03 October 2016

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 October 2016 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 2.25pm 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 – 20 September 2016

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. 16/00330/FUL (Site Visit) 6 - 12
Change of Use of Land to Domestic Curtilage at 37 Rockside View, Matlock.

4.2 APPLICATION NO. 16/00570/FUL (Site Visit) 13 - 29
Erection of Concrete Processing Facility and associated works at Hoben International Limited, Brassington Works, Manystones Lane, Brassington, Derbyshire.

4.3 APPLICATION NO. 16/00511/FUL (Site Visit) 30 - 42
Change of Use of Premises from Bank (A2) to Retail (A1), Extension, Formation of Parking Area and Installation of Plant at Former Bank Building, Station Road, Darley Dale.

4.4 APPLICATION NO. 16/00578/FUL (Site Visit) 43 - 60
Construction of Medical Centre and Access Road at Land South of Dale Road North, Darley Dale.

4.5 APPLICATION NO. 16/00367/OUT 61 – 71
Erection of Two Buildings for Uses A1 (Retail), B1 (Business) and B8 (Storage/Distribution) via existing access (Outline) at The Woodyard, Homesford.

4.6 APPLICATION NO. 16/00598/FUL 72 - 85
Erection of Replacement Dwelling and Garage and Retention of Existing Dwelling as Ancilliary Accommodation at Pine Trees, Upper Lumsdale, Matlock..

5. INFORMATION ON ACTIVE AND CLOSED ENFORCEMENT INVESTIGATIONS 86 - 94

6. APPEALS PROGRESS REPORT 95 - 124
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:

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

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

j) The relevant Committee Chairman shall exercise discretion during the meeting to rule out immediately any comments by participants that are not directed to genuine planning considerations.
SITE VISITS
Members will leave the Town Hall, Matlock at 2.25pm prompt for the following site visits:

2.35pm   APPLICATION NO. 16/00330/FUL
37 ROCKSIDE VIEW, MATLOCK.
Requested by Officers to allow Members to assess the impact on neighbours and the amenity of the area.

3.20pm   APPLICATION NO. 16/00570/FUL
BRASSINGTON WORKS, MANYSTONES LANE, BRASSINGTON
Requested by Officers to allow Members to appreciate the site context having regard to the impact on heritage assets, nature conservation and the landscape.

4.10pm   APPLICATION NO. 16/00511/FUL
FORMER BANK BUILDING, STATION ROAD, DARLEY DALE.
Requested by Officers to allow Members to consider the impact of the development on the character and appearance of the building, the setting of the listed Whitworth Centre, the character and appearance of the area, the amenity of the area and matters of highway safety.

4.25pm   APPLICATION NO. 16/00578/FUL
LAND SOUTH OF DALE ROAD NORTH, DARLEY DALE.
Requested by Officers to allow Members assess the impact of the proposed development on the character, appearance and amenity of the area and matters of highway safety.

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

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

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

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

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

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

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

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

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

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

9. All persons attending are requested to refrain from smoking during site visits.
<table>
<thead>
<tr>
<th><strong>APPLICATION NUMBER</strong></th>
<th>16/00330/FUL</th>
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<tbody>
<tr>
<td><strong>SITE ADDRESS:</strong></td>
<td>37 Rockside View, Matlock</td>
</tr>
<tr>
<td><strong>DESCRIPTION OF DEVELOPMENT</strong></td>
<td>Change of Use of Land to Domestic Curtilage</td>
</tr>
<tr>
<td><strong>CASE OFFICER</strong></td>
<td>Mr. G. A. Griffiths</td>
</tr>
<tr>
<td><strong>APPLICANT</strong></td>
<td>Mr. Steve Wain</td>
</tr>
<tr>
<td><strong>TOWN</strong></td>
<td>Matlock</td>
</tr>
<tr>
<td><strong>AGENT</strong></td>
<td>N/A</td>
</tr>
<tr>
<td><strong>WARD MEMBER(S)</strong></td>
<td>Mrs. S. Burfoot</td>
</tr>
<tr>
<td></td>
<td>Mr. M. Burfoot</td>
</tr>
<tr>
<td></td>
<td>Mrs. A. Elliott</td>
</tr>
<tr>
<td><strong>DETERMINATION TARGET</strong></td>
<td>11.07.16</td>
</tr>
<tr>
<td><strong>REASON FOR DETERMINATION BY COMMITTEE</strong></td>
<td>Land is currently owned by DDDC</td>
</tr>
<tr>
<td><strong>REASON FOR SITE VISIT (IF APPLICABLE)</strong></td>
<td>To assess the impact on neighbours and the amenity of the area.</td>
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**MATERIAL PLANNING ISSUES**

- Principle of Development
- Assessment of the Loss of this Part of the Public Open Space
- Visual Impact
- Impact on Amenity

**RECOMMENDATION**

Refuse
16/00330/FUL

37 Rockside View, Matlock

Derbyshire Dales DC

Date: 30/09/2016

100019785
1. THE SITE AND SURROUNDINGS

1.1 The site is an area of public open space which is in the ownership of the District Council. The land generally slopes downwards from east to west. The upper area to the east is largely grassed and the space becomes treed to the west. There is a sheer drop of land levels to the residential properties to the south of the site. The land is also bounded by residential properties to the east and west and opens onto a public footpath linking Rockside View with Cavendish Road to the north.

2. DETAILS OF THE APPLICATION

2.1 Full planning permission is sought to include a 3m wide strip of the open space into the domestic curtilage of 37 Rockside View. The applicant advises that he has maintained this land for 18 years.

2.2 The strip of land is proposed to extend from the front elevation of the applicant’s garage to the north to the rear of the site where it abuts 148 Cavendish Road to the south. The applicant proposes to relocate/extend the existing boundary fence to the west side of the property. The proposal will allow access around the property to the west of the garage and dwelling. Access to the rear garden is currently gained from the eastern side of the property. Access to the rear of the property on the western side was lost with the erection of a recent kitchen extension.

2.3 The applicant advises that the open space serves no apparent use to the local community and that there is adequate recreational provision at the nearby Cavendish playing fields and play area at the top of Jackson Tor. It would allow the applicant a larger garden and improved access to the rear of his property.
3. PLANNING POLICY AND LEGISLATIVE FRAMEWORK

3.1 Adopted Derbyshire Dales Local Plan (2005)
- SF1: Development Within Settlement Frameworks Boundaries
- SF2: Protection of Important Open Spaces
- SF5: Design and Appearance of Development
- NBE6: Trees and Woodlands
- NBE26: Landscape Design in Association with New Development
- L3: Safeguarding Recreational Sites and Facilities

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

3.3 Draft Derbyshire Dales Local Plan (2016)
- Policy HC15: Promoting Sport, Leisure and Recreation

4. RELEVANT PLANNING HISTORY
- 12/00324/FUL Ground floor extensions - Granted
- 0397/0200 Erection of 12 dwellings – Granted
- 1095/0613 Residential development - 12 dwellings with associated roads, sewers and open space/play area - Granted

5. CONSULTATION RESPONSES

5.1 Town Council
Object:
- there is existing pedestrian access to the rear of the property
- access to the other side has not been possible since the recent kitchen extension
- understand the space was public open space as a condition of the original housing development
- would have an undesirable impact on the space due to the size of reduction to the area.
6. REPRESENTATIONS RECEIVED

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

- loss of privacy to residential property to the north due to overlooking from higher land level
- loss of light to neighbours rear gardens with the erection of fencing or walling which could affect plant and tree growth and impact on wildlife
- area of open public land where people walk dogs and children play and should remain as such
- applicant cuts the area from time to time but does not give a right to ownership

7. OFFICER APPRAISAL

Principle of Development

7.1 This area of public open space provides an informal recreation area within a residential estate development. It is currently managed and maintained by the District Council as such, albeit the applicant advises that he has maintained part of this area for several years and wishes to encompass part of that land within his domestic curtilage.

7.2 Policy SF2 states that planning permission for development on sites of open space within the defined Settlement Frameworks will only be granted where:

(a) the site does not make an important contribution to the character and appearance of the settlement or;
(b) the proposed development does not result in the loss of important views into or out of the settlement or;
(c) the site does not make any contribution to the special character and appearance of a conservation area or;
(d) the site has no importance as local public amenity either in terms of its landscape qualities, or its use as an informal space for passive or active recreation.

In the context of this Policy, regard needs to be given specifically to (a) and (d) above.

7.3 Policy L3 of the Adopted Derbyshire Dales Local Plan (2005) states that planning permission will not be granted where it would result in the loss of any recreational sites, unless it can be demonstrated that there is no demand for the facility or that the need for development outweighs the recreation value of the site. Whilst Policy HC15 of the Draft Local Plan (29016) can be attributed little weight at present, given that this Plan is still some way off adoption, this emerging Policy closely reflects on the above policy requirements going forward.

7.4 The existing and emerging Local Plan Policy is also consistent with government guidance contained in the National Planning Policy Framework. Paragraph 57 of the National Planning Policy Framework states that it is important to plan positively for the achievement of high quality and inclusive design in development; this includes public spaces. Paragraph 58 states that development should include green and other public space. Paragraph 74 also advises that existing open space should not be built upon unless it is surplus to requirements or its loss would be replaced by alternative provision.

Assessment of the Loss of this Part of the Public Open Space

7.5 Given the above, it is clear that public open space forms an important part of any development and there needs to be a substantive reason to justify the loss of such public open space in full or in part. In this case, the proposal is to use the part of the open space as a means of achieving access to the rear of the applicant’s property. However, the lack of access to the rear of the property, on this side of the dwellinghouse, has resulted from
the applicant’s recent extension to the side of the dwellinghouse which has blocked access which previously existed around the property. Notwithstanding this, there is external access to the rear garden of the property via the pathway to the east of the dwellinghouse. As such, the proposal is not needed for a significant purpose.

7.6 The applicant advises that he has been maintaining this space for some time. However, this is the responsibility of the District Council and, as such, if the land is not tended to properly, it should be the case that the local residents advise the District Council and not take it upon themselves to manage the site.

7.7 The application site also forms a reasonably sized part of what is a local recreation space and to lose such an area would diminish that sense of space. Whilst the applicant has advised that he has rarely seen anyone using this space, including children using it for play, this section of the open space is nevertheless the flattest part of the site and does allow opportunity for informal play for children such as kicking a ball around.

7.8 It should also be noted that an area of private open space to the eastern side of this residential estate was subject to a planning application (ref: 09/00460/FUL) to be developed as a residential property. This site was an unadopted remnant of the estate development. The District Council refused planning permission for its development and an Appeal was lodged. The Planning Inspector considered that that site was in a prominent position, within this small modern housing estate, and that the open space enhanced the setting of the surrounding houses, noting that most of the houses were closely spaced. In this respect, the Planning Inspector considered that the site lent character to the estate.

7.9 The Planning Inspector also noted that the above site was in private ownership and that there was no evidence of public right of access and advised that the site could not be classed as public open space or a public recreational facility. However, whilst he did not consider that the development of the site with a dwellinghouse would lead to an unacceptable loss of informal play space, this did not change his view that the proposal was unacceptable because of its effect on the streetscene. In this respect, and reasonably drawing on these parallels, there is no substantive reason that would justify the loss of the part of the public open space the subject of this current application.

Visual Impact

7.10 If the principle were to be accepted, then the fence along the western boundary is considered acceptable in its appearance to be used along the extended boundary, along with new fence panels to match. However, it is considered that the loss of this part of the open space would diminish the role it plays as such in the streetscene.

Impact on Amenity

7.11 In terms of privacy, the neighbouring properties to the south and west of the open space can already be overlooked by persons using this area. The proposal would limit this to a small degree, by essentially providing a 3m extension of the existing slatted fence along the southern boundary of the application property, and this could be subject to a condition on any grant of permission. This fence does retain a degree of privacy to neighbouring properties given the narrowness of the gaps between the timber slats.

7.12 The applicant’s property is to the north of the dwellinghouses most affected by the proposals. In this respect, it is not considered that the erection of the rear boundary fence, with a 3m width, will significantly impact on the light of the neighbouring properties.

Conclusion

7.13 Given the above, it is recommended that planning permission be refused as it is considered that there would be some loss to the visual openness of this space and the welcome this provides in entering this residential area and the loss of this part of the open
space would also serve to harm the potential usage of this recreational space. As such, the proposal is considered contrary to Policies SF1, SF2, SF5 and L3 of the Adopted Derbyshire Dales Local Plan (2005).

8. RECOMMENDATION

That planning permission be refused for the following reason:

1. The proposal would result in the partial loss of an area of open space which provides an important visual break in this dense suburban estate and would also result in harm to the recreational opportunity that the public open space currently provides. As such, the proposal fails to comply with Policies SF1, SF2, SF5 and L3 of the Adopted Derbyshire Dales Local Plan (2005) and is contrary to the aims of government guidance contained in Paragraphs 57, 58 and 74 of the National Planning Policy Framework.

9. NOTES TO APPLICANT:

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

2. This decision notice relates to the following documents:
   Site Location Plan 1:1250 received on 16th May 2016
   Design and Access Statement received on 16th May 2016
<table>
<thead>
<tr>
<th>APPLICATION NUMBER</th>
<th>16/00570/FUL</th>
</tr>
</thead>
</table>
| SITE ADDRESS:            | Hoben International Limited  
                          | Brassington Works  
                          | Manystones Lane  
                          | Brassington  
                          | Derbyshire        |
| DESCRIPTION OF DEVELOPMENT | Erection of concrete processing facility and associated works |
| CASE OFFICER             | Mr. J. Bradbury      |
| APPLICANT                | Mr. D. Challinor     |
| PARISH/TOWN              | Brassington          |
| AGENT                    |                      |
| WARD MEMBER(S)           | Councillor Rose       |
| DETERMINATION TARGET     | 9<sup>th</sup> November 2016 |
| REASON FOR DETERMINATION BY COMMITTEE | Major development |
| REASON FOR SITE VISIT (IF APPLICABLE) | To fully appreciate the site context |

### MATERIAL PLANNING ISSUES

- Principle of development and relationship to existing business activity on site
- Impact on heritage assets
- Impact on nature conservation
- Impact on landscape

### RECOMMENDATION

Approval
Hobden International Limited, Brassington Works, Brassington
1. **THE SITE AND SURROUNDINGS**

1.1 Hoben International works lies to the north of Manystones Lane immediately to the south of the High Peak Trail. To the north of the High Peak Trail is Harboro Rocks which is the local high point in the landscape and has a scheduled monument on its south-west facing side. Harboro Rocks also has local wildlife and geological site designations. To the south of Manystones at this point are the scheduled monuments Round Low and Bees Nest and Green Clay Pits SAC and SSSI. The application site itself relates to land immediately to the west of the existing works that was formerly a quarry and then a slurry pit and is now designated as a local Wildlife Site DD193 Harboro Works Slurry Pond. This site is screened by existing vegetation to the south from Manystones Lane but is open to view from the west from Manystones Lane and is also visible from The High Peak Trail to the north-west.

2. **DETAILS OF THE APPLICATION**

2.1 The application has been amended during its consideration in response to the comments of consultees and the description below relates to the amended scheme.

2.2 Planning permission is sought for a building with a footprint of 60m x 150m x 14m in height. The building will be located parallel with the existing works with its long side running north / south. The building is to be located with a concrete apron which extends a further 10m to the west, 20m to the south, 20m to the east and 20m to the north. The building will be served by an access road which spurs off the existing site access immediately to the south of existing buildings.

2.3 The proposed building will have a dual pitched roof with central valley running north / south and will be faced in galvanised steel sheet in a moorland green colour. The roof will incorporate regular lines of skylights. The building will be 11.3m to eaves and incorporates service doors on all sides. To the north of the building will be 3 aggregate silos 14m in height and aggregate will also be stored in bays to this side of the building. Car parking will be located to the east of the building. The building will have its floor level set approximately 2.5m below the level of the existing main factory.

2.4 The eastern edge of the apron for the building would be located 64m from the existing main plant with the building therefore 84m in separation. The building would be located over 40m from Manystones Lane at its nearest point with the western end nearly 50m in separation. The building would be approximately 30m from the High Peak Trail at its nearest point with the western end approximately 50m in separation.

2.5 A soakaway is to be established between the proposed building and existing buildings and some excavation of this site will be required to achieve this.

2.6 The applicant has submitted supporting statements which explain what the proposed building is for, how it will operate and how it links into the existing business operation. The case made can be summarised as follows:-

- The building will be utilised for the manufacture and supply of reinforced concrete boxes which would help the UK nuclear decommissioning authority with its clean-up programme.

- The contract would supply 1250 boxes over a 12 year period and the company is one of 7 bidders for the contract.
• The contract is in the region of £35 million and would represent a 48% increase in sales output from Hoben.

• The increased turnover would provide stability for the company, providing job security and generating 15 additional long-term jobs.

• The scheme would allow for the appointment of a further 5 apprentices.

• The investment from the new facility which incorporates new plant, equipment and a testing laboratory would be in excess of £6 million.

• The site is a former brownfield site.

• The proposal has the potential to benefit ecology.

• The Hoben works currently blends specialist mixes of concrete for customers and the step to manufacturing concrete products would not be daunting given the back up of existing laboratory and quality assurance facility.

• If the contract is secured an 18 month lead in time is needed for construction.

• An early planning decision is vital to helping the scheme progress.

• The company has great expertise in specialist concrete as specialist concretes, cements and grouts are blended for a number of blue chip companies. These incorporate fast setting concretes to underwater cements.

• The company currently has several continuous production facilities for manufacturing these products along with specialist technical expertise and testing facilities and these capabilities would be extended.

• In order to consolidate and increase capabilities it is a logical progression to extend the breadth and depth by specialist manufacturing.

• Existing products from the site can be utilised in the manufacture and the existing highly experienced management team will run the facility.

• The in-house specialist maintenance team will cover all maintenance.

2.7 The application is accompanied by a number of supporting reports as follows:-

Heritage Statement
Heritage Statement (Visual Impact Assessment)
Design and Access Statement
Bat Survey Report
Bird Survey Report
Great Crested Newt Survey Report
Preliminary Ecological Appraisal
Surface Water and Foul Drainage Report
Response to Local Highway Authority
Great Crested Newt Mitigation Strategy, Habitat Translocation and Enhancement Plan

These reports have been placed on the application file and shared with statutory consultees and their contents are discussed as appropriate in the issues section below.
3. PLANNING POLICY AND LEGISLATIVE FRAMEWORK

3.1 Adopted Derbyshire Dales Local Plan (2005)

SF3: Development Conspicuous From The Peak National Park
SF4: Development In The Countryside
SF5: Design And Appearance Of Development
EDT7: Extension And Expansion Of Existing Industrial and Business Land and Premises
EDT8: Design And Appearance Of New Industrial And Business Premises
EDT15: New Build Industrial And Business Development Outside Of Settlement Frameworks
NBE1: Sites Of International Importance For Nature Conservation
NBE2: Sites Of National Importance For Nature Conservation
NBE3: Other Sites Of Importance For Nature Conservation
NBE4: Protecting Features Or Areas Of Importance To Wild Flora and Fauna
NBE5: Development Affecting Species Protected By Law Or Are Nationally Rare
NBE6: Trees And Woodlands
NBE7: Features Important In The Landscape
NBE8: Landscape Character
NBE12: Foul Sewage
NBE24: Archaeological Sites And Heritage Features
NBE26: Landscape Design In Association With New Development
3.2 Other:
National Planning Policy Framework – in particular paragraphs 7, 14, 17, 18, 19, 21, 28, 109, 110, 111, 113, 115, 117, 118, 123, 128, 132, 133, 134, 135

National Planning Practice Guidance

4. RELEVANT PLANNING HISTORY
None.

5. CONSULTATION RESPONSES

Brassington Parish Council:
5.1 No objection.

Local Highway Authority
5.2 No objection to scheme as amended subject to condition to maintain visibility splays from site access.

Historic England:
5.3 Summary:
The development as originally proposed contained elements of avoidable harm to the significance of Harboro Cave and Round Low (Scheduled Monuments). On the basis of the site meeting on 12th September revised detailing has been submitted which addresses our concerns. Welcome the applicants positive response to these matters and refer the Council to the County Council Development Control Archaeologist in respect of any further matters of detail.

Historic England advice:
Harboro Cave and Round Low barrow are Scheduled Monuments designated on the basis of their national importance. They are part of a wider and spatially interconnected group of monuments such as Minninglow and Moot Low. Intervisibility between sites is important to their significance as is the opportunity to experience them in their shared historic and archaeological landscape settings without that sense of place being dominated or overwhelmed by industrial structures or noise. Sustainable development at the Hoben site appears achievable in historic environment terms on the basis of the amended plans.

Elements of avoidable harm were identified on site and in line with paragraph 129 of the National Planning Policy Framework the applicants were invited to address these. Any harm identified needs to be clearly and convincingly justified and set against the public benefits with great weight being given to conserving the asset.

The additional information deals with all the matters discussed and addresses them in relation to building position, massing, projections, screenings, sight lines, access and existing site uses / noise.

Recommendation:
Welcome the revisions made and advise that the application is determined in line with local and national planning policy and guidance.

Development Control Archaeologist
5.4 The primary heritage receptors are the Scheduled Monuments at Harboro Cave (190m to the north) and Round Low bowl barrow (140m south). The site itself does not contribute strongly towards the significance of either monument, being a previously developed former brickworks site with backfilled extraction cuts, bunding and screening vegetation already in place. The intervisibility of the monuments across the proposal site does, however, contribute to the significance of each, particularly in relation to views from Round Low towards the scheduled cave and the undesignated cairn at the summit of Harboro Rocks. In addition, part of the significance of Harboro Cave derives from the sense of elevation, dominance and isolation associated with its location on Harboro Rocks which at the moment is eroded by existing detractors in the landscape including the existing Hoben works (massing and noise) and the existing wind turbines. The new proposal needs assessing cumulatively with these detractors.

The original plans would have caused harm to the heritage assets by reducing the sense of dominance, elevation and isolation of the cave and the key views between the assets would have been partially interrupted by the proposed wind turbines on the roof. This harm would have amounted to less than substantial harm. The applicants have as a result of a joint site meeting made design changes to reduce the harm.

They have:-

- Revised the access arrangements to take access through the existing site which reduces any impact from Round Low and allows for the retention of the existing tree belt.
- The area of hardstanding has been reduced to shrink the development footprint.
- Wind turbines have been removed from the building.
- The building has been moved towards the existing works to reduce any sense of a separate development.
- The ground levels will be lowered to reduce impacts.

Additionally noise levels will be reduced in relation to Harboro Cave by works to the extractor fans at Hoben. This is a significant detractor to the monument and alleviation would be a significant benefit. The restoration of the current mould yard would also make a meaningful reduction in the overall built footprint of the works.

Together these changes reduce the levels of harm experienced from Harboro Cave and Round Low. The development reads as a smaller intervention and reads with the existing works. Lowering of site levels and removing the turbines means that the views between monuments are not now interrupted although the proposed building still introduces a new element of massing into these key views. Moving the building, as it will be in the zone of the brickworks removes any need for archaeological investigation.

This is still a substantial additional building in an environmentally sensitive location. Even if the mould yard is restored it amounts to 40-50% expansion. As such, even allowing for mitigation there will be harms to the significance of Harboro Cave and Round Low. Harm will arise from the increased massing of the works which will impinge noticeably upon though not interrupting key views between the assets. However, the design changes and particular the potential for reduced noise levels can drive these harms towards the lower end of less than substantial harm.

The Local Planning Authority need to consider if these harms are given clear and convincing justification and whether they are outweighed by the public benefit. If minded to
grant permission noise level reductions should be sought in line with the applicant’s timescale.

Derbyshire County Council Flood Risk Management

5.5 The surface and foul water drainage supporting letter for this site has demonstrated that soakaways are a suitable means of disposing of surface water. Recommend conditions.

Peak and Northern Footpaths Society:

5.6 This development would exacerbate the visual and noise pollution of the existing Hoben factory with its already detrimental effect on the quiet enjoyment of the High Peak Trail (Bridleway 38 Brassington) and the nearby Footpath 14 Brassington. Consideration appears to have been taken, correctly, for the effect of the development on wildlife, but I can see no proposals for mitigation measures for the effect on the users of the public rights of way. The Planning Authority, if it is minded to permit the development, should insist on measures to reduce the impact on walkers, cyclists and horse-riders.

Derbyshire Dales Ramblers:

5.7 No objection provided that the High Peak Trail is not affected in any way either during or after construction without consultation with, and agreement of, the Derbyshire County Council Rights of Way Department.

Natural England:

5.8 The site is within close proximity to a European designated site and has the potential to affect its interest features. The site is in close proximity to the Bees Nest and Green Clay Pits Special Area of Conservation (SAC) which is a European site. This site is also a SSSI. As a competent authority you should have regard for any potential impacts that a plan or project might have. Where significant effects cannot be ruled out you should undertake a Habitats Regulations Assessment. To inform this process you should obtain detailed drainage proposals as the SAC could be affected as a result of adverse water quality impacts which could potentially affect the Great Crested Newt populations within the ponds.

In relation to Bees Nest and Green Clay Pits SSSI wish to raise objection as the application as submitted is likely to damage or destroy the interest features for which the SSSI has been notified. The details of foul and surface water drainage with the suggestion of a cesspool and lagoon fail to adequately safeguard water quality as the SSSI is only 160m away. Any adverse impact on water quality would adversely impact on the Crest Crested Newts.

Additional information is required as to how the cesspool and lagoon will work to ensure that no water pollution will enter the SSSI. Natural England would be happy to consider additional information in this regard.

Natural England also advise the Local Planning Authority to have regard to local site designation, local landscape character and local or national biodiversity priority habitats and species.

Derbyshire Wildlife Trust:

5.9 The application is supported with a preliminary ecological survey, a bat survey, bird survey, a great crested newt survey from 2014 and latterly a great crested mitigation strategy and habitat translocation and enhancement plan.

Potential impact of the development on nature conservation

Local Wildlife Site
The development will directly impact on around 40-50% (around 2.5 ha) of a Local Wildlife Site DD193 Harboro Works Slurry Pond. This wildlife site is designated due to the presence of an amphibian assemblage; great crested newt population and Derbyshire Red Data List Plants. The surveys submitted above and visits made by Derbyshire Wildlife Trust in August 2016 have confirmed that the site still supports an amphibian assemblage including great crested newts and would also meet selection guidelines for species rich grassland habitat and Calaminarian grassland. The site also supports a mosaic of habitats that is rare in this part of the White Peak. The site supports habitat where the nationally scarce and RDL plant spring sandwort is locally quite abundant.

Since the application was submitted and the ecological assessment undertaken the proposed footprint of development has been shifted to the east to try and minimise impacts on the key features of the LWS. However, the development will still impact upon most of the Calaminarian grassland, a large area of tall herb/grassland and all of the reedbed present. It will also result in the loss of scrub / woodland in the east adjacent to the existing works and to the south.

Great Crested Newt and Bees Nest and Green Clay Pits SAC and SSSI

Development will not directly impact on breeding ponds but will be building on areas that are almost certainly GCN terrestrial habitat.

No direct impact upon the SAC/SSSI. However, the preliminary ecological report advises that there could be adverse impact to the integrity of the supported qualifying assemblage of GCN's as the application site is ecologically connected via terrestrial habitat to the adjacent SAC/SSSI.

Concerns also exist regarding hydrological impacts and water quality as they relate to the 2 nearest ponds and also more significantly the adjacent SAC/SSSI. Natural England have raised an objection regarding lack of information on drainage.

Bats
The development will impact on bat foraging but the impact is likely to be a minor adverse impact.

Badgers
No sign of badgers on site. A low likelihood that badgers could be affected.

Reptiles
No detailed reptile study has been undertaken. The ecological report considers the habitat sub-optimal and impacts are unlikely. Although common lizard and slow worm have been recorded in the wider area they are not prevalent in the immediate locality and reptile activity in this area appears to be low.

Birds
Skylark may forage within the site and might possibly nest. The impact on birds may have increased due to building relocation into scrub woodland.

Measures to address ecological impacts

The revised scheme though having a greater impact on scrub-woodland habitats is overall a positive step to try and avoid and minimise adverse impacts. Measures to mitigate and compensate have been set out in the report of Peak Ecology. The mitigation for GCN assumes a large population on the basis that the two ponds and terrestrial habitat are part of the larger meta-population that takes in Bees Nest and Green Clay Pits SAC/SSSI, Carsington Pastures and other nearby ponds. Although the full details still need to be
worked up and agreed with Natural England the additional information has clarified how mitigation would be put in place and provides a timeframe for the work. The level of mitigation is reasonable and appears achievable.

In terms of habitat translocation the enhancement measures outlined in Peak Ecology report would provide a basis for minimising and mitigating impacts on the LWS and offer some enhancement.

Measures to protect ponds, badgers, reptiles and birds during construction will need to be conditioned.

Conclusion and Recommendations

In relation to newts Peak Ecology appear confident that a Natural England licence will be secured as no ponds will be affected directly. This appears a reasonable assumption. However, Natural England have advised that a Habitat Regulations Assessment is required unless a clear picture emerges and is accepted in relation to drainage.

The development will result in the loss of almost half of the LWS including over half of the more open grassland and tall herb habitat.

The Calaminarian grassland (characterised by the spring sandwort in the LWS) is to be translocated to the north-west of the site. A smaller area in the south could be translocated to the field to the east. This translocation has a reasonable chance of success but the Calaminarian grassland needs to be reformed into a steep south to south-west facing slope. This will need to be conditioned.

In order to avoid loss of biodiversity at this LWS the use of the fields to the east of Hobens works for translocated material needs to be acceptable. These fields are currently greenfield semi-improved species poor pasture. At least one of these fields will have a covering of removed material which will need to regenerate naturally. An alternative relocation site will be necessary if this is not feasible. These fields to the east could all be enhanced through introduction of a sympathetic management regime and utilising green hay or wild flower seed to improve grassland diversity.

Two other fields are identified for enhancement in the mitigation strategy and areas within the LWS would also benefit from positive management. Provided the measures set out in the Peak Ecology report can be implemented the impact on biodiversity in the medium to long-term can be addressed in line with the National Planning Policy Framework.

It is possible that Natural England will not grant a licence due to the age of survey data but there appears no overriding reason to resist development as the development affects terrestrial habitat only.

The existing ponds could be enhanced by management as part of the mitigation.

Whilst the presence of reptiles is probably low several areas could be suitable receptor areas. Reasonable avoidance measures will be required in implementing the scheme.

Recommended Conditions

Conditions are required covering the following issues:-

1. Construction environmental management plan.
2. Ecological mitigation and enhancement plan.
3. Great Crested Newt Mitigation and habitat enhancement measures implemented in full.
4. Badger Survey
5. Breeding birds protected by limitation on the period for vegetation removal.
6. Reptile avoidance measures to be submitted and agreed.
7. Invasive species mitigation plan to be submitted and agreed.

Environmental Health:

5.10 Raise no objection. However, recommend a condition requiring a noise impact assessment be undertaken along with identifying any mitigation measures prior to the commencement of development.

6. REPRESENTATIONS RECEIVED

6.1 No individual letters of representation received, however, Carsington and Hopton Parish (neighbouring parish) have written in objecting to the original submission on the following basis.

6.1.1. The sheer scale of the proposed development will impact negatively on the surrounding countryside and specifically upon local heritage assets, notably Harboro Rocks. The helical turbines on the roof of the main building will only seek to draw attention to the development and create a further visual distraction.

6.1.2. The Parish Council is also concerned that expansion on this level will lead to an unacceptable increase in noise levels for local settlement, particularly given that the site will be in operation 24 hours a day.

7. OFFICER APPRAISAL

7.1 The original proposal has been substantially amended during the course of consideration in response to the comments of statutory consultees. In addition, particularly in relation to ecology and wildlife, extensive mitigation is also now proposed on other land controlled by the applicants. The analysis undertaken below relates to the amended and mitigated scheme.

7.2 The main issues that the consideration of this application raises are first of all the principle of industrial expansion of this scale in this locality, the impact of development on heritage assets, the impact of development on nature conservation and the impact on landscape character and appearance. Other matters are also considered which then feed into the planning balance and conclusions.

Principle of Development and relationship to existing business activity on site

7.3 The proposal is a freestanding manufacturing facility which seeks to respond to a business opportunity linked to the applicant’s current business. During the course of consideration the proposed large building and its associated surrounding apron has been brought closer to the existing Hoben works and the proposed access to the building has been relocated to become a spur from the existing site access.

7.4 The applicants have also clarified in detail how they currently operate from the site and how the proposed expansion into this area of manufacturing will utilise the products, staff expertise and on-site facilities they already have.

7.5. Although the building is substantial and is to be located in a remote location where new freestanding business operations would not normally be encouraged, it is, based on the explanations provided by the applicants, considered reasonable to assess this proposal as an expansion of an existing business.
7.6. The policy basis for assessing an application of this type is provided by both the adopted Local Plan and National Planning Policy Framework. Local Plan Policy EDT7 is supportive of the extension or expansion of existing industrial premises provided that the development would not have an adverse impact upon the character and appearance of its surroundings, would not result in overdevelopment and does not result in problems for neighbouring users.

7.7. Policies SF4 and NBE8 are also relevant as they seek to control development in the countryside and protect the character and appearance of the landscape. Whilst Policy SF4 does not specifically refer to existing business operations it does allow for development needs that can only be met in a rural area. The expansion of this site closely linked to the existing business operation could be viewed as satisfying this criteria.

7.8. Policy NBE24 of the Local Plan seeks to protect scheduled monuments and their setting and is clearly relevant to the assessment of this scheme. Policies NBE1, NBE2, NBE3, NBE4 and NBE5 deal specifically with nature conservation, the protection of wildlife sites and protected species. The site lies close to an SAC, which is also an SSSI and Policies NBE1 and NBE2 have a clear presumption against development which will have any direct or indirect adverse impacts.

7.9. Policy NBE3 covers Local Wildlife Sites and only allows for development with direct or indirect adverse impacts if it can be demonstrated that there are benefits resulting which would outweigh the harm caused to the nature conservation value.

7.10. These main policy areas which are engaged are considered to broadly align with guidance in the National Planning Policy Framework. However, it is worth noting in paragraphs 18, 19 and 28 that the Government sets out a very clear message that economic growth is a key objective and the planning system should aim to support this objective to which significant weight should be attached. This strong support for business and economic growth should also encompass promoting a strong rural economy through supporting the sustainable growth and expansion of all types of business and enterprise in rural areas.

7.11. Paragraphs in Section 12 set out a clear approach to protecting the significance of heritage assets with a presumption against harm. The protection of the natural environment and landscapes is covered in paragraph 109 and in paragraph 111 the importance of utilising previously developed land is stressed. Finally the approach to nature conservation is set out in paragraphs 118 and 119 of the National Planning Policy Framework.

7.12. It is apparent from the above that Local Plan and Government policy is supportive of the expansion of existing business operations even in remote countryside locations but that decision-making needs to weigh the benefits of economic activity against the environmental impacts that will result. The primary impacts in this case that need to be weighed in the balance are those on heritage assets, nature conservation and landscape.

**Impact on heritage assets**

7.13. The site lies in close proximity to both Harboro Cave and Round Low which are scheduled monuments. Other scheduled monuments lie in the wider area and Harboro Rocks is also an undesignated asset. Harboro Cave enjoys a near hilltop location with extensive views to the south and west. This elevated, dominant and isolated location contributes to its significance in which the wider landscape setting plays an important part. It is apparent on site that the landscape setting has been affected by manmade intrusion into the landscape from Hoben Works (buildings and noise) and more recent wind turbine developments. The
presence of these detracting elements make it all the more important to ensure that the setting is not further harmed.

7.14 Round Low is less elevated but has intervisibility with other assets with Harboro Cave viewed over the Hoben site. The effects of the Hoben buildings are from this monument visually softened by the presence of intervening tree screening. Other views from this monument to the south and west are largely unspoilt but again the presence of wind farms to the east is apparent.

7.15 National guidance on the protection of heritage assets is clear. Great weight should be given to an assets conservation in considering the impact of a proposed development on the significance of the asset. It is made clear that the setting should be weighed in this process as change to the setting will impact on the significance of the asset. In the context of assessing harm to significance substantial harm or total loss warrant refusal of an application unless the public benefits are substantial. Where less than substantial harm to the significance of a heritage asset result it is made clear that this should be weighed against the public benefits (Paragraph 134).

7.16 The comments of the Development Control Archaeologist are clear. The original submission was deficient in analysis of the impact on settings and thereby significance and concerns were raised that less than substantial harm would result to the significance of the scheduled monuments. Following discussions with the applicants to fully identify the impacts important revisions have been secured to lessen the impact of the building on the setting of the assets. The building has been pulled towards the existing works. It has been set down slightly. The access has been rerouted, the wind turbines have been removed from the building and the apron has been reduced. These changes in combination significantly reduce the impact of the new development. It will be less visible and read more readily with the existing premises. The retention of screening along the southern boundary facilitated by the access change will mean that it does not impinge on views between the assets. In addition to this lessened impact of the proposed development the applicants have also agreed to mitigation on the existing site. The mould yard to the east is to be put back to vegetation which will also serve to benefit ecology, the extraction system on the main plant is to be redesigned to reduce noise nuisance currently experienced at Harboro Cave and further planting can be introduced to supplement existing planting and partially screen the building from the trail.

7.17 With these amendments and further mitigations the Development Control Archaeologist is, whilst still noting that the works will still grow by 40-50%, content that the harm to heritage assets can be brought back into the realms of the lower end of less than substantial harm. This reduced level of harm needs to be weighed in the planning balance.

Impact on Nature Conservation

7.18 Although the application site has an industrial past it has subsequently regenerated and developed sufficient nature conservation value to be designated as a Local Wildlife Site. The designation derives from both amphibian assemblages and plant species. The applicant’s ecology survey has established the continued presence of great crested newts in ponds to the south-west and south-east of the site out of the influence of the building and its apron. In addition the site sits on the opposite side of the road to Bees Nest and Green Clay Pits which have developed from their industrial past to have substantial nature conservation value with large great crested newt populations reflected in SAC/SSSI designation.

7.19 The development will directly impact on some of the terrestrial habitat of the newts on site and could potentially also impact on the water environment in the area which could both affect ponds on the site and on the opposite side of Manystones Lane.
7.20 In addition to this the development will directly impact on Calaminarian grassland which in its species mix includes the nationally scarce spring sandwort. To seek to address concerns over nature conservation the applicants have submitted a Great Crested Newt Mitigation Strategy and Habitat Translocation and Enhancement Plan along with a drainage strategy, to seek to demonstrate that the water environment of nearby ponds will not be affected.

7.21 The translocations comprise moving the Calaminarian grassland to areas along the northern field boundary and potentially also along an extended bund to the north-west and west. To the south of the proposed building the woodland would be improved through selective removal of saplings and management whilst species rich flower seed mix would be introduced to an area of grassland. The field to the east of the existing car park would be enhanced through annual cuttings. The material to be moved to accommodate the building between it and the existing site would be utilised to fill the mould yard with appropriate subsequent management whilst further translocated material may also be used on the field to the south of this. Finally management through grazing would be introduced on a field to the west.

7.22 In relation to drainage following on from the initial concern expressed by Natural England the applicants have provided full details of the soakaway for surface water to be located to east of the building and confirmation that the existing cesspit for this site has adequate capacity and connectability for this development.

7.23 Although it is unusual for a development schemes to include substantial development within a Local Wildlife Site, and there is a presumption in favour of safeguarding its interest, it is logical under the terms of Local Plan Policy NBE3 to look at this in the round. The policy does allow for development within a LWS but only where it can be clearly demonstrated that there are benefits resulting from the development which would outweigh the harm to the nature conservation value of the site.

7.24 The measures identified by the applicants to translocate and enhance will, it is considered, offer up appropriate compensatory provision for the area lost to the building and this is reflected in the views expressed by Derbyshire Wildlife Trust whom recognise that real benefits will result from the management of the applicant's wider holding. As such policy NBE3 can be satisfied in this case.

7.25 In relation to the SAC/SSSI opposite, it is considered that the further information submitted by the applicant in relation to site drainage demonstrates that this site can be successfully drained without impacting upon water quality and on this basis no further assessment of impact is required.

Impact on landscape

7.26 The proposal is for a very substantial building that significantly increases the spread of buildings at the application site. Some harm to the landscape will result from both the imposition of the building within it and its visibility. In particular the building will be visible from Harboro Rocks, The High Peak Trail and for people travelling along Manystones Lane from west to east.

7.27 To seek to mitigate this landscape impact the building has been pulled closer into the existing buildings with a reduced apron, the building is set down slightly and the turbines have been removed from its roof. In addition the access is now to be routed through the site to avoid breaking through the frontage tree belt. These measures will lessen the intrusion of the development. The applicants are also offering up to relocate the mould
yard from the field to the east to reverse the harm to this area which will be a positive benefit to the landscape.

7.28 Whilst the building will retain a significant mass and will be visible to some degree close up from the trail and from Harboro Rocks it is also possible through a landscaping scheme focusing on these exposed views to soften these impacts such that the building in time will be less conspicuous.

7.29 Although the impact of this development on the landscape is a negative impact which needs to be weighed in the balance having regard to the above and the former industrial nature of the site, it is not considered an overriding objection to the scheme.

Other Matters

7.30 In addition to the main points discussed above, the following further matters have been considered in assessing this scheme.

7.31 In terms of highway safety the access point has been amended during the consideration of this application. It is clear from the submitted information that the traffic generation from the proposed use will be very low and only a small component of the overall traffic flows from the site. Whilst this could change in the future if the building reverts to an alternative industrial use the nature of the existing access is suitable for any increase in traffic flows. Conditions are suggested to secure the maintenance of visibility splays.

7.32 The site lies relatively close to the National Park and immediately to the south of the High Peak Trail. Due to the local topography it is not considered that the building will have any significant impact on views to or from the Park and where it is visible it will read with existing buildings. The building will be more conspicuous from the High Peak Trail. Policy L10 protects the route from any development that would prejudice the route. This will clearly not occur but users of the Trail are important receptors in landscape terms. In this context there could be some loss of amenity for a short section of the Trail as a building imposes itself on the view. Notwithstanding this the building has been pulled across to the existing complex and screening can be provided in the gap between the building and Trail. Having regard to this and the presence of historic and current industry along this section of the Trail, the impact is not a significant adverse impact.

7.33 The applicants have offered up the relocation of the mould yard in land to the east and to restore this land. This is a positive environmental benefit in both landscape and ecological terms which weighs in favour of the scheme. Although this is supported in principle the Council will need to consider the detail of this. If the works go beyond a shallow surface covering to reinstate the land and involve significant development work, they will need to secure permission for these works in their own right.

7.34 Following on from site discussions with Historic England and the Development Control Archaeologist, the applicants are willing to mitigate noise outputs from the existing site by redesigning the extraction system. This current noise output is one of the main impacts on Harboro Rocks and it is considered reasonable and appropriate to secure noise mitigation and to weigh this in the planning balance.

Conclusion

7.35 It is logical to assess all the planning benefits and disbenefits and seek to attribute value to these in reaching a balanced decision on the sustainability of this scheme. The National Planning Policy Framework requires assessment of the economic, social and environmental roles of sustainability.
7.36 In terms of the economic role of sustainability the development clearly has positive benefits to deliver. The existing business will expand substantially both in terms of turnover and in terms of creating new jobs and underpinning existing jobs. This expansion of employment will have a knock on positive effect on the wider economy. The economic benefits of this scheme are a significant positive factor to be weighed in the balance and are in broad in accordance with policies in the Local Plan and guidance in the National Planning Policy Framework.

7.37 In social terms the development has little direct impact. Employment will be created away from existing settlements but that is merely a reflection of where the existing and historic operation is based. To counterbalance this good quality employment opportunities can serve to strengthen the cohesion of rural communities and this helps to underpin local services such as schools and shops.

7.38 In environmental terms the proposal has a mixed impact. The development will result in some impact on the setting of Scheduled Monuments but this impact has been reduced to be at the lower end of less than substantial harm to their significance. In landscape terms the development will expand the influence of the business operation but this impact is substantially mitigated and offset by the relocation of the mould yard. In terms of impact on nature conservation the development of part of a local wildlife site is not something typically promoted. However, there are significant opportunities to mitigate through translocation, reinstatement of grassland to the east and to manage the site to promote biodiversity. Derbyshire Wildlife Trust have recognised that the overall package can be a positive one and in this context are not objecting. Also in environmental terms there is an opportunity to lessen the noise from this development through works to the extraction system.

7.39 This application is relatively finely balanced, as in particular even less than substantial harm to a heritage asset has to be justified by clear and significant public benefits. In the final analysis, through the amendments secured, it is considered that the adverse environmental impacts have been substantially mitigated and in this context the public benefits of allowing for the expansion of this successful local business weigh in favour of the application. The development broadly accords with the policies in the Adopted Local Plan and guidance in the National Planning Policy Framework and the granting of permission subject to the conditions and mitigation identified is justified.

8. RECOMMENDATION

8.1 Grant planning permission subject to conditions covering the following matters.

1. The development hereby permitted must be begun before the expiration of three years from the date of this permission.

2. Amended plans

3. Full design details of surface water drainage and foul drainage shall be submitted and agreed and implemented as such.

4. Visibility splays at site entrance secured and maintained.

5. Prior to the commencement of development a noise assessment for the new building and scheme of mitigation to address existing noise output from the site through amendment to the extraction system to be submitted and agreed in writing and implemented as such.
6. No development shall commence until a Construction Environmental Management Plan has been submitted and agreed. The development shall be carried out in accordance with the approved scheme.

7. No development shall commence until an Ecological Mitigation and Enhancement Plan in accordance with the submitted GCN Mitigation Strategy and Habitat Translocation and Enhancement Plan has been submitted and agreed in writing. The development shall be implemented and subsequently managed in accordance with the approved scheme.

8. The mitigation and habitat enhancement measures for GCN’s shall be implemented in full along with the submission of a copy of the EPS licence from Natural England.

9. Prior to commencement of any excavation work on site a survey for badger setts within and within 30 metres of the site shall be submitted and approved.

10. No removal of hedgerows, trees, shrubs or bramble to be undertaken between 1st March and 31st August without submission of a recent nesting bird survey.

11. Details of a set of reasonable avoidance measures for reptiles shall be submitted and agreed prior to the commencement of development.

12. Prior to the commencement of development an invasive species mitigation plan designed to eradicate New Zealand Pygmyweed shall be submitted and agreed.

13. The proposed ecological reinstatement of the mould yard in the eastern field and implementation of this permission nullifies any existing use rights to utilise this area as part of the industrial complex and it shall be retained and managed in its modified form.

14. Landscaping plan to be submitted and agreed to be implemented in conjunction with ecological mitigation and enhancement plan.
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<thead>
<tr>
<th>APPLICATION NUMBER</th>
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<tr>
<td>SITE ADDRESS:</td>
<td>Former Bank Building, Station Road, Darley Dale</td>
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<tr>
<td>DESCRIPTION OF DEVELOPMENT</td>
<td>Change Of Use Of Premises From Bank (A2) To Retail (A1), Extension, Formation Of Parking Area And Installation Of Plant.</td>
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<td>CASE OFFICER</td>
<td>H Frith</td>
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<td>APPLICANT</td>
<td>Co-operative Group Food Ltd</td>
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<td>PARISH/TOWN</td>
<td>Darley Dale</td>
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<td>AGENT</td>
<td>Pegasus Planning Group Ltd</td>
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<td>WARD MEMBER(S)</td>
<td>Cllr A Statham, Cllr J Atkin, Cllr M Salt</td>
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<td>DETERMINATION TARGET</td>
<td>23.09.16</td>
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<tr>
<td>REASON FOR DETERMINATION BY COMMITTEE</td>
<td>Due to the number of unresolved objections</td>
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<td>REASON FOR SITE VISIT (IF APPLICABLE)</td>
<td>For Members to understand the site and context.</td>
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**MATERIAL PLANNING ISSUES**

1. Principle of Development
2. Impact upon the setting of adjacent listed buildings
3. Design and visual impact
4. Highway safety
5. Amenity and noise impacts

**RECOMMENDATION**

Approval with conditions
16/00511/FUL

Former Bank building, Station Road, Darley Dale

Derbyshire Dales DC

Date: 30/09/2016

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Derbyshire Dales District Council,
Town Hall, Bank Road, Matlock, Derbyshire DE4 3NH,
Telephone: (01629) 741100
website: www.derbyshiredales.gov.uk
1. **THE SITE AND SURROUNDINGS**  
The application relates to the former stone built bank building located in a prominent corner position in Darley Dale at the crossroads to Two Dales. The former bank has been vacant for some time. The building is largely unaltered since its original construction and has some architectural quality to the design and materials. There is an informal car park to the east of the site fronting Dale Road North and an overgrown garden area to the (south) rear of the site. Access to the site is via Dale Road North to the southernmost end of the street frontage. The Whitworth Hotel and Institute building are grade II listed buildings located immediately opposite the application site.

2. **DETAILS OF THE APPLICATION**  
Planning permission is sought to change the use of the premises from a Bank (Use Class A2) to a retail shop (Use Class A1). Also proposed is a single storey extension to the rear of the building with an enclosure to the rear of the extension to house any necessary plant including satellite dishes, refrigeration condenser and air conditioning units.

Through the application process the design of the extension to the rear has been altered to now show coursed stonework to the street facing elevation with a coping stone to the top of the wall leading to a flat roof. Render is proposed to the side and rear elevations which are more hidden from public view. The extension has no windows or other openings.

The application is supported by additional information including planning and retail statement, arboricultural report and impact assessment and transport statement. The key points of these reports will be used in the officer appraisal section of the report as required.
3. **PLANNING POLICY AND LEGISLATIVE FRAMEWORK**

1. **Adopted Derbyshire Dales Local Plan (2005)**
   - SF1: Development within Settlement Framework Boundaries
   - SF5: Design and Appearance of Development
   - SF8: Catering For The Needs Of People With Disabilities In Development And Redevelopment.
   - EDT6: Conversion and Re-Use Of Buildings for Industrial And Business Development Within Settlement Frameworks
   - NBE16: Development Affecting A Listed Building
   - S6: The Design and Appearance of Shops and Commercial Premises
   - S10: Development In Local Shopping Centres
   - TR1: Access Requirements and the Impact of New Development
   - TR8: Parking Requirements for New Development

2. **National Planning Policy Framework**
   - **National Planning Practice Guidance**
   - **Draft Derbyshire Dales Local Plan**
     - Policy EC6: Town and Local Centres – This policy states that the District Council will seek to maintain and where possible, enhance the vitality and viability of town centres, district centres and local centres. The application site is within a defined District Centre. This will be done by; permitting appropriate retail in centres of a scale and type appropriate to the role and function of that centre. Strengthening the vitality and viability and enhancing consumer choice in town centres by supporting the provision of new retail floor space and requiring major town centre use developments (including extensions to stores) of 300 sq m (A1 use) or more outside the defined centres to comply with sequential approach to site selection.

4. **RELEVANT PLANNING HISTORY:**
   - 02/12/0963 External alterations to provide disabled access and erection of 3 no. flood lights on building – Permitted with conditions
   - WED/0794/0435 Installation of automatic teller machine - Permitted with conditions
   - WED/0192/0030 Alterations and extension to bank – Permitted with condition
   - WED/0789/0664 Change of use from shop to bank – Permitted with conditions (This only related to a small part of the main building)
   - MAT/0168/4 Extensions - Permitted
   - Numerous applications relating to signage at the building.

5. **CONSULTATION RESPONSES**

   5.1 No response received

   5.2 The application is supported by a transport statement although it is stated, in section 4.3.7, that the bank has permitted development rights to convert the existing building to a convenience store and as such the net traffic impact only relates to the small extension, and not the whole floor-space; it is noted the extension primarily provides space for the storage of stock, although it does include additional tradeable area for the store.
Until very recently the building has operated as a bank, which has generated a level of vehicle activity, although this is not quantified in anyway in the supporting transport statement. The statement does however consider non-car accessibility to the site, proposed development trips to and from the site and car parking and servicing requirements for the new use, in line with the guidance in the National Planning Policy Framework.

It should be understood that, as a generality, the Highway Authority does not “agree” the content of a Transport Statement or, inevitably, concur with every detail contained therein. However, providing it is considered that the conclusion is sound then it is not regarded as reasonable or warranted to require the applicant to devote resources to amending detail which would not vary the conclusion. From all the information currently available there is no evidence to suggest that the proposals for the site would have a negative or detrimental impact on highway safety, over the sites former use.

The site does appear to be conveniently located in a small retail area, with good pedestrian links and crossing opportunities. On site car parking is available and it has been demonstrated that this is likely to satisfy the likely demand for the convenience store, given the predicted short stay nature associated with this type of use. Given the status of the A6 the Highway Authority would not wish to promote a use that could attract roadside parking, however, it is noted that zig zag carriageway markings, supporting the adjacent pedestrian crossing, extend across the entire site frontage; this would effectively prohibit parking in this area. However, given the reasonably wide footway / verge margins vehicles may be tempted to park off the carriageway – in this respect, additional roadside bollards may be required to prevent this from happening. The developer would be required to fund this element and the precise details could be agreed as part of more specific access improvement designs.

The proposals do include an access improvement, the existing access being constrained in terms of geometry and unable to support 2-way traffic movements. The access is shown as being widened, although it would also be beneficial to splay the walls either side of the access point to prevent them from being struck and to improve pedestrian inter-visibility. The widening of the access will also require existing highway signage to be relocated, which again will require more comprehensive access designs to be submitted for subsequent approval (and necessary for inclusion in a section 278 Highways Act 1980 Agreement with the Highway Authority in order to carry out the works).

Swept path analysis has been provided to demonstrate that a delivery vehicle (of a certain size) can adequately manoeuvre within the site without affecting existing parking within the site, although larger vehicle would obviously struggle to complete the manoeuvres within the constrained site. The delivery element could however, as identified in the Transport Statement, be covered by a Service Management Plan, to identify and agree how deliveries will be undertaken, limiting the size of delivery vehicle, managing car parking whilst deliveries take place etc.

Should the proposals be acceptable from a planning aspect and the applicant is willing to agree to potential further enhancements to the improvements already identified, the Highway Authority would be unlikely to be in a position to sustain an objection to the application proposals on highway safety grounds. I would therefore recommend conditions and notes, or similar based on the same, be included in any consent issued, in the interests of highway safety.

Design and Conservation Officer (Derbyshire Dales)

5.3 The applicant/agent has sought no pre-application advice or guidance from the Local Planning Authority in terms of their proposal(s).
The proposal is to convert the non-listed building into a convenience food store. The building was constructed in the inter-war period as a bank and was designed in the Tudor-Bethan style. Directly west of the building/road junction is the Whitworth Institute and attached hotel (grade II) as well as the Registered Historic Park and Garden (II). There is a listed milepost at the junction (grade II).

The proposal includes a number of alterations to the original building frontage – namely proposed, extensive, signage; repainting the existing lattice window frames and replacement front door. A large extension is proposed to the rear.

Whilst there is not a Conservation Area at Darley Dale this road junction forms a core area or part of the settlement. In that regard the juxtaposition of buildings of high and relatively high architectural merit are located around the junction (i.e. the former Bank Building, the Whitworth Institute and Hotel, the Lodge and the Pharmacy). As an ensemble of listed and non-listed buildings they contribute significantly to this core area of the settlement. In this regard it is possible that extensive signage/illumination etc. to the proposed convenience store will detract from the architectural qualities of the building itself and, by consequence, affect the setting of the listed buildings.

The former bank building has architectural merit and a dominant presence in this part of the settlement. The proposed large rear/side extension is decidedly bland and brutal in its proposed form and scale and appears out of context and dis-respectful to the host building. Its eastern side will be visible from the A6. Whilst an extension to the building is not objectionable its proposed design needs to be more sympathetic and appropriate to the host building in order to maintain the architectural merit and presence of this former bank building in the core area of the settlement.

Environmental Health (Derbyshire Dales)

5.4 No objections in principle to the change of use from a bank to a Co-op store.

The Applicant has submitted a noise report, detailing current background noise levels, taken at a point adjacent to nearest noise sensitive properties. A table of suggested noise limits has been provided by the author of the noise survey, Noise Solutions Ltd and I would advise that these limits be written as a condition if Planning Permission is given.

For clarity, the combined noise levels emitted from any air-conditioning unit and refrigeration plant, must not exceed 40 dB(A) at Daytime (07.00 – 23.00 hours) and 29 dB(A) Night-time (23.00 – 07.00 hours).

6. REPRESENTATIONS RECEIVED

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

Impact On Existing Businesses
This will duplicate services already available in Darley Dale and render existing independent businesses not viable.
The existing businesses provide all the facilities we need.
The newspaper delivery service by the existing newsagents will be threatened
This does not support the Government’s intention to promote small businesses.
Whilst jobs will be created these may be outnumbered by the number of jobs lost.
In nearby Baslow residents stood up to these multinationals and won.
This facility is not required.
We do not want to see a large supermarket in this area.
The ramifications of the loss of the newspaper delivery will be huge with 200 cars using the area to park to collect newspapers.
The Council should support local businesses.

**Impact On Highway Safety**
There are already traffic problems at the crossroads
The application for the medical centre will cause more problems with yet another junction and further parking congestion.
Heavy goods vehicles will have to negotiate the access.
There is insufficient parking.
Vehicles will have to park on Station Road
The car park entrance is dangerous
The highway report does not identify the real problem
This is already an accident spot.
There are already numerous junctions here is close proximity to one another.
The proposal would place an intolerable burden on this junction.
The conclusions of the traffic assessment are questionable – sample consultation and with local population may have been better.
The elderly demographic is ignored in the assessment as is topography and therefore vehicle movements are likely to increase.
Previous vehicle access to use the ATM resulted in many near misses.
Buses at the bus stop impede visibility. Poor access from Warney Road onto A6.
Access from this site to Chesterfield Road will result in awkward manoeuvres.
The level of stress for local drivers should be a factor to be considered.
Parked vehicles already cause issues with visibility along Station Road.
Heavy goods delivery will cause chaos.
Crossing Station Road to Whitworth Park will be dangerous for pedestrians.
Increase danger to those using the bus stops.
Just this week there was an accident on the A6 at this point and the air ambulance had to be called, this shows the existing dangers of this area without adding a Co-op and Doctors Surgery which will make it even worse.

**Listed Buildings And Visual Impact**
The proposal affects the setting of the nearby listed buildings.
The building is in a dominant position
The extension is ugly and signage and illumination will detract from the area.
The extension is bland

**Other**
This will harm the community.
There must be better locations for such a business.
It would be a shame to lose the green space in this location.
This is an opportunity to add to the housing stock.
Delivery vehicles will cause noise and disruption to residents
Welcome the re-use of this lovely bank building.
The extension should be in natural stone not render; the use of reconstituted stone would spoil the building.

7. **OFFICER APPRAISAL**
The following material planning issues are relevant to this application:

6. Principle of Development
7. Impact upon the setting of adjacent listed buildings
8. Design and visual impact
9. Highway safety
10. Amenity and noise impacts
Principle of Development

7.1 The application site is within an allocated local shopping centre. Concern has been raised that the development will have an adverse impact upon the vitality and viability of this local shopping centre by adversely affecting existing local businesses.

7.2 Policy S10 of the Adopted Local Plan relates to development within local shopping centres and states that:
Planning permission for new build retail development or the extension of existing retail development units within the defined local shopping centres shopping frontages, will be granted if;

• The scale of development individually or cumulatively does not have an adverse impact upon the vitality and viability of the local shopping centre or nearby town centre and;
• It does not have an adverse impact upon the character and appearance of the surroundings area.

7.3 Along with the application the applicant has submitted a detailed retail impact assessment. This assessment concludes that the principle of the change of use is acceptable given that the site is within an existing designated centre where retail uses are typically encouraged. It is also noted that a sequential test would not be appropriate given the site being within a defined centre.

7.4 However, the policies within the Adopted Local Plan were adopted before changes in government guidance in 2012 and therefore may not fully comply with the requirements of the National Planning Policy Framework. The NPPF actively promotes sustainable development and the appropriate re-use of vacant buildings and advises that competitive town centres should be promoted with a diverse retail offer provided which reflect the individuality of the town.

7.5 Furthermore in 2015 the Town and Country Planning (General Permitted Development) (England) Order 2015 Schedule 2 Part 3 Class E allows the change of use of A2 premises (the former bank) to A1 use class (retail) therefore the use of the existing building would be permitted development, it is only the extension and the use of this that requires planning permission. It would also be permitted development to extend the premises under a retail use by 50% of the original floor space or 100sq m whichever is the lesser. The extension proposed to these premises will be a gross floor area of 221 sq m therefore only 121 sq m of this floor area actually requires formal planning permission.

7.6 Policy EC6 of the Draft Local Plan defines the small shopping areas of Darley Dale as District Centres. Although the draft plan is still at a stage where the policies can be given limited weight, this site through the emerging policies would be within a defined centre which is a sustainable location where it is clear that appropriate town centre uses such as retail development will be supported.

7.7 It is acknowledged that the creation of this larger retail unit may have some adverse impact upon existing businesses, however this issue alone does not warrant refusal of planning permission in this case as this would largely be an issue of competition between retail units.

7.8 It should also be acknowledged that other mini supermarket type businesses exist elsewhere in Darley Dale and these appear to co-exist with existing independent retailers. In this case one of the units outside of the defined centre which provides a significant retail element is the facility at the Texaco garage which will sell many similar products to the proposed Co-op store. Given the location of the site on the A6 much of the custom will be from passing trade which may not have utilised the existing retail units off the main road. In
addition it is considered that the proposed creation of the medical centre and additional housing in the locality will overall add to the need for retail units in this locality and will hopefully increase the vitality and viability of this shopping area.

7.9 It is considered that despite the potential for the proposed retail use having an adverse impact upon some existing businesses this proposal is an appropriate use within a defined shopping area within the adopted and emerging local plan and therefore the proposed extension and use is acceptable.

**Impact upon the setting of adjacent listed buildings**

7.10 It has been noted by consultees that the development of this site could have an adverse impact upon the setting of the grade II listed buildings at the Whitworth hotel, institute and registered garden.

7.11 Paragraphs 132, 133 and 134 of the NPPF state 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.

7.12 In 2015 Historic England produced an advisory document relating to the assessment of the setting of heritage assets. Taking the advice in this document into account it is considered that the addition of a flat roofed extension to the rear of the bank building will have both limited visual impact in terms of the street scene but also in terms of impacting upon the significance of the nearby heritage assets with regard to the setting of the nearby listed buildings. The change to the proposed development with the introduction of natural stone to the street fronting elevation will ensure that the proposed extension assimilates well with the existing buildings and therefore will not adversely affect the significance of the heritage assets through harm to their setting. The proposal will therefore result in no harm to heritage assets and therefore is acceptable in accordance with part 12 of the NPPF and policy NBE16 of the Adopted Local Plan.

**Design and Visual Impact**

7.13 Changes to the finished appearance of the proposed extension in terms of the use of natural stone with coping stone to match the existing will ensure that the proposed extension will be in keeping with the character and appearance of the existing building and therefore the wider street scene. The proposal is considered to be acceptable in accordance with Policy SF5 of the Adopted Local plan and part 7 of the NPPF which requires good design.

**Highway Safety**

7.14 Concern has been raised by local residents that the creation of a retail unit in this location will have a further adverse impact upon use of the site access and additional traffic to what is already considered to be a chaotic area of the highway with numerous junctions, the cross roads and traffic lights to contend with.
7.15 The Local Highway Authority have considered the scheme and bearing in mind the previous use of the site, the proposed parking provision, further need to widen the access and splay the entrance walls along with the provision of a Servicing Management Plan the Local Highway Authority have no objection to the proposal subject to the imposition of specifically worded conditions to ensure the access and deliveries are appropriate to serve the needs of the use whilst not causing harm to the safety of the highway network.

7.16 Whilst it has been noted that the proposed use will introduce a potential 25 new jobs, not all of these staff would be working at one time and visitors are likely to only be on site for a short period of time therefore allowing sufficient parking within the site for both customers and staff.

Amenity and Noise Impacts

7.17 Along with the application a detailed plant noise design guide has been submitted. This report has been considered by the Council’s environmental health officer who has advised that the plant should be installed in order to be in full accordance with the noise levels identified within the report. Therefore subject to condition the impact of the installation of the plant will have minimal impact upon residential amenity.

7.18 The opening hours of the proposed shop would mean that the building would be in use over and above the use of the former bank. Given the location of the site in a shopping area and the distance to the nearest wholly residential property it is considered that the hours of operation for a local shop is appropriate and should be conditioned to ensure the use does not fall out of these specified operating hours.

7.19 In terms of the impact upon residential amenity the proposal is considered to be acceptable in accordance with local and national policy subject to detailed conditions.

Conclusion

7.20 The proposal will result in a local shop facility with longer opening hours in a sustainable location where such retail uses are encouraged and which will cover a wide area with passing traffic along the A6. This will improve the diverse retail provision encouraged through the NPPF. The proposal will lead to the sustainable re-use of an existing vacant building and will create new employment opportunities both of which are fundamental aims of the NPPF. Whilst the use may adversely impact upon existing businesses through competition, this would not be a reason sufficient to refuse planning permission given that the proposed development fulfils the sustainability and growth aims of the NPPF with the presumption in favour of sustainable development, the proposal is therefore recommended for approval.

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

1. Condition ST02a: Time limit on full

2. Condition ST06: Amended plans no. PL-011 and PL-012 received 21.09.16

3. The external finished materials of the walling to the east facing street elevation shall be coursed, pitched faced, birchover stone with a coping stone to match the existing in terms of size, material and tooling the coping stone of the existing, unless otherwise agreed in writing by the Local Planning Authority. Works shall be completed in accordance with the agreed details.
4. Notwithstanding the submitted details, prior to the render finished being put onto the external walls the finish and colour of the render to the side and rear elevations of the extension shall be submitted to and agreed in writing by the Local Planning Authority. Works shall be completed in accordance with the agreed details.

5. Prior to the installation of the plant, full details of all plant shall be submitted to and agreed in writing by the Local Planning Authority. Works shall be completed in accordance with the agreed details.

6. In accordance with the submitted noise report and in association with condition no. 5 above, the combined noise levels emitted from any air-conditioning unit and refrigeration plant, must not exceed 40 dB(A) at Daytime (07.00 – 23.00 hours) and 29 dB(A) Night-time (23.00 – 07.00 hours).

7. Before any other operations are commenced detailed designs for the vehicular access improvements, comprising splayed access layout, construction and drainage details, relocation of highway signage and measures to prevent roadside parking on the verge areas in the vicinity of the site shall be submitted to the Local Planning Authority for written approval. The works being carried out strictly in accordance with the approved details, prior to the convenience store being opened for use.

8. Before any other operations are commenced a Servicing Management Plan detailing how deliveries to the site are to be undertaken, including frequency, size of vehicle and overall management (manoeuvring of vehicles and car parking) shall be submitted to the Local Planning Authority for written approval. The deliveries thereafter being carried out in accordance with the approved Servicing Management Plan, unless otherwise agreed in writing with the Local Planning Authority.

9. Prior to the convenience store being opened for use the car park shall be laid out in accordance with the application drawings (PL_006 Rev C Proposed Site Layout), and marked and thereafter remaining free from any impediment to its designated use for the life of the development.

10. The access shall not be gated within 5m of the highway boundary, any gates should open into the site only.

11. Condition IC03: Restricted operating hours (Hours of 0600 to 2300)

12. Prior to its installation full details of the design, height and finish of the timber enclosure shall be submitted to and agreed in writing by the Local Planning Authority. The works shall be completed in accordance with the agreed details.

Reasons:

1. Reason ST02a

2. Reason ST06

3-5. To ensure an appropriate finished form of development in accordance with policy SF5 of the Adopted Local Plan and guidance contained within the National Planning Policy Framework.

6. To protect residential amenity in accordance with guidance contained within the National Planning Policy Framework.
7-10. In the interests of highway safety in accordance with policies TR1 and TR8 of the Adopted Derbyshire Dales Local Plan and guidance contained within the National Planning Policy Framework.

11. To protect residential amenity in accordance with guidance contained within the National Planning Policy Framework.

12. To ensure an appropriate finished form of development in accordance with policy SF5 of the Adopted Local Plan and guidance contained within the National Planning Policy Framework.

NOTES TO APPLICANT:

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

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. In order to implement the access improvements and associated works within highway limits the applicant / developer will be required to enter into a section 278 Agreement (Highways Act 1980) with the County Council. Under no circumstances must works commence within highway limits until the works have been covered by the appropriate Agreement. 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.

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

5. The application proposals are affected by Prescribed Improvement / Building Lines under the Public Health Act / Road Improvement Act 1925. Whilst it is an offence to undertake building works in advance of this line, it may be possible for the applicant to apply to rescind the lines. The applicant is advised to write to the Strategic Director Economy, Transport and Communities at County Hall, Matlock, DE4 3AG, at least 6 weeks before commencing works, requesting that the lines be removed and confirming that they will meet the Authority’s administrative / legal costs if the removal is approved.

6. This decision notice relates to the following documents:
   Amended plans PL-011 and PL-012 received 21.09.16
   Transport solutions statement received 21.09.16
   Planning and retail statement received 29.07.16
   Plan PL-006 Rev C received 29.07.16
   Plan PL-007 Rev B received 29.07.16
   Plant noise design guidance received 29.07.16
   Design and access statement received 29.07.16
Transport statement received 29.07.16
Arboricultural report received 29.07.16
Existing plans PL-005 Rev A received 29.07.16
Plans PL-003, PL-004 Rev B, PL-001 Rev C PL-002 Rev D received 29.07.16
<table>
<thead>
<tr>
<th>APPLICATION NUMBER</th>
<th>16/00578/FUL</th>
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<tr>
<td>SITE ADDRESS:</td>
<td>Land south of Dale Road North, Darley Dale</td>
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<tr>
<td>DESCRIPTION OF DEVELOPMENT</td>
<td>Construction of Medical Centre and Access Road</td>
</tr>
<tr>
<td>CASE OFFICER</td>
<td>Mr. G. A. Griffiths</td>
</tr>
<tr>
<td>APPLICANT</td>
<td>Mr. Nicolas Arnold</td>
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<tr>
<td>TOWN</td>
<td>Darley Dale</td>
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<td>AGENT</td>
<td>Primary Secondary Design Ltd.</td>
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</table>
| WARD MEMBER(S)     | Cllr. J. Atkin  
                        Cllr. M. Salt  
                        Cllr. A. Statham |
| DETERMINATION TARGET | 18th October 2016 |
| REASON FOR DETERMINATION BY COMMITTEE | The proposal is a departure from Policies in the Adopted Local Plan (2005) |
| REASON FOR SITE VISIT (IF APPLICABLE) | To assess the impact of the proposed development on the character, appearance and amenity of the area. |

**MATERIAL PLANNING ISSUES**

- Principle of the development
- Impact on existing facilities
- Layout, scale and design
- Landscape and visual impact
- Highway safety
- Impact on residential amenity
- Impact on wildlife

**RECOMMENDATION**

Approve
16/00578/FUL

Land south of Dale Road North, Darley Dale

Derbyshire Dales DC

Date: 30/09/2016

100019785
1. THE SITE AND SURROUNDINGS

1.1 The site is set in an open field on the south side of the A6. The site is close to the “centre” of Darley Dale/Two Dales. It is in a location where there is 19th and 20th century residential development, with retail and commercial properties, services, former bank and the Whitworth Institute. The surrounding landscape is part of the River Derwent valley floor and the site retains its openness.

1.2 The site is part of an important open space along the A6 corridor and there are local, open views from the A6. The northern part of the site is defined by a stone wall. Beyond this, to the north of the A6, are residential and commercial properties which overlook the site. To the west is the former bank and residential properties aligning Station Road which also have views across the site.

2. DETAILS OF THE APPLICATION

2.1 Full planning permission is sought for the erection of a Medical Centre, which also includes a pharmacy. The application has been submitted as the expansion of the existing Darley Dale Medical Centre is not a realistic option for the Practice as it is severely constrained by the current premises. It is advised that there is an increasingly desperate community need for the provision of more space, in better quality accommodation, for the clinical services. Funding has been secured for the proposed surgery with the required, increased clinical and communal services. This would also allow the Practice to align itself with both the current NHS England and the CCG’s local healthcare strategy. It is also advised that the existing Pharmacy on the opposite side of the A6 intends to relocate into the new Medical Centre and that it is a NHS preference that Medical Centres and Pharmacies coincide for continuation of clinical medical care for the patients.
2.2 The new medical centre would allow the Practice a much greater number of services as follows:

- increased capacity offering more choice to patients and giving them a greater say in their healthcare
- additional Primary Healthcare services not currently provided by the Practice
- a modern and professional primary care experience
- enabling the GP practice to serve the increasing population of the Practice area
- provision of consulting rooms in accordance with NHS guidelines
- a flexible building designed to the latest standards
- space and support for community groups
- solutions to disability access issues and infection control
- improved working conditions for the staff
- expanding and improving the training capacity for the next generation of GPs and nurses.

2.3 To accommodate these facilities, it is proposed that the building would be two storey with a single storey projection creating an L-shaped form. A modest single storey element is also proposed to the south west side of the two storey part of the building. The two storey element is proposed to measure some 23.5m by 11m and be 8m high, at its highest point, with a mono-pitched roof, and would be set at some 90° to the A6. The main single storey element is proposed to measure some 23m by 13m and be 5.5m high, at its highest point, again with a mono-pitched roof, and would align with the A6. It is proposed that the building would be constructed with render and either reconstituted stone or brickwork. The roof is proposed to be a grey coloured single ply rubber compound membrane.

2.4 The vehicle access to the site would be via a new access off the A6 to the east of the proposed building. It is ultimately proposed that this access road would also serve the future residential development of the wider site if allocated through the emerging Local Plan. A turning would come off this access road into a car park proposed to the rear of the Medical Centre from which paths would allow access into the rear of the medical centre and the pharmacy. The principle pedestrian access to the main entrance to the building is proposed off the A6 and this access would also extend around the building to the main entrance to the pharmacy.

2.5 The applicant has detailed some landscaping around the site, the most notable being a 8m wide planted area between the A6 and the building.

3. PLANNING POLICY AND LEGISLATIVE FRAMEWORK

3.1 Adopted Derbyshire Dales Local Plan (2005)
SF4: Development in the Countryside
SF5: Design and Appearance of Development
SF8: Catering for the Needs of People with Disabilities in Development and Redevelopment
NBE5: Development Affecting Species Protected by Law Or Are Nationally Rare
NBE9: Protecting the Important Open Spaces Alongside the A6 through Darley Dale
NBE7: Features Important in the Landscape
NBE8: Landscape Character
NBE26: Landscape Design in Association with New Development
NBE27: Crime Prevention
S6: The Design and Appearance of Shops and Commercial Premises
CS2: Provision of New Community Facilities and Services
TR1: Access Requirements and the Impact of New Development
TR8: Parking Requirements for New Development
3.2 Government Guidance  
National Planning Policy Framework (March 2012)  
National Planning Practice Guidance

3.3 Supplementary Planning Document  
Landscape Character and Design Supplementary Planning Document (DDDC)

3.4 Draft Derbyshire Dales Local Plan (2016)  
Policy HC2: Housing Land Allocations  
Policy HC14: Community Facilities and Services  
Policy DS2: Land to the Rear of Former RBS premises, Darley Dale  
Policy PD10: Matlock to Darley Dale A6 Corridor

The application site is identified in Policy HC2(j) (Housing Land Allocations). However, this site is also identified in Policy DS2 as one of the strategic sites in the Draft Local Plan (2016) as one of the development sites are expected to provide in excess of 100 dwellings. These sites vary in type, size and capacity but are considered essential to the delivery of the Local Plan’s spatial strategy and overall vision. The site is also identified as providing an opportunity for the provision of a new Darley Dale Medical Centre. The emerging Local Plan identifies that, although the allocation of this site will result in the loss of some open space, it is by comparison an area of land with a much lower landscape sensitivity when compared to others elsewhere within Darley Dale. In this respect, housing development here is considered unlikely to have an adverse impact on settlement pattern, particularly in north west of the site where development should remain compact and focused.

4. RELEVANT PLANNING HISTORY
10/00194/FUL Provision of replacement access road and junction – Refused – Appeal Withdrawn

08/00453/OUT Erection of DIY retail unit, garden centre and associated car parking, engineering works and landscaping (outline) – Refused – Appeal Withdrawn

05/1058/OUT Erection of DIY retail unit, garden centre and associated car parking, engineering works and landscaping (outline) - Refused.

00/08/0567 Development of site for retail, employment, housing, community services and car parking purposes – Refused

5. CONSULTATION RESPONSES

Town Council  
5.1 No comments received

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

Landscape Design Advisor (DDDC)  
5.3 Comment:
- refer to Strategic Housing Land Availability Assessment
- refer to importance of 8m planted strip behind the boundary wall
- existing trees on boundaries with neighbouring properties must be protected during construction and retained thereafter
- require comprehensive planting scheme
existing road frontage wall is an important feature – applicant should clarify how it is
treated where it is penetrated.

6. REPRESENTATIONS RECEIVED

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

- intrusion into green field land away from established properties
- would set an undesirable precedent
- ribbon development in area of natural beauty
- fields south of the A6 have always been designated as greenfield sites
- to move the doctors means more people will have to cross the very busy A6 causing
  potential accidents and traffic issues
- have been traffic accidents at junction
- current doctors surgery allows easy access for all the older people from Underhall
- as some of the facilities have been closed in Underhall, surely redevelopment of this site
  would be easier than building anew and having places stood empty
- St. Elphins was proposed as an alternative site for the new doctors facility and would be a
  better option than tearing up the few green fields left between Matlock and Darley Dale
- impact on wildlife on the site.

6.2 Two Dales Residents Action Group – object:
- concern over access a few yards from RBS/proposed Co-op entrance together with
  additional central refuge
- further increase in traffic exacerbated by proposed Medical Centre and the anticipated
  residential development
- should delay consideration of the RBS and Medical Centre proposals pending a
  comprehensive review of all aspects of the access points, existing junctions and the
  overall traffic scene and essential that there is public consultation
- very minimum would be a single access to all sites
- would not be beyond the realms of possibility to construct a modest roundabout and small
  central islands
- potential road expansion space at the Station Road and Chesterfield Road junctions and
  on the southern verge of the A6
- suitably phased traffic lights would be a second best alternative or addition

6.3 Matlock Civic Association – Comment:
- unnecessary and unacceptable 8m visibility splay
- access will exacerbate existing traffic congestion at the crossroads (where station Road
  meets the A6) and where there is also a pedestrian crossing
- suggest access be a side road off the existing DFS access road to allow existing roadside
  wall to be retained

7. OFFICER APPRAISAL

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

1. Principle of development
2. Impact on existing facilities
3. Layout, scale and design
4. Landscape and visual impact
5. Highway safety
6. Impact on residential amenity
7. Impact on wildlife
Principle of Development

7.2 In terms of planning policy, the first points of reference in determining any planning application are the relevant policies of the Adopted Derbyshire Dales Local Plan (2005). In this respect, the site is in open countryside and subject to Policies SF4 and NBE9 of the Adopted Local Plan which restrict development of such a greenfield site in this locality. With regard to development on the protected open spaces through Darley Dale the Adopted Derbyshire Dales Local Plan notes the following:

*Over the years, the Matlock-Darley Dale corridor alongside the A6 has become increasingly built up. Already this blurs the separate identity of the settlements. If allowed to go unchecked, a continuous ribbon of development would be created. The remaining open areas make a significant contribution to the character and appearance of the locality. This is especially true of the open areas to the south and west of the A6 which provide splendid views across the Derwent Valley.*

7.3 For this reason Policy NBE9 of the Adopted Local Plan was adopted. This policy requires that planning permission for development will only be granted for development on open spaces alongside the A6 through Darley Dale, as defined on the proposals map if:

a) it consists of an extension of an existing building or;
b) it is required for the purposes of agriculture, forestry or outdoor recreation or;
c) it is required for the purpose of regenerating, improving and/or extending the facilities at the Sir Joseph Whitworth Centre, and;
d) it does not have an adverse impact upon the open character of the area.

In this respect, Policy NBE9 would lean against development of the application site for a Medical Centre and Paragraph 109 of the NPPF states, in part, that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes. Paragraph 215 of the NPPF also advises that due weight should be given to relevant policies in existing plans according to their consistency with the framework. Therefore the aims of Policy NBE9 remain to some degree consistent with the Framework.

7.4 However, Paragraph 17 details the Core Principles of the NPPF. Within these, it states that planning should take account of the different roles and the character of different areas, promoting the vitality of main urban areas, recognising the intrinsic character and beauty of the countryside and supporting the thriving communities within it. Therefore, it is acknowledged that the negative wording of Policy NBE9, seeking wholesale protection of areas of land, is not in accordance with the overall presumption in favour of development contained within the NPPF. In this regard it is considered that Policy NBE9 has only limited weight in the planning balance and it is therefore logical to assess the development in light of Paragraph 14 of the NPPF considering the impacts on the development in the round as a balanced judgement.

7.5 There is clearly a need for an improved Medical Centre within Darley Dale. In addition, whilst this planning application is solely for a Medical Centre and Pharmacy, this also needs to be considered in the context of the potential significant residential development on the wider site which is identified in the Draft Local Plan (2016) under Policies HC2 (j) and DC2. In addition, the protection of the land currently afforded by Policy NBE9 would be superceded by emerging Policy PD10 in the Matlock to Darley Dale A6 corridor in the Draft Local Plan; this emerging Policy excludes the application site and the wider site proposed for potential residential development.
7.6 It should be noted that, in recent times, the District Council has had to grant planning permission for residential development on greenfield sites on the fringe of settlements, or planning appeals have been allowed, in order to meet the housing land supply requirements expected for the District. Whilst the District Council can now demonstrate a 5 year housing land supply (plus 20%) based on recently granted planning permissions, it is also required to demonstrate a housing land availability through the life of the emerging Local Plan which is yet to be adopted.

7.7 Therefore, the consideration of the future residential development of the wider site must still rest with Paragraph 14 at present. In such a case that planning permission was sought for residential development of the wider site, it would be expected that development would be permitted. With such future residential development, the Medical Centre would be contained within the existing and proposed residential areas. In addition, there is, and there will be, an increasing need for improved community facilities such as the Medical Centre. Residential development has also been taking place throughout Darley Dale in recent years and it is evident that the existing Medical Centre facilities are under pressure. In this respect, the proposed development would be located in a centrally located part of the wider settlement of Darley Dale and the medical practice catchment area, and would ultimately be likely to be contained within the existing and proposed built form of the town.

7.8 The provision of such a facility would therefore generally accord with Policy CS2 of the Adopted Local Plan (2005) and would accord with emerging Policies HC14, H2(j), DC2 and PD10 of the Draft Local Plan (2016). Therefore, it is considered that, notwithstanding the conflict between Adopted Local Plan Policies SF4 and NBE9 with the emerging Local Plan Policies detailed above, which currently have little weight, the principle of the Medical Centre being established on this site is nevertheless acceptable given the sustainable nature of the site and community benefits and the presumption in favour of such development advocated in Paragraph 14 of the NPPF. However, this is subject to other material considerations which are assessed below.

**Impact on Existing Facilities**

7.9 It has been advised by the applicant that the existing pharmacy on the opposite side of the A6 intends to relocate into the proposed pharmacy at the new Medical Centre and that it is a NHS preference that medical centres and pharmacy’s coincide for continuation of clinical medical care for the patients. In this respect, this would have no impact on the existing pharmacy business and, whilst a building would be vacated, opportunity would exist for the re-use of this premises which could contribute in another way to the vitality of this part of the town.

7.10 If it was the case that the existing pharmacy was not to relocate, it is considered that this would merely lead to local competition between two such facilities and, if the existing facility were to close as a result, there would be no net loss in such a facility provision in the area; it is considered that the District Council cannot intervene in matters of potential competition between such premises.

**Layout, Scale and Design**

7.11 The scale and design of the building has largely been determined by the proposed layout required by the Practice to meet with standards required to meet Health and Safety Regulations and NHS guidance. This has also included consideration of Secure by Design and the Derbyshire Dales Community Safety Design Guide and would comply with the requirements of the Disability Discrimination Act (DDA). The shallow building plan is also advised to allow natural light and ventilation into all clinical/administrative rooms to create a pleasant working environment.
7.12 The applicant advises that the two storey element is a response to similar two storey development in the area and will allow for a more compact footprint on the site. The storey heights are advised are determined by NHS guidance and for the provision of a lift. The applicant considers that the elevations also reflect on design guidance provided by Officers as part of pre-application discussions and advice that the building should reflect a modern healthcare building design by utilising appropriate materials.

7.13 However, during the consideration of the planning application concerns were raised with the applicant by Officers with regard to design detail, the key points of which are summarised as follows:

(i) *The landscaped area between the building and the A6 should be referred to as such on the plan, and not as a visibility splay, as this has raised some confusion with persons commenting on the application.*

An amendment has been made to the drawing detailing the 8m area to be for landscaping and not a visibility splay;

(ii) *The use of reconstituted stone is considered inappropriate for such a prominent building and natural stone should be provided with an increased area of coverage.*

The applicant has advised that the costs of using natural stone, and the requested increase in the coverage of stone, would make the development unviable. In this respect, they have advised that they have obtained updated quotes for the two types of natural gritstone proposed by Officers and advise that the use of either gritstone would place the project outside of affordability limits and make the scheme unviable. This is because using natural stone adds an additional minimum cost of £40 per m², with possibility of £66/m², to the construction costs over and above that of the amount of reconstituted stone detailed in the initial elevations.

The applicant also understands, from two suppliers, that the major Peak Moor stone quarry has recently been taken over and they can no longer guarantee supply in the quantities suggested by Officers until the new year at the earliest, which the applicant advises is untenable given the timescales the NHS has advised to deliver the building in. The applicant advises that they could accept two options which can be delivered within cost tolerances: either reconstituted stone as detailed in the original submission, or a buff brick substitution which could also increase the amount of such material in the revised elevations which would deliver a scheme which visually reflects that suggested by Officers in the amended drawings.

(iii) *The main entrances to the building should have a greater presence and lead into a central reception/waiting area.*

The applicant has advised that the design of healthcare buildings is complex and there are a number of healthcare design guides as well as the mandatory government legislative requirements that have to be adhered to, whilst providing a pleasing, comfortable, confidential and safe environment for patients, visitors and staff. It is therefore critical to the design that the access points remain as the planning application drawings to maintain the clinical, and patient/staff flows.

(iv) *The 'louvre'd door to the assumed plant room would need to be omitted as this harms the front elevation.*

The external access to the plant room (which is on the principal elevation facing the A6) is required for maintenance and replacement of parts. As the internal areas need to comply with control of infection, as well as healthcare design requirements, the access
needs to be from the outside. The plant room is required to be located centrally within the building to reduce the service runs (and minimise pipe sizes, heat loss, etc) and be more environmentally friendly by keeping boiler size and emissions to the smallest practicable.

The applicant advises that it is not possible to flip the design of the single storey element to have the plant room on the south west elevation and still meet the patient flows/main access point and links to pharmacy. The colour of the plant room door can be the same as the surrounding wall area, and not the windows and entrance doors, in order to blend the door into the elevation and not highlight its position.

**(v)** *The fire escape door on the front elevation should be relocated to the north western elevation.*

It is a Secure by Design requirement that corridors should be as straight as possible, along with fire escape routes being direct as possible. The fire escape door (which is again on the principal elevation facing the A6) is therefore positioned to meet both the security and the travel distances required in means of escape circumstances. The applicant has investigated relocating the door to the North West elevation as requested but this will increase the floor area and add a further 14m² to the footprint of the building; the applicant advises this will add a considerable sum to an already tight budget and is outside of the NHS area limits for a practice of this size.

As with the plant room door, the door is set back some 15m from the back of the footpath and the view would be interrupted by boundary wall and future trees and shrubs. The door is also recessed in the external wall construction. The applicant advises that the colour of the door could be as the surrounding wall treatment to minimise any impact.

**(vi)** *Details are requested of the use of the land to the south west of the car park, which appears to be essentially a fenced off grassed area.*

The land at the south west of the car park is intended for future expansion of the Medical Centre, subject to the necessary approvals. The Clinical Commissioning Group is in the process of identifying clinical services that will need to be provided from Darley Dale and the surrounding area. The land would also cater for a temporary siting of mobile breast screening unit/mobile diagnostic unit if required.

7.14 The applicants have sought to make a case for the development based on cost and the apparent necessity internal arrangements directing the design and external appearance of the building. With the initial proposals, reconstituted stone was proposed as the applicants considered this constitutes ‘stone’. However, Officers are concerned with the quality of the development proposed. The applicant has proposed the use of reconstituted stone or brick for the development based solely on the viability of the development. Officers consider that this would poorly relate to the predominance of natural stone buildings in the immediate locality and this proposed development, of relatively substantial scale in its context, would fail to ‘anchor’ itself in such surroundings.

7.15 In this respect, it would be reasonable to recommend that planning permission be refused for the development, based on the design criteria, as it is not beyond reason that the requisite accommodation and layout could not be accommodated in a different form of building; not all medical centres are the same. However, it is considered by Officers that there would be similar constraints on the costing of any building in achieving the level of service proposed, and this is a material consideration.
7.16 In this respect, it is considered that amended proposal, which has a visually more robust and structural appearance, would be the more appropriate and be the preferred scheme. With such a scheme, brick would have to be the primary material, rather than reconstituted stone, due the financial viability of the scheme. Whilst natural stone would be preferable for this development, with reticence, Officers consider they must look at different materials. In this respect, the use of brick is considered to be more appropriate than reconstituted stone in terms of the design and appearance of the building. Whilst brick is not the predominant material in the locality, there are instances of its use in the immediate and wider locality and this is considered more ‘honest’ a material in the immediate locality than reconstituted stone.

7.17 There is some concern that the render finish to the building is proposed to be white (this would draw the eye to this element and not the primary material) and the colour of the render would need to be given further consideration once the primary material is agreed upon. The use of brick would also diminish the extent of rendered elements initially proposed in the original scheme. As such, all materials will need to be approved through condition on any grant of planning permission.

Landscaping

7.18 There would be the loss of a substantial area of open space in the A6 corridor to facilitate the proposed residential development and Medical Centre but, in mitigation, the site is large enough to accommodate a substantial open frontage to the road.

7.19 Despite the description attached on the initial site plan, the Design and Access Statement makes it clear that the proposed development makes accommodation for an 8m planted belt behind the boundary wall along the frontage with the A6 is retained for planting; this has now been clarified in amended drawings and is considered acceptable. It is considered appropriate that large street trees should become established in this 8m wide buffer, in the manner that characterises much of the road frontage through Darley Dale. When replacing the trees known as the “Whitworth Limes”, the variety Tilia platyphyllos Rubra (large leafed lime) has been chosen and is considered appropriate for the application site. This is a large tree with an upright habit but it can attain a eventual spread of more than 8 metres.

7.20 Some concern has been raised by the District Council’s Landscape Design Advisor with regard to the proposed building’s proximity to such potentially large trees. However, it is considered that these trees will take some 30 years to mature and that, with appropriate management, such trees could be provided in this context. As part of any landscaping proposal, the existing trees on the boundaries with neighbouring properties will need to be retained and adequate measures for their protection should be made during the construction period.

7.21 Although the Design and Access Statement makes reference to low level planting and screening of clinical areas from public view, there is little shown on the site plan. It is expected that a comprehensive scheme of planting that creates an attractive setting for the building, and contributes positively to both to the street scene and the wider environment, will be implemented as part of the development. In this respect, the applicant would be advised to refer to District Council’s Supplementary Planning Document in connection with Landscape Character and Design when drawing up proposals in this regard and details of the landscaping would be a condition of any grant of planning permission.

7.22 The applicant has been advised that it would be preferable to have landscaping permeating through the car park as there appears be adequate space. It was also advised that landscaping should also be provided as a feature in front of the south-west entrance to the building (which could be filtered into the car parking area landscaping) with a reduction in the proposed hard landscaped area. Whilst the applicant acknowledges the importance of landscaping at the main entrance, it is advised that this needs to be balanced with safety of
patients. As such, it is considered that the soft landscaping within the site needs to be given further consideration but this could be addressed through a condition on any grant of planning permission.

7.23 The existing road frontage wall is an important local feature. It is proposed to be penetrated at two points as a result of the development and the applicant will need to clarify how it is to be treated at these points; this can again be subject to a condition of any grant of planning permission.

Highway Safety

7.24 Concerns have been raised in representations with respect to highway safety issues. However, the Local Highway Authority has considered the proposals and advises that there are no objections to the development, and future residential development being served off the proposed access. There will inevitably be a redistribution of traffic in this area as the facilities relocate to the proposed nearby site. However, the Local Highway Authority is generally satisfied that there are no fundamental highway issues that would result in a severe impact of the surrounding highway network (with reference to Paragraph 32 of the National Planning Policy Framework), or that would exacerbate existing highway safety concerns in the vicinity of the site.

7.25 Redistribution or increased levels of traffic, as a consequence of development, would not necessarily constitute sufficient grounds alone to recommend refusal of a planning application, except where it can be clearly demonstrated that the traffic will have a harmful effect on highway safety, relative to existing conditions on the road network. It is advised that it would be entirely inappropriate for the Local Highway Authority to recommend that the Local Planning Authority should refuse permission if it was not confident that sound, sustainable and defensible reasons existed. However, based on the evidence and information currently available, the Local Highway Authority would not be in a position to support or defend a reason for refusal of planning permission on technical grounds.

7.26 The Local Highway Authority is mindful that the Medical Centre could generate additional demand for pedestrians to cross the relatively busy A6 road. There is a controlled pedestrian crossing facility in the vicinity of the site and, whilst it may not be on the most direct desire line for some visitors to the site, it would not be an unreasonable diversion in terms of walking thresholds, to utilise safe crossing facilities. In addition, the access proposals also indicate the introduction of a central pedestrian refuge within the Ghost Island carriageway markings, which could assist crossing manoeuvres to and from the site. However, this will ultimately depend on the timing and delivery of the Ghost Island junction, which as yet has not been clarified/confirmed by the applicant and is also likely to be dependent on any future residential development proposals on the wider site area.

7.27 Therefore, is a need for condition to ascertain whether the access design would be to serve just the Medical Centre, or this and the potential residential development. In this respect, a condition will be required for a temporary access to be agreed and, prior to the Medical Centre being brought into use, the ultimate access detail to be agreed. This will require a lead in time of some 16 weeks to address the Section 278 requirements of the Local Highway Authority for access specifications, but will also allow a period in which the nature and scale of the access can be determined with a greater understanding of whether the wider site has been allocated/planning permission granted for the residential development. Other conditions, such as parking space provision, etc. will also be required.
Impact on Residential Amenity

7.28 Whilst this is a reasonably large building, it is proposed to be located some distance from residential properties. The nearest residential properties overlooking the site from the north east side of the A6 are set some 37m from the proposed building. It is also proposed that, in time, landscaping along the northern boundary of the site would serve to soften the built form. The building would also be located some 47m from the nearest dwelling on Station Road.

7.29 Given these distances, whilst there may be an intervention into the views from these properties, the proposal will not result in a significant loss of lights, outlook and privacy. In this respect, the development is not considered to significant harm the amenity of neighbouring residents.

Impact on Wildlife

7.30 The site is an open and managed field which may have little potential to support wildlife habitat. The proposals would not result in a loss of habitat such as found in trees and hedgerows and, with landscaping provision, could add to the biodiversity potential of the site.

Conclusion

7.31 The site is prominent as part of a greenfield open space to the south of the A6 corridor at the gateway into the main area of the town which is protected by Policy NBE9 of the Adopted Local Plan (2005). However, the wider site is identified in Policy HC2(j) (Housing Land Allocations) for residential development with the inclusion of the Medical centre. This site is also identified in Policy DS2 as one of the strategic sites in the Draft Local Plan (2016) expected to provide substantial development essential to the delivery of the Local Plan’s spatial strategy and overall vision. Although the allocation of this site will result in the loss of some open space, it is, by comparison, an area of land with a much lower landscape sensitivity when compared to others elsewhere within Darley Dale. In this respect, housing development and the associated Medical Centre here on this wider site is considered unlikely to have an adverse impact on settlement pattern.

7.32 If this development is to be brought forward, as expected, the Medical Centre would become more assimilated within the townscape. In the unlikely case that the residential development did not come forward within a reasonable time period, say five years, it is considered that compensatory landscaping along the eastern boundary would be required to soften the encroachment of the Medical Centre.

7.33 The proposals would deliver a modern medical centre that would address the current burgeoning demands of the existing health centre and have capacity going into the future. In this respect, the provision of such a community facility is to be welcomed. The applicants have partially taken on board concerns/suggestions made by Officers with respect to design improvements and have, where they consider reasonably practicable, taken these comments on board. However, there are constraints on the affordability and deliverability time of such a public facility which need to be taken into consideration.

7.34 In this respect, whilst it is the view of Officers that the development should have a substantive element of natural gritstone on the elevations and, as currently proposed (even by amendment) it would be a prominent building of sub-standard quality in its context, it is considered that the scheme of predominantly buff/brown brick, with elements of render, would be more appropriate than the use of reconstituted stone with more extensively rendered areas. This would also relate to some extent to the more modern, brick built developments that are found within the town, some in relatively close proximity to this site. The type of brickwork for this development could be of a more contemporary type to suit its design, but this would again be subject to costings.
7.35 Whilst concerns have been raised with regard to highway safety, the applicant has fully engaged with the Local Highway Authority in the provision of an access that would meet the requirements of the facility and which would also meet these requirements for future housing development, subject to conditions.

7.36 Given the above, this is an important facility to serve the existing and future needs of the community and, whilst there are some concessions on the preferable materials for such a building, it is considered that planning permission should, on balance, be granted on the basis of the amended drawings.

8. RECOMMENDATION

That planning permission be granted subject to the following conditions:

1. Condition ST02a  Time Limit on Full

2. The development hereby approved shall be carried out in accordance with the original plans and specification, except as amended by the drawings and information received on 29th September 2016 and except insofar as may otherwise be required by other conditions to which this permission is subject.

3. Condition DM1  All Materials to be Approved: General

4. Prior to commencement of development details of all new external window and door joinery and/or metal framed glazing, and all door details, shall be submitted to and approved in writing by the Local Planning Authority. The submitted details shall include depth of reveal, details of heads, cills and lintels and horizontal/vertical frame sections (including sections through glazing bars). The development shall be carried out in accordance with the approved details.

5. Before the development is first brought into use, details of the type and positioning of any CCTV cameras and the type and positioning of all external lighting around the site shall be submitted to and approved in writing by the Local Planning Authority. This shall thereafter be provided in accordance with the approved details before the development is brought into use.

6. Notwithstanding the details on the approved drawings, before the development commences, details of the design, location and materials to be used on all boundary walls/fences/screen walls and other means of enclosure, and details of the finish to the openings in the A6 boundary wall, have been submitted to and approved in writing by the Local Planning Authority. These shall be erected in accordance with a phasing plan for the development to be first agreed in writing by the Local Planning Authority and shall thereafter be retained in perpetuity unless otherwise agreed in writing by the Local Planning Authority.

7. Notwithstanding the details on the approved drawings, no development shall commence on site until a scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority, the details of which shall include :-

   a) all vegetation to be retained including details of the canopy spread of all trees and hedgerows within or overhanging the site, in relation to the proposed buildings, roads, and other works;

   b) measures for the protection of retained vegetation during the course of development;

   c) all plant species, planting sizes, planting densities, the number of each species to be planted and plant protection;
d) minor artefacts and structures such as benches, cycle racks, refuse storage, etc.; and

e) hard surfacing materials.

8. Condition LA13 Landscape Works: Implementation

9. No development shall take place 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:

a. Parking of vehicles for site operatives and visitors,
b. storage of plant and materials and site accommodation,
c. routes for construction traffic,
d. method of prevention of mud/debris being carried onto the public highway,
e. proposed temporary traffic management/restrictions,
f. arrangements for loading/unloading and turning vehicles within the site,
g. site access arrangements and roadside fencing/hoarding, and
h. development program.

10. No development shall be commenced until a temporary access for construction purposes has been provided in accordance with detailed designs previously submitted to the Local Planning Authority for written approval. The access shall be laid out and constructed to accommodate construction vehicles, laid out at least 6.5m wide and provided with minimum 2.4m x 50m visibility splays in each direction, measured up to 0.5m into the carriageway at the extremity of the splay; the area in advance of the sightlines remaining free from any obstructions to visibility over 1m high, relative to the nearside carriageway channel level. The temporary access arrangements shall be retained in accordance with the approved scheme throughout the construction period, or until such time as the permanent access is taken into use.

11. Before the permanent access to the A6 is provided, detailed designs (layout and construction) shall be submitted to and approved in writing by the Local Planning Authority and shall thereafter be provided in accordance with the approved details prior to any occupation of the building (the applicant is advised to refer to Note 1 (iii) below).

12. Prior to any occupation of the building the access shall be laid out, constructed, drained and lit in accordance with the approved details and provided with minimum 2.4m x 50m visibility splays in each direction, measured up to 0.5m into the carriageway at the extremity of the splay; the area in advance of the sightlines remaining free from any obstructions to visibility over 1m high, relative to the nearside carriageway channel level. For the avoidance of doubt the developer will be required to enter into a Highways Act 1980 Agreement (Section 278) with the Highway Authority in order to comply with the requirements of this condition.

13. Within 21 days of the permanent access being taken into use, any temporary construction access or other access to the A6 shall be completely removed and the highway margin re-instated, in a manner to be agreed with the Local Planning Authority in consultation with the Highway Authority.

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

15. The carriageways and footways shall be constructed in accordance with the details approved under condition 14 above, up to and including binder course surfacing, to ensure that the building, prior to being taken into use, has a properly consolidated and surfaced carriageway and footway between the building 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 and footways shall be completed with their final surface course in a timescale to be agreed in writing with the Local Planning Authority.

16. Works shall not commence on site until a scheme for the disposal of highway surface water has been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details prior to occupation of the building and retained accordingly thereafter.

17. Before any other operations are commenced details of arrangements for the storage of bins and collection of waste shall be submitted to and approved in writing 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.

18. The building shall not be taken into use, in any part, until space has been provided within the site curtilage for the parking and manoeuvring of staff and visitors vehicles, together with secure cycle parking, all laid out, constructed and marked in accordance with the application drawings and as may be agreed in writing with the Local Planning Authority. The facilities shall be retained thereafter in accordance with the approved details free from any impediment to their designated use throughout the life of the development.

19. Within 3 months of works commencing on site, a Travel Plan document shall be submitted to and approved in writing by the Local Planning Authority. The approved Travel Plan shall be implemented in accordance with the timescales specified therein, to include those parts identified as being implemented prior to occupation and following occupation, unless alternative timescales are agreed in writing with the Local Planning Authority. The approved Travel Plan shall be monitored and reviewed in accordance with the agreed Travel Plan targets. Reports demonstrating progress in promoting sustainable transport measures shall be submitted annually, on each anniversary of the date of the planning consent, to the Local Planning Authority for approval for a period of five years from substantial completion of the whole development.

Reasons:

1. Reason ST02a

2. To define the permission for the avoidance of doubt and to ensure the satisfactory appearance of the development to comply with Policies SF1, SF5, CS2 and S6 of the Adopted Derbyshire Dales Local Plan (2005) and government guidance contained in the National Planning Policy Framework.

3-4. To ensure the satisfactory appearance of the development to comply with Policies SF1, SF5, CS2 and S6 of the Adopted Derbyshire Dales Local Plan (2005) and government guidance contained in the National Planning Policy Framework.

5. In the interests of crime prevention and to ensure the satisfactory appearance of the development to comply with Policies SF1, SF5, CS2, EDT8, EDT18 and NBE27 of the Adopted Derbyshire Dales Local Plan (2005) and government guidance contained in the National Planning Policy Framework.

6-8. To ensure the satisfactory appearance of the development to comply with Policies SF1, SF5, CS2, S6 and NBE26 of the Adopted Derbyshire Dales Local Plan (2005) and government guidance contained in the National Planning Policy Framework.

9. In the interests of highway safety.
10-16. In the interests of highway safety to comply with Policy TR1 of the Adopted Derbyshire Dales Local Plan (2005) and government guidance contained in the National Planning Policy Framework.

17. To allow the effective servicing of the site with respect to refuse disposal.

18. To ensure the provision of adequate parking facilities in the interests of highway safety to comply with Policy TR8 of the Adopted Derbyshire Dales Local Plan (2005) and government guidance contained in the National Planning Policy Framework.

19. In the interests of promoting sustainable travel to comply with government guidance contained in the National Planning Policy Framework.

NOTES TO APPLICANT:

1. The following notes are attached at the request of the Local Highway Authority:

   (i) 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.

   (ii) 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 Strategic Director of the Economy, Transport and Communities Department at County Hall, Matlock regarding any temporary 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.

   (iii) 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 in connection with the permanent access 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.

   (iv) 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).
(v) Construction works will require Traffic Management and advice regarding procedures should be sought from David Nicholson, Traffic Management - telephone 01629 538685.

(vi) 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.

(vii) 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.

(viii) Further advice regarding Travel Plans may be obtained from the Strategic Director of Economy, Transport and Communities at County Hall, Matlock (tel: 01629 580000 and ask for the Sustainable Travel Team).

(ix) The application site is affected by Prescribed Improvement / Building Lines under the Public Health Act / Road Improvement Act 1925. Whilst it is an offence to undertake building works in advance of this line, it may be possible for the applicant to apply to rescind the lines. The applicant is advised to write to the Strategic Director Economy, Transport and Communities at County Hall, Matlock, DE4 3AG, at least 6 weeks before commencing works, requesting that the lines be removed and confirming that they will meet the Authority’s administrative / legal costs if the removal is approved.

2. The Local Planning Authority has, prior to the submission of the application and during its consideration, engaged in a positive and proactive dialogue with the applicant which resulted in the submission of a scheme that overcame concerns relating to the design and materials of the development and matters with regard to highway safety.

3. This decision notice relates to the following documents:
Drawing Nos. 59-P 001, 004, 005, 006 and 009 received on 23rd August 2016
Amended and Additional Drawings 59-P 0002A, 003A, 007A and 010 received on 29th September
Design and Access Statement received on 23rd August 2016
Additional Information received on 29th September 2016
<table>
<thead>
<tr>
<th>APPLICATION NUMBER</th>
<th>16/00367/OUT</th>
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<tr>
<td>SITE ADDRESS:</td>
<td>The Woodyard, Homesford</td>
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<tr>
<td>DESCRIPTION OF DEVELOPMENT</td>
<td>Erection of two buildings for Uses A1 (Retail), B1 (Business) and B8 (Storage/Distribution) via existing access (outline)</td>
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<tr>
<td>CASE OFFICER</td>
<td>Mr. G. A. Griffiths</td>
</tr>
<tr>
<td>APPLICANT</td>
<td>Mr. and Mrs. Hodgkinson</td>
</tr>
<tr>
<td>TOWN</td>
<td>Wirksworth</td>
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<td>AGENT</td>
<td>Mr. J. Youatt</td>
</tr>
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<td>WARD MEMBER(S)</td>
<td>Mrs I. Ratcliffe, M. Ratcliffe, P. Slack</td>
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<td>DETERMINATION TARGET</td>
<td>1st August 2016</td>
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<td>REASON FOR DETERMINATION BY COMMITTEE</td>
<td>Recommendation contrary to the views of several local residents</td>
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<td>REASON FOR SITE VISIT (IF APPLICABLE)</td>
<td>No site visit as Members have previously visited the site and photographs will adequately show the site and context.</td>
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<tr>
<td>MATERIAL PLANNING ISSUES</td>
<td></td>
</tr>
<tr>
<td>- Principle of Development</td>
<td></td>
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<tr>
<td>- Planning Policy</td>
<td></td>
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<tr>
<td>- Sustainability</td>
<td></td>
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<tr>
<td>- Impact on the Outstanding Universal Value of the World Heritage Site</td>
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<tr>
<td>- Highway Issues</td>
<td></td>
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<tr>
<td>- Flood Risk</td>
<td></td>
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<tr>
<td>RECOMMENDATION</td>
<td>Refusal</td>
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</table>
16/00367/OUT

The Woodyard, Homesford

Derbyshire Dales DC
Date: 30/09/2016
100019785

1:1,250

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Derbyshire Dales District Council,
Town Hall, Bank Road, Matlock, Derbyshire DE4 3NN.
Telephone: (01629) 761100.
Website: www.derbyshiredales.gov.uk

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1. **THE SITE AND SURROUNDINGS**

1.1 The site is an area of open land bounded by woodland of mature trees to the north, east and west. The woodland is subject to a Tree Preservation Order (DCC/TPO/115/A5). The southern boundary is open to views from the A6 and bounded by a low stone wall. The site is largely down to hardstanding. The site is within the open countryside and within the Derwent Valley Mills World Heritage Site (DVMWHS).

2. **DETAILS OF THE APPLICATION**

2.1 Outline planning permission is sought for the erection of two buildings for retail, business and storage/distribution with all matters reserved except for access. Whilst a reserved matter, the applicant has advised that the buildings would be timber clad with a random gritstone plinths.

2.2 It is advised that the buildings would take up approximately 13% of the total site area. The buildings are proposed to be for Homesford Country Store which would supply agricultural, forestry, horticultural and equestrian products such as animal feeds, hand tools, workwear and equestrian supplies, wooden gates and fencing (including ironwork) and electric fencing. It is proposed that there would be a trade counter and display area in one building with another building for storage and processing of local forest products. It is considered by the applicant that this will benefit the local farming community, landowners and contractors in the area.

2.3 The applicant initially proposed the access to the site via the existing access but has amended this to site the access further to the east in order to address concerns raised by the Local Highway Authority. An amended indicative layout plan has been submitted to detail how the buildings could be sited in the context of the revised access arrangements.
3. PLANNING POLICY AND LEGISLATIVE FRAMEWORK

3.1 Adopted Derbyshire Dales Local Plan (2005)
SF4 Development in the Countryside
SF5 Design and Appearance of Development
EDT7: Extension And Expansion Of Existing Industrial And Business Land And Premises
EDT8: Design And Appearance Of New Industrial And Business Premises
EDT15: New Build Industrial And Business Development Outside Of Settlement Frameworks
NBE5 Development Affecting Species Protected by Law or are Nationally Rare
NBE6 Trees and Woodlands
NBE7 Features Important in the Landscape
NBE8 Landscape Character
NBE25 Derwent Valley Mills World Heritage Site
NBE26 Landscape Design in Association with New Development
TR1 Access Requirements and the Impact of New Development
TR8 Parking Requirements for New Development

3.2 Government Guidance
National Planning Policy Framework (March 2012)
National Planning Practice Guidance

3.3 Other
Derwent Valley Mills World Heritage Site Management Plan 2014/2019

4. RELEVANT PLANNING HISTORY
15/00642/FUL 7no. pitch traveller site and pitch for site manager – Refused – Appeal Dismissed
14/00767/VCOND Variation of Condition 2 of planning permission 14/00133/FUL to allow for permanent use as a 3 no. pitch traveller site – Refused.
14/00617/FUL Change of use of land to use for siting of 4 holiday lodges erection of building for stables and store and new access – Refused – Appeal Dismissed.
14/00133/FUL 3 no. pitch traveller site – Granted for temporary period of three years and to be commenced within three years.
14/00117/FUL Change of use of land to use for siting of 6 no. holiday lodges – Refused.
13/00838/FUL Change of use of land to use for siting of 8 no. holiday lodges (chalets) – Refused.
08/00891/FUL Change of use of land and erection of 6 No. wooden camping huts and associated amenities building for tourism accommodation – Withdrawn.
01/07/0536 Erection of agricultural building for livestock and storage of fodder and implements – Granted and has commencement of implementation.

Applications prior to 1960 refused for residential, café and petrol station development.

5. CONSULTATION RESPONSES

5.1 Wirksworth Town Council
No Comment
5.2 **Environment Agency**  
Comment:  
- refer to standing advice.

5.3 **Derbyshire County Council (Highways)**  
Comment:  
- no objection subject to amended access location, closure of the existing access, the provision for on-site storage, etc. during construction, parking and manoeuvring space and there being no gates within 6m of the highway boundary and that they remain in an open position during hours of operation.

5.4 **Derwent Valley Mills World Heritage Site Panel**  
Object:  
- industrial style units would represent an over development of the site  
- felt that it will negatively impact on the rural character of this stretch of the A6, the former turnpike road and one of the World Heritage Site’s key attributes  
- will detract from the character and appearance of this part of the World Heritage Site and therefore its outstanding universal value  
- question the sustainability of the proposed uses in the units in this location.

5.5 **Design and Conservation Officer (Derbyshire Dales)**  
Object:  
- proposal to introduce two, permanent, industrial units will significantly alter the character and appearance of the site  
- scale, height and mass of the two industrial buildings (or even one such industrial building), will irrevocably alter the character and appearance of the site  
- narrowness of the site and the requirement for the buildings to be very close to the A6 will compound this change in character as there would not be sufficient space for an adequate vegetative screening to the buildings  
- whilst the World Heritage Site is primarily industrial in nature and character, those established historic core areas for such activity are well known as part of the World Heritage Site  
- such industrial activity does not, therefore, necessarily relate to the introduction of new industrial sites within the World Heritage Site, especially where those sites may be isolated (as this one) and therefore, its potential visual and physical impact is exacerbated.

5.6 **Development Control Archaeologist (Derbyshire County Council)**  
Object:  
- no on-site archaeological issues with the proposed development  
- note that the application is for fairly substantial warehouse type buildings within the Derwent Valley Mills World Heritage Site, and within about 130m of a Scheduled Monument, the aqueduct on the line of the Cromford Canal  
- in line with NPPF para 128, the applicant should submit sufficient information to allow significance (in this case any contribution the site makes towards the significance of the relevant assets through their setting) and impact to be understood  
- the application does not contain any relevant heritage information so does not meet these minimum information requirements and the applicant should submit sufficient information to allow the degree of intervisibility between the proposed development and the Scheduled Monument to be understood and establish whether the proposed development would have any impact on the significance of the World Heritage Site  
- applicant may wish to consult the World Heritage Site team and the Derbyshire Historic Environment Record for information and guidance; alternatively it may be appropriate to appoint a suitably accredited heritage professional to carry out the required assessment.
6. REPRESENTATIONS RECEIVED

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

- shortage of industrial units in Amber Valley and Derbyshire Dales which hampers development and employment
- good business opportunity on a site ripe for development
- allows for a sensible and regulated retail use of the site without adverse impact on the surrounding area or the long term future of the site
- would put an end to uncertainty regarding the site and preferential to derelict waste ground
- timber cladding will help to ensure the buildings blend with the wooded surroundings
- buildings are modest and environmentally sound
- will fit in with the current use of the site
- Council has no control over the established use as to the intensity or nature of activity
- unscrupulous operator could strip out current planting
- approval would give the Council reasonable control over hours of working, the precise type of use (country store) vehicle sizes and frequency, etc.
- there are 3-4 country stores looking to relocate or expand
- the best site for such stores is probably not in villages and small towns but on countryside sites already in use or previously used
- neighbours might prefer a controlled use to recent uncertainty

6.2 A letter of support from the Farm Business Support Officer for the Farming Life Centre, Blackwell Hall Farm, Blackwell who considers this the best use and business option for the site which would provide a much needed rural supplies outlet in the area and create employment in a tastefully built development.

6.3 A total of 2 representations have been received objecting to the application. A summary of the representations is outlined below:

- site has been derelict for 10 years
- site is a wood not a woodyard
- proposed plan would have the appearance of an enormous building on such a small area of land
- access to and from the A6 would be very dangerous
- increase in scale of vehicle movements
- World Heritage Site with the aim of securing the long lasting protection for site of outstanding universal value
- believe development would jeopardise World Heritage Site status and put other businesses at risk from loss of revenue
- applications for other development previously refused
- has been damage to trees as a possible attempt to improve visibility of the existing access

7. OFFICER APPRAISAL

The following material planning issues are relevant to this application:
1. Principle of Development
2. Planning Policy
3. Sustainability
4. Impact on the Outstanding Universal Value of the World Heritage Site
5. Highway Issues
6. Flood Risk
Principle of Development

7.1 It is considered that the site has a B1/B2 use having been a woodyard and latterly used for a conservation crafts business. In this respect, the use of the site is established as being for a commercial use, albeit there are no buildings associated with such a use of the site. An extant permission exists for an agricultural building (ref: 01/07/0536), which has yet to be erected, and this needs to be taken into consideration with the extent of built form now proposed.

7.2 It is considered that the current application would negate the need for this building but the permission would have to be rescinded if it was considered that three buildings were excessive for the site. Therefore, given the lawful use of the site, the matter for consideration is whether the provision of two business units for Use Class A1, B1 and B8 use is acceptable. It should be noted that, as there are no buildings approved on the site for business purposes that the site cannot be deemed to have rights to change the current use from the existing B1/B2 use to any of the proposed uses given there are no associated buildings.

Planning Policy

7.3 In assessing the planning merits, it is important to first provide the planning policy context for the determination of the proposal. The National Planning Policy Framework (NPPF) was published in March 2012, whilst the Framework does not change the statutory status of the development plan as the starting point for decision making (paragraph 12); in accordance with paragraph 212 the policies contained within the Framework are material considerations which must be taken into account.

7.4 The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 7 of the NPPF outlines the three dimensions of sustainability as economic, social and environmental. Paragraph 14 advises that at the heart of the NPPF is a presumption in favour of sustainable development. For decision taking, this means approving development proposals that accord with an up to date Local Plan; and also in circumstances where the development plan is absent, silent or relevant policies are out-of-date, unless adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. In the context of this application, it is important to assess the degree of conformity and relevance of policies in the Adopted Derbyshire Dales Local Plan (2005) with the NPPF.

7.5 The Derbyshire Dales Local Plan was adopted on 24th November 2005 and covered the use and development of land across the District up to 2011. Key to the consideration of any application for development in the countryside is Policy SF4 - Development in the Countryside. The Policy states that development in the countryside will only be permitted if it represents the acceptable re-use, adaptation or extension of an existing rural building and that the proposal is appropriate in nature and scale to a rural area; it preserves and enhances the natural character and appearance of the countryside and minimises any adverse impact on the local environment.

7.6 In assessing the impact of the proposal upon the character and appearance of the area Policy SF5 is pertinent. This states planning permission will only be granted for development where the scale, density, massing, height, layout and access, materials of construction and landscaping preserves or enhances the quality and local distinctiveness of its surroundings; it reinforces the sense of place engendered by the presence of distinctive local building styles and materials; it is well related to surrounding properties and land uses; it minimises the risk and fear of crime and disorder; it gives priority to pedestrians and cyclists over the movement and parking of vehicles and it maximises the energy efficiency of built development.
7.7 There is support in National and Local Plan policy for business development. The National Planning Policy Framework advises in Paragraph 28 that planning policies should support economic growth in rural areas and Paragraph 19 states that significant weight should be placed upon the need to support economic growth through the planning system. Core Principles of the NPPF also advise that growth should be managed to make the fullest possible use of public transport, walking and cycling, that there should be an effective reuse of previously developed land (provided it is not of high environmental value).

7.8 The NPPF also advises in its Core Principles that there should be the conservation and enhancement of the natural environment and the conservation of heritage assets in a manner appropriate to their significance. The application site falls within a countryside location surrounded by a high quality landscape characterised by trees and woodland and falls within the Derwent Valley Mills World Heritage Site. Accordingly in assessing and determining this application consideration of Policies NBE6 Trees and Woodland and NBE8 Landscape Character needs to be made. These state that planning permission will only be granted for development where it can be demonstrated that the justification for development outweighs the importance of trees and woodland and for development that protects or enhances the character, appearance and local distinctiveness of the landscape.

7.9 Policy NBE25 states planning permission will only be granted for development within the Derwent Valley Mills World Heritage site where it does not have an adverse impact upon its character and appearance. In addition, within sensitive areas such as World Heritage Sites, Footnote 9 to Paragraph 14 of the NPPF takes precedence over the usual presumption in favour of development, even if it is considered that the harm is less than substantial, as set out in Paragraph 134 of the NPPF unless it can be demonstrated that any public benefit that may derive from the proposal outweighs the harm the development would cause to the character and appearance of the heritage asset, this being the World Heritage Site.

7.10 The majority of the site lies within Flood Zone 2 which has a greater probability of river flooding. Paragraph 103 of the NPPF states that when determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where, informed by site specific flood risk assessment following the Sequential Test and if required the Exception Test, it can be demonstrated that:

- Within the site, the most vulnerable development is located in areas of lowest flood risk unless there are overriding reasons to prefer a different location; and
- Development is appropriately flood resilient and resistant, including safe access and escape routes where required, and that any residual risk can be safely managed, including by emergency planning; and it gives priority to the use of sustainable drainage systems.

7.11 Assessment of the proposal also needs to include consideration against Policy TR1, which seeks to ensure that development proposals requiring to be accessed by vehicles should be accessible to a road network and of adequate standard to accommodate the anticipated traffic generated by the development safely and without detriment to the character of the road network. In addition, proposals will need to provide adequate parking and manoeuvring space to address Policy TR8.

**Sustainability**

7.12 In such a context, it is important to reflect on the sustainability of the proposed development. Paragraph 7 of the NPPF outlines the three dimensions of sustainability as economic, social and environmental. It is considered that the development would offer
little in terms of social sustainability. In terms of economic sustainability, it is considered the site would provide employment in the redevelopment of the site and the operation of the business(es) using the site into the future. However, in terms of environmental sustainability, it is considered that the site is an unsustainable location, away from any substantive settlement, and journeys to the site by employees and visitors would be highly dependent on the use of the car.

Impact on the Outstanding Universal Value of the World Heritage Site

7.13 In assessing environmental sustainability, it is also necessary to consider the impact of the development within its surroundings. In this respect, in terms of their scale, height and mass, it is considered that the two industrial type buildings detailed would irrevocably alter the character and appearance of the site and the historic character and appearance of the area. Whilst the design of the buildings are reserved matters, these are nevertheless the buildings proposed for the business proposal advocated by the applicant for the site with each building of a scale equating to 18m x 12m and 6m in height.

7.14 The narrowness of the site, and the proximity of the buildings to the A6, will compound this change in character as there would be insufficient space for an adequate vegetative screening to the buildings. It is considered that the development would negatively impact on the rural character of this stretch of the A6, which is a former turnpike road recognised as and one of the World Heritage Site’s key attributes.

7.15 Whilst the World Heritage Site is primarily industrial in nature and character, those established historic core areas for such activity are well known as part of the World Heritage Site. Such industrial activity does not, therefore, necessarily relate to the introduction of new industrial sites within the World Heritage Site, especially where those sites may be isolated (as this one) and the potential visual and physical harm would be exacerbated. Therefore, it is considered that this proposal to introduce two commercial/industrial units will significantly alter the character and appearance of the site and that proposal would cause harm to the outstanding universal value of the World Heritage Site.

7.16 The Development Control Archaeologist advises that the site is approximately 130m from the aqueduct which is a Scheduled Monument on the line of the Cromford Canal. It is advised that, in line with Paragraph 128 of the NPPF that the applicant should submit sufficient information to allow significance (in this case any contribution the site makes towards the significance of the relevant assets through their setting) and impact to be understood. As the applicant states, this concern has not been raised with previous applications, which included holiday lodge development and the traveller site proposal. However, given the level of screening to the rear of the application site, and the relative distance to the aqueduct, it is not considered that the impact of the development can be regarded as being specifically harmful to the setting of the aqueduct. The Development Control Archaeologist has also advised that there are no on-site archaeological issues with the proposed development.

7.17 In summary, in the case of heritage assets such as a World Heritage Site, Footnote 9 to Paragraph 14 of the NPPF takes precedence over the presumption in favour of development, unless the harm caused by the development would be outweighed any public benefits. In this respect, whilst the harm to the heritage asset identified above would be regarded as less than substantial in this instance, it is considered that the harm caused would nevertheless not be outweighed by public benefit as a result of development and thus fails to comply with Paragraph 134 of the NPPF.

Highway Issues

7.18 The Local Highway Authority has assessed the revised proposal for access to be towards the east end of the site. Whilst this would be outside of the red edged application site, it is
within land owned by the applicant and detailed in the blue edge on the site location plan. Given the revised access proposal, the Local Highway Authority has now raised no objection to subject to conditions with regard to the re-siting of the access, the closure of the existing access, the provision of parking and manoeuvring space, the retention of the car parking spaces for such purposes and that no gates be set within 10m of the highway.

7.19 However, whilst the revised indicative layout may address the means of access to the site, the access through the site leaves little space for meaningful landscaping to the front of the site, and the buildings will therefore be very apparent in views from the A6. As such, whilst the application is in outline, and the buildings siting drawing is merely indicative, it is considered that the siting of the access, and the access road within the site, would severely constrain development of the scale proposed.

Other Matters
7.20 Whilst the site is within a Flood Risk 2 area, it is set up on an embankment well above the River Derwent and it is considered unlikely that the site would be liable to be at risk of flood.

7.21 The proposals are not considered to unduly impact on protected trees to the rear of the site as, given the fall of the land, the root protection area would not be significantly impacted upon.

7.22 In terms of local amenity, it is considered that the development would not significantly impact on the local community and there is also a majority of support for the proposal from local residents who have made representations on this application.

Conclusion
7.23 Given the above, the consideration of this application needs to be a balanced one, considering the benefits of reutilising this brownfield site but having regard to the unsustainable nature of the site in terms of its location and the impacts that the development would have on an open site that is set within a World Heritage Site of international importance.

7.24 In such a context, it is important to reflect on the inherent sustainability of what is proposed. Sustainability has social, economic and environmental dimensions. It is considered that the development would offer little in terms of social sustainability. In terms of economic sustainability, it is considered the site would provide employment in the redevelopment of the site and the operation of the businesses using the site into the future.

7.25 In terms of environmental sustainability, the proposal is for redevelopment of a brownfield site, which is usually preferable to development on greenfield sites. However, it is considered that the site is in an unsustainable location, away from any substantive settlement, and that journeys to the site by employees and visitors would be highly dependent on the use of the car. It is also considered that the design and scale of the proposed development would be harmful to the character and appearance of the countryside in this area which is of high quality and an historic landscape within the Derwent Valley Mills World Heritage Site. Whilst there may be some economic benefit deriving from the proposal, this is not sufficient a public benefit to outweigh the harm caused by the proposed development. As such, the proposals are considered environmentally unsustainable and, given the above, it is recommended that planning permission be refused.
8 RECOMMENDATION

That planning permission be refused for the following reasons:

1. The development, by reason of its nature, would be sited in an unsustainable location away from any settlement with access to the site being largely via the use of cars. The establishment of a substantially new business venture in such a context is contrary to the core principles of the National Planning Policy Framework and to Policies SF4 and EDT15 of the Adopted Derbyshire Dales Local Plan (2005).

2. The development, by reason of its design, scale and massing, would be detrimental to the character and appearance of the countryside, in this area of high quality, and the outstanding universal value of the historic landscape within the Derwent Valley Mills World Heritage Site. Whilst this would be regarded as less than substantial harm to the heritage asset, the harm caused would not be outweighed by public benefit as a result of development. As such, the proposal fails to comply with government guidance contained in Paragraph 134 of the National Planning Policy Framework and Policies SF4, SF5, EDT7, EDT8, EDT15, NBE8 and NBE25 of the Adopted Derbyshire Dales Local Plan (2005).

9 NOTES TO APPLICANT:

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

2. This decision notice relates to the following documents:
   Site Location Plan received on 6th June 2016
   Drawing No. 16.H.1 received on 6th June 2016
   Design and Access and Heritage Statement received on 6th June 2016
   Additional Information received on 19th and 27th July 2016
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<td>DESCRIPTION OF DEVELOPMENT</td>
<td>Erection Of Replacement Dwelling And Garage And Retention Of Existing Dwelling As Ancillary Accommodation.</td>
</tr>
<tr>
<td>CASE OFFICER</td>
<td>H Frith</td>
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<tr>
<td>APPLICANT</td>
<td>Mrs Jennifer Else</td>
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<td>Matlock</td>
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<tr>
<td>AGENT</td>
<td>Mr R Vaughan</td>
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<tr>
<td>WARD MEMBER(S)</td>
<td>Cllr S Flitter, Cllr J Stevens, Cllr Botham.</td>
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<td>DETERMINATION TARGET</td>
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<td>REASON FOR DETERMINATION BY COMMITTEE</td>
<td>Due to request from Ward Member</td>
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<td>No site visit as Members have previously visited the site and photographs will adequately show the site and context.</td>
</tr>
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**MATERIAL PLANNING ISSUES**

1. Principle of Development
2. Impact upon the character and appearance of the Conservation Area
3. Loss and threat to trees within the Conservation Area
4. Impact upon the Scheduled Monument

**RECOMMENDATION**

Refusal
1. **THE SITE AND SURROUNDINGS**

The application site is a large garden area associated with the existing dwelling being a small stone built property with additions, this building is the former counting house associated with the nearby historic industry of the Lumsdale Valley. The site is within the Lumsdale Conservation Area and immediately adjacent to the scheduled monument which is the Lumsdale Valley. There are significant trees along the western boundary which whilst not protected trees are within the Conservation Area and of significant amenity value. The site is of varying topography but generally is at a higher level to the north of the site and lower level to the south. There are dilapidated walls and former structures within the centre of the site. The site is enclosed with stone walling. Residential properties are located to the east of the site and to the west the open fields fall steeply away from this site.

Work has commenced on site in accordance with the existing permission for a dwelling to the southern corner of the site. The garage as approved is under construction and works have been completed on the former Counting House building.

2. **DETAILS OF THE APPLICATION**

Planning permission is sought to erect a dwelling on the site as a replacement dwelling for the existing former counting house which would be retained on site as an ancillary building.

The proposed dwelling would be located to the centre of the site bridging the existing change in levels to create a split level dwelling with the main habitable rooms at the upper floor with living room, dining hall, sitting room and kitchen and small utility off-shot extension. To the ground floor there would be a lower hall, three bedrooms, two en-suites, a bathroom and plant room.

To the exterior the building would appear to be single storey to the frontage from Pond Cottages with an offset doorway, small windows openings, a split in the ridge line and an off-shot for the utility room and en-suite and plant area with fully boarded timber doorway. The building would be situated at right angles to the garage to form a courtyard to the site frontage.
To the rear the building would be located approximately 6m from the rear boundary of the site to a full two storeys in height with domestic type double casement window openings and large glazed central element to the full two storey height. There would be a break in the ridge line to the slightly lower element of the building with a small off-shot which has the appearance of an extension/addition.

The application has submitted a tree impact appraisal in support of the application the key points of which are summarised:

*It understood that concerns were previously raised regarding the proposed siting of the dwelling in terms of the impact on the roots of the Sycamore trees to the western boundary and the proximity which may cause adverse effect upon living conditions and would lead to pressure to fell the trees.*

*This proposal seeks the removal of one of the Sycamore trees.*

The west elevation of the building would be 8m away from the tree trunks. Due to the steep slope of the adjacent land it is envisages that the main living room would look out into the first branch level of the trees. The best way to resolve this problem is to remove the centre tree. There are a large number of trees in the surrounding area and really apart from the field in which the Sycamores grow, the surrounding neighbourhood is woodland. I therefore dispute the opinion of the Council’s tree officer that the trees have ‘high value’ in the local landscape. The trunk diameters of the trees are between 900mm and 1100mm diameter. The largest tree was the centre one. The two northernmost trees have had lower branches removed, which has left both trees with atypical form. The lifting of the canopy here is unattractive.

The trees are only prominent from a short section of road at the bottom of the field. The drystone boundary wall is likely to have discouraged root growth into the site. Use of the land as garden may also have damaged roots. Damage has occurred to the lower part of the Scots Pines. The tree officer previously reasoned that the trees would be seen as a nuisance and there would be pressure to fell or prune them. The land owner has been keen to remove the trees for some years. If a local planning authority wants to protect trees they should put a Tree Preservation Order on them. There is no Tree Preservation Order in this case therefore the trees can only be of limited value.

The amenity value of these trees is low. As the roots of the trees are likely to have been disturbed it is likely that the roots may have grown outside of the application site. In this case off-setting the root protection area would be acceptable. Building within 7 or 8 metres of the trees should not cause any undue distress. Therefore the removal of the centre Sycamore should not be a major concern the trees not a particularly good specimen and in the greater scheme of things will not be missed. A number of conditions are recommended for the development.

### 3. PLANNING POLICY AND LEGISLATIVE FRAMEWORK

1. Adopted Derbyshire Dales Local Plan (2005)
   - SF4: Development In The Countryside
   - SF5: Design And Appearance Of Development
   - H6: Replacement Dwellings In The Countryside
   - 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 Woodland
   - NBE8: Landscape Character
   - NBE21: Development Affecting A Conservation Area
   - NBE24: Archaeological Sites And Heritage Features
   - NBE26: Landscape Design In Association With New Development
2. Other:
Lumsdale Conservation Area Appraisal
National Planning Policy Framework
National Planning Practice Guidance
Draft Local Plan –
HC7: Replacement Dwellings
This policy requires that:
The replacement of dwelling houses outside defined settlements will only be permitted where all of the following criteria are met:
a. The residential use has not been abandoned
b. The existing dwelling has a lawful use as a dwelling
c. The number of dwelling units is not increased
d. The existing dwelling does not make a positive contribution to landscape character or distinctiveness such that it should be retained
e. The scale, form, design and massing of the replacement dwelling does not detract from the character or appearance of its setting or surroundings
f. The existing dwelling is not a caravan or mobile home
g. The existing dwelling is demolished.

4. RELEVANT PLANNING HISTORY:
15/00282/FUL Erection of replacement dwelling and garage and retention of existing dwelling as ancillary accommodation – Permitted with conditions

5. CONSULTATION RESPONSES
Parish / Town Council
5.1 No comments

Derbyshire County Council (Highways)
5.2 I note from our files that there has been a history of planning submissions related to these premises. It would appear that the current submission is similar in principle to a previous application Ref 15/00282 but with a revised location for the dwelling on the plot. As such the highway comments made in my letter dated 13 May 2015 in response to that application remain as stated. If your Authority is minded to approve this revised scheme then I would ask for all previously recommended highway conditions and notes to be included in any consent issued.

Derbyshire Wildlife Trust
5.3 It is understood that the proposal will lead to the removal of trees and shrubs which may be suitable for bird nesting, therefore advise that a standard planning condition be attached to any permission to ensure that breeding birds are protected from harm.

5.4 Development Control Archaeologist
The proposal site is within the Lumsdale Conservation Area and is immediately adjacent to the Scheduled Monument of Lumsdale Mills. An entry on the Derbyshire Historic Environment Record (HER 10048) records a former lead smelting cupola on the site of ‘Pond Cottages’, built in 1748-51 and converted into cottages around 1790. ‘Pinetrees’ appears to have been the counting house for the former cupola site and is therefore a heritage asset with a strong contribution towards the significance of the conservation area and the setting of the Scheduled Monument.

The nature of this contribution to the significance of the Scheduled Monument lies substantially in the extent to which ‘Pinetrees’ can be experienced and understood as part of the grouping of 18th century former cupola buildings at Pond Cottages. This is primarily
appreciated from the frontage along the road between Pond Cottages and ‘Pinetrees’, and is supported by the survival of historic (though probably not original) drystone wall boundaries to the street frontage and in the paddocks behind ‘Pinetrees’.

Because of the contribution towards the significance of the Scheduled Monument I recommend that the view of Historic England is sought, in addition to the advice of the Local Planning Authority’s conservation officer with regard to the Lumsdale Conservation Area.

I advise that the development proposals will not have a direct impact upon below-ground archaeological remains. The drystone boundaries and terracing of the site are likely to represent a 19th century re-ordering, and the changes in level are associated with deep deposits of made ground dating to this time. With regard to the setting of the Scheduled Monument I feel that the proposals are likely to conserve a sense of the relationship between the counting house and the former cupola site across the road, providing that detailing of the street frontage boundaries is secured to retain existing drystone walling.

Historic England

5.5 Previously provided comments on this proposal under the application 15/00282/FUL and the advice of your Conservation Officer, in particular regarding the extension to the historic ‘ore house’ to the front of the site.

It is recommended that the above issues be addressed and recommend that the application should be determined in accordance with national and local policy guidance and on the basis of your specialist conservation advice.

Design and Conservation Officer (Derbyshire Dales)

5.6 The ‘approved new build’ location was given considerable assessment at the time of its determination and in terms of location, orientation and the general form and design of the dwelling it was considered that this was an appropriate response for the site and context.

The current proposal is a return to a proposal made in 2015 which straddles the change in level on the site giving one-storey to the east elevation and two-storeys to the west elevation. Whilst the straddling of the land level change allows the elevation facing east to be relatively diminutive in scale and presence the west elevation, encroaching very close to the ridge or top of the valley side will present a large-scale built presence when viewed from the lane to the west which runs through this part of the Conservation Area. The land to the east of the lane is relatively sparse and un-planted providing an open area of land within the heavily wooded/treed Lumsdale Conservation Area. This openness is probably purposeful in providing a clear view/vista southwards as the principal aspect from Beech House. In this regard it is considered that the scale of the west elevation will present a dominating presence and impact, changing, to a harmful degree, the current character and appearance of this open area of the Conservation Area.

The west elevation is, it appears, conceived within the agricultural genre and is attempting to be or represent converted farm buildings or barns. Whilst its linearity has some assimilation to this genre the elevational treatment is wholly unconvincing and is exacerbated by the inclusion of a ‘threshing’ type opening. As a faux agricultural style building its unconvincing nature and presence provide a negative proposal in terms of authenticity and integrity.

In conclusion, whilst the scale and form of the proposed dwelling, from the eastern side forms an enclosed courtyard and is of an acceptable scale/height the western elevation will have a prominence and dominance (when viewed from the lane to the west) which will, in the style/genre chosen, constitute an unconvincing and alien introduction into the space and landscape of this part of the Lumsdale Conservation Area.
The application is supported by a Tree Impact Appraisal undertaken by Anderson Tree Care. There are three mature Sycamore trees growing along the western boundary of the application site which are situated within the field immediately to the west which is in separate ownership and outside the confines of the application site. In addition the grounds of Pinetrees contains several mature Scots Pines and other less significant conifers. All the trees are situated within the Lumsdale Conservation Area.

It is accepted that in general the trees growing within the application site should not be a significant consideration in relation to the planning application, consisting largely of Pine trees which have suffered storm damage, and/or accidental damage, and other fairly insignificant young trees.

However, the line of three Sycamore trees along the western boundary of the application site are significant specimen trees of considerable public amenity value being highly visible on the skyline from the road in the valley below which contribute to the attractive almost parklike landscape along the Lumsdale valley.

It should be noted that whilst the current proposed site layout plan does indicate the location of the three mature Sycamore trees, and the required Root Protection Areas for two of these trees, the canopy spread for these two trees has only been plotted in a stylised form and hence does not accurately reflect the extent of the actual crown spread of these trees.

The submitted site layout plan implies that the central of the three Sycamore trees would be removed presumably due to the fact that the main living rooms, which would be located on the first floor of the proposed dwelling, would look out directly onto the dense canopy of the tree. However, it should be noted that the Sycamore tree is neither within the application site nor within the ownership of the applicant.

The assessment of the three Sycamore trees contained within the Tree Impact Appraisal accepts that all three trees are in good condition and are relatively large trees with trunk diameters ranging from 900 to 1100 mm diameter which would require Root Protection Areas (RPAs) with a radius of 12 metres.

However, the District Council’s Arboricultural Officer does not accept the view expressed in the Tree Impact Appraisal that the amenity value of these three particular Sycamore trees is low. It is the view of the District Council’s Arboricultural Officer that the Sycamores have a life expectancy of at least 50 years. In accordance with the retention categories given in BS 5837: 2012 the line of Sycamore trees has been classified by the District Council’s Arboricultural Officer as being Category A1 and A2 trees of high quality and value both for their arboricultural and landscape value. As such these trees should be retained and form a design constraint on any proposed development.

There are significant concerns in relation to both the above and below ground implications of the development on the mature Sycamore trees.

With regard to the implications for the future health and life expectancy of the Sycamore trees, BS 5837: 2012 indicates that trees of this stature with trunk diameters of 900 – 1100 mm require Root Protection Areas (RPAs) with a radius of 12 metres.

Whilst it has been stated that there is a slight drop in levels between the application site and the field, there are considerable concerns that the footprint of the proposed dwelling is only 8 metres from the trunk of the largest of the three Sycamores, which is well within the required exclusion zone for the Root Protection Area. In addition the footprint is located only 11 metres from the southernmost Sycamore, and 10 metres from the northern-most...
Sycamore. Additional working space would be required within the RPAs leaving space for only a 5 metres exclusion zone at the closest point.

In addition, there are significant concerns about the indirect pressure for the drastic pruning or felling of the Sycamore trees due to the introduction of a dwelling within 8 metres of trees which have canopy spreads with a radius of 11 metres in an easterly direction. The Sycamore trees have a dense almost continuous canopy which would cause heavy shading of both the proposed dwelling and its garden. Therefore, in its current proposed location the mature trees would not only densely shade the property and obstruct the fine views from the dwelling, but the canopy/canopies of these broad spreading mature trees would actually overhang the building.

Indeed, an application has already been submitted to crown lift the three Sycamores and reduce them back from the proposed dwelling by 2 – 3 metres, with these works having already been implemented on the two northernmost trees. Proof of the indirect pressure that the development would impose on the trees is clearly shown in that the site layout plan implies that the construction of the dwelling would lead to the removal of the central Sycamore.

There would also be significant problems with leaf and seed litter, along with the deposition of sap. Due to the close proximity of the dwelling and sitting area, there would be additional fears relating to the possibility of branches breaking or even fear of the trees falling.

For the above reasons there are significant concerns that the proposed construction of a dwelling in the location indicated on the submitted plans could not only affect the future health and lifespan of the Sycamore trees, but would also lead to pressure for the extensive pruning or felling of three mature Sycamore trees which are prominent specimen trees of considerable amenity value, being highly visible on the skyline from the road in the valley below, and which contribute to the character and appearance of the Lumsdale Conservation Area.

Conservation Advisory Forum

5.8 The Forum considered the proposed scheme and noted that it was very similar to that which they discussed in May 2015. Their comments of May 2015 were:

*Overall the forum considered that the revised scheme which indicates a separate and detached property is preferable to the previous proposal which linked the large and extensive new build to the existing cottage.*

*However, the forum considered that the premise of designing a ‘faux’ barn (also considered to have a too long and unbroken ridge-line) and associated inappropriate ‘threshing’ barn opening was unacceptable and not in keeping with the character and appearance of the Conservation Area.*

*Similarly, the large detached garage was also considered too large and would compete with the existing cottage.*

*It was recommended that a more ‘honest’ design of building is required which does not present an unsympathetic analogy to bogus heritage. In this regard, the forum, considered that a house of either a contemporary, or traditional, appearance would be more appropriate.*

*Materials for the buildings should reflect either the modern or traditional approach taken. The forum also recommended that the garage is reduced to a more modest sizeSCALE. It was suggested that whilst parts of the site may not be visible from adjacent or close to the site, that views should be checked from the other side of the valley.*

The forum concluded that their comments of May 2105 remained pertinent. In this regard the forum were disappointed that their comments on the design of the house had been ignored as the ‘faux’ barn and inappropriate ‘threshing’ barn opening remained on the
current submission. Furthermore, they could see no attempt at a ‘contemporary’ design solution which, where innovative and well-conceived, would allow such a property to assimilate with this particular location (and the important views of it from the lane to the west) and its design complementary to the site, context and potential tree canopy issues. These points were made in the CAFs comments in August 2015 where they considered the following (and which remain pertinent):

The forum considered that the previous linear proposal was a better conceptual approach for this site and its context. Whilst the previous scheme utilised the change in level on the site this raised significant issues relating to the trees.

The forum has stated previously that a contemporary approach to the design on this site could be explored. The forum opined that an innovative design concept/scheme could make use/advantage of the change in level in association with an architectural/constructional management strategy for the trees. Such an approach to design, form and construction could alleviate issues with tree root areas and if the part of the building facing the trees was conceived with areas of contemporary glazing this would allow maximum light filtration into the dwelling (and alleviate potential over-shadowing issues).

The forum were concerned about the scale and presence of the proposal at the top of the slope to the field immediately to its west, and as seen from the lane to the west. Its proposed position on this ridge would present, almost, the full two-storey height of the dwelling and its pitched roof. This would result in an encroachment of development on to the ridge of this part of the Lumsdale valley. In that regard there would be harm to the character and appearance of this part of the Conservation Area.

Coal Authority
5.9 Refer to standing advice

6. REPRESENTATIONS RECEIVED

6.1 A total of 11 representations have been received. A summary of the representations is outlined below, all of which support the application:

- Heartening to see such wonderful work carried out by the applicant’s restoring the Counting House.
- Good quality workmanship, thought, detail and materials used to enhance the site is outstanding.
- The design compliments the landscape and will enhance this area of natural beauty.
- Amazing what can be achieved when the public works closely with the authority.
- Prefer this scheme to the new dwelling to the south of the site.
- This seems a more logical location for the house.
- The high standard of construction is welcomed.
- This is a far better use of the site and gives less visual impact from our property. In the Lumsdale valley the Sycamores are numerous and difficult to control. These would not be missed. A two storey building at the bottom of this site would be a disaster
- The trees are weeds with little wildlife value the overhanging branches are already causing a nuisance.
- We need a diversity of trees to give more colour.
- Happy to sacrifice one of the sycamores, the loss of these is not a detriment.
- Welcome the scheme further away from Pond Cottages.
- The split level dwelling is less obtrusive and will blend in.
- The proposed site of the dwelling will form a cohesive group of buildings it will be set down in the site.
- The existing permitted dwelling will fragment the plot and compromise new planting.
- The loss of the tree seems justified in this case.
Matlock Civic Association:
The proposal is better than the one granted consent it is less prominent to neighbouring properties and views from public rights of way. This proposal will have less impact upon the lower pond.

7. OFFICER APPRAISAL
The following material planning issues are relevant to this application:

5. Principle of Development
6. Impact upon the character and appearance of the Conservation Area
7. Loss and threat to trees within the Conservation Area
8. Impact upon the scheduled monument

Principle of Development

7.1 Planning permission has previously been granted for the erection of a two storey dwelling of traditional double fronted design to the south eastern corner of the application site. This permission was granted following significant negotiations on a previous application for the erection of a dwelling on the site. Whilst works have commenced in accordance with the existing permission the applicant now seeks planning permission for what was an original intention for development on the site, that is, a dwelling in a centrally location position, using the change in levels on the site to create a split level property of one storey to the frontage and two storeys to the rear.

7.2 Policy H6 of the Adopted Derbyshire Dales Local plan relates to replacement dwellings and states that:
- Outside settlement frameworks planning permission will be granted for replacement dwellings provided:
  - The number of dwelling units is not increased and;
  - Renovation and/or repair of the origin is not a more satisfactory alternative and;
  - The replacement dwelling and ancillary buildings do not have a detrimental impact upon the character and appearance of its surroundings.

7.3 The numbers of dwellings in this case would be increased to two which is not acceptable in terms of a replacement dwelling. Therefore, as in the case of the previous permission, a S106 agreement would be required to ensure that the former counting house would only be used as an ancillary building and therefore there would be no increase in the number of dwelling units on the site.

7.4 Detailed assessment of the design, form and siting of the dwelling will be considered in terms of the impact of the development upon the character and appearance of the Conservation Area below.

7.5 Other than the design, form and siting the principle of a replacement dwelling in this case is considered to be generally acceptable in accordance with existing and emerging planning policy.

Impact upon the character and appearance of the Conservation Area

7.6 Whilst it is acknowledged that comments have been received in support of the application concern has been raised by both the Council’s Conservation Officer and the Conservation Advisory Forum.

7.7 These concerns are that the scale of the west elevation will present a dominating presence and impact, changing, to a harmful degree, the current character and appearance of this open area of the Conservation Area, that a faux agricultural style building its unconvincing nature and presence provide a negative proposal in terms of authenticity and integrity,
which will, in the style/genre chosen, constitute an unconvincing and alien introduction into the space and landscape of this part of the Lumsdale Conservation Area, that a more ‘honest’ design of building is required which does not present an unsympathetic analogy to bogus heritage should be considered and that the inappropriate ‘threshing’ barn opening is inappropriate, the scale and presence of the proposal at the top of the slope to the field immediately to its west, and as seen from the lane to the west, on this ridge would present, almost, the full two-storey height of the dwelling and its pitched roof as an encroachment of development on to the ridge of this part of the Lumsdale valley. It is therefore considered by these parties that the proposed development would cause harm to the character and appearance of this part of the Conservation Area.

7.8 In terms of Conservation Area, the primary legislation is set out in the Planning (Listed Buildings and Conservation) Act 1990. Section 72 of the Act states:

*With respect to any building or land in a Conservation Area……..special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.*

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

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

7.10 Considerable negotiation was carried out through the previous planning application to result in a scheme where the impact on the Conservation Area, the Scheduled Monument and the trees were fully resolved and a scheme permitted which did not cause any harm to these assets.

7.11 In this revised scheme whilst from the site frontage the dwelling would be diminutive it would have a design that is neither clearly functional nor residential in form. From the rear of the site when viewed from the road to the far west, the proposed dwelling will be at a full two storeys in height in very close proximity to the boundary line from which the ground steeply falls away to the west. In this respect the proposed dwelling in terms of its design, height and form with artificial agricultural opening would be a wholly incongruous and dominant development that would cause harm to the character and appearance of the Conservation Area. In this case the harm in accordance with paragraph 134 of the NPPF is considered to be less than substantial harm which is not outweighed by any public benefit. Therefore the proposal fails to meet the requirements of paragraph 134 and as a result planning permission is recommended for refusal.

*Loss of and threat to trees within the Conservation Area*

7.12 In respect to the impact of the development upon existing trees it is accepted that in general the trees growing within the application site should not be a significant consideration in relation to the planning application, consisting largely of Pine trees which
have suffered storm damage, and/or accidental damage, and other fairly insignificant young trees. The loss of these could be mitigated against with additional new planting within the site.

7.13 Paragraph 118 of the NPPF states in part that planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland unless the need for, and the benefits of, the development in that location clearly outweigh the need.

7.14 Policy NBE6 of the Adopted Local Plan remains broadly in line with this paragraph which states that: planning permission will only be granted for development likely to have a direct or indirect adverse impact upon trees and woodland if it can be demonstrated that the justification for the development outweighs their importance for nature conservation or amenity value.

7.15 The line of three Sycamore trees along the western boundary of the application site are significant specimen trees of considerable public amenity value being highly visible on the skyline from the road in the valley to the west below the site which contribute to the attractive park like landscape along the Lumsdale valley.

7.16 The assessment of the three Sycamore trees contained within the Tree Impact Appraisal accepts that all three trees are in good condition and are relatively large trees with trunk diameters ranging from 900 to 1100 mm diameter which would require Root Protection Areas (RPAs) with a radius of 12 metres.

7.17 The District Council’s Arboricultural Officer does not accept the view expressed in the Tree Impact Appraisal that the amenity value of these three particular Sycamore trees is low. The Sycamores have a life expectancy of at least 50 years and have been categorised as A1 and A2 trees of high quality and value both for their arboricultural and landscape value. As such these trees should be retained.

7.18 There are significant concerns in relation to both the above and below ground implications of the development on the mature Sycamore trees given the size of the trees it is considered that a considerable root protection area will be required. Whilst there is a slight drop in levels between the application site and the field within which the trees are situated, there are considerable concerns that the proposed dwelling is only 8 metres from the trunk of the largest of the three Sycamores and therefore within the required exclusion zone for the Root Protection Area.

7.19 Furthermore, there are significant concerns about the indirect pressure for the drastic pruning or felling of the Sycamore trees due to the introduction of a dwelling within 8 metres of trees which have canopy spreads with a radius of 11 metres in an easterly direction. The Sycamore trees have a dense, almost continuous, canopy which would cause heavy shading of both the proposed dwelling and its garden. Therefore, the dwelling in its proposed location would not only densely shade the property and obstruct the views from the dwelling, but the canopy/canopies of these broad spreading mature trees would actually overhang the building. There would also be significant problems with leaf and seed litter, along with the deposition of sap. Due to the close proximity of the dwelling and sitting area, there would be additional fears relating to the possibility of branches breaking or even fear of the trees falling.

7.20 It is clear that the proposal will lead to pressure on the trees as the application includes the proposal to remove the central Sycamore tree.
The proposed development would not only affect the future health and lifespan of the Sycamore trees, but would also lead to pressure for the extensive pruning or felling of three mature Sycamore trees which are prominent specimen trees of considerable amenity value, being highly visible on the skyline from the road in the valley below, and which contribute to the character and appearance of the Lumsdale Conservation Area. As such the proposal is contrary to the requirements of Policy NBE6 of the Adopted Local Plan and paragraph 118 of the NPPF in terms of the loss of aged trees and further harm to the character and appearance of the conservation area through the potential loss of the trees contrary to policies 132 to 134 of the NPPF.

**Impact upon the Scheduled Monument**

In this proposal, the siting of the dwelling at a single storey height from the front of the site would result in a form of development that does not dominate the former Counting House which would be retained on the site. In this respect the proposal would have minimal impact upon the significance of the Scheduled Monument which is the Lumsdale Valley. There are no concerns in regard to the proposal in respect to this particular heritage asset.

**Conclusion**

Whilst the proposed development meets the general requirements of the replacement dwelling policy in terms of the size and number of units, the impact upon the character and appearance of the Conservation Area requires careful assessment. The proposed development will through the design, form, height and siting of the dwelling with artificial agricultural openings and quasi functional design, result in a form of development that will be dominant when viewed from the west of the site and wholly incongruous within the Conservation Area such that the development will lead to less than substantial harm to the significance of this heritage asset without public benefit which therefore cannot be justified. As such the proposal fails to meet the requirements of policies 132 to 134 of the NPPF and policies SF5, H6 and NBE21 of the Adopted Derbyshire Dales Local Plan.

Further harm will be caused through the proposal to fell one of the Sycamore trees, the potential root harm to the trees and the indirect pressure to fell the remaining Sycamore trees in future due to the proximity of the dwelling to the trees. As such the proposal fails to meet the requirements of policy NBE6 of the Adopted Local Plan and paragraph 118 of the NPPF through the loss of the aged trees. In addition this loss and harm to the trees which have an amenity value will also cause further harm to the character and appearance of the conservation area contrary to paragraph 132 to 134 of the NPPF.

The harm identified is not outweighed by any public benefit and therefore planning permission is recommended for refusal.

8. **RECOMMENDATION**

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

   1. The proposed dwelling in terms of its height, form, design and siting would be a wholly incongruous and dominant development that would cause harm to the character and appearance of the Conservation Area when viewed from the west of the site. The harm in this case is not outweighed by any public benefit and therefore the proposal fails to meet the requirements of paragraph 134 of the National Planning Policy Framework and Policies SF5, H6 and NBE21 of the Adopted Derbyshire Dales Local Plan.
2. The proposed construction of a dwelling in the location indicated on the submitted plans could not only affect the future health and lifespan of the Sycamore trees, but would also lead to pressure for the extensive pruning or felling of three mature Sycamore trees. These trees are prominent specimen trees of considerable amenity value, being highly visible on the skyline from the road in the valley to the west of the site, and therefore contribute to the character and appearance of the Lumsdale Conservation Area. The loss of and potential direct and indirect harm to these trees is contrary to the requirements of policies NBE6, H6 and NBE21 of the Adopted Local Plan and guidance contained within paragraph 118 and paragraphs 132 to 134 of 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. This decision notice relates to the following documents:
   Proposed elevations 1950/100/3 received 15.08.16
   Proposed floor plans 1950/100/2 received 15.08.16
   Proposed site plan 1950/100/50 received 15.08.16
   Tree impact appraisal received 15.08.16
   Location plan received 15.08.16
   Letter from neighbouring land owner received 15.08.16
### Ashbourne North

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<td>ENF/13/00095</td>
<td>Unauthorised alterations to listed building - 15 - 17 Church St, Ashbourne, Derbyshire DE6 1AE</td>
<td>Bagshaw Agricultural Vine House 15 Church Street Ashbourne Derbyshire DE6 1AE</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/14/00071</td>
<td>Unauthorised building works to facilitate a Biomass Boiler and affecting the setting of a listed building.</td>
<td>Sturston Hall Farm Mill Lane Sturston Derbyshire DE6 1LN</td>
<td>Notice Issued</td>
</tr>
<tr>
<td>ENF/15/00014</td>
<td>Unauthorised alterations to listed building. Installation of photovoltaic panels on roof slope - Sturston Hall Farm, Ashbourne, DE6 1LN</td>
<td>Sturston Hall Farm Mill Lane Sturston Derbyshire DE6 1LN</td>
<td>Notice Issued</td>
</tr>
<tr>
<td>ENF/15/00035</td>
<td>Unauthorised signage and paintwork</td>
<td>Drink Zone Plus Ground Floor 5B St John Street Ashbourne Derbyshire DE6 1GP</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/15/00072</td>
<td>Unauthorised change of use of ancillary residential accommodation to self contained holiday cottage and change of use of agricultural land to domestic curtilage</td>
<td>Parkfield House Farm Kniveton Lane Offcote Derbyshire DE6 1JQ</td>
<td>Notice Issued</td>
</tr>
<tr>
<td>ENF/15/00085</td>
<td>Unauthorised alterations to a listed building comprising of the alterations to the shop front, painting, signage and lighting.</td>
<td>Abode Unit 1 1 Market Place Ashbourne Derbyshire DE6 1GP</td>
<td>Pending Consideration</td>
</tr>
</tbody>
</table>

### Ashbourne South

<table>
<thead>
<tr>
<th>Case Number</th>
<th>Description</th>
<th>Location</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>ENF/14/00070</td>
<td>Unauthorised internally illuminated signage above front of restaurant - 25 Dig Street, Ashbourne, DE6 1GF</td>
<td>25 Dig Street Ashbourne Derbyshire DE6 1GF</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/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>Pending Consideration</td>
</tr>
</tbody>
</table>

### Brailsford

<table>
<thead>
<tr>
<th>Case Number</th>
<th>Description</th>
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<th>Status</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>Pending Consideration</td>
</tr>
<tr>
<td>Reference</td>
<td>Description</td>
<td>Address</td>
<td>Status</td>
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</tr>
<tr>
<td>ENF/15/0097</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>Pending Consideration</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>Pending Consideration</td>
</tr>
<tr>
<td><strong>Carsington Water</strong></td>
<td></td>
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</tr>
<tr>
<td>ENF/15/00108</td>
<td>Non compliance with approved plans &quot;Erection of two dwellings&quot; at Peakland View, Darley Dale, office code 14/00300/FUL</td>
<td>Robinsons Limited Longcliffe Works Longcliffe Brassington Derbyshire DE4 4HN</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/16/00034</td>
<td>Unauthorised erection of Dog kennels</td>
<td>Four Lane Ends Farm Gibfield Lane Hulland Ward Derbyshire DE6 3EJ</td>
<td>DC Application Submitted</td>
</tr>
<tr>
<td>ENF/16/00073</td>
<td>Unauthorised change of use and conversion of outbuildings on land at Rock Cottage, Brassington, Matlock, Derbyshire, DE4 4HA</td>
<td>Rock Cottage Hillside Lane Brassington Derbyshire DE4 4HA</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/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>Pending Consideration</td>
</tr>
<tr>
<td><strong>Clifton And Bradley</strong></td>
<td></td>
<td></td>
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</tr>
<tr>
<td>ENF/15/00106</td>
<td>Unauthorised signs on land at Riverside Retail Park and Ashbourne Golf Club.</td>
<td>Waterside Park Waterside Road Ashbourne Derbyshire</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td><strong>Darley Dale</strong></td>
<td></td>
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</tr>
<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/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>Pending Consideration</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>Notice Issued</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>Pending Consideration</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>Pending Consideration</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>Pending Consideration</td>
</tr>
<tr>
<td>Case Number</td>
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<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>Pending Consideration</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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</tbody>
</table>

### Dovedale And Parwich

<table>
<thead>
<tr>
<th>Case Number</th>
<th>Description</th>
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</tr>
</thead>
<tbody>
<tr>
<td>ENF/15/00065</td>
<td>Alleged change of use of pub car park to use for the stationing of vehicular mobile homes.</td>
<td>Okeover Arms Mapleton Road Mapleton Derbyshire DE6 2AB</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/15/00092</td>
<td>The unauthorised erection of a timber cabin for the purposes of human habitation. The Cabin, Laburnham Cottage, Mapleton.</td>
<td>Laburnum Cottage Mapleton Road Mapleton Derbyshire DE6 2AB</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/16/00061</td>
<td>Unauthorised erection of lamposts within an agricultural field, to facilitate vehicular parking.</td>
<td>Callow Hall Country House Hotel Mapleton Road Mapleton Derbyshire DE6 2AA</td>
<td>Pending Consideration</td>
</tr>
</tbody>
</table>

### Doveridge And Sudbury

<table>
<thead>
<tr>
<th>Case Number</th>
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<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>ENF/13/00019</td>
<td>Unlawful siting of caravan for human habitation in agricultural field adjacent to Marston Lane at Doveridge.</td>
<td>Land North East Of Holmlea Farm Bungalow Marston Lane Doveridge Derbyshire</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/15/00001</td>
<td>Unauthorised breach of condition 11 of planning permission 08/00520/FUL - Conversion of barn to holiday let.</td>
<td>Somersal House Bowling Alley Lane Somersal Herbert Derbyshire DE6 5PD</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/15/00039</td>
<td>Unauthorised change of use of agricultural outbuildings to office/business use.</td>
<td>Hunters Croft Upwoods Road Doveridge Derbyshire DE6 5LL</td>
<td>Pending Consideration</td>
</tr>
</tbody>
</table>

### Hulland

<table>
<thead>
<tr>
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</thead>
<tbody>
<tr>
<td>ENF/14/00041</td>
<td>Breach of condition 2 relating to planning permission 10/00812/TEMP - Provision of temporary access for a period of 2 years - Redmire Gap, Intakes Lane, Turnditch, Derbyshire DE56 2LU</td>
<td>Redmire Gap Intakes Lane Turnditch Derbyshire DE56 2LU</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/15/00004</td>
<td>Unauthorised engineering works including substantive excavation on land at Common Farm.</td>
<td>Common Farm Mugginton Lane End Weston Underwood Ashbourne Derbyshire DE6 4PP</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/15/00024</td>
<td>Unauthorised change of use of holiday cabins to dwelling.</td>
<td>Blackbrook Lodge Farm Intakes Lane Turnditch Derbyshire DE56 2LU</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/16/00043</td>
<td>Unauthorised engineering works on land at Whinney Hill Farm</td>
<td>Winney Hill Farm Hob Lane Kirk Ireton Derbyshire DE6 3LG</td>
<td>Pending Consideration</td>
</tr>
</tbody>
</table>

### Masson

<table>
<thead>
<tr>
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</thead>
<tbody>
<tr>
<td>ENF/11/00083</td>
<td>Unauthorised rebuilding of retaining wall.</td>
<td>24 Chapel Hill Cromford Derbyshire DE4 3QG</td>
<td>Notice Issued</td>
</tr>
<tr>
<td>ENF/13/00108</td>
<td>Unauthorised works to Grade II Listed Building</td>
<td>Corn Mill Cottage Water Lane Cromford Derbyshire DE4 3QH</td>
<td>Notice Issued</td>
</tr>
<tr>
<td>Reference</td>
<td>Description</td>
<td>Address</td>
<td>Status</td>
</tr>
<tr>
<td>-------------</td>
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</tr>
<tr>
<td>ENF/15/00052</td>
<td>Installation of plastic windows in a listed building.</td>
<td>101 The Hill Cromford Derbyshire DE4 3QU</td>
<td>Notice Issued</td>
</tr>
<tr>
<td>ENF/15/00054</td>
<td>Unauthorised alterations to a Grade II Listed Building.</td>
<td>Rita’s Fish Bar 182 South Parade Matlock Bath Derbyshire DE4 3NR</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/15/00060</td>
<td>Unauthorised installation of two roof-lights and flue on the rear roof slope.</td>
<td>Swifts Cottage 15 The Hill Cromford Derbyshire DE4 3RF</td>
<td>Notice Issued</td>
</tr>
<tr>
<td>ENF/15/00104</td>
<td>Unauthorised internal works and demolition of external boundary wall.</td>
<td>Mill Managers House Cromford Mill Mill Road Cromford Derbyshire DE4 3RQ</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/15/00105</td>
<td>Unauthorised engineering operations to create extra parking/turning area.</td>
<td>G P Produce The Hill Cromford Derbyshire DE4 3QL</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/16/00024</td>
<td>Unauthorised occupation of holiday let as residential dwelling.</td>
<td>The Farrow's Chestnut Farm Abel Lane Bonsall Derbyshire</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/16/00028</td>
<td>Unauthorised erection of fence within the curtilage, at the rear, of a Grade II Listed Building.</td>
<td>86 The Hill Cromford Derbyshire DE4 3QU</td>
<td>Pending Consideration</td>
</tr>
<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>
</tr>
<tr>
<td>ENF/16/00041</td>
<td>Unauthorised installation 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/16/00058</td>
<td>Unauthorised facia advertisement.</td>
<td>F Coffee 6 North Parade Matlock Bath Derbyshire DE4 3NS</td>
<td>Pending Consideration</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>
</tr>
<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>Pending Consideration</td>
</tr>
</tbody>
</table>

### Matlock All Saints

<table>
<thead>
<tr>
<th>Reference</th>
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</tr>
</thead>
<tbody>
<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>Pending Consideration</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>
</tr>
<tr>
<td>ENF/16/00038</td>
<td>Unauthorised erection of fences and alleged car sales business.</td>
<td>2 Bentley Close Matlock Derbyshire DE4 3GF</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/13/00084</td>
<td>Unauthorised erection of workshop</td>
<td>Phillips Woodware Smuse Lane Matlock Derbyshire DE4 5EY</td>
<td>Notice Issued</td>
</tr>
<tr>
<td>ENF/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>Pending Consideration</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>Pending Consideration</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>Pending Consideration</td>
</tr>
<tr>
<td>ENF/16/00025</td>
<td>1/ Unauthorised engineering operations to create an earth bund and storage of materials behind it. 2/ Rearrangement of existing bund.</td>
<td>Land Off Alders Lane, Tansley.</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/16/00046</td>
<td>Alleged that the stone used for the extension is not in keeping with the rest of the property as conditioned by the planning permission 14/00360/FUL</td>
<td>Hurst Cottage 14 Bull Lane Matlock Derbyshire DE4 5LX</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/16/00053</td>
<td>Unauthorised access off Riber Road.</td>
<td>Brookdale Riber Road Lea Derbyshire DE4 5JQ</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/16/00056</td>
<td>Change of use of agricultural land to the rear of 70 - 80 Starkholmes Road Matlock, to incorporate within the domestic curtilage of 72 Starkholmes Road, Matlock, DE4 3DD.</td>
<td>72 Starkholmes Road Matlock Derbyshire DE4 3DD</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/16/00057</td>
<td>Change of use of agricultural land to the rear of 76 - 78 Starkholmes Road Matlock, to incorporate within the domestic curtilage of 78 Starkholmes Road, Matlock, DE4 3DD.</td>
<td>78 Starkholmes Road Matlock Derbyshire DE4 3DD</td>
<td>Pending Consideration</td>
</tr>
</tbody>
</table>

### 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 | Home Farm Thurvaston Road Marston Montgomery Derbyshire DE6 2FF | Notice Issued |
| ENF/13/00050 | Unauthorised building works to an agricultural building. (Increasing the height). | Barn Opposite Field Cottage Finny Lane Rodsley Derbyshire | Pending Consideration |
| ENF/14/00030 | Change of use of land from use for Microlight flying to use for the flying of Biplane aircraft. | Airways Airsports Darley Moor Airfield Darley Moor Ashbourne Derbyshire DE6 2ET | Pending Consideration |

### Stanton
<table>
<thead>
<tr>
<th>Case Number</th>
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</thead>
<tbody>
<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>Pending Consideration</td>
</tr>
<tr>
<td>ENF/15/00068</td>
<td>Unauthorised change of use of land for the stationing of a caravan for residential purposes, the erection of a small timber building and the erection of a poly tunnel and portaloo.</td>
<td>Peak View Caravan Site Brassington Lane Wirksworth Derbyshire</td>
<td>Notice Issued</td>
</tr>
<tr>
<td>ENF/15/00079</td>
<td>Works to a Listed Building</td>
<td>14 Market Place Wirksworth Derbyshire DE4 4ET</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/15/00082</td>
<td>Unauthorised engineering operations.</td>
<td>Land Off Oakerthorpe Road Bolehill Derbyshire</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/16/00040</td>
<td>Unauthorised satellite dish.</td>
<td>21 North End Wirksworth Derbyshire DE4 4FG</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/16/00045</td>
<td>Change of use of land from agricultural to caravan site and domestic curtliage (for stationing of childrens play equipment). Land to the rear of Ladycroft, Wash Green, Wirksworth, DE4 4FD</td>
<td>Ladycroft Wash Green Wirksworth Derbyshire DE4 4FD</td>
<td>Notice Issued</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>Pending Consideration</td>
</tr>
<tr>
<td>ENF/16/00064</td>
<td>Installation of plastic windows.</td>
<td>45 North End Wirksworth Derbyshire DE4 4FG</td>
<td>Pending Consideration</td>
</tr>
</tbody>
</table>

**Total Open Cases**: 75
### Ashbourne South

- **ENF/16/00044**  
  Breach of pre-commencement planning condition relating to planning permission 16/00048/FUL - Erection of building for nutrition and eexrsise coaching (use class D2) - Mr A Kent  
  Unit 4 Wellington Place Blenheim Road Airfield Industrial Estate Ashbourne Derbyshire DE6 1HA  
  Complied Voluntarily  
  **26/04/2016**

- **ENF/16/00062**  
  Breach of condition 26 of planning permission 13/00854/REM - erection of 38 dwellings and associated public open space and infrastructure (approval of reserved matters), Land off Lodge Farm Chase, Ashbourne, Derbyshire  
  4 Bower Close Ashbourne Derbyshire DE6 1TA  
  Complied Voluntarily  
  **29/09/2016**

### Brailsford

- **ENF/16/00010**  
  Unauthorised change of use of an agricultural building, shown in red on the attached plan, to a commercial/storage and distribution use..  
  School Farm Back Lane Hollington Derbyshire DE6 3GA  
  Complaint Unfounded  
  **06/05/2016**

### Carsington Water

- **ENF/16/00026**  
  Unauthorised engineering works to facilitate access track on land adjacent to Brassington Lane between Brassington and Bradbourne.  
  Overfields Quarry Pasture Lane Brassington Derbyshire  
  Complied Voluntarily  
  **26/05/2016**

### Clifton And Bradley

- **ENF/16/00009**  
  Breach of pre-commencement conditions relating to planning permission 15/00757/FUL - Extension to hatchery building and associated works (modifications of 15/00397/FUL) - Moy Park Hatchery, Cockshead Lane, Snelston, Derbyshire for Mr Wayne Shepherd.  
  Moy Park Hatchery Cockshead Lane Snelston Derbyshire DE6 2DP  
  Complied Voluntarily  
  **04/05/2016**

- **ENF/16/00072**  
  Alleged unauthorised building works on Mill Lane at Shirley.  
  Thatch Lodge Mill Lane Shirley Derbyshire DE6 3AR  
  Complaint Unfounded  
  **27/09/2016**

### Darley Dale

- **ENF/12/00092**  
  Unauthorised building works and siting of caravan on land at junction of Back Lane and Flash Lane, Darley Moor, Matlock.  
  Land At Junction Of Back Lane And Flash Lane Darley Moor Matlock Derbyshire  
  Complied Voluntarily  
  **15/06/2016**
<table>
<thead>
<tr>
<th>Registration Number</th>
<th>Description</th>
<th>Location</th>
<th>Status</th>
<th>Date</th>
</tr>
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<tr>
<td>ENF/15/00100</td>
<td>Erection of a wooden building for use as a dog grooming salon.</td>
<td>Woodville Northwood Avenue Darley Dale Derbyshire DE4 2GD</td>
<td>Planning Application Received</td>
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<tr>
<td>ENF/16/00005</td>
<td>Use of a domestic garage/premises to run a chemical paint stripping business.</td>
<td>6 Sunnyside Terrace Farley Hill Matlock Derbyshire DE4 5LT</td>
<td>Complaint Unfounded</td>
<td>16/08/2016</td>
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<tr>
<td>ENF/16/00029</td>
<td>Alleged discrepancy on approved plans (application 15/00550/FUL)</td>
<td>Holt Brook House Ladygrove Road Two Dales Derbyshire DE4 2FG</td>
<td>Not in the Public interest to pursue</td>
<td>30/03/2016</td>
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<td>Hulland</td>
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<td>ENF/16/00030</td>
<td>Failure to discharge pre-commencement conditions relating to planning permission 15/00418/FUL - Rebuilding of demolished barn for ancillary residential purposes and associated change of use of land</td>
<td>Upper Barn Sitch Farm Sitch Lane Kirk Ireton Derbyshire DE6 3JY</td>
<td>Complaint Unfounded</td>
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<tr>
<td>ENF/14/00016</td>
<td>Unauthorised Advertisements.</td>
<td>Royal Bank Buildings Temple Road Matlock Bath Derbyshire DE4 3PG</td>
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<tr>
<td>ENF/15/00063</td>
<td>Alterations to a Listed Building</td>
<td>26 North Street Cromford Derbyshire DE4 3RG</td>
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<tr>
<td>ENF/16/00039</td>
<td>Problem beginning to cause damage and staining to the historic fabric of a Listed Building</td>
<td>Greyhound Hotel Market Place Cromford Derbyshire DE4 3QE</td>
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<tr>
<td>ENF/16/00050</td>
<td>Unlawful Banner advertisement on railings around Cromford junction.</td>
<td>Various Railings Around Cromford Junction</td>
<td>Justification from Officer</td>
<td>22/06/2016</td>
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<tr>
<td>ENF/16/00070</td>
<td>Alleged engineering operations</td>
<td>Land To The South Of Yeats Lane, Cromford.</td>
<td>Complaint Unfounded</td>
<td>21/09/2016</td>
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<tr>
<td>Matlock All Saints</td>
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<tr>
<td>ENF/16/00054</td>
<td>Engineering operations on land the East side of 80 Jackson Road.</td>
<td>80 Jackson Road Matlock Derbyshire DE4 3JQ</td>
<td>Complaint Unfounded</td>
<td>16/08/2016</td>
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<tr>
<td>ENF/16/00060</td>
<td>Condition 4 on Planning Permission office code 08/00087/FUL &quot;Erection of Conservatory&quot;</td>
<td>15 Bank Gardens Matlock Derbyshire DE4 3WA</td>
<td>Complied Voluntarily</td>
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<td>Matlock St Giles</td>
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<td>ENF/14/00077</td>
<td>Unauthorised use of land for the sitting of caravans.</td>
<td>Tansley Wood Mills Lumsdale Road Matlock</td>
<td>Complied Voluntarily</td>
<td>19/04/2016</td>
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<tr>
<td>ENF/15/00098</td>
<td>Unauthorised engineering operations on fields to the South West of Derwent Treescapes.</td>
<td>Derwent Treescapes Limited Deep Carr Lane Matlock Derbyshire DE4 3NQ</td>
<td>Planning Application Received</td>
<td>16/08/2016</td>
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<td>Case Number</td>
<td>Description</td>
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<td>ENF/16/0002</td>
<td>Erection of wooden structure building and untidy site consisting of the storage of pipes, pipe fittings, buckets, plastic containers, burnt materials, old car parts, old toilet seat, steel frames, bags of waste and discarded household materials.</td>
<td>55 Church Street Matlock Derbyshire DE4 3BY</td>
<td>Complied Voluntarily</td>
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<tr>
<td>ENF/16/00047</td>
<td>Alleged unauthorised extension to dwelling house and boundary fence obstruction.</td>
<td>46 Mornington Rise Matlock Derbyshire DE4 3EQ</td>
<td>Complaint Unfounded</td>
<td>13/05/2016</td>
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<td>Norbury</td>
<td>Alleged breach of condition 9 relating to the slurry pit on land at Four Oaks Farm, Shields Lane, Roston.</td>
<td>Land To The South Of West View Shields Lane Roston Derbyshire</td>
<td>Complaint Unfounded</td>
<td>20/09/2016</td>
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<tr>
<td>Stanton</td>
<td>Rebuilding a roadside wall and the use of part of an agricultural building.</td>
<td>103 Northwood Lane Darley Dale Derbyshire DE4 2HS</td>
<td>Not in the Public interest to pursue</td>
<td>15/06/2016</td>
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<tr>
<td>Wirksowrth</td>
<td>Alleged unauthorised extension.</td>
<td>23 Chapel Lane Middleton By Wirksworth Derbyshire DE4 4NF</td>
<td>Complaint Unfounded</td>
<td>04/04/2016</td>
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<td>Alleged unauthorised building works at the rear of 3 Crabtree Close Wirksworth</td>
<td>4 Crabtree Close Wirksworth Derbyshire DE4 4AP</td>
<td>Complaint Unfounded</td>
<td>21/06/2016</td>
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**Total Closed Cases 26**
PLANNING COMMITTEE – 11th October 2016

PLANNING APPEAL – PROGRESS REPORT

Report of the Corporate Director

<table>
<thead>
<tr>
<th>REFERENCE</th>
<th>SITE/DESCRIPTION</th>
<th>TYPE</th>
<th>DECISION/COMMENT</th>
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<tr>
<td>Southern</td>
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<tr>
<td>14/00224/FUL</td>
<td>North of Viaton Industries Ltd, Manystones Lane, Brassington</td>
<td>PI</td>
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<tr>
<td>15/00755/FUL</td>
<td>Land off Derby Lane, Alkmonton</td>
<td>WR</td>
<td>Appeal allowed – copy of appeal decision attached</td>
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<tr>
<td>15/00062/VCOND</td>
<td>The Barn, Somersal House, Somersal Herbert</td>
<td>WR</td>
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<td>15/00873/OUT</td>
<td>Land adjacent to 2 Bell Villas, Derby Road, Doveridge</td>
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<td>15/00326/CLEUD</td>
<td>Aragorn Cabin, Mercaston Lane, Mercaston</td>
<td>WR</td>
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<td>ENF/15/00097</td>
<td>Land located at Aragorn Cabin, Mercaston Lane, Mercaston</td>
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<tr>
<td>15/00617/FUL</td>
<td>Brailsford House, Main Road, Brailsford</td>
<td>WR</td>
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<tr>
<td>16/00095/OUT</td>
<td>Babbs Lane, Doveridge</td>
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<tr>
<td>16/00051/FUL</td>
<td>Nether Farm, Sturston</td>
<td>HH</td>
<td>Appeal dismissed – copy of appeal decision attached</td>
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<td>16/00206/FUL</td>
<td>Orchard View, Yeldersley</td>
<td>WR</td>
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<td>Central</td>
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<tr>
<td>ENF/15/00054</td>
<td>Rita’s Fish Bar, 182 South Parade, Matlock Bath</td>
<td>WR</td>
<td>Appeal allowed – copy of appeal decision attached</td>
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<tr>
<td>ENF/15/00088</td>
<td>Land at The Gate Inn, The Knoll, Tansley, Matlock and Gate Inn, The Knoll, Tansley</td>
<td>WR</td>
<td>Appeal being processed</td>
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<tr>
<td>Reference</td>
<td>Location Description</td>
<td>Type</td>
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<tr>
<td>15/00429/FUL</td>
<td>Land adjacent 11, Little Bolehill, Bolehill</td>
<td>WR</td>
<td>Appeal being processed</td>
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<tr>
<td>15/00670/FUL</td>
<td>Land (East) off Main Road, near 3 Stags Heads pub, Darley Bridge</td>
<td>WR</td>
<td>Appeal allowed – copy of appeal decision attached</td>
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<tr>
<td>15/00768/PDA</td>
<td>The Barn, Back Lane, Darley Moor</td>
<td>WR</td>
<td>Appeal dismissed – copy of appeal decision attached</td>
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<tr>
<td>15/00863/OUT</td>
<td>Mor Farm, Foxholes Lane, Tansley</td>
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<tr>
<td>16/00005/OUT</td>
<td>Former Neil Thompson Nurseries, Nottingham Road, Tansley</td>
<td>WR</td>
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<tr>
<td>16/00199/VCOND</td>
<td>10 Imperial Road, Matlock</td>
<td>WR</td>
<td>Appeal being processed</td>
</tr>
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</table>

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

**OFFICER RECOMMENDATION:**  
That the report be noted.
Appeal Decision

Site visit made on 23 May 2016

by Alison Partington  BA (Hons) MA MRTPI
an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 19 September 2016

Appeal Ref: APP/P1045/W/16/3145328
Land off Derby Lane, Alkmonton, Ashbourne, Derbyshire DE6 3DH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr B Humphries against the decision of Derbyshire Dales District Council.
- The application Ref 15/00755/FUL, dated 19 October 2015, was refused by notice dated 15 December 2015.
- The development proposed is the installation of 250KW solar array and associated access.

Decision

1. The appeal is allowed and planning permission is granted for the installation of a 250KW solar array and associated access at Land off Derby Lane, Alkmonton, Ashbourne, Derbyshire DE6 3DH in accordance with the terms of the application, Ref 15/00755/FUL, dated 19 October 2015, subject to the conditions set out in Annex A.

Main Issues

2. The main issues in the appeal are:
   - The effect of the proposed solar array on the character and appearance of the surrounding countryside; and
   - Whether or not any identified adverse effects would be outweighed by the renewable energy, and other benefits of the proposal.

Reasons

The site, the surrounding area and the proposal

3. The appeal site forms part of a field used for the grazing of animals, on the edge of the village of Alkmonton. There are a couple of stable blocks in nearby fields, but other than these the nearest buildings are the houses in the village. A public footpath crosses part of the site. The field has a hedgerow boundary to Derby Lane, but the other boundaries are marked by a timber fence.

4. The site and the fields to the east and north are relatively flat, but generally the surrounding countryside is gently undulating, with the land to the south and west of the site dropping away. Despite this, the site is at a similar level to the road and fields to the north, and the village to the east, and as such, I do not agree with the Council’s view that it occupies an elevated or overly prominent position. The area is generally used for pastoral farming with small
appeal decision app/p1045/w/16/3145328

to medium sized fields surrounded by hedgerows and boundary trees, and occasional areas of woodland.

5. The proposal is the construction of a solar array which would consist of 10 rows of panels with a maximum length of 112m. The solar panels would be aligned in an east–west direction, would be 1.8m at the highest point, and mounted on steel frames. A new access would be created to the site, and the wider field, from Derby Lane. The site is set in from the field boundaries on all sides.

6. Part of the hedgerow along Derby Lane would be removed to create the proposed access to the site. Other than this, the scheme proposes to retain, and augment this existing hedgerow which would also be allowed to grow higher, and to retain the boundary trees. It would supplement this with the introduction of new native hedgerows along the boundaries of the wider field that are currently marked by fences, and some new trees and shrubs. It is proposed that the planting and landscaping scheme would also improve the habitat for pollinating and predatory insects, and provide feeding and nesting opportunities for birds and small mammals. The intention is that the land would continue to be used for grazing between, and beneath, the solar arrays.

Landscape Effects and Visual Impacts

7. Policies CS5, NBE8 and SF4 of the Derbyshire Dale Local Plan (2005) sets out the principles for dealing with proposals within the countryside, and for renewable energy proposals specifically. Amongst other matters they seek to ensure that development preserves or enhances the character, appearance and local distinctiveness of the countryside, and minimises the harm to the landscape.

8. The appellant has indicated that the site forms part of the Needwood and South Derbyshire Claylands as defined by The Landscape Character of Derbyshire, and this has not been disputed by the Council. Within this it lies within an area classified as ‘Settled Plateau Farmlands’ which is characterised by gently rolling farmland, used mainly for pastoral farming, with small to medium fields surrounded by hedgerows, densely scattered boundary trees, and occasional small woodland blocks.

9. The narrow lanes with hedgerows often create a sense of enclosure in what is quite an intimate landscape, although more extensive views are sometimes possible including when looking east near the junction of Derby Lane and Leapley Lane, and when looking south from the footpath that crosses the site. It is a tranquil landscape with scattered farmsteads, small settlements, and only wooden telecommunication poles.

10. The site itself is not covered by any national or local landscape designation and the appellant has suggested that the landscape in the area has a medium/low sensitivity to change. This has not been disputed by the Council and nothing I have seen or read leads me to conclude any differently on this matter.

11. Despite being modest in size, the straight lines of the rows of panels and the horizontal emphasis of the scheme, to the extent that it would be perceived, would appear out of place in this rural landscape. However, importantly, the proposal would retain the field layout and the majority of the boundary hedges and trees. This, along with the additional planting of trees and hedgerows (which, even though it is proposed to plant semi-mature plants, I accept would
still take some time to mature) would not only maintain, but benefit, the 
landscape character of this side of Derby Lane, which uncharacteristically lacks 
boundary hedges at present. This new planting would give a much greater 
level of enclosure to the field and would also diminish the effect of the uniform 
rows of panels. Biodiversity improvements to the site would also be a benefit.

12. Bearing in mind the sensitivity and capacity of the landscape to absorb change, 
the degree of containment and enclosure, and the proposed mitigation, I 
consider that there would be an adverse, but not significant, effect on the 
landscape character of the area.

13. The extent of the visibility would vary from season to season, but due to the 
topography of the area, and the existing and proposed vegetation, long 
distance views of the site would not be possible. Some short to medium range 
views of the development would be possible from places along Derby Lane and 
Leapley Lane. However, the proposed planting, together with the proposed 
increase in height to the existing hedge, would restrict and soften these. From 
some of the houses on Leapley Lane, views may be possible especially from 
first floor windows, but even so these will often be interrupted by intervening 
vegetation, and the development would only occupy a small amount of the 
wider panorama. The greatest impact would be on the footpath that crosses 
the site where views will be uninterrupted, and thus there will be significant 
visual impact, albeit only for a short distance.

14. I have not been made aware of any other existing or consented solar 
developments in the immediate vicinity and saw none on my site visit. As such 
there is no cumulative impact to consider.

15. Overall, the proposal would cause slight harm to the landscape character, and 
the visual amenity of the area, as experienced by receptors on the footpath, 
would be significantly harmed. Thus there would be some limited conflict with 
the policies set out above.

Benefit arising from the provision of renewable energy

16. The proposed scheme is expected to generate 233 KWh per year which, on the 
basis of average household electricity consumption, has the potential to 
produce sufficient electricity for 70 homes. The development would not 
discharge any CO₂, and will reduce carbon emissions by 116 tonnes per annum. 
Even allowing for some CO₂ outputs in the manufacture of the solar panels this 
represents a sizeable saving over the lifetime of the project.

17. The provision of renewable and low carbon energy is central to the economic, 
social and environmental dimensions of sustainable development set out in the 
National Planning Policy Framework (the Framework). There is strong national 
policy support for the development of renewable energy sources, including 
solar power, to ensure the country has a secure energy supply, and to reduce 
greenhouse gas emissions. Although the scheme is modest in size, paragraph 
98 of the Framework confirms that even ‘small-scale projects provide a 
valuable contribution to cutting greenhouse gas emissions’. Moreover, it is not 
necessary for the appellant to demonstrate the overall need for the proposal.

18. The policy support for renewable energy given in the Framework is caveated by 
the need for the impacts to be acceptable, or capable of being made so, and 
local policies require the siting of developments to be appropriate.
Nevertheless, the renewable energy benefit of the proposal must be accorded substantial weight.

**Other Matters**

19. The appellant indicates that the land is classified as poor grade agricultural land, and this is accepted by the Council. The proposal would also allow for the continued grazing by sheep below the panel arrays, and I am not persuaded that should there be a need to spray weeds that this would prevent such grazing. I note that some would prefer solar panels to be incorporated onto new buildings rather than using fields. Nevertheless, on the basis of the evidence before me, the proposal would satisfy the advice in the Planning Practice Guidance (PPG) that where a proposal involves greenfield land, poorer quality land should be used in preference to higher quality, and that proposals should allow for continued agricultural use. Nor do I find any conflict with Policy SF6 of the Local Plan which seeks to protect the best and most versatile agricultural land. Whilst it has been suggested by some residents that the site is Green Belt land, the Council has not given any indication that this is the case.

20. I understand that both the church and the old schoolhouse, within Alkmonton are Listed Buildings. Due to the intervening buildings and vegetation the site cannot be seen from either of these buildings, and only the top of the steeple and the bell on top of the school house can be seen from the site. As the setting of a listed building is the area from which its significance can be experienced, given there is no clear visual link between the site and these assets, I consider the proposal would not impact on their significance or setting. It is stated by a resident that the field was one of the best examples of ‘rig and furrow’ in the county, although it is accepted that it has already been spoilt. Nevertheless, there is no evidence to indicate that this landform is protected, and it has been stated that no levelling of the site needs to take place to enable the development.

21. A number of concerns have been raised about the viability of the scheme given that the Feed-In Tariff is being reduced dramatically, and in the light of this it has been suggested that in the future housing or industrial development will be sought on the site. The viability of the scheme is a matter outside my remit, although the appellant has stated that it is financially viable. Furthermore, a proposal for housing or industrial development is not before me. I am dealing with the appeal on the basis that it involves the development of a solar array. The acceptability, or otherwise, of any other type of development would have to be considered by the Council, and does not constitute a reason for refusing this current application.

22. It has been suggested that the proposal would block the footpath across the site. However, the plans indicate that the only part of the site the footpath crosses is the access road, which would not be an impediment to its use, and that a new stile would be provided within the boundary treatment. As such I am satisfied that the proposal would not prevent the use of the footpath. Moreover, the limited height of the panels means that the scheme would not obscure the long distance views possible from the footpath.
23. There are stables and horses grazing in the area, and it has been highlighted that advice from the British Horse Society is that arrays should be avoided where the glare will affect a bridleway or equestrian business. Be that as it may, there is no evidence to indicate that there are any bridleways from where the array can be seen, and given the orientation of the panels, any horses using the adjacent stables, or grazing in the adjacent field, would be unlikely to be affected by any glare. I note the comments about whether these stables are being used, but that is not a matter that has any bearing on this appeal.

24. It is suggested that the proposal would harm tourism, although I have not been made aware of any tourism related businesses within the immediate area. Whilst tourism can rely considerably on the quality of the countryside, the effect on this asset has already been assessed above. I am not persuaded that the changes to the landscape in this case would lead to the loss of viability to any existing business.

25. In support of the appeal my attention has been drawn to a case in Suffolk which the Secretary of State dismissed as it was considered it had a major adverse impact on the landscape, and would result in the loss of land from productive agricultural use for 25 years. I do not have the full details of this case, and so cannot be sure that it represents a direct parallel to the appeal proposal. In any case, here the land would still be able to be used for grazing, and I have concluded that the adverse impact to the landscape would be outweighed by the benefits of the proposal. In addition, I have considered the argument that a grant of planning permission would set a precedent for other similar schemes around the village. However, each application and appeal must be determined on its own merits, and a generalised concern of this nature does not justify withholding permission in this case.

26. The construction of the solar array would result in some additional traffic movements, but this would only be for a temporary period. In the light of the lack of objection by the highways authority, and from my own observations, I am satisfied that, subject to conditions, these additional movements could be safely accommodated within the existing highway network. Therefore, this matter does not weigh against the proposal. Whilst I note the concerns about lorries going to existing agricultural enterprises, and other businesses in the area, and commuter traffic that also goes through the village, these are matters outside the remit of this appeal.

Planning Balance, conclusion and conditions

27. The Framework sets out a presumption in favour of sustainable development, and renewable energy development is central to achieving a sustainable future. Although modest in scale, the appeal scheme would make a valuable contribution to cutting greenhouse gas emissions, and this attracts substantial weight. The proposal would also have some biodiversity benefits to which I give limited weight. Set against this, whilst the proposal would have some benefits to the landscape, overall it would cause some limited harm to the character and appearance of the countryside, and significant visual harm for receptors using a short stretch of the footpath. These effects would be reversible, and the most severe aspects would be localised.

28. National policy advises that renewable energy projects should be located where impacts are, or can be made, acceptable. That is the case here, and hence the
proposal can be said to be sustainable when assessed against the Framework as a whole, and would also accord with Policy CS5 of the Local Plan.

29. For the reasons set out above, I conclude the appeal should be allowed.

30. In addition to the standard implementation condition, I have imposed a condition specifying the relevant plans, as this provides certainty. In the interests of visual amenity and ecology, conditions are required to ensure the landscaping of the site, and the submission of a biodiversity management plan. It is reasonable and necessary to limit the period of the permission, and to require that the site is decommissioned when energy generation ceases. In the interests of highways safety conditions are needed to ensure the creation of the new access, and that during construction adequate space is provided for the storage of materials, and the parking and manoeuvring of vehicles.

Alison Partington

INSPECTOR
Annex A

Conditions

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

2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan; Site Plan Drawing No H228/10; Landscape Scheme Drawing No 1411-01; and Section through solar panel scale 1:20.

3) This permission shall expire within 20 years from the date when electricity is first exported from the solar farm to the electricity grid (the 'First Export Date'). Written notification of the First Export Date shall be given to the local planning authority no later than 14 days after this event.

4) Within 3 months of the solar array ceasing to be used for the generation of electricity, or the end of this permission, whichever is the earliest, the array, and associated infrastructure, shall be permanently removed from the land, and the site restored to its former condition in accordance with details to be submitted to, and approved in writing by, the local planning authority prior to these works being carried out.

5) All landscaping set out in Drawing No 1411-01 shall be carried out in the first planting and seeding seasons following the commencement of the construction works; and shall be protected from damage from vermin or stock. All proposed hedges and all existing hedges shown on the above plan to be retained, should be allowed to grow to a minimum height of 2m and thereafter retained at least at this height. 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.

6) No other development shall take place until the new access to Derby Lane, shown on the approved plans, has been completed. The access shall be provided with an emerging visibility splay of 2.4m x 103m in the south western direction throughout the construction phase, with the area in advance of the sightline being maintained clear of any object greater than 1m in height (0.6m in the case of vegetation) relative to the adjoining nearside carriageway channel level.

7) No other development shall take place until space has been provided within the site for the storage of plant and materials, site accommodation, loading, unloading, manoeuvring and turning of goods, delivery and service vehicles, parking and manoeuvring of employees and visitor vehicles in accordance with details previously submitted to, and approved in writing by, the local planning authority. Once implemented the facilities shall be retained free of any impediment to their designated use throughout the construction period.

8) The array hereby permitted shall not be brought into use until a biodiversity management plan for the site has been submitted to, and approved in writing by, the local planning authority. The plan shall include specifications, and positions, of all ecological enhancement.
features and habitats, and a programme of implementation for such measures. The biodiversity management plan shall be carried out, as approved, for the lifetime of the scheme.
Appeal Decision

Site visit made on 23 August 2016

by Stephen Normington  BSc DipTP MRICS MRTPI FIQ FIHE
an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 14 September 2016

Appeal Ref: APP/P1045/W/16/3145895
Land adjacent, 2 Bell Villas, Derby Road, Doveridge

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by Roche Enterprises Limited against the decision of Derbyshire Dales District Council.
- The application Ref 15/00873/OUT, dated 3 December 2015, was refused by notice dated 27 January 2016.
- The development proposed is described as outline application for 2 dwellings on land adjacent to 2 Bell Villas, Derby Road, Doveridge.

Decision

1. The appeal is allowed and outline planning permission is granted for the erection of two dwellings with access on land adjacent to 2 Bell Villas, Derby Road, Doveridge in accordance with the terms of the application, Ref15/00873/OUT, dated 3 December 2015, subject to the attached schedule of conditions.

Procedural Matters

2. The application was made in outline with all matters apart from access reserved for future determination. An indicative site layout plan submitted with the application shows that the site is capable of accommodating two detached dwellings. I have had regard to this plan in the determination of this appeal.

3. The Council changed the description of application Ref 15/00873/OUT to ‘erection of two dwellings with access (outline)’. This is a more accurate description of the development which I have used in the determination of this appeal.

Main Issues

4. The main issues are:
   - The effect of the proposed development on the character and appearance of the surrounding area.
   - Whether, on balance, there are other material considerations, such as the supply of housing land and the sustainability of the proposed development that would outweigh any harm caused and any conflict with the guidance contained within the National Planning Policy Framework.
Reasons

Character and appearance

5. The appeal site comprises a rectangular area of grassland located immediately to the south of the property boundary of No 2 Bell Villas and lying within the open countryside. Agricultural land is located to the south and east. To the west, and on the opposite side of Derby Road, are several detached properties of relatively recent construction.

6. The existing dwellings on this part of Derby Road form a small cluster of ribbon development on both sides of the road at the entrance to the village. The proposed development would provide for two dwellings with access off Derby Road that would extend the ribbon development on the east side of the road into open countryside. However, existing development on the west (opposite) side of the road extends further south and beyond the appeal site.

7. The submitted Landscape and Visual Appraisal (LVA) analysed viewpoints across the site and concludes that the site would be seen within the cluster of the existing dwellings and trees that are located around the Bell Lane/Derby Road junction rather than as a continuation of the ribbon development on Derby Road.

8. The Council’s Landscape Sensitivity Study identifies the location of the site as highly sensitive to new housing development. However, I agree with the appellant that this does not rule out residential development but requires individual appraisal of development proposals.

9. Whilst the proposed development would extend development on the eastern side of Derby Road it would not extend southwards beyond the relatively recent development of the western side of the road. Moreover, from observations of the character and appearance of the area at my site inspection, I agree with the findings of the LVA that the proposed development would be seen in the context of the cluster of dwellings and trees around the Bell Lane/Derby Road junction.

10. In my view, the proposed development would, to some extent, balance the built form of development around the junction without causing an unacceptable extension of ribbon development along Derby Road. Consequently I do not consider that the impact on the character and appearance of this part of the countryside to be of such severe extent that would warrant this appeal to be dismissed on those grounds alone.

11. The loss of any parts of the open countryside inevitably has some impact on the character and appearance of the surrounding area. Similarly, in this case there would be some impact as a consequence of the loss of the grassland area. However, for the reasons set out above I consider that the harm to the character and appearance of the surrounding area and the countryside would be limited.

Other material considerations

12. The Council accept that it cannot demonstrate a five year housing supply. Consequently, the policies relevant to the supply of housing contained in the DDLP are out of date. The National Planning Policy Framework (the Framework) states that housing proposals should be considered in the context of the
presumption in favour of sustainable development. Where relevant policies, as in this case, are out of date paragraph 14 of the Framework applies. It states that planning permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

13. Given the recognition that a five year supply of housing land cannot be achieved, a blanket restriction on housing development outside settlement boundaries and in the countryside cannot be consistent with the Framework’s intentions.

14. Notwithstanding the location of the site in open countryside, it is located adjacent to the settlement boundary and close to the village centre. I have no evidence to suggest that the site is located within an unsustainable location or that it would demonstrably fail to meet the economic, social and environmental role of the dimensions of sustainable development. In my view, the proposal would constitute a sustainable development.

15. In terms of the benefits, the proposal would make a small contribution towards the supply of housing on a sustainable site located adjacent to the settlement boundary. It would also be a sustainable development. Collectively, these considerations are of very significant weight in favour of allowing the appeal.

16. As explained above, the harm that I have identified to the character and appearance of the countryside would be limited due to the site’s relationship to existing built development. My overall conclusion in this case, having considered all other matters raised, is that the presumption in favour of sustainable development set out in paragraph 14 of the Framework is engaged by virtue of policies in the DDLP relevant to the supply of housing being out of date. In this case the adverse impacts of the proposal would not significantly and demonstrably outweigh the benefits of more housing when assessed against the policies of the Framework taken as a whole.

Other matters

17. The appellant has drawn my attention to other appeal decisions in the District. However, I do not have full details of the nature of the proposals or the circumstances relating to these appeals. Consequently, I cannot be sure that these are representative of the circumstance in this appeal and, in any case, I have determined this appeal on its own merits.

18. I have taken into account the concerns of local residents regarding the proximity of the site to the Bell Lane junction and associated highway safety issues. I have also considered the suitability of the Doveridge to accommodate new housing. Notwithstanding my findings regarding the sustainability of the proposed development, these matters were not cited by the Council as reasons to refuse planning permission and consequently the weight that I can attach to these concerns is limited.

19. I am also aware of the concerns from the owner of the adjacent agricultural land that the field access may be compromised by the proposed development. Whilst the red line boundary of the proposed development is shown to slightly encroach over the field access point I do not consider that there would be any likelihood of the field access being compromised. However, although the Council have raised no objections to the proposed access positions, there are
no submitted details of the detailed design of the access points. I therefore consider a planning condition could be imposed requiring the Council’s approval of such details which can ensure that the field access is not compromised.

Conditions

20. The Council has suggested a number of planning conditions which I have considered against the advice given in paragraph 206 of the Framework and the guidance contained in the section on ‘Use of Planning Conditions’ in the government’s Planning Practice Guidance. As a result, I have amended some of them for clarity and eliminated some for the reasons set out below.

21. As this is an outline application I have attached conditions limiting the life of the planning permission and setting out the requirements for the submission of reserved matters. I have specified the approved plans in the interests of certainty. In order to protect the character and appearance of the area, I have also imposed a condition concerning the external materials to be used and details of the window and door frames.

22. The submission of the details of landscaping is required as part of the reserved matters submission. Therefore, I do not consider it necessary to include both of the conditions suggested by the Council that relate to the submission of details of landscaping but I have incorporated elements of these.

23. Although not suggested by the Council, in the interests of securing satisfactory access to the site and in the interests of ensuring that the adjacent field access is not compromised, I have imposed a condition requiring the submission details of the design of the access points.

Conclusion

24. For the above reasons, and taking into account all other matters raised, I conclude that the appeal should be allowed.

Stephen Normington

INSPECTOR

CONDITIONS SCHEDULE
1. Plans and particulars of the reserved matters relating to the appearance, landscaping, layout and scale shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.

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

3. The development hereby permitted shall begin not later than two years from the date of approval of the last reserved matters to be approved.

4. The development hereby permitted shall be carried out in accordance with the following approved plans: Layout; Existing and Proposed Block Plan.

5. No development involving the use of any facing or roofing materials shall take place until details of the materials to be used in the construction of external surfaces of the dwellings hereby permitted have been submitted to and approved in writing by the local planning authority. The construction of the development shall thereafter be undertaken in accordance with the approved details.

6. Prior to the commencement of development, details of the materials, depth of reveal, 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.

7. The landscaping details submitted for approval the written approval of the local planning authority in connection with Condition No 1 shall include the following details:
   a) indications of all existing trees, hedgerows and other vegetation on the land;
   b) all vegetation to be retained including details of the canopy spread of all trees and hedgerows within or overhanging the site, in relation to the proposed buildings, roads, and other works;
   c) measures for the protection of retained vegetation during the course of development;
   d) all plant species, planting sizes, planting densities, the number of each species to be planted and plant protection;
   e) finished site levels and contours;
   f) means of enclosure, and;
   g) hard surfacing materials;
   h) timetable for the implementation of works.

   The development shall be thereafter undertaken in accordance with the approved details. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority. All hard landscaping shall also be carried out in accordance with the approved details.
prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the local planning authority.

8. No development shall take place until details of the junctions between the proposed site access points and Derby Road have been submitted to and approved in writing by the local planning authority. Such details shall ensure that the access to the fields adjacent to the site is not compromised as a consequence of the provision of the new access junctions. The dwellings shall not be occupied until the junctions have been provided in accordance with the approved details and shall thereafter be retained.
Appeal Decision

Site visit made on 31 August 2016

by Beverley Wilders   BA (Hons) PgDurf MRTPI
an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 19 September 2016

Appeal Ref: APP/P1045/D/16/3151846
Nether Farm, Mill Lane, Sturston, Derbyshire DE6 1LN

- 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 Keith Whitmore against the decision of Derbyshire Dales District Council.
- The application Ref 16/00051/FUL, dated 27 January 2016, was refused by notice dated 17 March 2016.
- The development proposed is 2 storey oak framed extension to gable end of existing dwelling.

Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr Keith Whitmore against Derbyshire Dales District Council. This application is the subject of a separate Decision.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the existing building.

Reasons

4. The appeal site comprises part of Nether Farm and includes the two storey farmhouse, a two storey former barn and associated outbuildings. The farmhouse is believed to have been constructed in the mid 17th century, extended between the late 17th and early 18th century and refurbished in the 20th century. Though not listed or within a Conservation Area it retains a traditional appearance, is largely rectangular in form and constructed from red brick under a tiled roof. It has a high ratio of brickwork to window and door openings, including on the side gable affected by the proposal. This gives the farmhouse a very solid appearance and is consistent with the appearance of nearby buildings both on the appeal site and on the opposite side of Mill Lane.

5. By contrast the proposed two storey side extension would be timber framed and clad in horizontal timber boarding under a tiled roof. It would contain a very large glazed opening in the side elevation which would comprise almost the entire gable. Unlike the front elevation of the farmhouse, there are no first floor windows proposed in the front elevation of the extension. The front and
rear of the extension would be set in very slightly from the front and rear
elevation of the farmhouse giving the extension a slightly lower eaves and
ridge height than the main roof of the farmhouse.

6. Though I note that the proposed extension is intended to read as a subservient
and contemporary element to the original farmhouse and despite the use of
timber elsewhere in the locality, I do not consider that either the proposed use
of timber or the design of the extension is sympathetic to the character and
appearance of the existing building. In particular the large amount of glazing
proposed in the side gable is at odds with the otherwise solid appearance of the
farmhouse and would serve to weaken its appearance. Additionally the lack of
first floor window openings in the front elevation of the proposed extension
would add to it appearing out of keeping with the farmhouse. Finally the very
limited set backs proposed and the prominent position of the extension mean
that the proposal would have a significant harmful impact on the appearance of
the front and side elevation of the farmhouse.

7. In reaching my decision I have had regard to the fact that the existing rear
orangery is predominantly glazed and of a timber frame construction. However
it is single storey, smaller in scale and much less prominent than the proposed
extension. Additionally I note the concern raised having regard to sourcing
matching bricks and reproducing the same bond, the poor condition of
brickwork in the side gable and the lack of adequate natural daylight to rooms
at this end of the farmhouse. However I am not convinced that more
appropriate materials could not be sourced or that the brickwork on the gable
could not be repaired to prevent water ingress. The side gable is west facing
with both rooms at this end of the farmhouse having good sized windows in
both the west and south elevations. Consequently I do not consider it likely
that they would suffer from a significant lack of natural daylight.

8. Taking the above matters into consideration, I conclude that the proposal
would adversely affect the character and appearance of the existing building.
It is therefore contrary to policies H2 and SF5 of the Derbyshire Dales Local
Plan and to relevant paragraphs of the National Planning Policy Framework.
These policies seek, amongst other things, to ensure that development
preserves or enhances the quality and local distinctiveness of its surroundings
and extensions to dwellings would not result in a detrimental impact on the
character and appearance of the dwelling and its surroundings.

Conclusion

9. For the above reasons and having regard to all matters raised, I conclude that
the appeal should be dismissed.

Beverley Wilders

INSPECTOR
Appeal Decision

Site visit made on 27 September 2016

by Anthony J Wharton BArch RIBA RIAS MRTPI
an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 28 September 2016

Appeal Ref: APP/P1045/F/16/3143022
‘Rita’s Fish Bar’, 182 South Parade, Matlock Bath, Derbyshire DE4 3NR

- The appeal is made under section 39 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Ms Rita Clark against a listed building enforcement notice issued by Derbyshire Dales District Council.
- The enforcement notice was issued on 21 December 2015.
- The contraventions of listed building control alleged in the notice are:
  i) The re-painting of the render, eaves cornice, first floor window cills and stall riser.
  ii) The installation of electrical conduit running beneath the eaves of the property and above the shop fascia.
  iii) Installation of 3 No flood/spot lights beneath the eaves to the property.
  iv) Installation of oval advertisement sign between the first floor windows.
- The requirements of the notice are:
  1. Re-paint the render, eaves cornice, first floor window cills and stall riser paint colour British Standard 4800 Range: 10 B 15 (Cream).
  2. Remove the electrical conduit running beneath the eaves of the property and above the shop fascia and make good any fixing holes.
  3. Remove the 3 No flood/spot lights and any associated wiring/cabling beneath the eaves to the property and make good any fixing holes.
  4. Remove the oval advertisement sign between the first floor windows to the property.
- The period for compliance with the requirements is 28 days.
- The appeal is made on grounds (b), (c), (e), (g) and (h) as set out in section 39(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended.

Decision

1. The appeal is allowed to the limited degree on ground (h) only. Otherwise the appeal dismissed and the listed building enforcement notice is upheld as varied (see formal decision below).

Background information and matters of clarification

2. The Grade II listed appeal building is located within a row of other Grade II listed buildings which form part of South Parade in Matlock Bath within the Matlock Bath Conservation Area (MBCA). The buildings were listed for their group value. The buildings also lie within the Matlock Bath Area of Special Control of Advertisements (MBASCA) and the Derwent Valley Mills World Heritage Site Buffer Zone (WHSBZ). The two storey building is still recognisable from its 1950s listing, being early C19 with stuccoed walls and moulded eaves; sash windows and with a slated roof.

3. The unauthorised alterations/works to the building were noted by the Local Planning Authority (LPA) in July 2015. A letter to the appellant set out the works and apart from a hanging sign, a fascia sign and the painting of the shopfront,
these appear to accord with the allegations set out in the notice. The letter indicated that a listed building consent application would not be supported for the works which are now the subject of the notice. Eventually, following further letters to the appellant her agent wrote to the Council in response to each of the itemised works and set out a proposed course of action and various applications for listed building consent (LBC) were submitted.

4. An application for the re-painting of the shopfront (15/00661/LBALT) was granted consent on 30 October 2015. On 16 October 2015 consent was granted for the hanging and fascia signage (15/00750/LBALT). However, on 10 December 2015 consent was refused for the installation of the electrical conduit (15/00749/LBALT). The notice was then issued on 21 December 2015.

5. The Council refers to its Supplementary Planning Document (SPD) ‘Shopfronts and Commercial Properties Design Guidance’, which was adopted in 2006 and modified in June 2012. The National Planning Policy Framework (NPPF) and Planning Practice Guidance (PPG) are also major material considerations in this case and I have had regard to the relevant policies and guidance. These include those set out in the NPPF at section 7 (Requiring good design) and section 12 (Conserving and enhancing the historic environment).

6. The SPD accords with the aims of the policies within the NPPF in relation to the above sections. Because the building is listed and lies within the MBCA I have had special regard and paid special attention to the requirements of sections 16(2) and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (PLBCAA).

The appeal on ground (b)

7. The appeal on this ground relates only to item 2(iv) of the notice; the oval advertisement sign. To be successful on this ground it must be shown that the matters alleged to constitute a contravention of section 9(1) or (2) of the PLBCAA have not occurred as a matter of fact. In support of this ground it is stated that the sign in question is painted on to the wall. However it is also considered that this point is a technicality and that the ground was pleaded in the ‘interests of accuracy’ and that this point has little bearing on the acceptability of the sign.

8. I deal with the acceptability of the sign in the ground (e) appeal below. But as a matter of fact the oval advertisement whether fixed or painted onto the wall the sign is in place. From my own inspection it would appear that it is not a simple painted sign. There appear to be fixings visible and the sign clearly has a thickness albeit minimal. It is not painted on to the white wall. I can only conclude, therefore that the appeal must fail on ground (b).

The appeal on ground (c)

9. It is stated that the appeal on this ground only relates to item 2(ii) set out in the allegation to the notice. This refers to the electrical conduit. To be successful on this ground it must be conclusively shown that the works carried out do not constitute a contravention of section 9 of the PLBCAA. This might be because there is consent in place or that the conduit was in place at the time of listing. Clearly neither is the case. Consent was refused and there is nothing to indicate that the electrical conduit was in place at the time of listing.

10. If any works to a listed building affect its character as a building of special architectural or historic interest, then listed building consent is required. Having seen the electrical conduit it is my view that, irrespective of whether the impact is found to be negative or positive, the works have affected the architectural and historic character of this Grade II listed building. I note that the appellant considers
the opposite to be the case but I agree with the LPA that these works have definitely affected the listed building as one of architectural and historic interest. The appeal also fails, therefore, on ground (c).

**The appeal on ground (e)**

11. The main issues are the effects of the various works/signs on the integrity and character of the listed building; on its setting; on its architectural and historic features and on the character and appearance of this part of the MBCA.

12. Although the appellant has indicated that this ground of appeal only relates to allegations 2(ii) and 2(iii) I need to address all aspects of the works carried out in considering whether or not to grant LBC for their retention.

*The re-painting of the render, eaves cornice, first floor window cills and stall riser*

13. The appellant accepts the need to re-paint those areas painted white and in the letter of 4 September 2015 indicates that the elements will be painted off-white. At the time of my visit I noted that the walls were brilliant white and contrasted markedly with the walls on either side. With regard to the colour I agree with the LPA (set out in their letter of 21 July 2015) that brilliant white is contrary to the guidelines within the MBCA. I consider that the brilliant white has resulted in a stark and obtrusive finish which is out of character and harmful to the integrity of the building and the character and appearance of the MBCA. I do not consider that LBC ought to be granted for the retention of this colour.

*The electrical conduit beneath the eaves of the property and above the shop fascia*

14. Having noted this part of the works I share the LPA’s concern about its effect on the building and the MBCA. In my view this installation appears as an obtrusive, clumsy and inappropriately modern visual intrusion on the frontage of this fine listed building. Like the LPA I disagree with the appellant that the cabling, junction boxes, material and routing of the works ‘do not detract from the character of the building’. I find the opposite to be the case.

15. In my view the works detract markedly from the integrity and character of the building, from its setting and from its features of special architectural and historic interest. In particular the works are harmful to the appearance of the eaves and the windows. I also consider that this discordant and crude fixing of cabling and other elements to this building neither preserves nor enhances the MBCA and LBC will not be granted for the works.

*The 3 No flood/spot lights and any associated wiring/cabling*

16. Although having previously stated that the floodlights would be removed the appellant now contends that ‘the conduit and floodlighting under the eaves are in keeping with the character of the building and the conservation area’. Again I disagree. I have already concluded that the conduit is harmful and I take the same view of the floodlights. These inappropriate modern fittings stand out as obtrusive appendages to the façade of the building. As well as being detrimental to the character of the building they also jar with the traditional architectural and historic detailing of the rest of the frontage including the fascia, eaves and the windows.

17. They also affect the settings of the other buildings within the group and would set a most unfortunate precedent if allowed to remain in place. It follows that these fittings also neither preserve nor enhance the character or appearance of the MBCA and listed building consent will not be granted for their retention.
Installation of oval advertisement sign between the first floor windows

18. The Oval sign is definitely fixed to the wall. It is out of scale and its position at high level adversely affects the host building as well as the adjoining listed buildings. The sign is detrimental to the character of the listed buildings; to their setting and to the features of architectural and historic interest: namely the windows and the rest of the shopfront. Like the other works the sign neither preserves nor enhances the character or appearance of the MBCA. Again, therefore I consider that consent for its retention should be withheld. The appeal fails on ground (e) in relation to all of the unauthorised works carried out.

The appeal on ground (g)

19. An appeal on this ground is made on the basis that the requirements of the notice exceed what is necessary for restoring the building to its condition before the works were carried out. Again it is argued that technically the requirement to remove the oval advertisement sign between the first floor windows to the property cannot be complied with because it is a painted sign. It is suggested that the requirement should be re-phrased to state that the sign be painted over.

20. I find the argument for this ground to be unnecessarily pedantic and frankly a waste of time. It would appear that whoever prepared the appeal on this ground failed to note that the sign was not painted directly on to the white painted wall. In any case it should be evident to all that what is required is to rid the façade of a harmful sign. The appellant is quite clear about what is required and it would not have made any difference whether the sign was affixed to the building or painted onto its façade. Even if it had have been painted on to the wall the requirement to ‘remove it’ would be achieved by painting over it with the required wall finish colour BS 4800, 10 B 15. The appeal fails on ground (g) and neither this, nor any of the other requirements exceed what is necessary to restore the building to its condition before the works were carried out.

The appeal on ground (h)

21. I acknowledge that some works have already been carried out and that consents have been granted for some signage. It is also clear that the Council is agreeable to an extended compliance period of 3 months. Given the history of the unauthorised works and the correspondence between the parties, I find it difficult to understand the appellant’s stance regarding the re-painting and why it has not been carried out already.

22. Nevertheless in the overall circumstances of this case I consider it appropriate to increase the compliance period to 3 months. The appeal succeeds to this limited degree on ground (h) only and I will vary the LBEN accordingly.

Other Matters

23. In reaching my conclusions on the grounds of appeal I have taken into account all other matters raised by the Council and by and on behalf of the appellant. These include the full planning history referred to; the initial grounds of appeal; the pre-issue (of the notice) correspondence and the submitted photographs. However, none of these carries sufficient weight to alter my conclusions on each ground and neither is any other factor of such significance so as to change my decision.

Formal Decision

24. The appeal succeeds to a limited degree on ground (h) only. I direct that the notice be varied by deleting the words and figures ‘twenty-eight (28) days’ in part 3
(the paragraph commencing 'NOTICE IS HEREBY GIVEN') and by substituting therefor the words and figure 'three (3) months'.

25. Otherwise the appeal is dismissed and the listed building enforcement notice is upheld as varied. Listed building consent is refused for the works carried out in contravention of section 9 of the Planning (Listed Buildings and Conservation Areas) act 1990 as amended.

Anthony J Wharton
Inspector
Appeal Decision

Site visit made on 23 August 2016

by Stephen Normington  BSc DipTP MRICS MRTPi FIQ FIHE
an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 14 September 2016

Appeal Ref: APP/P1045/W/16/3151904
Land off Main Road, South Darley, Derbyshire DE4 2JW

- 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 John Collins against the decision of Derbyshire Dales District Council.
- The application Ref 15/00670/FUL, dated 9 September 2015, was refused by notice dated 6 May 2016.
- The development proposed is the construction of a new dwelling.

Decision

1. The appeal is allowed and planning permission is granted for the construction of a new dwelling at land off Main Road, South Darley, Derbyshire DE4 2JW in accordance with the terms of the application, Ref 15/00670/FUL, dated 9 September 2015, subject to the attached schedule of conditions.

Main Issue

2. The main issue is the effect of the proposal on the setting of ‘The Three Stags Head Public House’ which is a Grade II Listed Building.

Reasons

3. The appeal site comprises a relatively unkempt grassed area of land located to the east of The Three Stags Head Public House. The site is enclosed by substantial hedgerows with a stone wall on its western boundary. A public footpath is located on the southern boundary. Although relatively linear in shape, the appeal site widens to the north in approximately the mid-point position of the site.

4. The Three Stags Head Public House is a Grade II Listed Building dating from 1736 and is sited at right angles to Main Road. The appellant suggests that the appeal site did not form part of the curtilage of the listed building and remained in separate ownership until the late 20th century when it was acquired by the pub owners which coincided with a planning application (Ref MAT/662/8) to demolish two former cottages that appear to have been located to the rear of the listed building. Consequently, the appellant contends that, until recently, there has been no historic relationship between use of the appeal site and the listed building and I have no evidence to suggest that this view may be incorrect.
5. The proposed development would involve the construction of a two storey dwelling with a roof line running east to west. This would maintain a building orientation of being at right angles to Main Road which is a localised characteristic of existing development in the vicinity of the appeal site. The dwelling would be positioned in the north eastern part of the site in the area where it widens. The linear southern part of the site would remain undeveloped.

6. Owing to the position of the proposed dwelling and the extent of the boundary hedgerows, it would not be possible to readily see the listed building and the dwelling in the same view. In my view, owing to the distance from the listed building and proposed position of the dwelling, the development would not be materially within the setting of the listed building. The southern portion of the appeal site would remain undeveloped. As such, the part of the site located to the rear of the listed building, and to a small extent contributes to its setting, would retain its open character. However, I agree with the appellant that the majority of the appeal site does not play a material role in the setting of the listed building.

7. Given the intervening distance between the proposed dwelling and the listed building; the fact that the available evidence suggests that the appeal site did not historically form part of the curtilage of the listed building until recently and the fact that the southern part of the site would remain undeveloped, leads me to find that the proposed location of the development would not harm the setting of the listed building. In my view, there would be no material change to the way the listed building is visually perceived as a consequence of the proposed development.

8. The Council has also raised concerns regarding the design of the proposed dwelling. However, I consider that its design, orientation, position and use of materials would be reflective of the local vernacular. It would be lower than the listed building in height and have a horizontal emphasis which is characteristic of other buildings in the vicinity. Consequently, I do not consider that the design of the proposed dwelling would cause any demonstrable harm to the setting of the listed building.

9. Taking the above factors into account, I consider that the proposed development would not have a material detrimental impact on the significance of the heritage asset through changes to its setting. Consequently, there would be no conflict with Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990. Nor would it be contrary to paragraph 132 of the National Planning Policy Framework (the Framework) which states that when considering the impact of a proposal on a designated heritage asset, great weight should be given to the assets conservation. It confirms that significance can be harmed by alterations to the heritage asset and development within its setting.

10. In addition, the proposed development would not be contrary to Saved Policies SF5, H9 and NBE16 of the Derbyshire Dales Local Plan (2005). These policies, amongst other things, require new development to be in scale and character with its surroundings, preserve local distinctiveness and not have an adverse impact on the setting of a listed building.
Other matters

11. The appellant has drawn my attention to recently granted planning permissions, one for the construction of a dwelling in close proximity to a listed building (Ref 14/00404/OUT) and the construction of a dwelling positioned close to The Three Stags Head. However, I do not have full details of the nature of the proposals or the circumstances relating to them being considered acceptable by the Council. Consequently, I cannot be sure that these are representative of the circumstance in this appeal and, in any case, I have determined this appeal on its own merits.

12. I have also taken into account the views of the previous Inspector in the appeal relating to an enforcement notice in respect of a fence (Ref APP/P1045/C/13/2210914). I accept the appellants view that the proposed development is very much different in this case and that a more detailed analysis of the historically relationship of the appeal site to the listed building is now provided. Consequently, I do not consider that the views of the previous Inspector are undermined by my findings in this case.

Conditions

13. The Council has suggested a number of planning conditions which I have considered against the advice given in paragraph 206 of the Framework and the guidance contained in the section on 'Use of Planning Conditions’ in the government’s Planning Practice Guidance. As a result, I have amended some of them for clarity and eliminated some for the reasons set out below.

14. In addition to the standard time limit condition, I have imposed a condition requiring that the development is carried out in accordance with the approved plans. This is in the interest of certainty. In order to protect the character and appearance of the area, I have also imposed a condition concerning the external materials to be used.

15. Given the proximity of the site entrance to the pub car park I agree that, in the interests of highway safety, a condition is necessary which requires the vehicular access to be provided prior to the commencement of any other construction works.

16. Although I have no evidence of any protected trees, the site does contain a number of trees that make an important contribution to the character and appearance of the area. I therefore agree that a condition is necessary which requires the provision of fencing in the vicinity of the crown spread of the trees in order to protect their health during the construction works.

17. The Framework advises that planning conditions should not be used to restrict national permitted development rights unless there is clear justification for doing so. Given the location of the proposed development in relation to the listed building and my findings in respect of the need to retain the southern section of the site as being undeveloped, I consider that this is a circumstance where permitted development rights should be removed in order to protect the character and appearance of the area.
Conclusion

18. For the above reasons, and taking into account all other matters raised, I conclude that the appeal should be allowed.

Stephen Normington

INSPECTOR

CONDITIONS SCHEDULE

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

2) The development hereby permitted shall be carried out in accordance with the following approved plans: 1088-001A; 1088-002A; 1088-003A; 1088-004C;

3) The proposed means of vehicular and pedestrian access hereby approved shall be laid out, hard surfaced, sealed and drained prior to the commencement of any other building or engineering operations.

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

5) Prior to the commencement of development, details of the materials, treatment and/or colour of the window and door frames, including the reveal, 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.

6) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification) no buildings shall be carried out within the curtilage of the dwelling without the prior written approval of the Local Planning Authority upon an application submitted to it.

7) No development shall commence, nor shall any materials or machinery be brought onto the site, until a 2 metre high fence of Weldmesh securely attached to scaffolding poles inserted into the ground has been erected in a continuous length, one metre beyond the crown spread of the trees to be retained (or such other fencing as is agreed in writing with the Local Planning Authority). The fencing must be erected prior to the commencement of the development and remain throughout the period of construction and no materials or equipment shall be stored, no rubbish dumped, no fires lit or any excavation or changes in level take place within the fenced area.
Appeal Decision

Site visit made on 6 September 2016

by D Boffin  BSc (Hons) DipTP MRTPi Dip Bldg Cons (RICS) IHBC
an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 23 September 2016

Appeal Ref: APP/P1045/W/16/3148736
The Barn, Back Lane, Two Dales, Matlock, Derbyshire DE4 5LP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
- The appeal is made by Ms S Marshall against the decision of Derbyshire Dales District Council.
- The application, dated 22 October 2015, was refused by notice dated 5 November 2015.
- The development proposed is conversion of building to form dwellinghouse with alterations as shown on submitted plan. Access via Back Lane. Parking for 2 cars within proposed curtilage.

Decision

1. The appeal is dismissed.

Preliminary Matter

2. The Council refused to validate the appellant’s prior approval application via correspondence dated 5 November 2015. The Council’s correspondence clearly indicates that they do not consider that the proposal complies with one of the limitations and restrictions set out in Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development)(England) Order 2015 (GPDO). Namely that the site was not used solely for agricultural use as part of an established agricultural unit on 20 March 2013. As such I have treated this correspondence as the refusal notice and dealt with the appeal on this basis.

Application for costs

3. An application for costs was made by Ms S Marshall against Derbyshire Dales District Council. This application is the subject of a separate decision.

Main Issue

4. Class Q permits development consisting of a change of use of a building and any land within its curtilage from use as an agricultural building to a use falling within Class C3 (dwelling house) of the Schedule to the Use Classes Order (Class Q (a)), and building operations reasonably necessary to convert the building (Class Q (b)). This is subject to a number of circumstances where such development is not permitted, listed under paragraph Q.1. Development is not permitted if the site was not used solely for an agricultural use on 20 March 2013 (Q.1 (a)). The Council refused to validate the prior approval
application on the grounds that the site was not used solely for an agricultural use as part of an established agricultural unit on 20 March 2013.

5. Therefore, the main issue is whether the proposal is permitted development under Schedule 2, Part 3, Class Q of the GPDO, having particular regard to the following:
   
   - Whether the site was used solely for an agricultural use as part of an agricultural unit on 20 March 2013.

Reasons

6. The appellant has stated that the building was used on the 20th March 2013 in connection with an agricultural holding. However, I have not been provided with a plan of the land connected with that holding or any details in relation to the size of that holding. The evidence provided by the appellant does refer to fields adjacent to the building and at my site visit I noted that the appellant was undertaking tasks within the adjoining field to the building. As such I have treated the field/paddock that the building adjoins as forming the agricultural holding.

7. A planning application was refused in 2009 and the subsequent appeal dismissed in relation to the change of use of the appeal building. The change of use was described as the conversion of a stables and feedstore into a dwelling. The appellant confirms that in 2009 and until the end of 2011 that the building was used partly for equestrian purposes. However, she states that by 2012 the equestrian use of the building had terminated and the building was in use solely for agriculture.

8. The appellant has provided a copy of a letter from a Mr Hinchley which claims that during 2012 he kept sheep on the appellant’s agricultural holding and some fodder in the building. He also states that he saw nothing to suggest that any other use was being made of the building. However, the letter does not relate to the use of the building on the 20th March 2013.

9. At my site visit I noted that the appeal site building is of stone construction with a metal sheeting roof. Whilst the doors have the appearance of stable doors the interior of the main part of the building comprises one large space. Within this space there were general storage items, hay, metal fencing panels and what appeared to be metal feeding troughs. I acknowledge that the interior of the building is not laid out as stalls or a stable. There were sheep and horses within the adjoining field and the horses were within a field shelter.

10. The Council has provided a number of photographs taken during site visits in 2009, 2013 and 2015 that show the exterior of the building and the adjoining field/paddock. The 2013 and 2015 photographs do show some horse paraphernalia adjacent to the door of the building and what appears to be a tether for horses. The appellant has stated that this only confirms that horses are grazed on the land and that it is sensible for the items to be placed close to the building whilst the owner of the horse is out riding. However, the horse paraphernalia does show that the horses are being tended in close proximity to the building. It is highly likely that this takes place whilst the horses are tethered to the post adjacent to the building.

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1 APP/P1045/A/09/2115433
11. The agent acting on behalf of the appellant has also confirmed that whilst carrying out survey work in 2013 for the prior notification application for the change of use to a guest house that the building contained hay and agricultural equipment. He has also confirmed that there were sheep and a horse grazing in the adjoining fields.

12. The equestrian use of land can be treated as agricultural if the horses are kept for working purposes or if they are simply turned out on land with a view to feeding them from that land i.e. grazing. However, if they are fed additional food or if they are ridden or exercised i.e. the keeping of horses then the use ceases to be agricultural. Taking into account that the evidence shows that the building has been used for the storage of fodder/hay, the presence of the horses on site that appear to have been tended to on the site and the horses are ridden and exercised I find that the horses are being kept on the land. I acknowledge that the horses may or may not be ridden and exercised on the holding. However, I consider that it is likely that some of the site is not solely in agricultural use.

13. I have carefully considered all of the evidence. It is for the appellant to prove on the balance of probability that the building was used solely for an agricultural use as part of an established agricultural unit in compliance with Paragraph Q1(a). Without any persuasive supporting evidence I conclude that there is insufficient information to demonstrate that the relevant GPDO conditions, limitations and restrictions have been met in respect of the agricultural use of the site.

**Conclusion**

14. I have not been provided with sufficient information in relation to the agricultural use to establish compliance with Paragraph Q1(a) of the GPDO. I therefore conclude that the permitted development right to convert this agricultural building into Class C3 use does not apply. For these reasons I conclude that the appeal should be dismissed.

*D. Boffin*

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 Regulations 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.