8. Due to the prominent position of this end of terrace property and the gradient of Holme Road, the original windows on each of these three elevations would have been readily visible from several viewpoints. The unauthorised windows have a clean and modern appearance; however UPVC is not a traditional material and appears heavier, smoother and glossier in finish. The loss of fine detailing on the sash windows and their contribution to the architectural integrity of the host property and wider townscape is regrettable.

9. The Derbyshire Dales Local Plan 2005 (LP) Policy NBE21 requires development in the CA to preserve or enhance the character and appearance of the area, a matter which I am also statutorily required to give particular importance in my determination of the appeal.

10. Although I recognise that the two bay window sashes were replaced several years ago by painted timber window frames, the several other original openings are an important part of the building’s character. Their replacement with UPVC units has individually and in combination, harmed the appearance of the building, street scene and the historic townscape character of the CA.

11. The harm identified is less than substantial in terms of Paragraph 134 of the National Planning Policy Framework (Framework), nevertheless Paragraph 132 advises that great weight should be given to conservation of a designated heritage asset. Moreover there is no discernible public benefit derived from the development that would weigh in favour of the deemed application.

12. LP Policy NBE25 requires that planning permission for development within the Buffer Zone of the WHS will only be granted where it does not have an adverse impact on the setting of the WHS. The WHS is appreciated as a whole, including mills and associated buildings, watercourses, the landscape and so on. However the appeal building is part of the cultural landscape setting within the Buffer Zone. It contributes through its historic detailing to the overall outstanding universal value of the WHS including its authenticity and integrity.

13. I recognise that the original windows were rotten or otherwise damaged, and I sympathise with the circumstances in which the appellant found himself after letting the property. However no evidence suggests that the windows could not have been repaired and refurbished if that were deemed necessary.

14. Reference is made to changes to doors and windows on other properties in the CA resulting in different designs. I noticed that there were some examples although the prevailing type of windows in the immediate vicinity is that of traditionally sash hung timber framed windows. The Council says that any such examples were completed over four years ago and so are immune from enforcement, or they are residential properties not subject to the same restrictions as the appeal building, being a commercial property.

15. The Council does not provide any data concerning enforcement action as regards other properties. I have no evidence to contradict the Council’s response regarding the examples cited, but they are not a compelling reason to permit UPVC windows in this prominently sited building. The original openings, doorways and other architectural features along this historical parade of
commercial buildings continue to contribute much to the local character of the resort.

16. I understand the appellant’s desire to provide improved thermal efficiency for the comfort of tenants. However I see no reason why such benefits could not be provided by less obtrusive means in a well-designed secondary glazing system that would not impinge on the requirements of the notice.

17. I conclude that the removal of the existing painted timber windows and door and their replacement with double-glazed UPVC windows and door, have materially altered the host building to the detriment of its historic character and appearance, and the wider townscape qualities of this part of the CA. As such the development causes harm by failing to preserve the character or appearance of the CA and the setting of the WHS. The harm is significant and contrary to the aims of LP Policies NBE21 and NBE25. It is also contrary to LP Policies SF1, SF5 and S6 which among other things require development, including retail and commercial premises, to respect local building styles and materials, well related to surrounding properties and land uses.

18. For these reasons the appeal on ground (a) does not succeed.

**Overall Conclusion**

19. For the reasons given above I conclude that the appeal should not succeed. I shall uphold the notice and refuse to grant planning permission on the deemed application.

**Formal Decision**

20. The appeal is dismissed and the enforcement notice is upheld. Planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

_Grahame Kean_

INSPECTOR
Appeal Decision

Site visit made on 1 February 2017

by S J Lee  BA(Hons) MA MRTPI

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

Decision date: 3rd March 2017

Appeal Ref: APP/P1045/W/16/3163208
Land off Alders Lane, Tansley, Matlock DE4 5FB

- 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 Stokes against the decision of Derbyshire Dales District Council.
- The application Ref 16/00564/FUL, dated 1 August 2016, was refused by notice dated 28 September 2016.
- The development proposed was originally described as “proposed agricultural building to house and lamb sheep and to store fodder and implements.”

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:

   (a) Whether the proposed building is required for the purposes of agriculture on the site; and

   (b) The effect of the development on the character and appearance of the area.

Reasons

Policy background

3. Saved policy SF4 of the Derbyshire Dales Local Plan (LP)(2005) states that development within the countryside will only be permitted where it is required to serve the essential requirements of agriculture, is appropriate in nature and scale to a rural area and where it preserves or enhances the character and appearance of the countryside. Policy EDT13 has similar requirements specifically for the development of new agricultural buildings. Proposals must be required to support the agricultural enterprise, be of a size and design commensurate with the needs of the agricultural enterprise, be well related to existing buildings associated with the activity and not have an adverse impact on the character and appearance of the immediate area or wider landscape. Policy NBE8 echoes these policies insofar as it requires development to protect or enhance the character, appearance and local distinctiveness of the landscape.
Agricultural need

4. The appellant farms around 32 acres of land across a number of sites, some of which are rented. The appellant owns the site in question and wishes to start lambing sheep on a commercial basis. The development would be used to house livestock and for storage. There is an existing agricultural building within the area of land owned by the appellant that is currently used for the storage of machinery and equipment. This building has a planning condition on it restricting the use of the building for the keeping of livestock. However, permission was granted to extend the building in 2015\(^1\) and this allows for the housing of sheep within part of the extended building.

5. The appellant has stated, however, that they now wish to live on the site to monitor the lambing operation. Prior approval was given subject to conditions under Schedule 2, Part 3, Class Q of the Town and County (General Permitted Development) Order 2015 (GPDO) in 2015\(^2\) for the change of use of the existing building to a dwelling. A further prior approval application was refused in January 2017\(^3\) on the basis that the works proposed and the curtilage of the development would go beyond the limitations imposed by the GPDO and would not constitute permitted development.

6. From the evidence before me, it is clear that in order for the appellant to be able to operate the desired lambing business there would be a requirement for some form of additional space. This would be to meet the need for housing livestock, machinery and meet DEFRA requirements. However, whether or not a need exists for the development is dependent on the implementation of extant planning permissions or approved permitted development relating to the existing agricultural building.

7. If the existing building were to be extended it would be capable of meeting the appellant’s operational needs in terms of housing livestock and storage. As such, there is an opportunity to meet the need without the creation of an additional building within the open countryside. This is a significant material consideration.

8. I recognise the implementation of the extension would remove the opportunity to implement the prior approval that exists for the change of use of the building. Nonetheless, as an alternative application was put forward, and it would appear negotiations are on-going with the Council on this issue, it would be reasonable to assume the appellant does not wish to proceed with the approved proposal. Therefore, while the principle of a change of use exists, I have some doubt that the extant approval will be implemented. Furthermore, the refusal of the most recent application means that there has to be some doubt as to whether the building will be converted to a dwelling. Notwithstanding the appellant’s statement regarding the sale of his current residence, the existing situation is such that either permission could still be implemented.

9. Whilst I acknowledge the appellant’s desire to live on the site, it does not appear to be an absolute requirement for the business and thus the commercial enterprise could proceed in the extended agricultural building if the appellant

\(^1\) Application reference 14/00889/FUL
\(^2\) Application reference 15/00723/PDA
\(^3\) Application reference 16/00871/PDA
so wished. To an extent, therefore, the requirement for the additional building stems only from the personal preference of the appellant to live on the site and not the essential requirement of the agricultural enterprise.

10. I have not given significant weight to the Council’s speculation that the appellant may wish to sell the converted building on the open market while continuing to farm the land from the development. Nevertheless, if I were minded to allow the appeal, the current uncertainty over the future of the existing building means there is a realistic risk that both the extension and new building could be implemented. This would leave a situation where an additional building was constructed in the open countryside, without the requisite requirement for the building having been demonstrated.

11. In the context of the Council’s policies on this matter, while there is the potential to extend the existing building to achieve the appellant’s commercial aims, it is not possible to conclude that there is an essential need for the development. Accordingly, there would be conflict with policies SF4 and EDT13 which require, amongst other things, for the development to be essential to the requirements of the agricultural enterprise.

Character and appearance

12. The appeal site forms part of an open agricultural field that was partially being used for the grazing of sheep at the time of my visit. The building would be in the north western corner of the field. The existing building referred to above is in the north western corner of the neighbouring plot of land, which itself sits to the north of the appeal site. This building is some distance from the proposed siting of the development, but is also much more closely related to the village than the appeal site. The site is bounded by mature landscaping and sits on a relatively gentle slope which rises past the site to the junction between Alders Lane, Carr Lane and Cunney Lane. Further down the slope lies the edge of the settlement of Tansley, with a cluster of buildings located on either side of Alders Lane beyond its junction with Thatchers Lane. Nonetheless, the site is clearly part of the open countryside and is largely surrounded by open fields and verdant, mature landscaping.

13. The building would be reasonably well screened by the foliage that provides the boundary to the site. However, owing to its height, footprint, materials and siting this would not completely screen the building. The building would be visible through the field access that already exists roughly parallel to the site, as well as through any gaps or thinner elements in the foliage along the side of the road. This would particularly be the case when viewed from the higher ground on Carr Lane, looking across and down toward the site. While I acknowledge that the appellant is proposing to use green steel sheeting to help it blend into the landscape, the overall bulk and height of the building would still ensure that it would be discernible from both near and longer distance views of the site.

14. The development would not relate well to any existing agricultural buildings in the area or the nearest elements of Tansley. In particular, the development would be both physically and visually detached from the other building associated with the appellant’s farming activities. As such, the development, along with the associated hard standing area, would appear as a substantial and isolated encroachment into the countryside that would detract from the open rural character of the site.
15. While it would be reasonable to assume there would be some visual impact from any new agricultural building, the relevant policies require the building to be well related to other buildings associated with the use. The relative distance and poor visual relationship between the appeal site and the existing agricultural building result in this policy requirement not being met.

16. The appellant has suggested that the site selected is the most practical in terms of avoiding objections from nearby residents. Nonetheless, the Council has already granted planning permission for the housing of livestock in the location of the existing building, albeit within the permitted lean to extension. The appellant has not put forward any other reason why the building could not take place elsewhere within the wider site that would be more policy compliant. There is nothing therefore to suggest that a building closer to the existing structure, and thus closer to the existing cluster of buildings toward the bottom of Alders Lane, would not be acceptable in principle. As a result, the proposal would result in a more prominent and incongruous form of development than would be either necessary or appropriate in this location.

17. As a result of the above, I consider that the development would result in a detached and isolated form of development, which would have a materially harmful impact on the open rural character and appearance of the area. Accordingly, there would be conflict with policies SF4, EDT13 and NBE8 which seek, amongst other things, new agricultural buildings to be well related to existing buildings associated with the activity and not have an adverse impact on the character and appearance of the immediate area or wider landscape. There would also be conflict with the requirements of the National Planning Policy Framework in relation to recognising the intrinsic beauty of the countryside and requiring development to improve the character and quality of an area.

**Other matters**

18. The appellant has drawn my attention to a number of agricultural buildings in the vicinity of the site that are not related to other buildings and thus could be considered isolated. While I observed these on my site visit, I do not have the full details of when these buildings were developed or the circumstances under which approvals were granted. As such, I cannot be certain they represent direct parallels to the proposal before me. In any event, I have considered the appeal on its own merits based on the evidence before me and my own observations of the site and area.

19. The appellant has also noted that there are other agricultural buildings in the area that have been converted into dwellings, including an example which he considers required more alteration than his own agricultural building. However, the Council’s decision to refuse the prior approval application is not before me. Nor do examples of other agricultural buildings being converted alter my conclusions on this development.

20. The appellant has suggested that the development would allow the storage of machinery and implements, resulting in a tidier appearance for the site. I do not consider that this argument adds significant weight to either the need for a new building or the character and appearance of the area. Permission already exists for a development that could meet the appellant’s operational needs. In addition, a lack of maintenance or general tidiness is not a sufficient reason to allow an otherwise harmful development.
Conclusion

21. For the reasons given above I conclude that the appeal should be dismissed.

*S J Lee*

INSPECTOR
BACKGROUND PAPERS

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

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

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

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