04 December 2017

To: All Councillors

As a Member or Substitute of the Planning Committee, please treat this as your summons to attend a meeting on Tuesday 12 December 2017 at 6.00pm in the Council Chamber, Town Hall, Matlock DE4 3NN

Yours sincerely

Sandra Lamb
Head of Corporate Services

AGENDA

SITE VISITS: The Committee is advised a coach will leave the Town Hall, Matlock at 12:25pm 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 – 07 November 2017

3. INTERESTS

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

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

PUBLIC PARTICIPATION

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

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<td>4.1 APPLICATION NO. 17/00865/FUL (Site Visit)</td>
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<tr>
<td>Retention of street lighting lamps erected around the Temporary Care Suite and installation of anti-glare shields to the lamps at St Elphin’s Park, Dale Road South, Darley Dale.</td>
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<td>Erection of dwelling (Outline) at North Park Farm, Whitworth Road, Darley Dale.</td>
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<td>4.4 APPLICATION NO. 17/01000/FUL (Site Visit)</td>
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<tr>
<td>Subdivision of shop to create a Shop Unit and a Café/Restaurant Unit and replacement shop fronts (Retrospective) at 66 Dale Road, Matlock.</td>
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<tr>
<td>4.5 APPLICATION NO. 17/00969/FUL (Site Visit)</td>
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<tr>
<td>Change of Use from A1 (retail) to A3/A4 (Café/Bar) at 68 Dale Road, Matlock.</td>
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<tr>
<td>4.6 APPLICATION NO. 17/00916/FUL (Site Visit)</td>
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<tr>
<td>Reconfiguration of upper floors to create 5 letting rooms and managers flat and single storey extension at Kings Head Public House, 62 Yeoman Street, Bonsall.</td>
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<tr>
<td>4.7 APPLICATION NO. 17/00917/LBALT (Site Visit)</td>
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<tr>
<td>Internal and external alterations at Kings Head Public House, 62 Yeoman Street, Bonsall.</td>
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<td>4.8 APPLICATION NO. 17/01033/FUL (Site Visit)</td>
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<tr>
<td>Change Of Use and conversion of barn to dwelling house and associated extension at Barn, The Pingle, Summer Lane, Wirksworth.</td>
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</table>
4.9 APPLICATION NO. 17/00489/FUL (Site Visit) 93 - 105

Erection of temporary agricultural workers dwelling and agricultural storage building at Land East of Turlowfields Lane, Hognaston.

4.10 APPLICATION NO. 17/00902/VCOND 106 - 112

Variation of Condition 8 of planning application 16/00933/VCOND to vary opening hours to 06:00 to 00:00 Monday to Saturday and Sunday 07:00 to 23:00 at McDonalds, 43 Bakewell Road, Matlock.

5. INFORMATION ON ACTIVE AND CLOSED ENFORCEMENT INVESTIGATIONS 113 - 126

6. APPEALS PROGRESS REPORT 127 - 141

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

Members of the Committee

Councillors Garry Purdy (Chairman), Sue Bull (Vice Chairman),

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

Nominated Substitute Members

Martin Burfoot, Ann Elliott, Helen Froggatt, Chris Furness, Neil Horton, Vicky Massey-Bloodworth, Dermot Murphy, Jean Monks, Joyce Pawley, Mark Salt, Andrew Statham and John Tibenham.
PUBLIC PARTICIPATION

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

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

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

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

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

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

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

<table>
<thead>
<tr>
<th>Role</th>
<th>Time Limit</th>
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<tr>
<td>Town and Parish Councils</td>
<td>3 minutes</td>
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<tr>
<td>Objectors</td>
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<tr>
<td>Ward Members</td>
<td>5 minutes</td>
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<tr>
<td>Supporters</td>
<td>3 minutes</td>
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<tr>
<td>Agent or Applicant</td>
<td>5 minutes</td>
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</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 are advised of the need for stout footwear.

Members will leave the Town Hall, Matlock at **12:25pm prompt** for the following site visits:

12.35pm  APPLICATION NO. 17/00865/FUL & 17/00866/FUL
          ST ELPHINS PARK, DALE ROAD SOUTH, DARLEY DALE.
          At the request of Officers for Members to appreciate the site and context.
          Page No. 7 - 14

1.05pm   APPLICATION NO. 17/00995/OUT
          NORTH PARK FARM, WHITWORTH ROAD, DARLEY DALE.
          At the request of Officers for Members to appreciate the site and context.
          Page No. 27 - 38

1.30pm   APPLICATION NO. 17/01000/FUL
          66 DALE ROAD, MATLOCK.
          At the requested by Ward Member to assess the amenity impacts of the proposal.
          Page No. 39 - 48

1.45pm   APPLICATION NO. 17/00969/FUL
          68 DALE ROAD, MATLOCK.
          At the requested by Ward Member to assess the amenity impacts of the proposal.
          Page No. 49 - 58

2.10pm   APPLICATION NO. 17/00916/FUL & 17/00917/LBALT
          KINGS HEAD PUBLIC HOUSE, 62 YEOMAN STREET, BONSALL.
          At the request of Ward Member to assess impacts on highway safety and parking.
          Page No. 59 - 70 & 71 - 79

2.40pm   APPLICATION NO. 17/01033/FUL
          BARN, THE PINGLE, SUMMER LANE, WIRKSWORTH.
          At the request of Officers for Members to appreciate the site and context.
          Page No. 80 - 92

3.15pm   APPLICATION NO. 17/00489/FUL
          LAND EAST OF TURLOW FIELDS LANE, HOGNASTON.
          At the requested of Officers to assess the impact of the development on the local environment.
          Page No. 93 - 105

4.00pm   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.
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**MATERIAL PLANNING ISSUES**

- Lawful use of the site
- Impact on the character and appearance of the area
- Impact upon ecology
- Impact upon residential amenity

**RECOMMENDATION**

Approval
17/00865/FUL

St Elphins Park, Dale Road South

Derbyshire Dales DC

Date: 29/11/2017

100019785
1.0 THE SITE AND SURROUNDINGS

1.1 The application relates to an area of land to the south east of the main development at St Elphin’s and to the south of the main access into the site adjacent to The Lodge. To the south and south west of the site is an area of protected trees which provide screening of the site. To the east is a planted embankment leading to higher land leading into open countryside where two residential properties are located. This area of land is within the defined settlement boundary of Matlock in accordance with the emerging local plan. Previously a marketing suite for the St Elphin’s development was installed on this area of the site which has since been removed.

2.0 DETAILS OF THE APPLICATION

2.1 Planning permission is sought to retain four lighting columns previously erected on the site. Two of the lighting columns are in place along the eastern boundary forward of the embankment, one is to the south eastern end of the site closer to Grove Lane and one to the west end of the site. The lamps are intended to illuminate the car parking area. The applicant’s agent has submitted a supporting statement, the following pertinent points of which are summarised:

2.2 The site was the location for the temporary care office (previously marketing suite) which has been removed and the area now gravelled over. It is screened by tall trees to the southern and eastern boundaries. The lamps will be shielded from neighbours with internal shading devices to mitigate the issue of light pollution. The site is slightly removed from the main development which adds to the need for illumination in this area, it is essential that this parking area for residents/visitors feels safe. The lights were installed before the care suite (previous marketing suite) but fell out of use and were not maintained as the care office had lighting fixed to it. Now the care suite has been removed the lighting has had to be maintained to illuminate the otherwise dark area for security. The columns match lighting columns elsewhere throughout the site.

2.3 Confirmation has been received from the applicant’s agent that the lighting is subject to an automatic timer to come on at 1600 and go off at 2230 daily.

2.4 A lighting calculation plan has been submitted by the applicant’s agent.
3.0 PLANNING POLICY AND LEGISLATIVE FRAMEWORK

1. Adopted Derbyshire Dales Local Plan (2005)
   SF5: Design And Appearance of Development
   NBE5: Development Affecting Species Protected By Law Or Are Nationally Rare
   NBE9: Protecting The Important Open Spaces Alongside The A6 Through Darley Dale
   TR8: Parking Requirements For new Development

2. Deposit Draft Local Plan:
   Policy S3: Settlement Hierarchy (Matlock, First Tier)
   Policy S4: Development Within Defined Settlement Boundaries
   Policy PD1: Design and Place Making
   Policy PD3: Biodiversity And The Natural Environment
   Policy PD9: Pollution Control And Unstable Land

3. National Planning Policy Framework
   National Planning Practice Guidance

4.0 RELEVANT PLANNING HISTORY:

17/00866/FUL Erection of four residential care apartments - Pending Consideration

16/00324/VCOND Variation of condition 1 to extend time period to retain care suite until 18/05/2017(15/00203/TEMP) - Permitted with Conditions

15/00203/TEMP Retention of care suite for temporary period of 2 years - Granted Temporary Planning Permission

07/01007/FUL Erection of detached two storey dwelling - Permitted with Conditions

07/00832/FUL Modifications to approved design of leisure facility - Permitted with Conditions

06/00892/TEMP Erection of temporary building for a period of 3 years to be used as a marketing suite - Permitted with conditions

06/00321/FUL Conversion and redevelopment of former school to create extra care community facility, associated external works and landscaping – Permitted with conditions

5.0 CONSULTATION RESPONSES

Town Council
5.1 No objection

Derbyshire County Council (Highways)
5.2 No highway objection

Environmental Health (Derbyshire Dales)
5.3 No objection

Derbyshire Wildlife Trust
5.4 Initially the trust raised concerns that the lighting would adversely impact on bat habitat as there are bats roosting in the adjacent outbuildings, in particular the potting shed and therefore a luminance plan should be submitted giving detail of the lighting levels.

The requested information was submitted along with additional information on the shieling of the lights.
Based on this additional information the following comments were received:

As you will have seen from the emails, I have had a conversation this morning with Paul at Sym regarding the lighting at St Elphin’s. The four column lights will have rear shields to prevent light spill to areas other than the car park i.e. the treelines, grassland and the northern-most building. Whilst it is not possible to shield the southern-most building from the closest lighting column, as this would also shield the car park, the lux contours at the interface with the building will be around 1 lux and below, which is considered acceptable in terms of not deterring bats from using the specially designed features present. Providing the lighting is implemented as discussed, DWT consider the proposals acceptable and have no further comments.

6.0 REPRESENTATIONS RECEIVED

6.1 A total of 8 representations have been received. A summary of the representations is outlined below:

- The lighting was erected without permission and in contravention of the planning stipulations granted previously which stated that these should be low level bollard lighting.
- The lighting will cause light pollution.
- The lighting will adversely effect the local bat population.
- The lighting results in serious physiological problems due to the obtrusive light.
- The lighting impedes our view of the night sky.
- The lighting causes sky glow from the glare and uncomfortable brightness when viewed against the dark background even with shields.
- There is no need for high level lighting.
- This is rural setting and the lighting is out of character with the area.
- This area was a well maintained open space.
- Through the 11 years the unsightly marketing suite was in place the lights have been a real irritation to us.
- The light nearest to the A6 did not have any light shield on it and was a disturbance to us.
- All lights should be removed to restore the area to what it was previously.
- We have experience late night nuisance and disturbance from staff making noise e.g. emptying bottle bins, at the site.
- One of the lights is where the old drive onto Grove Lane is also blocking the driveway which should have been restored when the marketing suite left.
- The area has not been restored to its previous condition.
- Audley originally promised there would be no lighting in this area and that the area would be used for staff parking who would use torches.
- We have received no contact from Audley regarding this matter.
- Derbyshire Dales planners and enforcement officers are not interested in protecting the area or the opinions of local residents.
- When St Elphin’s was operating as a school there was no lighting after 1815 hours.
- Could they use the ground mounted lighting as used on the path next to the health suite and swimming pool.
- Audley are using the site for parking without planning permission, the lighting is unnecessarily causing light pollution.
- Light intrusion is a waste of energy.
- Low level lighting would suffice.
- The light near the potting shed is not as bothersome but we would like all lighting removed and the land should be restored to its original condition.
This site is an important open space.

Concern that this area is now in the settlement despite a strong message from local people in 2006 that Audley should be within the footprint of the St Elphin’s building.

The lighting has the effect of eroding the separation between Darley Dale and Matlock.

7.0 OFFICER APPRAISAL

The following material planning issues are relevant to this application:

- Lawful use of the site
- Impact on the character and appearance of the area
- Impact upon ecology
- Impact upon residential amenity

Lawful Use of the Site

7.1 The land to which this application relates for many years contained a marketing suite for the St Elphin’s development which was then used as a care office until space for the care office was available in the new buildings. The temporary permission was subject to a condition that once the suite was removed the land would be restored to its original condition. The expectation therefore for neighbouring residents was that the land would be restored to a green field as originally existed. Whilst this may seem to be a realistic proposal the original planning application for the St Elphin’s development 06/00321/FUL amended plan A(20)020 Rev 18 received 20.09.2006 was accepted as an amended plan for the site and clearly showed this site as a car park. As such given that the 06/00321/FUL permission was lawfully commenced the use of the site as a car park is acceptable. Therefore the issue to consider in this case is the lighting associated with the use of the land as a car park which is lawful.

Impact on the Character and Appearance of the Area

7.2 The application site forms part of the parkland setting to St Elphin’s. Whilst the site is well screened by existing development, lighting here will be visible from the public realm. This will impact upon the character and appearance of the area in what is currently a dark parkland area providing the setting to the core development of the site. Whilst lighting an existing car park is reasonable it could have been carried out in a manner which would minimise the impact upon the character and appearance of the area for example through low level bollard lighting. However, given the limited levels of lighting proposed it is considered that whilst this will cause a minor change to the character and appearance of the area, this change would not be sufficient to warrant refusal of the application. The proposal is considered to accord with policy SF5 of the adopted local plan, policy PD1 of the emerging plan and guidance contained within the National Planning Policy Framework.

Impact Upon Ecology

7.3 The application site is an area where bats are present. The adjacent outbuildings, including the potting shed, were designed to house bats as a replacement for the original buildings lost through the development of the St Elphin’s site. Therefore the impact of the development upon bat habitat has to be carefully considered in accordance with policy NBE5 of the Adopted Local Plan and Policy PD3 of the emerging local plan which both seek to minimise harm to protected species.

7.4 Through the assessment of the application a detailed lighting calculation and information on the shielding of the lights has been submitted by the applicant’s agent and this has been passed to Derbyshire Wildlife Trust for their consideration.
7.5 After considering the detail of the lighting calculation Derbyshire Wildlife Trust have advised that based on the submitted information the Trust have no objection to the proposal. As such subject to a condition relating to the lighting calculations and the shielding of the lights the proposal is considered to be acceptable in terms of the impact upon bat habitat. The proposal meets the requirements of policy NBE5 of the Adopted Local Plan and Policy PD3 of the emerging local plan which both seek to minimise harm to protected species.

Impact Upon Residential Amenity

7.6 The application site is located away from the majority of development at Audley Court but in relatively close proximity to other properties on Grove Lane. Emerging policy PD9 seeks to protect people from light intrusion. Residents to the south and east of the site have raised concerns regarding the light intrusion from these lighting columns. The applicant has indicated that the lights are required for the safety of those using the car park and have indicated that the lights would only be on between the hours of 1600 and 2230 daily with the lights shielded to ensure the light is illuminating the car park only. It is considered reasonable to light the area of an authorised car park, furthermore the lighting restrictions in terms of automated timing will limit the impact of the lighting in the locality. In respect to the intrusion to residents, the nearest residential properties are separated from the site by existing tree planting along the site boundary or by the existing embankment and its associated planting. Such landscape features along with the timing restriction and shields to the lighting will mitigate the intrusion from the lighting to such a degree that the proposal is considered to be acceptable in terms of the impacts upon residential amenity in accordance with emerging policy PD9.

Conclusion

7.7 It is established that the use of the car park is lawful and therefore it is considered reasonable to provide lighting to the car park. The lighting will be restricted to the hours of 1600 and 2230 daily and shielded to minimise the impact upon bat habitat. Subject to these restrictions being imposed by condition it is considered that the development is acceptable in accordance with local and national planning policy.

8.0 RECOMMENDATION

That planning permission be granted subject to the following conditions.

1. The lighting shall only be turned between the hours of 1600 and 2230 daily and shall be turned off out of these hours.

2. The lighting shall be in strict accordance with the email from the lighting consultant, the associated data sheet and lighting calculation sheet submitted on the 30th November 2017.

Reasons:

1. In the interests of residential amenity in accordance with emerging policy PD9 and guidance contained within the National Planning Policy Framework.

2. In order to minimise the harm to bat habitat for the lighting in accordance with policy NBE5 of the Adopted Local Plan, Policy PD3 of the emerging local plan and guidance contained within the National Planning Policy Framework.

9.0 NOTES TO APPLICANT:

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

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

9.3 This decision notice relates to the following documents:
- Site location plan no. 101 received 04.09.17
- Lighting calculation received 27.11.17
- Light detail received 04.09.17
- Supporting statement received 04.09.17
- Site plan no. 100 received 04.09.17
- Email from lighting consultant received 30.11.17
- Data sheet received 30.11.17
- Lighting calculation received 30.11.17
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**MATERIAL PLANNING ISSUES**

- Principle Of Development
- Character And Appearance
- Impact Upon Residential Amenity
- Impact On Protected Trees
- Ecology
- Highway Safety

**RECOMMENDATION**

Refusal
1.0 THE SITE AND SURROUNDINGS
1.1 The application relates to an area of land to the south east of the main development at St Elphin’s and to the south of the main access into the site adjacent to The Lodge. To the south and south west of the site is an area of protected trees which provide screening of the site. To the east is a planted embankment leading to higher land leading into open countryside where two residential properties are located. This area of land is within the defined settlement boundary of Matlock in accordance with the emerging local plan. Previously a marketing suite for the St Elphin’s development was installed on this area of the site which has since been removed.

2.0 DETAILS OF THE APPLICATION
2.1 Planning permission is sought to erect a building to house 4 no. extra care apartments. In accordance with the supporting Housing Needs Assessment submitted by the applicant’s agent it is clear that such a use linked to the St Elphin’s development would be considered as Class C2 residential institution as care would be provided on a 24 hour basis.

2.2 The apartments would each have 2 bedrooms with en-suite, bathroom, kitchen and living area. The building proposed is proposed to be two storeys in height with gable detailing and balconies to the front facing elevation. The materials and design features of the building are reflective of those used within the core of new buildings at the St Elphin’s site.

2.3 The applicant’s agent has submitted an Extended Phase 1 Habitat Assessment, Bat Scoping Assessment, Bat Tree Inspection and Great Crested Newt HIS Survey. These reports together conclude:
Evidence of bat roosting was found within the roof of the potting shed.
Evidence of badger foraging was found in the south-east of the site.

2.4 The report recommended that:
Precautions to minimise risk to reptiles.
Works to take place outside of the bird breeding season.
Should works to trees be required checks for bats should be carried out. Soft fell method of tree removal.
Restricted illumination to prevent harm to bats.
Excavations to be fitted with wide planks overnight to allow badgers to escape.
The following documents have also been submitted to support the application:
Design and access statement
Arboricultural report
Planning statement
Headline Planning Need Assessment which details to extent of need for such accommodation within the Derbyshire Dales.

3.0 PLANNING POLICY AND LEGISLATIVE FRAMEWORK
1. Adopted Derbyshire Dales Local Plan (2005)
   SF4: Development in The Countryside
   SF5: Design And Appearance of Development
   H4: Housing Development Outside Settlement Framework Boundaries
   H9: Design And Appearance Of New Housing
   H14: Housing To Meet The Needs Of The Elderly And People With Disabilities
   NBE5: Development Affecting Species Protected By Law Or Are Nationally Rare
   NBE9: Protecting The Important Open Spaces Alongside The A6 Through Darley Dale
   TR1: Access Requirements And The Impact Of New Development
   TR8: Parking Requirements For new Development

2. Deposit Draft Local Plan
   Policy S3: Settlement Hierarchy (Matlock, First Tier)
   Policy S4: Development Within Defined Settlement Boundaries
   Policy PD1: Design and Place Making
   Policy PD3: Biodiversity And The Natural Environment
   PD10: Matlock To Darley Dale A6 Corridor
   Policy HC11: Housing Mix And Type

3. National Planning Policy Framework
   National Planning Practice Guidance

4.0 RELEVANT PLANNING HISTORY:
17/00865/FUL Retain street lighting lamps erected around the temporary care suite and installation of anti-glare shields to the lamps - Pending Consideration

16/00324/VCOND Variation of condition 1 to extend time period to retain care suite until 18/05/2017(15/00203/TEMP) - Permitted with Conditions

15/00203/TEMP Retention of care suite for temporary period of 2 years - Granted Temporary Planning Permission

07/01007/FUL Erection of detached two storey dwelling - Permitted with Conditions

07/00832/FUL Modifications to approved design of leisure facility - Permitted with Conditions

06/00892/TEMP Erection of temporary building for a period of 3 years to be used as a marketing suite - Permitted with conditions

06/00321/FUL Conversion and redevelopment of former school to create extra care community facility, associated external works and landscaping – Permitted with conditions

04/03/0211 Residential development including replacement /new sports facilities and playing fields and associated access – Refused and appeal dismissed.
03/10/0841 Residential development including replacements sports facilities/playing fields and associated access (outline) – Refused.

DDD/0798/0448 Residential development for seven dwellings and access alterations (Outline) - Refused

5.0 CONSULTATION RESPONSES

Town Council

5.1 Objection, on the ground of overdevelopment on a site previously disregarded as a suitable site for development and outside the originally agreed area when permission was granted for the site. The site is outside the original developed area of the school and therefore is in conflict with the local plan and neighbourhood plan. Nature conservation concerns including trees and wildlife including bats. Flooding previously experienced in this area onto the A6 and discharge of sludge. Impacts on the surrounding area including increase density, layout, siting, design and external appearance of buildings. Overlooked by neighbouring properties, overshadowing, visual intrusion and landscaping.

Derbyshire County Council (Highways)

5.2 No objections provided vehicular access is via the existing St Elphin’s Park access direct to the A6 (not via Grove Lane).

Derbyshire Wildlife Trust

5.3 The Trust agree with the assessment of ecological impacts within the report and support mitigation measures recommended. Should the council be minded to grant planning permission, the following conditions should be attached:

1. All mitigation measures detailed in Section 7 of the Ecology Report (Tim Moya Associates, July 2017) should be implemented in full, with the following submitted to the LPA for approval:
   - Lighting Strategy to minimise impacts to bats and other nocturnal wildlife. This should follow the guidelines set out in Bats and Lighting in the UK (BCT, 2009).
   - Results of further surveys if buildings or trees with bat roost potential will be impacted.

In addition to measures set out in the Ecology Report, the construction compound should be securely fenced so as to prevent incursion by staff, machinery and materials into retained habitats, including the marshy grassland to the north and retained shrubs and trees.

2. Prior to the commencement of development a biodiversity enhancement strategy shall be submitted to and approved in writing by the Council. This shall include measures outlined in Section 8 of the Ecology Report (Tim Moya Associates, July 2017). Such approved measures should be implemented in full and maintained thereafter.

Arboriculture Officer (Derbyshire Dales)

5.4 Protected Trees -

The majority of the trees within the grounds of St Elphin's are covered by Derbyshire Dales Tree Preservation Order No 119, which protected 13 groups of trees and 34 individual trees. These are mainly in the vicinity of the former school buildings, along the A6 frontage, and around the extensive grounds. The mature trees are an important feature of the site, now forming an attractive setting for the St Elphin’s Park Care Community which has been developed in and around the former St Elphin’s School. Many of the trees have significant public amenity value both from the A6, Grove Lane, Greenaway Lane, and within the wider landscape.
The trees around the southern and eastern boundaries of the St Elphin’s site in the vicinity of the proposed Block F form important tree belts fronting Dale Road South and Grove Lane. These tree belts are listed as Groups 2 and 3 in Tree Preservation Order No 119 and are largely typified by Austrian Pine and Sycamore with additional Horse Chestnut trees and other species.

Arboricultural Issues -
The application is supported by an Arboricultural Report and Arboricultural Impact Assessment undertaken by Tim Moya Associates.

Views of the proposed two-storey Block F would be partially screened from the road by tall trees and shrubs along the boundaries of the site between Dale Road South and Grove Lane, It is therefore considered important that these protected tree belts should be retained.

Direct Impact

The footprint of the proposed development is located in the area of the previous temporary care portacabin and hence Block F can be constructed without the requirement to remove any of the protected trees. The submitted Arboricultural Impact Assessment confirms that the proposed two-storey block of four flats could be constructed without any adverse direct impact on the existing trees.

Furthermore the development lies outside the Root Protection Areas for the existing trees. Nevertheless it would be important that any permission for the construction of Block F should be conditional on the requirement to install temporary tree protection as per the detailed specification provided in the submitted arboricultural report by Tim Moya Associates.

Indirect Impact

Notwithstanding the fact that the proposed development could be constructed without any impact on the existing tree cover, there could be some indirect pressure for the pruning or felling of protected trees due to their close proximity to the development. Whilst the trees would substantially shade the proposed kitchens and second bedrooms of two of the flats, it should be noted that shading of living rooms would be restricted to secondary windows since the main fenestration and balconies are on the north side of the building.

In conclusion, it would be possible to construct a block of four apartments in the southern area of the St Elphins’s site without having a detrimental impact on the health or life expectancy of protected trees in the tree belts fronting Dale Road South and Grove Lane. However, the construction of residential accommodation in close proximity to the aforementioned trees could lead to some additional pressure for the pruning or felling of trees.

6.0 REPRESENTATIONS RECEIVED

6.1 A total of 39 representations have been received from 34 parties. A summary of the representations is outlined below:

- Compromises the original application and conditions attached that the development should be restricted to the original footprint of the school buildings.
- Sets a precedent for development of the farm land surrounding the site.
- The demographic projections for Derbyshire Dales have not changed significantly for several years, the need for the specialist development should have been anticipated and included within the original planning application.
- With 104 care beds within 0.5 miles of the site, there is no case for providing more, the desire to build here is generated by profit only.
- There is already ribbon development along the A6, St Elphin’s provides a break between Darley Dale and Matlock.
- If this is allowed the urban sprawl from Matlock will change the character of the A6, detrimental to the wider area.
- This site was only ever allowed to be an overflow car park.
- This is overdevelopment there is already significant development on the site.
- This would harm the openness of the area.
- It will have a significant impact on the outlook from surrounding properties.
- This will result in a loss of privacy to existing dwellings surrounding the site.
- The proposal will result in noise and nuisance from comings and goings and during building works.
- The density of the building proposed will look out of place in this rural setting.
- The building and lighting from it will cause adverse impact on ecology, in particular bats as there are roosts in the adjacent outbuildings.
- Such development on this site has previously been refused.
- This is the start of Audley pushing the boundaries for further development.
- Further encroachment into the green fields would harm the character of the area.
- It is affordable housing that is needed in this area.
- The proposal will result in harm to protected trees which would harm the area.
- We always understood that the care units would be in the main building.
- This site gets very shaded, this would result in felling the trees which would be harmful to the area including wildlife.
- This could lead to flooding on the A6 as it did before the swale was created.
- Audley have had to move development at the Old Chapel due to noise from the A6, noise here would make development unsuitable.
- This is a valued green rural area.
- Audley do not need the funds for this development.
- After the unsightly marketing suite was removed, the land should have been restored to its previous condition.
- St Elphin’s is a nice development but should not expand into the surrounding areas.
- Hard standing has not been approved in this area.
- Units are still available at the site, therefore there is no need for more.
- If this is approved development here will just continue, this is the thin edge of the wedge.
- Residents within the St Elphin’s development are concerned about further development of the site, but do not wish to complain due to relationship with Audley.
- Residents say Audley are only interested in money, the cost of living at the site are high.
- The local plan protects important open spaces, this is an important open space which should not be built on.
- This proposal will adversely affect the landscape eroding amenity for local people.
- Extension of Audley will adversely impact on available health and social care for local people who need affordable services.
- Just because the site is to be in the settlement does not mean that permission should be granted.
- There are badgers within the park that would be adversely affected.
- Audley are using the existing parking and lighting to support the new development for which permission has not been granted.
- The site has never been returned to its original green field state following the removal of the marketing suite.
They are basing the design on the gatehouse at the Whitworth hospital, there can be no comparison between the two.

St Elphin’s park is already overdeveloped with the appearance of a densely populated community.

Reference to a masterplan indicates more development will follow.

It is disingenuous to argue that additional care accommodation is needed when those who will use it come from outside the local area due to the cost.

This urban sprawl could only be described as ‘greater Matlock’.

The harm to the appearance of the area would be detrimental for tourism which is important to the area.

Concerned about the extent of publicity of this application.

The recent Audley ‘completion’ event is now considered somewhat ironic.

We commend Audley for the restoration of the older buildings on site but the new buildings are not in keeping with the area and look like factory buildings.

The existing development is already too large.

The open spaces are intrinsic to the beauty of this area.

Grove Lane is not suitable for additional traffic and use of this access would be a danger to highway safety.

Local residents have no knowledge of the meeting held for local residents to discuss the application.

Disappointed by the institutional character of the site.

A single storey building would be more appropriate.

Open space around the site is important to the residents of St Elphin’s.

Audley have tried their best to keep this application under the radar.

Would it be more cost effective for Audley to adapt some of their unsold units?

DDDC publicly rally against erosion of the greenbelt corridor along the A6.

When the school wanted to build here it would have been a lifesaver for the school which had been on the site for over 100 years.

There must have been good reason for only allowing a temporary building on this site, therefore a permanent building is not acceptable.

This in addition to the development of Meadow View and Poppyfields is completely changing the area.

We would lose the pedestrian walk through to Grove lane.

7.0 OFFICER APPRAISAL

The following material planning issues are relevant to this application:

- Principle Of Development
- Character And Appearance
- Impact Upon Residential Amenity
- Impact On Protected Trees
- Ecology
- Highway Safety

Principle Of Development

7.1 As defined by the Adopted Derbyshire Dales Local Plan this site is in open countryside outside of any settlement framework. However, the adopted local plan did not envisage residential development beyond 2011 and therefore is out of date. The emerging local plan has been progressing and following the receipt of the Inspectors report on the plan this document now has substantial weight in the decision making process. In the emerging plan this site is contained within the settlement boundary of Matlock which is a first tier settlement where development is considered to be most suitable and sustainable. As such
this application site is considered to be locationally sustainable for residential development.

The application site in the adopted local plan is part of a wider area covered by policy NBE9 which seeks to restrict development on the open spaces between Matlock and Darley Dale in order to prevent ribbon development along the A6 and to retain the differentiation between these two settlements. As such in accordance with the adopted local plan policy NBE9 the development of this site would not be acceptable in principle. However, work carried out through the development of the emerging local plan has reconsidered the area protected under the adopted policy NBE9 which has informed emerging policy PD10. In the emerging policy a much larger area of land has been included in this restricted area, including the field running to the rear of the St Elphin’s development, although the application site has been removed from this protected area. Whilst the adopted policy indicates the importance of the parkland setting to St Elphin’s in informing the prevailing character and appearance of the area, refusal of planning permission of the basis of the land being in the NBE9 protection area is not warranted given the emerging policy and substantial weight that would be given to policy PD10, the expanded areas of which demonstrate the importance of the setting of the St Elphin’s development within the wider landscape.

7.2 Through the submission of supporting information the applicant has provided clear information that the proposal would provide for extra care which is a housing need. However, such development could likewise be provided elsewhere in the district. Whilst this is a material planning consideration it should be weighed against other material matters.

7.3 It is also important to note that in accordance with permission 06/00321/FUL the use of the land as a car park is authorised.

Character And Appearance

7.4 The application site is well screened by existing tree planting to the A6 and Grove Lane which are subject to tree preservation orders, and by the planted embankment to the open land to the east of the site. This area of the site is detached from the remainder of St Elphin’s which is a development contained within the core of the site in an area roughly in accordance with the original school buildings on the site. The core of buildings, which includes most of the new residential development on the site is set within a landscaped parkland setting of the former school. This application site forms an integral part of this parkland setting. The hamlet area to the north of the site whilst of a more domestic scale of development than the principle apartment buildings nevertheless is well contained and integrated into the developed area of the site and is screened by embankments and landscaping such that it has minimal visual impact upon the surrounding area. As such the character and appearance of the parkland setting remains. The frontage areas of the parkland contains a few historic buildings of significant architectural quality associated with the former school. It is considered that development on this part site within the established parkland setting is harmful to the prevailing character of the site and its surroundings and would be at odds with the prominence of the historic buildings fronting this parkland. As such the proposal is considered contrary to policy SF5 of the adopted local plan and policies S3, S4 and PD1 of the emerging local plan and guidance contained within the National Planning Policy Framework.

7.5 The design of buildings within the developed core of the site are of a scale and design reflective of the original school buildings. The development surrounding the site along the A6 is of larger dwellings set in substantial plots. Moving along to Grove Lane the character becomes more suburban in form with typical scale dwellings fronting the highway within standard sized plots. The proposed development which is a substantial two storey building
relates more closely to the character of buildings within the core of the St Elphin’s site. Furthermore the substantial bays projecting to the frontage of the building are wholly incongruous within this setting. This incongruous design solution is considered to exacerbate the harm to prevailing character through the development of this part of the parkland again contrary to local, emerging and national planning policy.

Impact Upon Residential Amenity

7.6 Concern has been raised by local residents that the development of this site will harm the amenity of neighbouring residents. Given the detached nature of the site from any neighbouring properties and the existing screening to the site it is not considered that the development of the site would result in any adverse impacts upon the amenities of neighbouring residents.

Impact On Protected Trees

7.7 There are protected trees to the south and western boundaries of the site. The proposed building whilst in relatively close proximity to these trees, particularly to the west would nevertheless be beyond the root protection areas of the trees. Whist it is acknowledged that the building would be largely shaded by these trees the pressure to fell these would be controlled via the TPO. As such it is considered that on balance the proposed development would not result in such pressure to fell the trees that the application would warrant refusal on this basis. The proposal is therefore considered to accord with policy NBE6 of the Adopted Derbyshire Dales Local Plan, policy PD6 of the emerging local plan and guidance contained within the National Planning Policy Framework.

Ecology

7.8 It is known that there are bats roosts within close proximity of the application site and that the wider parkland is valuable habitat to numerous species. In this regard the applicant’s agent has submitted an Extended Phase 1 Habitat Assessment, Bat Scoping Assessment, Bat Tree Inspection and Great Crested Newt HIS Survey. As protected species are present close to the site recommendations were made in the report to minimise the risk to these species.

7.9 Derbyshire Wildlife Trust have considered this assessment and are satisfied subject to the recommendations of the report being followed which includes biodiversity enhancements all of which can be required via conditions.

7.10 Subject to these conditions the proposed development is considered acceptable in terms of ecological impacts in accordance with policy NBE5 of the Adopted Local plan and policy PD3 of the emerging local plan and guidance contained with the National Planning Policy Framework.

Highway Safety

7.11 Concern has been raised that the development of the site will lead to vehicles movements to and from Grove Lane. The use of the Grove Lane access is not part of the proposed development. Furthermore the highway authority have considered the application and concluded that the proposal is acceptable subject to using the existing main access to the site from the A6. Subject to this stipulation the proposal is considered to be acceptable in terms of highway safety in accordance with local and national planning policy.
Conclusion

7.12 In accordance with the Adopted Derbyshire Dales Local Plan this site is in an open countryside location outside of any settlement boundary. However, given the advanced stage of the emerging local plan which has been approved by the Inspector in the recent report, the emerging policies now have substantial weight in decision making. Therefore in accordance with emerging local plan policy the application site is considered to be within a sustainable location being within the defined settlement boundary for Matlock which is a first tier settlement.

7.13 The application site in the adopted local plan is part of a wider area covered by restrictive policy NBE9 which protects the distinction between these settlements provided by open spaces along the A6. In accordance with this policy the development of this site would not be acceptable in principle. However, weight has to be given to emerging policy PD10 which includes a larger area of land, although not including this site, but including the land to the rear of the St Elphin’s development as a whole. Whilst refusal of planning permission on the basis of the land being in the NBE9 protection area is not warranted, the expanded area in connection with policy PD10 demonstrate the importance of the setting of the St Elphin’s development within the wider landscape.

7.14 The highway authority are satisfied that access via the main route from the A6 is used is acceptable. The ecology issues can be mitigated via condition and it is considered that as the building is outside of the root protection areas if the adjacent trees there would be no harm to the protected trees as a result of this proposal.

7.15 As the site forms part of a larger parkland setting to the former school buildings within which the new development has been erected,, it is considered that development on this site within the established parkland setting is harmful to the prevailing character of the site and its surroundings and would be at odds with the prominence of the historic buildings fronting this parkland. This harm is exacerbated by the inappropriate design and form of the proposed building which relate poorly to its immediate context.

7.16 Whilst the provision of housing to meet the needs of an elderly population is acknowledged and welcomed it is not considered that this benefit outweighs the harm to the prevailing character and appearance caused by the development of this site. In this regard refusal of planning permission is recommended.

8.0 RECOMMENDATION

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

The site forms part of a larger parkland setting to the redeveloped St Elphin’s school site. The development proposed being located prominently within this established parkland setting is harmful to the prevailing character of the site and its surroundings and at odds with the prominence of the historic buildings within the parkland which front the A6. This harm is exacerbated by the inappropriate design and form of the proposed building which relates poorly to its immediate context. As such the proposal is considered contrary to policy SF5 of the Adopted Derbyshire Dales Local Plan and policies S3, S4 and PD1 of the emerging local plan and guidance contained within the National Planning Policy Framework.

9.0 NOTES TO APPLICANT:

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

9.2 This decision notice relates to the following documents:
Design and access statement received 14.09.17
Ecological report received 14.09.17
Site location plan 101 Rev A received 14.09.17
Site layout 100 Rev C received 14.09.17
Proposed floor plans 001 Rev C received 14.09.17
Proposed elevations 020 Rev C received 14.09.17
Arboricultural report received 14.09.17
Exitsing site survey 001 received 14.09.17
Planning statement received 14.09.17
Headline Planning Need Assessment received 14.09.17
<table>
<thead>
<tr>
<th>APPLICATION NUMBER</th>
<th>17/00995/OUT</th>
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<tbody>
<tr>
<td>SITE ADDRESS:</td>
<td>North Park Farm, Whitworth Road, Darley Dale</td>
</tr>
<tr>
<td>DESCRIPTION OF DEVELOPMENT</td>
<td>Erection of dwelling (Outline)</td>
</tr>
<tr>
<td>CASE OFFICER</td>
<td>H Frith</td>
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<tr>
<td>APPLICANT</td>
<td>Mr G Lowe</td>
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<tr>
<td>PARISH/TOWN</td>
<td>Northwood and Tinkersley</td>
</tr>
<tr>
<td>AGENT</td>
<td>Mr A R Yarwood</td>
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<tr>
<td>WARD MEMBER(S)</td>
<td>Cllr Wild</td>
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<tr>
<td>DETERMINATION TARGET</td>
<td>12.12.17</td>
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<tr>
<td>REASON FOR DETERMINATION BY COMMITTEE</td>
<td>Due to local objection</td>
</tr>
<tr>
<td>REASON FOR SITE VISIT (IF APPLICABLE)</td>
<td>For Members to appreciate the site and context and highway safety and visual impacts.</td>
</tr>
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**MATERIAL PLANNING ISSUES**

- Principle of development
- Character and appearance
- Highway safety

**RECOMMENDATION**

Approval
North Park Farm, Northwood, Darley Dale

Date: 29/11/2017

100019785

Derbyshire Dales DC

1:2,500
1.0 THE SITE AND SURROUNDINGS

1.1 The application site is a small plateau of land adjacent to a cluster of dwellings bounded by a stone wall and with open views across the valley to the west. The site sits within a larger area of open land to the west of the stone boundary wall which fronts Whitworth Road. The area to the west of the highway is generally undeveloped open countryside. The site sits within the settlement framework boundary for Northwood as defined by emerging local plan policy.

2.0 DETAILS OF THE APPLICATION

2.1 Outline planning permission with all matters reserved is sought to erect a dwelling on the site.

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

The site is bounded by well-established hedgerows, except along the road frontage which is defined by a dry stone wall.
The site area is 0.08 hectares and has a frontage of 50m.
Given the location it is anticipated the design will be innovative and modern with a low carbon footprint.
The dwelling will be two storey, perhaps split level, with 4 bedrooms and a floor area of 120m (excluding garaging) the ridge height will not exceed 7m.
The dense bank of shrubs to the north and west provide good screening, some additional tree planting will be provided.
The driveway will be permeable.
Good visibility at the access.
The site is within the settlement.

The indicative layout plan shows the dwelling set to the northern part of the site and the access to the southern end of the site with a turning area associated with this.
3.0 PLANNING POLICY AND LEGISLATIVE FRAMEWORK

1. Adopted Derbyshire Dales Local Plan (2005)
   SF4: Development in The Countryside
   SF5: Design And Appearance of Development
   H4: Housing Development Outside Settlement Framework Boundaries
   H9: Design And Appearance Of New Housing
   NBE4: Protecting Features Or Areas Of Importance To Wild Flora and Fauna
   NBE5: Development Affecting Species Protected By Law Or Are Nationally Rare
   NBE8: Landscape Character
   TR1: Access Requirements And The Impact Of New Development
   TR8: Parking Requirements For new Development

2. Deposit Draft Local Plan:
   S3: Settlement Hierarchy
   S4: Development Within Defined Settlement Boundaries
   PD1: Design And Place Making
   PD3: Biodiversity And The Natural Environment
   PD5: Landscape Character

3. National Planning Policy Framework
   National Planning Practice Guidance

4.0 RELEVANT PLANNING HISTORY:

4.1 None

4.2 Land adjacent to the site to the south:

   02/08/0624 erection of two storey dwelling – Refused
   Reasons for refusal:
   – Intrusion into open countryside
   – Harm to protected trees
   – Provision of visibility splay resulting significant loss of boundary wall along Whitworth Road.

5.0 CONSULTATION RESPONSES

   Parish / Town Council
   5.1 There are issues with the entrance being in the narrowest part of Whitworth Road with poor visibility and within a 60 mph limit.

   Derbyshire County Council (Highways)
   5.2 As you will be aware, the speed limit on this section of Whitworth Road is 60mph, however due to the roads limited width and general alignment, vehicle speeds are supressed. During a recent site visit I travelled past the site several times, both individually and following other vehicles, and I have assessed passing vehicle speeds to be approximately 25mph.

   In accordance with current design guidance within Manual for Streets 2, the recommended emerging visibility sightlines at this location are 2.4m x 33m in both directions. These sightlines are achievable over controlled land.

   Internally, although the application is outline with all matters reserved, the indicative layout illustrates how the dwelling and 2 car parking spaces, clear of dedicated turning space, can be accommodated within the site. Conditions are recommended.
Landscape Design Officer (Derbyshire Dales)

5.3 Context:
The site lies within the settlement development boundary of Northwood on the edge of open countryside on the eastern side of the settlement. It is in an elevated location (overlooking farmland, the valley of the River Derwent and the Peak District) in immediate proximity (but at a lower level) of a cluster of other residential properties in the same location.

The site is not in agricultural use and has become overgrown with rough grassland scrub and trees. The boundary with the road comprises a dry stone wall. In the north the boundary with the neighbouring property is a cypress hedge. The remaining boundaries comprise hedgerow shrub species.

The site is overlooked by existing properties (but they are set back from the road and behind walls and hedges) and the orientation of the nearest dwelling is at an angle to it. In long distance views from across the valley a dwelling here will be seen within the context of the existing cluster and against the backdrop of the hillside.

It is proposed to erect a single dwelling on the site. The existing boundary hedges will be retained and new trees will be planted on the road frontage.

Comment:
There are no objections to the application in principle. The site is within the settlement development boundary of Northwood on the edge of the countryside but in immediate proximity of existing properties. Existing boundary hedges will be retained and new trees will be planted. Though the site is overlooked it is likely that the views enjoyed by neighbouring properties will not be substantially affected.

Provided that sufficient and appropriate mitigation measures are included it is unlikely that there will be any significant adverse impact on local landscape character or visual amenity.

Derbyshire Wildlife Trust

5.4 Our Map Info layer shows multiple badger setts in the surrounding woodlands. The closest record is 140 m from the site. This means that badgers could easily forage over the site and should be taken into account through best practice working measures such as covering excavations and placing planks in large holes as a means of escape. An ecologist would assess how important the land within the application area is for badgers and would check to see if any setts had become established in that area.

6.0 REPRESENTATIONS RECEIVED

6.1 A total of 16 representations have been received. A summary of the representations is outlined below:

6.2 Principle:

The original North Park Farm was developed some years ago into housing. The nearby agricultural building contains numerous uses. Would not want to see this site developed as a farm house with associated commercial uses. Although in the settlement this is not infill but is extending the development into green belt AONB causing housing sprawl. The site is part of a wider field known as North Park.
Surprised this site is in the settlement, it has no defined boundary. There have never been any dwellings in North Park, the houses built at Northwood Farm were built in the late 1980’s.

The Council should reconsider this area being within the settlement.
All tipped material should be removed from the site, the boundary wall rebuilt and reinstatement of grassland before permission is considered.
A four bedroom dwelling is unlikely to blend in with surrounding properties.
Where there is demand for affordable housing a development beyond the reach of all but for the wealthy is to be deplored.
There are enough properties in this area.
Why has this site been included in the settlement?
This is not a paddock but the corner of a larger field.
If allowed will this dwelling be the first of many?
The dwelling here would not be associated or benefit North Park Farm.
There are no benefits socially as the dwelling would not be affordable.

6.3 Highways:

The access is proposed at the narrow point of the road, close to other junctions and at the crest of a hill in the 60 mph area the proposed access will result in a danger to highway safety.
These country lanes are busy with local traffic and farm vehicles.
There is no footpath here and the proposal will be a danger to pedestrians.
The road width is not accurately shown on the submitted plans.
There is restricted visibility from the proposed access.
There is no street lighting.
Access should be via the access to North Park Farm which would be safer than the proposed access due to the width of the road at that point.
The proposal will lead to further development in the area.
There are stone walls to both sides of this narrow road.
Vehicles slowing to turn into or from the access would cause an extreme hazard to this highway.
Would the entire road be widened at the point 2.4m back on the plan, this would help to improve highway safety, can this be a condition of the application?
It is already difficult to manoeuvre in and out of driveways safely.
There are already many conflicts between vehicles on this narrow stretch of road.

6.4 Visual impact:

The grassland, the chestnut tree and 9m of walling have already been destroyed by the applicant.
The ground has been tipped on, raising ground levels by over 2m, therefore the finished height of the building will likely be over 10m.
The proposal will harm the character and appearance of the area and have adverse impacts upon the Peak Park which is less than 1 km away and has clear uninterrupted views of the plot.
Adverse visual impact upon the valley.
The size of the property proposed appears to be out of context with the size of the site and the look and feel of the local area.
This area is a gateway to the moors and countryside.
This would be a blot on the landscape.
This is a beautiful area.
The provision of the access would result in a large area of walling being reduced in height resulting in the wall being reduced to negligible proportions out of keeping with the character and appearance of the area.
The proposed dwelling will be out of scale with neighbouring dwellings.
The hedges are brambles, elder and other self-set bushes which have grown where rubbish has been dumped, the hedges mentioned in the design and access statement are clearly not well established. Larger properties are generally on plots of sufficient size to minimise the visual impacts to other residents. A length of 40m of walling would have to be altered to provide the access, this would be out of keeping with the current traditional rural landscape. We have a duty to protect the beauty of this area. A modern and innovative dwelling would be out of context.

The proposal will result in the loss of boundary walling which is an important feature of the area and will harm the character of the area. Many properties in this area are hundreds of years old. Many would lose their countryside views and the panoramic view enjoyed from the roadside at present would be lost. This will be a major visual intrusion.

6.5 Amenity:

Views enjoyed by residents would be blocked. A fence could be erected along the boundary to the road which would block out more views. The proposal will result in overlooking issues. Inputting services and building the house would impact on neighbouring residents in terms of noise pollution, traffic congestion, temporary traffic lights and road closures. This proposal will impact on privacy.

6.6 Other:

There will be loss of wildlife habitat and impact on mammals including Badgers. Why does the applicant keep applying despite having permission refused on several occasions? Works may harm my boundary wall being opposite the proposed access. Concerned the dwelling would impact on ground stability as Whitworth Road is already showing signs of subsidence.

7.0 OFFICER APPRAISAL

The following material planning issues are relevant to this application:

- Principle of development
- Character and appearance
- Highway safety

This report will consider each of these issues in turn:

Principle of Development:

7.1 The Adopted Local Plan at the time of writing the report remains the adopted local plan for the District which is out of date in that it did not envisage the requirements for housing development beyond 2011. As such paragraph 14 of the National Planning Policy Framework is relevant in terms of the determination of development in relation to new housing. However, the emerging local plan is now at an advanced stage and the Inspectors report on the modifications has been received acknowledging that the plan is sound. It is anticipated that by the date of the planning committee meeting on the 12th
December the Inspectors report on the emerging plan will have been considered by full Council. It should be noted that appeal decisions have recently been received which confirm the emerging local plan now has substantial weight in the decision making process.

7.2 The application site is located within the settlement boundary for Northwood as defined by the emerging local plan policy S3. Northwood is identified as a third tier settlement where such villages possess a limited level of facilities and services that, together with improved local employment provide the best opportunities, outside of the first and second tier settlement, for greater self-containment. As such it is considered that in terms of location the erection of a dwelling on this sustainable site is acceptable in accordance with emerging local plan policies S3 and S4. Whilst concern has been raised that this site is within the settlement boundary the local plan process, as noted above, is at an advanced stage. It should be noted that throughout the local plan process no objection has been raised to the line of the settlement boundary at the point of the application site.

Character and Appearance:

7.3 The application site is a small plateau of land adjacent to a cluster of dwellings bounded by a stone wall and with open views across the valley to the west. The site sits within a larger area of open land to the west of the stone boundary wall which fronts Whitworth Road. The area to the west of the wall is generally undeveloped open countryside.

7.4 Concern has been raised that a dwelling on this site will be obtrusive in landscape views and that it would be obtrusive and out of context with the character and appearance of the area. Whilst the site would be open to views within the wider landscape the site would be seen against a backdrop of other residential properties set within the immediate surroundings of the site. As such it is considered that a dwelling could be erected on the site which would assimilate well with its surroundings subject to detailed design, scale, form and siting.

7.5 In this regard the applicants supporting statement referring to a contemporary design and split level dwelling is of concern. For any new dwelling to assimilate well into this site it would need to be in keeping with the surrounding properties, as such any dwelling here should be of a traditional design, form and appearance, of stone construction and fronting the highway. Such a dwelling would then be considered appropriate both in terms of the prevailing character of the area and the wider landscape views.

7.6 Subject to the parameters set out above it is considered that a dwelling could be appropriately designed and integrated into this site. The detailed design of a dwelling on this site would be subject to submission and assessment through a reserved matters application which would again go through the normal procedure for planning applications including consultation with neighbouring residents.

7.7 Any development on this site would have to consider the wider setting of the site in terms of the treatment of boundaries and planting. Although landscaping is a reserved matter it is important to consider the remit of such matters at this outline stage of the application process. The site is at the edge of the defined settlement and as such requires strong planting to the southern and western edges of the site, planting to the east would also soften the impact of a new dwelling, the landscaping of the site is a reserved matter. It is also crucial that the stone boundary walling to the frontage of the site is retained as far as possible bearing in mind the need to provide appropriate visibility splays for highway safety. Conditions are recommended to ensure these matters are appropriately considered through the reserved matters application.
Highway Safety:

7.8 Although a reserved matter it is important to consider the ability to enter and exit the site safely in terms of the impacts on users of the highway. Concern has been raised by local residents that the proposed access to the site would be dangerous to the movement of vehicles and other road users due to the narrow nature of the road, the lack of footways, lighting and 60mph speed limit.

7.9 The Local Highway Authority have considered the submission and have commented that due to the limited width and general alignment of the road, vehicle speeds are suppressed to what they consider to be approximately 25mph. On this basis and in accordance with current design guidance within Manual for Streets 2, the Local Highway Authority recommend emerging visibility sightlines at this location should be 2.4m x 33m in both directions. These sightlines are considered to be achievable over the applicant’s controlled land. Such sightlines will no doubt have some impact upon the existing roadside boundary wall. As such along with the highway conditions it is important to impose a condition relating to the finished alignment and detail of the boundary wall to the highway to be submitted as part of the reserved matters application. Subject to detailed conditions the proposal is considered acceptable in terms of impacts upon highway safety.

Other matters:

7.10 Concern has been raised that the proposal will adversely impact upon badgers present in the area. This concern has been confirmed by Derbyshire Wildlife Trust who advise that there are setts within the locality of the site. To address this matter the applicant’s agent has instructed an ecologist to assess the impacts of the development upon badgers. This information will then be assessed by Derbyshire Wildlife Trust. As this matter has not been resolved at the time of writing the report it is anticipated that an update on this matter will be provided at the committee meeting.

7.11 Whilst it has been noted that the development may impact upon land stability issues, such matters would be considered as part of the Building Regulations in regard to the foundation design for the dwelling. There is no evidence on site to suggest this would be such an unsurmountable issue that planning permission should be refused.

Conclusion

7.12 In accordance with the Adopted Derbyshire Dales Local Plan this site is in an open countryside location outside of any settlement boundary. As such the development does not accord with adopted plan policy. However, given the advanced stage of the emerging local plan which has been approved by the Inspector in the recent report, the emerging policies now have substantial weight in decision making. In accordance with Emerging local plan policy the application site is within the defined settlement boundary for Northwood which is a third tier settlement and a sustainable location for new residential development. Given the proximity of existing dwellings, although the site will be highly visible within the landscape it will be seen against a cluster of other dwellings and as such subject to an appropriate traditional form of dwelling the development will assimilate well into the landscape setting. The highway authority are satisfied that the access subject to appropriate visibility splays will meet the necessary requirements for visibility. As such it is considered that the development meets with the aims of the emerging development plan which has substantial weight in the decision making process. Depending upon the outcome of the ecology assessment in terms of badgers it is recommended that authority be delegated to the Development Manager to determine the application in accordance with any conditions as recommended by Derbyshire Wildlife Trust along with the conditions set out below.
8.0 RECOMMENDATION

That authority be delegated to the Development Manager to grant planning permission subject to the conditions below and any conditions as recommended by Derbyshire Wildlife Trust in regard to the presence of badgers and any appropriate mitigation.

1. Condition ST01a: Time limit on outline

2. Condition ST03a: Submission of reserved matters

3. Before any other operations are commenced, space shall be provided within the site for storage of plant and materials, site accommodation, loading, unloading and manoeuvring of goods vehicles, parking and manoeuvring of employees and visitors vehicles, laid out and constructed in accordance with detailed designs first submitted to and approved in writing by the Local Planning Authority. Once implemented the facilities shall be retained free from any impediment to their designated use throughout the construction period.

4. Before any other operations are commenced (excluding Condition No. 3 above) a new vehicular access shall be formed to Whitworth Road and provided with visibility sightlines extending from a point 2.4 metres from the carriageway edge, measured along the centreline of the access, for a distance of 33 metres in each direction measured along the nearside carriageway edge in accordance with a scheme first submitted to and approved in writing by the Local Planning Authority. The area in advance of the visibility sightlines shall be retained throughout the life of the development free of any object greater than 1m in height (0.6m in the case of vegetation) relative to adjoining nearside carriageway channel level.

5. Within 28 days of the proposed vehicular access being taken into use (the subject of Condition No. 4 above), the existing substandard vehicular access to Whitworth Road shall be permanently closed with a physical barrier and the existing vehicle crossover reinstated in accordance with a scheme first submitted to and approved in writing by the Local Planning Authority.

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

7. The proposed access drive to Whitworth Road shall be no steeper than 1:14 for the first 5m from the nearside highway boundary and 1:10 thereafter.

8. The submission of the reserved matters shall include detailed plans demonstrating the alignment, construction and height of a dry stone boundary wall enclosing the road frontage.

9. The dwelling submitted as part of the reserved matters shall be a traditional two storey dwelling of stone construction with slate type finish to the roof.

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

1. Reason ST01a
2. Reason ST03a

3–7. In the interests of highway safety in accordance with policies TR1 and TR8 of the Adopted Derbyshire Dales Local Plan, policy HC19 of the emerging local plan and guidance contained within the National Planning Policy Framework.

8. To ensure an appropriate boundary treatment to the site frontage which is currently dominated by continual dry stone walling in accordance with policies SF5, H9 and NBE8 of the Adopted Derbyshire Dales Local Plan, policies S4 and PD1 of the emerging local plan and guidance contained within the National Planning Policy Framework.

9. To steer the form of development in order to ensure it will assimilate into the landscape in accordance with policies SF5, H9 and NBE8 of the Adopted Derbyshire Dales Local Plan, policies S4 and PD1 of the emerging local plan and guidance contained within the National Planning Policy Framework.

10. In the interests of ecology and biodiversity in accordance with policies NBE4 and NBE5 of the Adopted Derbyshire Dales Local Plan, Policy PD3 of the emerging local plan and guidance contained within the National Planning Policy Framework.

9.0 NOTES TO APPLICANT:

9.1 The Local Planning Authority considered the application as submitted to be acceptable. On this basis, there was no need to engage with the applicant in a positive and proactive manner to resolve any planning problems and permission was granted without negotiation.

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

9.3 Notwithstanding the grant of planning permission all development should accord with the requirements of The Wildlife and Countryside Act 1981.

9.4 This decision notice relates to the following documents:
Design and access statement received 12.10.17
Indicative block plan received 17.10.17
Location plan received 17.10.17

9.5 Highway footnotes:

Pursuant to Section 184 of the Highways Act 1980 and Section 86(4) of the New Roads and Streetworks Act 1991 prior notification shall be given to the Department of Economy Transport & Environment at County Hall, Matlock regarding access works within the highway. Information, and relevant application forms, regarding the undertaking of access works within highway limits is available via the County Council’s
The Highway Authority recommends that the first 5m of the proposed access driveway should not be surfaced with a loose material (i.e. unbound chippings or gravel etc.). In the event that loose material is transferred to the highway and is regarded as a hazard or nuisance to highway users the Authority reserves the right to take any necessary action against the householder.

Pursuant to Section 127 of the Highways Act 1980, no works may commence within the limits of the public highway to close the existing substandard vehicular access without the formal written Agreement of the County Council as Highway Authority. It must be ensured that public transport services in the vicinity of the site are not adversely affected by the development works. Advice regarding the technical, legal, administrative and financial processes involved in Section 127 Agreements may be obtained by contacting this Authority via email – kevin.barton@derbyshire.gov.uk. The applicant is advised to allow approximately 12 weeks in any programme of works to obtain a Section 127 Agreement.

Car parking provision should be made on the basis of (a maximum ratio of 1 parking space plus 1 space per 2 units for visitors per 1 bedroom dwelling, 2 spaces per unit for 2-3 bedroom dwellings and 3 spaces per unit, of which no more than 2 shall be in line, for a 4/4+ bedroom dwelling respectively). Each parking bay should measure 2.4m x 4.8m with adequate space behind each space for maneuvering.
<table>
<thead>
<tr>
<th>APPLICATION NUMBER</th>
<th>17/01000/FUL</th>
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<tr>
<td>SITE ADDRESS:</td>
<td>66 Dale Road, Matlock</td>
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<tr>
<td>DESCRIPTION OF DEVELOPMENT</td>
<td>Subdivision Of Shop To Create A Shop Unit And A Café/Restaurant Unit And Replacement Shop Fronts (Retrospective)</td>
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<tr>
<td>CASE OFFICER</td>
<td>H Frith</td>
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<tr>
<td>APPLICANT</td>
<td>Mr R King</td>
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<td>PARISH/TOWN</td>
<td>Matlock Town</td>
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<td>AGENT</td>
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<td>WARD MEMBER(S)</td>
<td>Cllr S Burfoot, Cllr M Burfoot, Cllr A Elliott</td>
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<tr>
<td>DETERMINATION TARGET</td>
<td>12.12.17</td>
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<tr>
<td>REASON FOR DETERMINATION BY COMMITTEE</td>
<td>Requested by Ward Member</td>
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<tr>
<td>REASON FOR SITE VISIT (IF APPLICABLE)</td>
<td>Requested by Ward Member to assess the amenity impacts of the proposal.</td>
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**MATERIAL PLANNING ISSUES**

- Principle of development
- Impact on residential amenity
- Impact on the character and appearance of the Matlock Bridge Conservation Area

**RECOMMENDATION**

Approval
17/01000/FUL

66 Dale Road, Matlock

Date: 29/11/2017

Derbyshire Dales DC

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Derbyshire Dales District Council,
Town Hall, Bank Road, Matlock, Derbyshire DE4 3NN.
Telephone: (01629) 761100.
website: www.derbyshiredales.gov.uk
1.0 THE SITE AND SURROUNDINGS
1.1 The application site relates to an existing vacant commercial property fronting Dale Road, Matlock. The site is within the Matlock Bridge Conservation Area and is subject to an Article 4 Direction which removes permitted development rights relating to enclosures and the painting of shop fronts. This property is a single storey building with large shop front area and is one of the larger retail areas on this side of Dale Road. Access into the building is located at the northern end of the frontage with a step back to the entrance. Residential properties are located to the west of the site with the closest property being accessed via a lane leading to the north of no. 66 Dale Road.

2.0 DETAILS OF THE APPLICATION
2.1 Planning permission is sought to subdivide the property into two units, one unit is proposed as a retail unit under use class A1 and the other unit is intended to be a café/restaurant under use class A3. It is also proposed that the existing single shop front would be altered to provide two shop fronts with a traditional finish to match other improved shop fronts along Dale Road.

2.2 It should be noted that whilst works are commenced on site planning permission has already been granted to divide the existing unit into two smaller units and replace the shop fronts.

2.3 The applicant has submitted further information during the application process regarding the proposed A3 use, the information is summarised below:

- For the opening hours of the proposed A3 use unit breakfasts would be served from 0830 and light lunches, teas, coffees an cake throughout the day with evening meals being from 1700 with the last tables served at 2030. The restaurant would then close at 2230.
- These hours are considered reasonable given other commercial premises in the area operating until midnight.
- Extraction would be via the installation of a Parry TT1875 Titan Canopy in the kitchen which will expel filtered air to the outside rear of the building. The vent would be fitted flush to the rear wall within the sunken yard.
3.0 PLANNING POLICY AND LEGISLATIVE FRAMEWORK

3.1 Adopted Derbyshire Dales Local Plan (2005)
- SF1: Development within Settlement Framework Boundaries
- SF5: Design And Appearance Of Development
- NBE21: Development Affecting a Conservation Area
- NBE22: Shopfronts in Conservation Areas
- S1: Retail Development in Town Centres
- S6: The Design and Appearance of Shops and Commercial Premises
- TR1: Access Requirements and the Impact of New Development
- TR8: Parking Requirements for New Development

3.2 Deposit Draft Derbyshire Dales Local Plan
- S8: Matlock/Wirksworth/Darley Dale Development Area Strategy
- PD1: Design and Place Making
- PD2: Protecting the Historic Environment
- PD9: Pollution Control and Unstable Land
- HC21: Car Parking Standards
- EC6: Town and Local Centres

3.3 Other:
- Matlock Bridge Conservation Area Appraisal and Article 4 Direction
- DDDC Supplementary Planning Document – Shopfronts and Commercial Properties
- Design Guidance (Adopted 2009)
- National Planning Policy Framework
- National Planning Practice Guidance

4.0 RELEVANT PLANNING HISTORY:
17/00672/FUL Subdivision of shop to create two units and replacement shopfronts (retrospective) – Permitted with conditions

5.0 CONSULTATION RESPONSES

Town Council
5.1 Such an application will result in excessive noise and nuisance to nearby residents living in properties on Dale Road.

Derbyshire County Council (Highways)
5.2 No highway objections in principle given town centre location. An advisory note regarding the safety of highway users whilst works to the shop frontage are undertaken is recommended.

Design and Conservation Officer (Derbyshire Dales)
5.3 The following comments were received in in relation to recently approved application 17/00672/FUL.

The property is an historic commercial building (one-storey in height) located within the Matlock Bridge Conservation Area. It dates from c. 1910 and while in its current form is one large shop it was originally two smaller shops, of un-equal street frontage. The proposal involves splitting the shop into two separate commercial units. In principle this is considered to be acceptable.

The original stone pilasters at each end will be repaired and restored (and modern paint removed) and the lost capping pieces restored in conjunction with evidence on historic photographs. Across the top of the shop units will be an angled fascia with cornice and leadwork over. Each shop frontage will be the same with a stone plinth or stall-riser, painted timber shopfront with ‘clerestory’ windows (with margin panes) over and a
recessed doorway. A new dividing wall between the shop units will be erected and at the shop frontage end will be clad in stone as a new central pilaster.

In general terms the proposed design and form of the new shop frontages is considered to be acceptable, however, no detailed construction drawings have been submitted. It is important that the joinery details, pilaster details, stone plinth, glazing, ‘clerestory’, fascia and door details are appropriate and, therefore, details (inc. materials/finish etc.) should be required via conditions.

There is one element of the proposed scheme which raises a concern. This is the termination point of the new dividing wall and pilaster. Whilst the reasons for it, as cited in the application, are noted it is not a traditional detail and is likely to look out of character and context. The plan as proposed shows this wall set back or recessed to align with the recess of the entrance doors. This ‘recessed’ central pilaster and over-riding fascia above, as proposed, is considered to be inappropriate. It is considered that this dividing wall should project out as far as/ and to align with the pilasters to each end and be clad/detailed to match them. At the top of the pilaster the console bracket (perhaps in timber rather than stone) should be included to split the fascia and terminated with a cornice capping piece (again in timber rather than stone matching those to each end). This element of division will then clearly indicate and reinforce the two separate shop fronts and will allow different colour schemes (if so required) for each shopfront.

Details of the paved/tiled thresholds to the recessed doorways (and the treatment of the soffit above the recessed doorways) should be required by condition. The proposed paint colour finish for each new shopfront should also be required by condition.

Environmental Health (Derbyshire Dales)

5.4 I have several concerns with the proposed change of use of this premises, due to its proximity to other mixed commercial and residential premises. I would propose that conditions be imposed in relation to noise mitigation measures and extraction.

Following the submission of the additional information including extraction the following comments were made:

I am satisfied that there should not be an issue re nuisance from odours or noise from the kitchen extraction units. In respect of noise from the premises from other sources, it would be helpful if the applicant could submit details of any likely noise sources that could cause an issue, such as music, either amplified or acoustic, from background music or events/performances held at the premises.

The following comments were received from the commercial section Environmental Health Officer:

I have no objection in principle to the above planning application on the condition that the premises will comply fully with all relevant Food Hygiene and Health and Safety requirements. I will require further details of the internal layout (including location of sanitary accommodation in relation to the café / restaurant) before being in a position to make any further comment.

6.0 REPRESENTATIONS RECEIVED

6.1 A total of 6 representations have been received. A summary of the representations is outlined below:

- No detail given of the style of café for example; a tea and cake style café would have differing impact to a fried chicken outlet.
Any outlet for cooking fumes would cause nuisance to us, preventing us from enjoying the front garden, hanging out washing and possibly smells invading our home which is only a few metres away from this property.
- There will be smells from cooking food unless a very tall chimney is installed which would have an adverse impact.
- This will adversely affect residential amenity with neighbouring dwellings in very close proximity to the property.
- There is no mention of opening hours and we may be further impacted upon by late night opening.
- Concerns regarding the storage and removal of waste, which could cause a nuisance.
- The storage of waste food associated with the use would bring vermin and nuisance from smells.
- The sunken yard is the only fire escape to the rear which would be dangerous.
- A new bar will be negative for the area, there are already far too many bars in the area causing antisocial behaviour, crime and noise are increasing in the area.
- The newly created courtyard could be used as a smoking area or bin store.
- People smoking outside the premises are in danger from passing cars.
- A multi fuel stove and flue previously installed at the premises caused noxious fumes to residents.
- A misleading narrative has been submitted which justifies the division of the property into two units, in that the building was not occupied for a time. Having lived adjacent to the site since the 1990’s a store here has operated continuously at no. 66 to the present.
- The existing use as a furniture shop has not caused any issues with neighbours.
- This could lead to an alcohol licence on the premises.
- The premises will likely open late and have loud music causing excessive noise.
- A waste collection already blocks the area on collection days and collects very early which causes noise nuisance. Will the area at the back of the premises be used by the public or staff, will it be a smoking area.
- What are the fire escape requirements for such a use?
- The upgrading of the frontage will benefit the area and will make a contribution to the Conservation Area.

6.2 Comments of Ward Member Cllr M. Burfoot:
I object strongly to the change of use to eating and drinking establishments on this side of Dale Road, given the very close proximity of these neighbouring, former retail premises to residential properties, unlike those on the north side of Dale Road. The fact that the gardens of these properties abut the rear of the application sites, with such minimal external space that can accommodate only one or two waste / recycling bins plus a parking space for only one vehicle, as shown on the amended drawings for No. 68 with no staff parking space at all for the two premises proposed at No 66, means that local residents, including young children, will be constantly inconvenienced by noise and smell. Also, the position of the waste bin(s) implies that the a Council bin lorry will collect waste and recycling by reversing the lorry up a steep private access road, which in turn will be damaged and access is not safe off a blind bend. Residents are not permitted use of wheelie bins for this reason.

Furthermore, the pavement is narrow on this side of the road, so outdoor smokers and groups of customers socialising will further impact on local residential amenity, as well as other passing pedestrians, again exacerbated by the blind bend at this location.

Despite the fact that Dale Road is considered to be a suitable town centre retail and restaurant / bar location, surely the cumulative effect of the latter on this side of the road in this location is totally inappropriate and likely to provoke a traffic accident as well as even more anti-social behaviour than at present.
7.0 OFFICER APPRAISAL

The following material planning issues are relevant to this application:
- Principle of development
- Impact on residential amenity
- Impact on the character and appearance of the Conservation Area

Principle of development

7.1 The application site is located within the principle town centre of Matlock as defined by the emerging local plan. Emerging policy EC6 relates to town and local centres. This emerging policy now has substantial weight in the decision making process and therefore is the primary policy consideration for this development.

7.2 Policy EC6 states in part that:

The District Council will seek to maintain and where possible, enhance the vitality and viability of town centres, district centres and local centres as defined on the Policies Map in accordance with their function, scale and identified development needs.

This will be achieved by:
- Creating safe, attractive and accessible town, district and local centres, providing a good range of shopping, food and drink uses, services, offices, and entertainment, leisure and cultural facilities, and high quality public spaces.
- Proposals that would create a concentration of evening economy uses (A3, A4 & A5) that would give rise to social and environmental issues will not be supported.
- Supporting proposals that seek to deliver qualitative environmental improvements and support the local distinctiveness of town centre environments through high quality design.

7.3 In accordance with this emerging policy the application site, with regard to locational requirements, is suitable in terms of the proposed subdivision of the unit and in terms of the uses proposed. However, policy EC6 advises that the use of the site whilst acceptable in promoting the vitality and viability of the town centre may result in social and environmental problems when similar uses are clustered in a particular area. As such in order for this proposal to be considered acceptable the impact upon residential amenity requires careful consideration.

Impact on residential amenity

7.4 Concern has been raised by local residents that the use of the premises will adversely impact up their amenity in terms of noise, nuisance, smells, late night operating and antisocial behaviour. The comments of the neighbouring residents have been considered and the matter has been referred to the Council's Environmental Health Officer for their consideration. It is considered that if permission were granted for the use proposed without conditions being imposed then the use could lead to harm to residential amenity. However, the applicant has provided details of the proposed opening hours and method of extraction and the Council’s Environmental Health Officer has suggested that the development would not be harmful subject to conditions. In this respect it is considered that subject to the conditions detailed in the recommendation below which refer to operating hours, use of the external yard, waste collection, noise attenuation and extraction system the proposed use will not result in harm to amenity that would warrant the refusal of planning permission considering the town centre location of the site.
7.5 It is considered that subject to conditions the proposal accords with emerging planning policies PD1, PD9 and EC6 and national guidance contained within the National Planning Policy Framework.

Impact on the character and appearance of the Conservation Area

7.6 The changes proposed to the external appearance of the building have been approved in relation to recent planning permission 17/00672/FUL which was subject to negotiated amendments and conditions which the applicant is currently seeking to discharge. The proposed changes to the shop front will result in an enhancement of the property to the benefit of the wider character and appearance of the Conservation Area. Therefore the proposal in terms of the visual impacts of the shop front improvements is considered acceptable subject to detailed conditions.

Conclusion

7.7 Whilst significant concerns have been raised by neighbouring residents who live in very close proximity to the site, it is nevertheless considered that subject to stringent conditions relating to hours of operation, collection of waste, extraction and use of the rear yard that the potential amenity issues are largely mitigated against. The site is within the town centre where proposal for uses such as those proposed are encouraged in order to promote the economic vitality of the town centre. It is also noted that improvements to the shop front as proposed will significantly improve the appearance of the building to the benefit of the character and appearance of the Conservation Area. Given the location and the mitigation through condition it is considered that the proposal is acceptable in accordance with local and national planning policy.

8.0 RECOMMENDATION

That planning permission be granted subject to the following conditions:

1. Condition ST02a:

2. Prior to the commencement of development details and where necessary typical 1:2 vertical and horizontal sections of the following shall be submitted to and approved in writing by the Local Planning Authority:
   - Cornice above fascia
   - Corbel bracket mouldings
   - Head frame moulding
   - Moulded capital and plinth to colonettes
   - Cill frame moulding
   - Mouldings to recessed panels
   - The angle of the fascia
   - Central pilaster: junction detail between the timber and stonework, along with full dimensions of this element which should be of a rectangular form
   - Details of the method of paint removal
   All works shall be carried out in accordance with the agreed details.

3. The finished shop front shall have a painted finish in an approved colour as indicated under Table 1 (Shop Fronts) of the Matlock Bridge Conservation Area Article 4 (1) Direction dated as approved 31st October 2006.

4. Condition IC02: Hours 0800 to 2230 Monday to Sundays including bank and statutory holidays.

5. Prior to the use of the premises commencing a detailed method statement for the storage and collection of waste from the premises shall be submitted to and agreed in writing by
the Local Planning Authority. The use of the premises shall be operated in strict accordance with the agreed details.

6. The use of the premises shall only take place in accordance with the layout demonstrated on the additional floor plan received 16.11.17 and shall not be altered without the written agreement of the Local Planning Authority.

7. The rear yard to the premises shall not be used by any members of the public nor shall this area be used as a smoking area for staff.

8. Prior to the commencement of the use of the premises the extraction system noted in the additional information received 16.11.17 unless otherwise agreed in writing by the Local Planning Authority. The use shall be in strict accordance with the agreed details.

9. No development shall take place until an assessment on the potential for noise from the development affecting residential properties in the area has been submitted to and been approved in writing by the Local Planning Authority. If the assessment indicates that noise from the development is likely to affect neighbouring residential properties then a detailed scheme of noise mitigation measures shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The noise mitigation measures shall be designed so that nuisance will not be caused to the occupiers of neighbouring noise sensitive premises by noise from the development. The noise assessment shall be carried out by a suitably qualified acoustic consultant/engineer and shall take into account the provisions of the National Planning Policy Framework, BS4142: 2014. "Method of rating industrial noise affecting mixed residential and industrial areas" and BS 8233: 2014 "Guidance on Sound Insulation and Noise Reduction for Buildings ". The approved scheme shall be implemented prior to the commencement of the use and be permanently maintained thereafter.

Reasons:

1. Reason ST02a

2. To ensure an appropriate finished form and detailing of the shop front in accordance with Policies SF5, NBE21 and S6 of the Adopted Derbyshire Dales Local Plan and guidance contained within the National Planning Policy Framework.

3. For clarification and to ensure an appropriate finished form of development in accordance with Policies SF5, NBE21 and S6 of the Adopted Derbyshire Dales Local Plan and guidance contained within the National Planning Policy Framework.

4-9. In order to safeguard the amenity of neighbouring residents in accordance with policies SF1 and SF5 of the Adopted Derbyshire dales Local Plan, policies PD1 and EC6 of the emerging 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 the hours of operation, ventilation and internal layout.

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. Contact DCC ([highways.hub@derbyshire.gov.uk](mailto:highways.hub@derbyshire.gov.uk)) prior to commencing any external works to the shop front to discuss the safety of highway users on the adjoining public highway.

This decision notice relates to the following documents:
Email and plans submitted 16.11.17
Proposed elevations and floor plan received 17.10.17
Site location plan received 17.10.17
Block plan received 17.10.17
Design and access statement received 17.10.17
### APPLICATION NUMBER
17/00969/FUL

### SITE ADDRESS:
68 Dale Road, Matlock

### DESCRIPTION OF DEVELOPMENT
Change of Use from A1 (retail) to A3/A4 (Café/Bar)

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

### APPLICANT
Mr. Gareth Clark

### TOWN
Matlock

### AGENT
Davey Stone & Larter

### WARD MEMBERS
- Cllr. M. Burfoot
- Cllr. Mrs. S. Burfoot
- Cllr. Mrs A. Elliott

### DETERMINATION TARGET
29th November 2017

### REASON FOR DETERMINATION BY COMMITTEE
Requested by Ward Member

### REASON FOR SITE VISIT (IF APPLICABLE)
Requested by Ward Member to assess the amenity impacts of the proposal.

### MATERIAL PLANNING ISSUES
- Principle of the development
- Impact on the character and appearance of the Matlock Bridge Conservation Area
- Highway safety
- Impact on residential amenity

### RECOMMENDATION
Approval
1. **THE SITE AND SURROUNDINGS**

1.1 The site is a largely single storey retail premises that was used last for the sale of antiques. There is a flat roofed element at the back of the premises which provides a small first floor storey.

1.2 The premises front Dale Road almost opposite the junction with Olde Englishe Road. It is surrounded by commercial/retail premises other than to the rear (west and to the south) where there are residential properties.

1.3 The premises are within the Matlock Bridge Conservation Area and included within the Article 4 Direction which, in the case of this property, seeks to control the erection of any gates, fences, etc. or the painting of the shopfront other than in approved colours.

2. **DETAILS OF THE APPLICATION**

2.1 Full planning permission is sought for a change of use of the premises from A1 (retail) to A3/A4 (Café/Bar). The only external alterations proposed are to the signage for the premises, which is not considered with this planning application, and the insertion of a flue to the first floor element at the rear of the premises to serve the proposed kitchen.

2.2 The internal alterations are rather minor and include a bar, seating area and two wcs on the ground floor; there are no alterations proposed to the modest first floor level which would contain the kitchen and a w.c.. It is proposed that there will be no access to the first floor by members of the public, or to the rear of the premises via the rear exit door. The rear area has parking for two vehicles and an area for bin storage has been detailed.

2.3 The premises would be operated by two full time, and one part time, members of staff. It is advised that the daytime trade will be based on the café selling tapas style dishes, coffee and cakes. It is proposed that the evening trade will include selling tapas food and the bar will give the option for customers to have an alcoholic drink without eating. It is also proposed to retain a retail element to the proposals with the use of the premises as a showroom for artwork. The hours of operation of the premises are proposed to be
between 10.00 and 00.00 on Monday to Saturday with no opening proposed on Sundays or Bank Holidays.

3. PLANNING POLICY AND LEGISLATIVE FRAMEWORK

3.1 Adopted Derbyshire Dales Local Plan (2005)
SF1: Development within Settlement Framework Boundaries
SF5: Design And Appearance Of Development
SF8: Catering for the Needs of People with Disabilities in Development and Redevelopment
EDT9: Provision for People with Disabilities in Schemes for Employment Purposes
NBE21: Development Affecting a Conservation Area
NBE22: Shopfronts in Conservation Areas
S1: Retail Development in Town Centres
S6: The Design and Appearance of Shops and Commercial Premises
TR1: Access Requirements and the Impact of New Development
TR8: Parking Requirements for New Development

3.2 Deposit Draft Derbyshire Dales Local Plan
S8: Matlock/Wirkworth/Darley Dale Development Area Strategy
PD1: Design and Place Making
PD2: Protecting the Historic Environment
PD9: Pollution Control and Unstable Land
HC21: Car Parking Standards
EC6: Town and Local Centres

3.3 Matlock Bridge Conservation Area Appraisal and Article 4 Direction

3.4 DDDC Supplementary Planning Document – Shopfronts and Commercial Properties Design Guidance (Adopted 2009)

3.5 National Planning Policy Framework

3.6 National Planning Practice Guidance

4. RELEVANT PLANNING HISTORY

14/00033/FUL Replacement shop front - Granted

5. CONSULTATION RESPONSES

Town Council
5.1 - object – loss of amenity for local residents

Local Highway Authority (Derbyshire County Council)
5.2 - no objections given former retail use, town centre location and existing on-street parking restrictions

Environmental Health Section (DDDC)
5.3 - have several concerns due to proximity to other mixed commercial and residential properties and propose conditions that no development take place until a noise assessment has been submitted, and mitigation measures that may be required to be carried out by a suitably qualified acoustic consultant/engineer, and that details of the extract ventilation and odour control equipment be provided.
6. REPRESENTATIONS RECEIVED

6.1 Representations have been received from eight local residents objecting to the proposal. A summary of the representations is outlined below:

- Dale Road already saturated with cafes/bars
- loss of a retail unit will affect footfall on Dale Road
- has become an area no longer fit to live in
- three families in the area with babies and children
- foul language and screaming into the early hours and even 5am
- proposal will just add to already out of hand situation
- object to alcohol consumption on the premises
- already premises which play loud music until at least midnight close to residential properties
- will potentially trade until 1.30am with loud music
- suggest business hours are restricted until 6pm
- residential property within 15 metres of the building and others within 25 metres
- will significantly increase noise levels – previous shop and hairdresser uses did not cause this nuisance
- noise when bottles disposed of from the bar – licensing application states will not be between 10pm and 7am but neighbours may not want to be disturbed at 7am
- noise from bins being open and closed and being dragged down to the main road for collection which seem to be early collections
- no boundary wall separating premises from neighbouring properties
- concerns with regard to refuse storage, where bins would be stored and their collection
- bins will make the view from residential properties to the rear unpleasing and obstructive and will take up parking space
- potential risk of vermin if food waste not stored properly prior to disposal
- other premises use yellow bag collection from the front which will not be possible for this type of concern
- residents to the rear use black bin bag collection as Council officials assessed there was no suitable place for wheelie bins to be collected due to access issues and these could not be left on the pavement – how would the waste from the business be collected?
- odour/fumes emanating from the bins and flue
- object to access to houses being obstructed
- vehicular access to the site is used by five other residents’ vehicles and has poor visibility onto A6, a major trunk road, and people standing on the pavement will make this more difficult as will parked delivery vehicles
- traffic problems on the A6 with deliveries and if the premises provides takeaway service
- danger to users of the facility attempting to cross the road to the numerous bars on the other side of the road as on a bad bend
- danger of people leaving the premises drunk and wandering onto the road
- light pollution in the evening
- should not allow premises to use the rear area for access, fire escape, smoking and hanging about
- only a narrow pavement to the front and likely that customers/staff will use the courtyard via the toilet/kitchen area near gardens for smoking – not acceptable in a residential area with small children
- restriction should apply to people smoking or standing on the drive to the side of Oxfam
• possible increase in anti-social behaviour and criminal damage in the area due to density of bars
• facility has only one toilet for potentially over 80 people – can only result in customers finding alternative facilities
• regular and perennial problem with food litter, vomit and urination in and around the private gardens and private paths leading to houses
• no facilities for the disabled
• around twenty cafes, bars, restaurants and takeaways on the length of Dale Road
• area could become a mini-Blackpool with an influx of stag and hen parties increasing trouble and unsavoury behaviour
• limited police presence and formally reporting incidents should not fall on the residents as it does
• other more suitable locations must be available in the area
• devaluation of properties
• licensing application for longer opening hours than on planning application.

6.2 Comments of Ward Member Cllr M. Burfoot:
I object strongly to the change of use to eating and drinking establishments on this side of Dale Road, given the very close proximity of these neighbouring, former retail premises to residential properties, unlike those on the north side of Dale Road. The fact that the gardens of these properties abut the rear of the application sites, with such minimal external space that can accommodate only one or two waste / recycling bins plus a parking space for only one vehicle, as shown on the amended drawings for No. 68 with no staff parking space at all for the two premises proposed at No 66, means that local residents, including young children, will be constantly inconvenienced by noise and smell. Also, the position of the waste bin(s) implies that the a Council bin lorry will collect waste and recycling by reversing the lorry up a steep private access road, which in turn will be damaged and access is not safe off a blind bend. Residents are not permitted use of wheelie bins for this reason.

Furthermore, the pavement is narrow on this side of the road, so outdoor smokers and groups of customers socialising will further impact on local residential amenity, as well as other passing pedestrians, again exacerbated by the blind bend at this location.

Despite the fact that Dale Road is considered to be a suitable town centre retail and restaurant / bar location, surely the cumulative effect of the latter on this side of the road in this location is totally inappropriate and likely to provoke a traffic accident as well as even more anti-social behaviour than at present.

7. OFFICER APPRAISAL

Principle of Development

7.1 The premises is within part of the town centre of Matlock. The area comprises a mix of shops, public houses/bars, restaurants and takeaways. There are often offices, storage space or residential accommodation to be found at first floor levels and above.

7.2 The application site is located within Matlock town centre as defined in the emerging local plan. Emerging policy EC6 relates to town and local centres. This emerging policy now has substantial weight in the decision making process and therefore is the primary policy consideration for this development.

7.3 Policy EC6 states in part that:

The District Council will seek to maintain and where possible, enhance the vitality and viability of town centres, district centres and local centres as defined on the Policies Map in accordance with their function, scale and identified development needs.
This will be achieved by:

− …….Creating safe, attractive and accessible town, district and local centres, providing a good range of shopping, food and drink uses, services, offices, and entertainment, leisure and cultural facilities, and high quality public spaces.
− Proposals that would create a concentration of evening economy uses (A3, A4 & A5) that would give rise to social and environmental issues will not be supported………
− Ensuring that there is adequate provision for servicing and deliveries.
− Supporting proposals that seek to deliver qualitative environmental improvements and support the local distinctiveness of town centre environments through high quality design…….

7.4 In accordance with this emerging policy, the application site is suitable in terms of the use proposed with regard to locational requirements. However, Policy EC6 advises that the use of the site, whilst acceptable in promoting the vitality and viability of the town centre, needs to also be considered in terms of social and environmental problems when similar uses are clustered in a particular area. As such, in order for this proposal to be considered acceptable the impact upon residential amenity requires careful consideration. This Policy also seeks to ensure that town centre uses are safe, attractive and accessible.

7.5 There has been some objection raised with regard to the loss of a retail unit. However, the premises is in an area of the town which is not encompassed by the Primary Shopping Frontage protection contained in Policy EC7 of the emerging Local Plan which covers Crown, Square, The Causeway and Firs Parade areas of Matlock. In such a context, whilst a shop is proposed to be lost, the café/bar, with a secondary element of retail, is considered an appropriate use in this location in principle.

Impact on the Character and Appearance of the Conservation Area

7.6 The only detailed physical, external alteration to the building is to provide an extract flue on the flat roofed element of the first floor. Whilst this would be largely screened by it being recessed from the building frontage, it is considered that this will be visible to some extent in the public domain. However, it is not expected that the flue will need to be of a significant size and can be coloured black, or another dark colour, to reduce its visibility and to give it an appearance reflective of metal goods, such as rainwater goods, wastepipes, etc. which are observed throughout the Conservation Area. Given the above, it is considered that the proposals will have little impact on the character and appearance of the Matlock Bridge Conservation Area.

Impact on Highway Safety

7.7 The Local Highway Authority has considered the proposals and advised that there is no objection given the former retail use of the premises and that it is in a town centre with on street-parking restrictions. Concern has been raised with regards to people, particularly those who are intoxicated, crossing the busy road where visibility may be restricted and causing danger to highway safety. It is considered by Officers that this cannot be a substantive reason to refuse planning permission in a town and this could apply to existing premises.

Impact on Amenity

7.8 The premises back onto a yard area and the domestic curtilages to residential properties beyond. The nearest dwellinghouses on Kingsbridge Terrace are some 24m away and the dwelling at 76 Dale Road, to the south, is some 18m away. Concerns have been raised by the residents of these, and other properties in the locality, that the proposed use will cause a loss of amenity in terms of noise, nuisance, smells, late night operating and anti-social behaviour.
7.9 The comments of the neighbouring residents have been considered and the application has been referred to the District Council’s Environmental Health Section which has advised that the proposed development would not be harmful to amenity to such a significant extent that would justify refusal of planning permission, albeit this would be subject to conditions on any grant of planning permission. In this respect, it is considered that reasonable conditions on operating hours, the use of rear yard, waste collection, noise attenuation and the extraction system could be attached to any permission. On this basis, it is considered that the proposed use will not result in significant harm to amenity that would warrant the refusal of planning permission considering the town centre location of the site.

7.10 Concerns have been raised that the area is becoming a focal point for night-time trade with pubs/bars, restaurants and takeaways. Whilst this area may have a higher proportion of such, compared to the other parts of the town centre, this area is not subject to restrictions with regard to shopping frontage protection policies and it is not the role of the Local Planning Authority to unreasonably stifle town centre developments or to determine matters of competition. Therefore, the point of principle is accepted.

7.11 In terms of specific concerns, the matter of noise can be addressed through conditions on any planning permission which require a noise assessment to be undertaken and, if approved, implemented prior to the premises being brought into use. Such a condition can also be attached to odour control with regard to the flue and any refuse storage. Any outside refuse storage would also be required to meet with food hygiene legislation in any event.

7.12 With regard to refuse collection, this would be determined by whether the District Council would agree to bin facilities being provided at the rear of the premises, given the residents comments over being restricted to the use of bin sacks rather than wheelie bins. This is a matter that the applicant would have to address with the District Council, or for them to arrange for collection by a private contractor. Again, details of the means of waste collection can be addressed as a condition of any permission, which can be consulted upon with the District Council with regard to meeting regulations, and that this be agreed prior to the premises being brought into use.

7.13 In terms of anti-social behaviour, this comes down to policing and is not a reason that could be substantiated against the proposed change of use to justify refusal of planning permission; this is a matter for the management of the premises and is also a matter that can be addressed through premises licensing if this becomes a substantive issue.

7.14 The comings and goings from the premises in vehicles are not considered to generate significant amenity loss. The car parking spaces are rather limited and can be restricted to use by staff only. It would be expected that staff members leaving in the evening would have regard to the local residents. The premises could currently function for other retail uses late into the night without constraint and so it is considered that preventing staff parking to the rear to be too onerous a requirement on the applicant.

7.15 Concern has been raised that the proposed premises licence is for longer opening hours than detailed in the planning application. However, licenced hours do not override approved hours of operation attached to any grant of planning permission, where there is a condition restricting such hours. If planning permission were granted, a condition would need to be attached to restrict the hours to those requested by the applicant as set out above; these are considered reasonable in the context of the application site and other uses on this part of Dale Road.
7.16 Therefore, it is considered that, subject to conditions, the proposal accords with Policies PD1 and EC6 of the emerging Local Plan and national guidance contained within the National Planning Policy Framework.

Conclusion

7.17 Whilst significant concerns have been raised by neighbouring residents who live in close proximity to the site, it is nevertheless considered, subject to conditions relating to hours of operation, collection of waste, extraction and use of the rear yard, that the potential amenity issues would be mitigated. The site is within the town centre where proposal for uses such are encouraged in order to promote the economic vitality of the town centre. Given the above, it is recommended that planning permission be granted subject to appropriate conditions.

8. RECOMMENDATION

That planning permission be granted subject to the following conditions:

1. Condition ST02a: Time Limit on Full.

2. The development shall be carried out in accordance with the amended plans received on except insofar as may otherwise be required by other conditions to which this permission is subject.

3. The premises shall be restricted to the opening hours of 10.00 to 00.00 on Monday to Saturday and shall not be open on Sundays or Bank Holidays.

4. Prior to the use of the premises commencing, a detailed method statement for the storage and collection of waste from the premises shall be submitted to and agreed in writing by the Local Planning Authority and this shall be conducted in strict accordance with the approved details.

5. The rear yard to the premises shall not be used by any members of the public nor shall this area be used as a smoking area for staff.

6. No development shall take place until an assessment of the potential for noise from the development affecting residential properties in the area has been submitted to and been approved in writing by the Local Planning Authority. If the assessment indicates that noise from the development is likely to affect neighbouring residential properties then a detailed scheme of noise mitigation measures shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The noise mitigation measures shall be designed so that nuisance will not be caused to the occupiers of neighbouring noise sensitive premises by noise from the development. The noise assessment shall be carried out by a suitably qualified acoustic consultant/engineer and shall take into account the provisions of the National Planning Policy Framework, BS4142: 2014. "Method of rating industrial noise affecting mixed residential and industrial areas" and BS 8233: 2014 "Guidance on Sound Insulation and Noise Reduction for Buildings". The approved scheme shall be implemented prior to the commencement of the use and be permanently maintained thereafter.

7. Notwithstanding the details on the approved drawings, before the development commences, details of the extraction and odour control system, to include details of the external flue, 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 the premises being brought into use.
8. The car parking area shall only be used by members of staff.

Reasons:

1. Reason ST02a

2. To define the permission for the avoidance of doubt.

3-8. In order to safeguard the amenity of neighbouring residents in accordance with policies SF1 and SF5 of the Adopted Derbyshire Dales Local Plan (2005), Policies PD1 and EC6 of the emerging Local Plan and guidance contained within the National Planning Policy Framework.

NOTES TO APPLICANT:

1. The Local Planning Authority has during the consideration of the application engaged in a positive and proactive dialogue with the applicant which resulted in the applicant's agreement to pre-commencement conditions with regard to hours of operation, noise levels, ventilation and use of the rear yard area.

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

3. This decision notice relates to the following documents:
   Amended Drawing Nos. 003A, 004B and 005B received on 17th November 2017
   Planning Design and Access Statement received on 4th October 2017
### APPLICATION NUMBER
17/00916/FUL

### SITE ADDRESS:
Kings Head Public House, 62 Yeoman Street, Bonsall

### DESCRIPTION OF DEVELOPMENT
Reconfiguration Of Upper Floors To Create 5 Letting Rooms And Managers Flat And Single Storey Extension

### CASE OFFICER
H Frith

### APPLICANT
Mrs T Hall Of George Bateman And Sons Ltd

### PARISH/TOWN
Bonsall

### AGENT
Mr L Wilson Of Peak Architects

### WARD MEMBER(S)
Cllr J Pawley and Cllr G Purdy

### DETERMINATION TARGET
22.11.17

### REASON FOR DETERMINATION BY COMMITTEE
Requested by Ward Member due to local concerns.

### REASON FOR SITE VISIT (IF APPLICABLE)
Requested by Ward Member to assess impacts on highway safety and parking.

### MATERIAL PLANNING ISSUES
- Principle of development
- Impact upon heritage asset
- Highway safety and parking

### RECOMMENDATION
Approval
17/00916/FUL

Kings Head, Yeoman Street, Bonsall

Derbyshire Dales DC

Date: 29/11/2017

100019785
1.0 THE SITE AND SURROUNDINGS

1.1 The existing property is a grade II listed public house centrally located within the village of Bonsall. The property dates from circa 1675 and is of a coursed stone rubble finish. The building is 2 storeys with attics above. The property is prominently sited at the cross roads of Yeoman Street, High Street and Church Street within the Bonsall Conservation Area.

2.0 DETAILS OF THE APPLICATION

2.1 Planning permission is sought for the reconfiguration of the upper floors of the premises which are currently used for accommodation and storage to create 5 letting rooms and managers flat. A single storey extension is also proposed on the ground floor to replace the existing canopy within the yard.

The amended details of the application are as follows:

Ground floor:
New escape lobby to be formed internally (covered by LBC application)
Existing door, window and infill to be removed to cill level (covered by LBC application) to give better access into the proposed extension area.
Proposed single storey extension to replace unsightly lean to canopy and lobby.
The extension is proposed to be a flat roof with roof light with colour coated aluminium fascia, parapet and capping and glazed frontage with double glazed aluminium sliding folding door.

First floor:
The external stair from the courtyard to the exiting storage roof will be used as a letting bedroom with an en-suite to be installed in the room (covered by LBC application).
Bedroom 1 will have an en-suite installed utilising the existing internal cupboard space for the shower (covered by LBC application).
Bedroom 2 will have an en-suite installed and the existing clerestory glazing replace with partition walling (covered by LBC application).
Bedroom 3 will be used as a letting room utilising a bathroom to be shared with bedroom 4 which will also be used as a letting bedroom.

Second floor:
The circulation space above the stair to the second floor will be partitioned to comply with fire regulations (covered by LBC application). An en-suite will be installed into the bedroom area for the managers flat (covered by LBC application) and the existing storage room will be used as a living/kitchen.

The applicant’s agent has submitted a detailed Design and Access Statement in support of the proposed works.

The only matters to be considered under this full planning application are the reconfiguration of the space in terms of its use and the single storey extension as the remainder of the works are to be considered under the associated listed building consent application.

3.0 PLANNING POLICY AND LEGISLATIVE FRAMEWORK

1. Adopted Derbyshire Dales Local Plan (2005)
   SF5: Design And Appearance of Development
   NBE17: Alterations And Extensions To A Listed Building
   NBE21: Development Affecting A Conservation Area
   EDT19: Tourist Accommodation Outside Of Settlement Frameworks
   TR1: Access Requirements And The Impact Of New Development
   TR8: Parking Requirements For new Development

2. Deposit Draft Local Plan
   Policy S2: Sustainable Development Principles
   Policy S3: Settlement Hierarchy Bonsall Is A Fourth Tier Settlement
   Policy S4: Development Within Defined Settlement Boundaries
   Policy PD1: Design And Place Making
   Policy PD2: Protecting The Historic Environment
   Policy HC15: Community Facilities And Services
   Policy HC19: Accessibility And Transport
   Policy HC21: Car Parking Standards
   Policy EC8: Promoting Peak District Tourism And Culture

3. Other:
   National Planning Policy Framework
   National Planning Practice Guidance
4.0 RELEVANT PLANNING HISTORY:
None

5.0 CONSULTATION RESPONSES

Parish Council
5.1 No objection

Derbyshire County Council (Highways)
5.2 The applicant wishes to renovate an existing building to add 5 private 'lettings' within the curtilage of 62 Yeoman Street (CIII). In the vicinity of the site Yeoman Street has limited geometry and roadside parking (where this can take place) is already at a premium.

Development of this kind would most certainly attract further on street parking demand, however; the applicant is not proposing any additional parking provision to support the application.

As submitted the Highway Authority would therefore recommend refusal for the following reason:

1. The development proposals do not provide adequate provision for the parking of vehicles associated with the increased use of the site, clear of the public highway. The proposals will therefore lead to an increase in demand and competition for roadside parking at a point where the existing highway network is already limited in terms of geometry, which is against the best interests of highway safety and detriment to existing highway users.

Design and Conservation Officer (Derbyshire Dales)
5.3 The property is a prominent grade II listed building within the centre of the village and within the Bonsall Conservation Area. It dates from the later 17th century (c.1677) with later 18th, 19th and 20th century alterations and additions. It operates as a public house.

The following comments are made on the proposals—

Ground Floor – the Heritage Statement includes no architectural/archaeological assessment/analysis of the two parts of the west facing ground floor wall of the courtyard which are to be altered. Part or all of this could/may contain 17th century fabric. Without that assessment and analysis the proposed alterations cannot be satisfactorily considered – that information should, therefore, be undertaken and submitted. The proposed internal lobby to the kitchen may be deemed acceptable subject to the detailing of the new partition to the wall, floor and ceiling of the space it is to occupy. The current covered area and roofed toilet lobby corridor is a conglomeration of various elements which, collectively, are not visually appealing. The proposed new, ‘contemporary’ flat-roofed and glazed enclosed space (footprint) is slightly larger than the existing and comprises a flat roof with flat roof lights and a curtain wall of glazing (openable) of powder-coated aluminium. An ‘escape lobby’ from the kitchen is to be an integral part of the new extension. In principle, the proposal is considered to be an acceptable replacement of the current situation, subject to its detailing, materials, finishes and its abutments with the historic fabric of the listed building. (Proposals for the new floor slab to the extension may have archaeological implications – refer to comments from the D C Archaeologist). The proposed alterations to the cellar drop are considered acceptable, subject to detailing.

First Floor – Plan-form and layout of historic building interiors and their spaces is an important and often significant part of their heritage interest. In this regard the formation of
'rooms within rooms' (i.e. en-suites or similar) can have a harmful impact on the experience, appreciation and spatial qualities of the historic room form, shape and originality. They can also compromise spatial qualities of a room and elements of that room (such as doorways, fireplaces etc.). In this regard the proposal for each en-suite will need to be looked at on a case-by-case basis and an assessment made as to whether, or not, the installation of the ‘room within a room’ is harmful to the plan-form/layout, spatial qualities and details of the room. If harm is identified then a re-consideration of the proposed layout would need to be explored. En-suites require water and waste services the nature, form and routes of such can harm character and fabric. No details of the service routes and types are provided and, therefore, a consideration of their potential impact/harm cannot be formulated at this stage.

The existing partition to bedroom 2 and the adjacent corridor is to be altered. If this is an original/historic partition then it should be retained in-situ and any proposed alterations sensitively formulated to preserve historic fabric and character. There is insufficient information within the submission to make an assessment of this particular proposal.

A new door/doorframe is proposed for the landing area to act as the doorway to Bedroom 4. No details have been submitted relating to its design and detailing. In principle the installation of a new door/doorframe in this location is likely to be acceptable, subject to approval of its design, detailing and installation.

The current ‘store’ is accessed via a set of external steps. In principle the proposed conversion of this space to a bedroom is acceptable. No details of the proposed internal fit-out to this space (i.e. proposals for its floor, walls, ceiling/roof) is provided within the application submission. On that basis it is assumed that these elements will all remain as they currently are. The building has a chimneystack – is there an internal fireplace on both floors of the building? Advice relating to the issue of providing an en-suite within this space is the same as provided above. A new external door is proposed for this space, however, no details have been submitted. The existing door can be replicated on a strictly like-for-like basis in all respects but a door of a different type and style would need to be considered and assessed as to its suitability.

Second Floor – the replacement of the current roof light with a conservation roof light is considered acceptable. This should be flush fitting within the roof covering and match the size of the existing aperture (i.e. no enlargement of the current aperture should take place). A new fire-rated partition is to enclose the current staircase. No details of the current balustrading etc. to this staircase well are provided. If an original/historic balustrade exists then this must be retained in-situ. The principle (and installation), therefore, of a new solid partition may compromise the stair well balustrading and may also compromise the existing spatial qualities of the second floor landing area (refer to comments on plan-form/layout).

No details of the type, form and construction of the current wall between the landing area and ‘master bedroom’ have been provided. If this is an original/historic wall/partition then it should be retained in its existing form, including the position of the doorway (of which it is intended to re-locate). Further details of this wall/partition are required in order to fully consider and assess the proposal. Advice relating to the issue of providing an en-suite within this space is the same as provided above.

The proposed dry-lining of the walls within the second floor rooms and the insulation to the roof are potentially invasive. No details have been submitted with the application to explain the proposals and methods of installation/type to be used. It is possible that such invasive works may compromise the character and appearance of these rooms and, in that regard, lead to harm to the heritage asset. In that regard details are required relating to these
proposals prior to any determination. If such works are deemed invasive and harmful then alternative proposals will need to be formulated.

Development Control Archaeologist

5.4 The Kings Head Public House is a grade II listed building which is situated within the Bonsall Conservation Area and is therefore a designated heritage asset. The building may have been constructed as early as the mid 17th century. The two adjacent cottages to the east also include architectural features which indicate a similar date of origin and the Bonsall market cross which lies some 10m to the north east of the site is thought to be of late 14th to early 15th century date.

Given the listed status and age of the property it is recommended that the applicant's commission an historic building appraisal of the building to inform the current proposals. The historical development of the building through the study of its fabric should also be addressed. A written scheme of investigation should be produced for the appraisal which is to be approved by ourselves.

NPPF paragraph 128 requires that applicants establish the significance of the heritage asset and the level of impact to the significance of that asset. The applicant must also show that the proposals represent sustainable development in that they continue to contribute to protecting and enhancing the historic environment. We recommend the application is not determined until the results of the appraisal are available to inform sensitive refurbishment of the building.

A further comment was then received which advised that an archaeological condition should be imposed on any permission.

6.0 REPRESENTATIONS RECEIVED

6.1 A total of 9 representations have been received. A summary of the representations is outlined below:

6.2 2 representations received in Support of the proposal:

- The additional letting rooms will attract extra revenue for the Pub ensuring the long term future of the Kings Head.
- Restricting on street parking to residents only would help alleviate the parking issues and further visitors could use the parking facilities adjacent to the park on Yeoman Street which is currently underused.
- Many villagers and visitors tend to walk to the premises.
- The Kings Head car park is underused and has only ever been full when there is an event on such as village charity auction.
- The internal works will be in keeping with the rest of this lovely historic building.
- Such investment and tourism facilities should be encouraged.
- I carry out research into road traffic safety, I am an expert in road safety. Yeoman Street and the surrounding roads are typical of the Peak District areas, the average 24/7 traffic flow rate is 20-30 per hour, I am not aware of any cases of serious collision in the area around the Kings Head. The on-street parking is not excessive in this area. The bus service does not have difficulty getting around the streets. There are sometimes cases of inconsiderate parking around the school, but this is occasional and for a limited time period. The photos taken showing the heavily parked area was when the landlady had a birthday event and is not representative of the usual circumstances. Normally the car park is virtually empty. There is a car park area at the bottom of Yeoman Street which has the potential to hold a large number of vehicles. This car park is normally empty as residents do not have difficulty parking on street. Approve the application for the benefit of everyone in Bonsall.
6.3 7 representations received from 4 parties raising Objections:

- There are only about 6 spaces in the main car park with 3 or 4 in the owner’s car park on Yeoman Street but some are let out to residents.
- There is very limited parking in the area around the Pub and present problems for parking during evenings and overnight.
- Access to the Pub car park is difficult so users of the Pub tend to park on the road in the first instance.
- The parking problems will be worse if this is allowed, the area cannot accommodate 5 more vehicles.
- The proposed extension will occupy the smoking area. We are impacted by noise when customers smoke outside of the front door, this would become more common if there is nowhere in the courtyard to smoke.
- Where will the designated smoking area be?
- The pub is a traditional building at the heart of the community it would be disappointing if the buildings image were to change.
- Would the licence and opening hours change?
- Local holiday lets often use the pub car park.
- Parking and traffic congestion can be bad in Bonsall particularly when there is hen racing, open gardens and carnival week.
- Any additional cars will make the situation of parking more difficult.
- Do not object to the enhancement of the business generally.
- Photographs submitted showing parking congestion.
- This will cause problems in terms of road safety for pedestrians, children, cyclists, farm vehicles, heavy goods vehicles, buses including the school bus and emergency services.
- The proposal includes an additional 20 seats for dining internally and the pub can already accommodate 30 to 40 people which is a lot of people and parking at peak times.
- The existing car park is too small for the pub.
- Realistically only 5 cars can park in the car park.

7.0 OFFICER APPRAISAL

The following material planning issues are relevant to this application:

- Principle of development
- Impact upon heritage asset
- Highway safety and parking

Principle of Development:

7.1 Emerging and national planning policy supports the re-use of premises in villages or rural locations for uses that support the growth of tourism particularly where this relates to promoting Peak District tourism. Furthermore, emerging policy HC15 and national guidance promotes the retention and enhancement of existing community facilities. This site on the edge of the Peak District National Park will assist in the growth of tourism associated with both the Derbyshire Dales and the Peak Park. The proposal will enhance the economy of Bonsall and provide new jobs. The proposal will also aid the retention and growth of an existing community facility by re-using empty or underutilised rooms within the property. As such the proposal is considered to be acceptable in principle. As the proposal relates to a listed building within a Conservation Area the impacts of the proposed works upon the significance of these heritage assets requires consideration.
Impact Upon Heritage Asset:

7.2 The existing building is a grade II listed property situated within the Bonsall Conservation Area. Applications for full planning permission and listed building consent have been submitted. Although not a matter for consideration under the full planning application the detail of the proposed works is to be considered in detail as part of the listed building consent application.

7.3 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that: In considering whether to grant planning permission for development which affects a listed building or its setting, the Local Planning Authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

7.4 In terms of the impacts upon the listed building the proposed changes to the use of the upper floors of the building are considered to be acceptable and will bring back into use rooms which are in need of renovation and repair that are currently underutilised or empty rooms at present. In this respect the amended scheme is considered overall to be beneficial to the listed building in that the rooms would be repaired and re-used resulting in physical repairs which may otherwise not be carried out.

7.5 To the ground floor the works include alterations to existing openings to improve access into a proposed extension. The extension will replace an existing unsightly lobby extension and canopy. The proposed extension is modern in its design as a new element to the listed building. The area where the extension will meet the listed building is considered to be acceptable and will not impact upon any of the architectural detail of the building. Overall having considered the detail of the scheme it is considered that the proposed extension is an acceptable addition to the listed building and being of modern form and appearance will read as a modern addition to this historic property.

7.6 The proposal is considered to be acceptable as an overall enhancement to the listed building in accordance with national and local planning policy.

Highway Safety and Parking:

7.7 Significant concern has been raised by local residents with regard to the additional accommodation within the Public House resulting in additional demand for parking within an area that is already congested with cars.

7.8 The Local Highway Authority have considered this matter and have concluded that the highway near to the premises at this point of Yeoman Street has limited geometry and roadside parking (where this can take place) is already at a premium. Therefore development of this kind would most certainly attract further on street parking demand, however; the applicant is not proposing any additional parking provision to support the application. As submitted the Highway Authority would therefore recommend refusal as they consider that the proposals do not provide adequate provision for parking in association with the increased use of the site and therefore this will lead to an increase in demand for on street parking where the existing highway is of limited width, which is considered to be contrary to the best interests of highway safety and to the detriment of highway users.

7.9 The Kings Head Public House currently has a total of 9 parking spaces available for the occupants of the manager’s accommodation, users of the public house and those who would use the letting rooms. It is acknowledged that the use of the public house as a result
of this application and at full occupancy will result in parking levels likely to be above those that can currently be provided.

7.10 It should also be considered that many of the local residents utilising the Public House will be within walking distance of the Public House and that the Pub is often frequented by walkers. Whilst the proposal will increase the potential for occupancy for a further 5 cars (one for each room) this is only when the occupancy of these rooms is at full capacity. It is also asserted in the comments in support of the application that there is a car park close to the recreation ground is available for public and resident parking albeit some distance from the premises, which is currently underused.

7.11 The parking space available for the Kings Head Public House is similar, if not more than, may be found in many village pubs around the District. Whilst it is not contested that more on street parking will result, it does not necessarily follow that this will lead to highway safety problems. On street parking is prevalent in the village, but this is in the context of low vehicles speeds and limited vehicle flows. Whilst the views of the Local Highway Authority need to be carefully considered on balance the threat to highway safety does not, it is considered, warrant refusal do the scheme.

Other Issues:

7.12 It has been mentioned that the provision of an extension to the rear will result in users of the premises smoking outside the main front door of the premises or on Yeoman Street. After the construction of the extension there will remain sufficient outdoor place within the rear yard of the public house for smokers, as such the situation in terms of people smoking at the premises will not alter as a result of this application.

Conclusion:

7.13 The proposed reconfiguration of the internal space to create 5 letting rooms and managers flat with extension on the ground floor are considered overall to be of benefit to the significance of the listed building ensuring its continued use as a Public House and therefore its long term maintenance and repair. Furthermore the proposed use will bring economic benefits and promote tourism in the area which is on the edge of the Peak District National Park. Whilst the proposal will result in an increased demand for on street parking this will not, it is considered, present a major highway safety concern having regard to vehicle speeds and numbers on the local highway network and it is considered that the significant benefits of the scheme outlined above outweigh the harm in terms of substandard parking. As such it is recommended that planning permission is granted subject to conditions in accordance with local and national planning policy.

8.0 Recommendation
That planning permission be granted subject to the following conditions:

1. Condition ST02a: Time limit on full

2. a) No development shall take place until a Written Scheme of Investigation for archaeological monitoring has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and
   1. The programme and methodology of site investigation and recording
   2. The programme and provision to be made for post investigation analysis and reporting;
   3. Provision to be made for publication and dissemination of the analysis and records of the site investigation
4. Provision to be made for archive deposition of the analysis and records of the site investigation
5. Nomination of a competent person or persons/organization to undertake the works set out within the Written Scheme of Investigation

b) No development shall take place other than in accordance with the archaeological Written Scheme of Investigation approved under condition (a).

c) Within a period of 12 weeks from completion of the development the archaeological site investigation and post investigation analysis and reporting shall have been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (a) and the provision to be made for publication and dissemination of results and archive deposition shall have been secured.

3. Prior to any works taking place within the rear yard a detailed methodology statement shall be submitted to and agreed in writing by the Local Planning Authority, relating to the breaking up of concrete to external rear yard and full details of the new paving (material, size, type, pattern of laying etc.). Works shall be completed in accordance with the agreed details.

4. Prior to the handrail being installed full constructional details/finish of new metal handrail (Inc. method of fixing) for external stone steps to Bedroom 5 shall be submitted to and agreed in writing by the Local Planning Authority, works shall be completed on site in accordance with the agreed details.

5. Prior to works commencing on the single storey extension hereby approved, details of the proposed abutment detail/flashing detail of new flat roof over extension with existing vertical walls shall be submitted to and agreed in writing by the Local Planning Authority, works shall be completed on site in accordance with the agreed details.

6. Prior to works commencing on the single storey extension hereby approved, details of the proposed finish colour (RAL) for new powder-coated aluminium glazing to extension shall be submitted to and agreed in writing by the Local Planning Authority, works shall be completed on site in accordance with the agreed details.

7. The replacement conservation roof light to the staircase shall be recessed so the glazed part is flush with the clay tiled roof covering (i.e. non-projecting).

8. Condition ST06a: amended application (revised plans) Amended site location plan 001 Rev B received 24.11.17, Amended proposed ground floor plan 011 Rev B received 16.11.17, Amended proposed first floor plan 012 Rev C received 24.11.17, Amended proposed second floor plan 013 Rev B received 16.11.17.

Reasons:

1. Reason ST02a

2. To ensure appropriate recording of any below ground archaeology in accordance with Paragraph 141 of the National Planning Policy Framework which requires that developers should record and advance understanding of the significance of any heritage assets to be lost.

3-7. To ensure an appropriate finished form of development in the interest of protecting the character and appearance of the listed building in accordance with policy NBE176 of the Adopted Derbyshire Dales Local Plan, policy PD2 of the emerging local plan and guidance contained within the National Planning Policy Framework.
9.0 NOTES TO APPLICANT:

9.1 The Local Planning Authority during the consideration of the application engaged in a positive and proactive dialogue with the applicant which resulted in the submission of a scheme that overcame initial concerns relating to the internal works to bedroom 3.

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

9.3 This decision notice relates to the following documents:
- Amended site location plan 001 Rev B received 24.11.17
- Amended proposed ground floor plan 011 Rev B received 16.11.17
- Amended proposed first floor plan 012 Rev C received 24.11.17
- Amended proposed second floor plan 013 Rev B received 16.11.17
- Design, access and heritage statement received 27.09.17
- Proposed elevations sheet 2 015 Rev A received 27.09.17
- Proposed elevations sheet 1 014 Rev A received 27.09.17
- Proposed site plan 009 Rev A received 27.09.17
- Proposed basement floor plan 010 Rev A received 27.09.17
- Existing basement floor plan 003 received 27.09.17
- Existing site plan 002 received 27.09.17
- Existing ground floor plan 004 Rev A received 27.09.17
- Exiting elevations 007 and 008 received 27.09.17
- Existing first floor plan 005 received 27.09.17
- Existing second floor plan 006 received 27.09.17
**APPLICATION NUMBER**  17/00917/LBALT  
**SITE ADDRESS:**  Kings Head Public House, 62 Yeoman Street, Bonsall  
**DESCRIPTION OF DEVELOPMENT**  Internal And External Alterations  
**CASE OFFICER**  H Frith  
**APPLICANT**  Mrs T Hall Of George Bateman And Sons Ltd  
**PARISH/TOWN**  Bonsall  
**AGENT**  Mr L Wilson Of Peak Architects  
**WARD MEMBER(S)**  Cllr J Pawley and Cllr G Purdy  
**DETERMINATION TARGET**  22.11.17  
**REASON FOR DETERMINATION BY COMMITTEE**  Requested by Ward Member  
**REASON FOR SITE VISIT (IF APPLICABLE)**  Requested by Ward Member to assess impacts on heritage assets.

### MATERIAL PLANNING ISSUES

- Whether the works would preserve the building, its setting and any features of special architectural or historic interest.

### RECOMMENDATION

Approval
17/00917/LBALT

Kings Head, Yeoman Street, Bonsall

Derbyshire Dales DC

Date: 29/11/2017

100019785

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Derbyshire Dales District Council,
Town Hall, Bank Road, Matlock, Derbyshire DE4 3NN.
Telephone: (01629) 761100.
website: www.derbyshiredales.gov.uk
1.0 THE SITE AND SURROUNDINGS
1.1 The existing property is a grade II listed public house centrally located within the village of Bonsall. The property dates from circa 1675 and is of a coursed stone rubble finish. The building is 2 storeys with attics above. The property is prominently sited at the cross roads of Yeoman Street, High Street and Church Street within the Bonsall Conservation Area.

2.0 DETAILS OF THE APPLICATION
2.1 Listed Building Consent is sought for the reconfiguration of the upper floors of the premises which are currently used for accommodation and storage to create 5 letting rooms and managers flat. A single storey extension is also proposed on the ground floor to replace the existing canopy within the yard.

The amended details of the application are as follows:

Ground floor:
- New escape lobby to be formed internally
- Existing door, window and infill to be removed to cill level to give better access into
- Proposed single storey extension to replace unsightly lean to canopy and lobby.
- The extension is proposed to be a flat roof with roof light with colour coated aluminium fascia, parapet and capping and glazed frontage with double glazed aluminium sliding folding door.

First floor:
- The external stair from the courtyard to the exiting storage roof will be used as a letting bedroom with an en-suite to be installed in the room.
- Bedroom 1 will have an en-suite installed utilising the existing internal cupboard space for the shower.
- Bedroom 2 will have an en-suite installed and the existing clerestory glazing replace with partition walling.
Bedroom 3 will be used as a letting room utilising a bathroom to be shared with bedroom 4 which will also be used as a letting bedroom.

Second floor:
The circulations pace above the stair to the send floor will be partitioned to comply with fire regulations. An en-suite will be installed into the bedroom area for the managers flat and the existing storage room will be used as a living/kitchen.

The applicant's agent has submitted a detailed Design and Access Statement in support of the proposed works.

3.0 PLANNING POLICY AND LEGISLATIVE FRAMEWORK
National Planning Policy Framework
National Planning Practice Guidance

4.0 RELEVANT PLANNING HISTORY:
None

5.0 CONSULTATION RESPONSES
Parish Council
5.1 No objection
Design and Conservation Officer (Derbyshire Dales)
5.2 The property is a prominent grade II listed building within the centre of the village and within the Bonsall Conservation Area. It dates from the later 17th century (c.1677) with later 18th, 19th and 20th century alterations and additions. It operates as a public house.

The following comments are made on the proposals—

Ground Floor – the Heritage Statement includes no architectural/archaeological assessment/analysis of the two parts of the west facing ground floor wall of the courtyard which are to be altered. Part or all of this could/may contain 17th century fabric. Without that assessment and analysis the proposed alterations cannot be satisfactorily considered – that information should, therefore, be undertaken and submitted. The proposed internal lobby to the kitchen may be deemed acceptable subject to the detailing of the new partition to the wall, floor and ceiling of the space it is to occupy. The current covered area and roofed toilet lobby corridor is a conglomeration of various elements which, collectively, are not visually appealing. The proposed new, ‘contemporary’ flat-roofed and glazed enclosed space (footprint) is slightly larger than the existing and comprises a flat roof with flat roof lights and a curtain wall of glazing (openable) of powder-coated aluminium. An ‘escape lobby’ from the kitchen is to be an integral part of the new extension. In principle, the proposal is considered to be an acceptable replacement of the current situation, subject to its detailing, materials, finishes and its abutments with the historic fabric of the listed building. (Proposals for the new floor slab to the extension may have archaeological implications – refer to comments from the D C Archaeologist). The proposed alterations to the cellar drop are considered acceptable, subject to detailing.

First Floor – Plan-form and layout of historic building interiors and their spaces is an important and often significant part of their heritage interest. In this regard the formation of ‘rooms within rooms’ (i.e. en-suites or similar) can have a harmful impact on the experience, appreciation and spatial qualities of the historic room form, shape and originality. They can also compromise spatial qualities of a room and elements of that room (such as doorways, fireplaces etc.). In this regard the proposal for each en-suite will need to be looked at on a case-by-case basis and an assessment made as to whether, or not, the installation of the ‘room within a room’ is harmful to the plan-form/layout, spatial
qualities and details of the room. If harm is identified then a re-consideration of the proposed layout would need to be explored. En-suites require water and waste services the nature, form and routes of such can harm character and fabric. No details of the service routes and types are provided and, therefore, a consideration of their potential impact/harm cannot be formulated at this stage.

The existing partition to bedroom 2 and the adjacent corridor is to be altered. If this is an original/historic partition then it should be retained in-situ and any proposed alterations sensitively formulated to preserve historic fabric and character. There is insufficient information within the submission to make an assessment of this particular proposal.

A new door/doorframe is proposed for the landing area to act as the doorway to Bedroom 4. No details have been submitted relating to its design and detailing. In principle the installation of a new door/doorframe in this location is likely to be acceptable, subject to approval of its design, detailing and installation.

The current ‘store’ is accessed via a set of external steps. In principle the proposed conversion of this space to a bedroom is acceptable. No details of the proposed internal fit-out to this space (i.e. proposals for its floor, walls, ceiling/roof) is provided within the application submission. On that basis it is assumed that these elements will all remain as they currently are. The building has a chimneystack – is there an internal fireplace on both floors of the building? Advice relating to the issue of providing an en-suite within this space is the same as provided above. A new external door is proposed for this space, however, no details have been submitted. The existing door can be replicated on a strictly like-for-like basis in all respects but a door of a different type and style would need to be considered and assessed as to its suitability.

Second Floor – the replacement of the current roof light with a conservation roof light is considered acceptable. This should be flush fitting within the roof covering and match the size of the existing aperture (i.e. no enlargement of the current aperture should take place). A new fire-rated partition is to enclose the current staircase. No details of the current balustrading etc. to this staircase well are provided. If an original/historic balustrade exists then this must be retained in-situ. The principle (and installation), therefore, of a new solid partition may compromise the stair well balustrading and may also compromise the existing spatial qualities of the second floor landing area (refer to comments on plan-form/layout).

No details of the type, form and construction of the current wall between the landing area and ‘master bedroom’ have been provided. If this is an original/historic wall/partition then it should be retained in its existing form, including the position of the doorway (of which it is intended to re-locate). Further details of this wall/partition are required in order to fully consider and assess the proposal. Advice relating to the issue of providing an en-suite within this space is the same as provided above.

The proposed dry-lining of the walls within the second floor rooms and the insulation to the roof are potentially invasive. No details have been submitted with the application to explain the proposals and methods of installation/type to be used. It is possible that such invasive works may compromise the character and appearance of these rooms and, in that regard, lead to harm to the heritage asset. In that regard details are required relating to these proposals prior to any determination. If such works are deemed invasive and harmful then alternative proposals will need to be formulated.

Development Control Archaeologist

5.3 The Kings Head Public House is a grade II listed building which is situated within the Bonsall Conservation Area and is therefore a designated heritage asset. The building may have been constructed as early as the mid17th century. The two adjacent cottages to the
east also include architectural features which indicate a similar date of origin and the
Bonsall market cross which lies some 10m to the north east of the site is thought to be of
late 14\textsuperscript{th} to early 15\textsuperscript{th} century date.

Given the listed status and age of the property it is recommended that the applicant’s
commission an historic building appraisal of the building to inform the current proposals.
The historical development of the building through the study of its fabric should also be
addressed. A written scheme of investigation should be produced for the appraisal which
is to be approved by ourselves.

NPPF paragraph 128 requires that applicants establish the significance of the heritage
asset and the level of impact to the significance of that asset. The applicant must also
show that the proposals represent sustainable development in that they continue to
contribute to protecting and enhancing the historic environment. We recommend the
application is not determined until the results of the appraisal are available to inform
sensitive refurbishment of the building.

A further comments was then received which advised that an archaeological condition
should be imposed on any permission.

6.0 REPRESENTATIONS RECEIVED

6.1 A total of 8 representations have been received from 5 parties. A summary of the
representations is outlined below:

- There does not appear to be space for 16 cars in the existing car park.
- The application does not detail any proposals for additional space.
- This will result in an increase in on street parking detrimental to highway safety.
- In street parking is exacerbated by the difficulty in accessing the pub car park.
- We are concerned that the extension to the rear of the property will result in people
  smoking elsewhere on the premises and possibly outside the front of the property which
  would impact upon our amenity.
- The pub is a traditional building at the heart of the community it would be disappointing
  if the buildings image were to change.
- Parking and traffic congestion can be bad in Bonsall particularly when there is hen
  racing, open gardens and carnival week.
- Local holiday lets often use the pub car park.
- Any additional cars will make the situation of parking more difficult.
- Where will the designated smoking area be?
- Photographs submitted showing parking congestion.
- This will cause problems in terms of rad safety for pedestrians, children, cyclists, farm
  vehicles, heavy goods vehicles, buses including the school bus and emergency
  services.
- The proposal includes an additional 20 seats for dining internally and the pub can
  already accommodate 30 to 40 people which is a lot of people and parking at peak
  times.
- The existing car park is too small for the pub.
- Realistically only 5 parking spaces can park in the car park.

7.0 OFFICER APPRAISAL

7.1 The only issue to consider through this application for listed building consent is the impact
the works will have upon the significance of the listed building. Other planning matters
such as parking, are not matters that can be considered as part of the listed building
consent application.
7.2 The existing building is a grade II listed property situated within the Bonsall Conservation Area. Applications for full planning permission and listed building consent have been submitted. This report relates to the application for listed building consent only.

7.3 Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that: *In considering whether to grant listed building consent for any works the local planning authority or the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.*

7.4 In terms of the impacts upon the listed building the proposed changes to the use of the upper floors of the building are considered to be acceptable and will bring back into use rooms which are in need of renovation and repair that are currently underutilised or empty rooms at present. In this respect the amended scheme is considered overall to be beneficial to the listed building in that the rooms would be repaired and re-used resulting in physical repairs which may otherwise not be carried out.

7.5 To the ground floor the works include alterations to existing openings to improve access into a proposed extension. The extension will replace an existing unsightly lobby extension and canopy. The proposed extension is modern in its design as a new element to the listed building. The junctions where the extension will meet the listed building are considered to be acceptable and will not impact upon any of the architectural detail of the building. Overall having considered the detail of the scheme it is considered that the proposed extension is an acceptable addition to the listed building and being of modern form and appearance will read as a modern addition to this historic property.

7.6 The proposal is considered to be acceptable as an overall enhancement to the listed building in accordance with national planning policy subject to detailed conditions.

8.0 RECOMMENDATION

That planning permission be granted subject to the following conditions:

1. Condition ST04a: Time limit on Listed Building Consent

2. a) No works shall take place until a Written Scheme of Investigation for archaeological monitoring has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and
   1. The programme and methodology of site investigation and recording
   2. The programme and provision to be made for post investigation analysis and reporting;
   3. Provision to be made for publication and dissemination of the analysis and records of the site investigation
   4. Provision to be made for archive deposition of the analysis and records of the site investigation
   5. Nomination of a competent person or persons/organization to undertake the works set out within the Written Scheme of Investigation

   b) No works shall take place other than in accordance with the archaeological Written Scheme of Investigation approved under condition (a).

   c) Within a period of 12 weeks from completion of the works the archaeological site investigation and post investigation analysis and reporting shall have been completed in accordance with the programme set out in the Written Scheme of Investigation approved
under condition (a) and the provision to be made for publication and dissemination of results and archive deposition shall have been secured.

3. Prior to any works taking place within the rear yard a detailed methodology statement shall be submitted to and agreed in writing by the Local Planning Authority, relating to the breaking up of concrete to the external rear yard along with full details of the new paving (material, size, type, pattern of laying etc.). Works shall be completed in accordance with the approved details.

4. Prior to works commencing on the single storey extension hereby approved, details of the proposed abutment including any flashing of the extension with existing vertical walls shall be submitted to and agreed in writing by the Local Planning Authority, works shall be completed on site in accordance with the agreed details.

5. The replacement conservation roof light to the staircase shall be recessed so the glazed part is flush with the clay tiled roof covering (i.e. non-projecting).

6. Prior to works commencing on each of the following elements the details listed below shall be submitted to and agreed in writing by the Local Planning Authority:
   - Details of any proposed works to the boxed-in fireplace to Bedroom 1.
   - Details (type, route and material/finish) of proposed external pipework for waste from the en-suite to Bedroom 1
   - Details of any proposed works to the historic fireplace to Bedroom 3
   - Construction details of the new fire-resistant partition around second floor staircase, including details of its abutment etc. with the existing painted timber stair balustrade (which is to remain undisturbed and in-situ)
   - Full constructional details of new fire-rated stud partition wall to first floor corridor
   - Details of proposed type and route for waste pipework etc. from the en-suite to the Master Bedroom (second floor)
   - Details of any proposed mechanical ventilation, grilles, vents, pipes etc. for the en-suites to Bedroom 1 and 2 and the Master Bedroom
   - Schedule of proposed works to all existing walls, ceilings and roof (including dormer window) to Living/Kitchen room (second floor). This should clearly identify existing fabric/finishes to be retained and repaired and the type of new finishes proposed (and where). The schedule should also include any proposed works to the existing historic fireplace to this room and the proposed services (routes, type etc.) for the new kitchen fittings.
   - Details of any proposed works to the ceiling/roof to Bedroom 5.
   - Schedule of proposed works to all windows, including window frames. Works shall be completed on site in accordance with the agreed details.

7. The proposed new external door to Bedroom 5 shall be an exact replica, in all respects, of the existing painted timber door.

8. Condition ST07: amended application (LB) Amended site location plan 001 Rev B received 24.11.17, Amended proposed ground floor plan 011 Rev B received 16.11.17, Amended proposed first floor plan 012 Rev C received 24.11.17, Amended proposed second floor plan 013 Rev B received 16.11.17.

Reasons:

1. Reason ST02a

2. To ensure appropriate recording of any below ground archaeology in accordance with Paragraph 141 of the National Planning Policy Framework which requires that developers
should record and advance understanding of the significance of any heritage assets to be lost.

3-7. To ensure an appropriate finished form of development in the interest of protecting the character and appearance of the listed building in accordance with guidance contained within the National Planning Policy Framework.

8. Reasons ST07

9.0 NOTES TO APPLICANT:

9.1 The Local Planning Authority during the consideration of the application engaged in a positive and proactive dialogue with the applicant which resulted in the submission of a scheme that overcame initial concerns relating to the internal works to bedroom 3.

9.2 This decision notice relates to the following documents:
Amended site location plan 001 Rev B received 24.11.17
Amended proposed ground floor plan 011 Rev B received 16.11.17
Amended proposed first floor plan 012 Rev C received 24.11.17
Amended proposed second floor plan 013 Rev B received 16.11.17
Design, access and heritage statement received 27.09.17
Proposed elevations sheet 2 015 Rev A received 27.09.17
Proposed elevations sheet 1 014 Rev A received 27.09.17
Proposed site plan 009 Rev A received 27.09.17
Proposed basement floor plan 010 Rev A received 27.09.17
Existing basement floor plan 003 received 27.09.17
Existing site plan 002 received 27.09.17
Existing ground floor plan 004 Rev A received 27.09.17
Exiting elevations 007 and 008 received 27.09.17
Existing first floor plan 005 received 27.09.17
Existing second floor plan 006 received 27.09.17
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<td><strong>DESCRIPTION OF DEVELOPMENT</strong></td>
<td>Change Of Use And Conversion Of Barn To Dwelling House And Associated Extension</td>
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<td><strong>CASE OFFICER</strong></td>
<td>H Frith</td>
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<td><strong>APPLICANT</strong></td>
<td>Mrs Flanagan and Mrs Davis</td>
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<td><strong>PARISH/TOWN</strong></td>
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<td><strong>AGENT</strong></td>
<td>Mr A Yarwood</td>
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<td><strong>WARD MEMBER(S)</strong></td>
<td>Cllr P Slack, Cllr I Ratcliffe, Cllr M Ratcliffe</td>
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<td><strong>DETERMINATION TARGET</strong></td>
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<td><strong>REASON FOR DETERMINATION BY COMMITTEE</strong></td>
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**MATERIAL PLANNING ISSUES**

- Principle of development
- Character and appearance
- Highway safety
- Impact on residential amenity
- Ecology

**RECOMMENDATION**

Approval
17/01033/FUL

The Barn, The Pingle, Summer Lane, Wirksworth

Derbyshire Dales DC

Date: 29/11/2017

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

1.1 The application relates to an existing limestone barn located in a field to the west of the existing dwellings located on Summer Drive. The access to the site is via the continued Summer Lane which becomes an unmade track to the rear of the existing dwellings. There is an existing single storey flat roof garage located to the west of the barn. The site is outside of Wirksworth settlement framework boundary defined by both the adopted and emerging local plans in an open countryside location albeit in close proximity to the services and facilities provided in this tier one settlement.

2.0 DETAILS OF THE APPLICATION

2.1 Planning permission is sought to change the use of the existing limestone barn to create a dwelling. Whilst the conversion seeks to reutilise many of the existing openings and repair the building it also proposed an extension to the barn replacing the existing lean-to structure to the end of the building. The original submission for the extension was considered overly large, after raising this concern the applicant has agreed to reduce the extent of this extension and to retain the lean-to appearance of it in the design. At the time of writing the report the detailed plans of this amendment have not been received although it is anticipated that these will have been received by the date of the committee. The proposed extension will therefore be a lean to structure with metal sheeting to the roof which will project 3.2m from the existing gable end of the barn.

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

- The existing garage will be demolished.
- Septic tank drainage will be provided.
- The new build element will be the extension which will be of materials to match the existing.
- Two new conservation style roof lights will be inserted into the southern roof slope.
- New boundary treatments will be indigenous hedgerows.
- Both national and local policies allow for the conversion of such buildings.

A preliminary bat roost assessment has been submitted with the application.
3.0 PLANNING POLICY AND LEGISLATIVE FRAMEWORK

1. Adopted Derbyshire Dales Local Plan (2005)
   SF4: Development in The Countryside
   SF5: Design And Appearance of Development
   H5: Conversion And Re-Use Of Buildings To Provide Residential Accommodation Outside Settlement Frameworks
   NBE5: Development Affecting Species Protected By Law Or Are Nationally Rare
   NBE8: Landscape Character
   TR1: Access Requirements And The Impact Of New Development
   TR8: Parking Requirements For new Development

2. Deposit Draft Local Plan:
   Policy S5: Development In The Countryside
   Policy PD1: Design And Place Making
   Policy PD3: Biodiversity And The Natural Environment
   Policy PD5: Landscape Character
   Policy PD8: Flood Risk Management And Water Quality
   Policy HC8: Conversion And Re-Use Of Buildings For Residential Accommodation
   HC19: Accessibility And Transport

3. National Planning Policy Framework
   National Planning Practice Guidance
   Wirksworth Neighbourhood Plan

4.0 RELEVANT PLANNING HISTORY:
   0978/0606 Conversion of Stable to Dwelling – Refused
   The reasons for refusal related to:
   – Wanting to avoid residential encroachment beyond the approved limits.
   – The building would not be capable of conversion in a manner which reflects its surroundings.
   – The building is not considered worthy of preservation.
   – The existing track with substandard access is unsuitable for a dwelling and the man carry distance in excess of the normal maximum.

   In response to this planning history it should be noted that planning policies have altered considerably since 1978.

5.0 CONSULTATION RESPONSES

   Town Council
   5.1 No response received

   Environment Agency
   5.2 Refer the District Council to their standing advice

   Derbyshire County Council (Highways)
   5.3 It is thought that a functioning agricultural building would generate a similar amount of vehicular activity to that of a 2-3 bedroom dwelling and there is therefore no need to make any improvements to the existing access situation. The applicant controls ample land within the site curtilage to make provision for the parking and manoeuvring of two vehicles. Recommend condition for parking to be provided on site.

   Derbyshire Wildlife Trust
   5.4 A Preliminary Roost Assessment was undertaken by Middlemarch in August 2017. No evidence of roosting bats was recorded in either the barn or the garage. Evidence of nesting birds, including swallows was recorded inside the barn.
Given that the application area is located partially within Summer Pastures Semi-natural Grassland Site, the Trust are keen to see that this site is not negatively impacted by the conversion. The area immediately surrounding the buildings is used to access the buildings and does not appear to comprise particularly good quality grassland habitat, with disturbed ground along the access route. The majority of undisturbed grassland is located to the west of the application area. It is understood that proposed works will be contained within the red line boundary indicated on the application. Providing that works are limited to this area and on already disturbed parts of the site around the access, the Trust have no further comment. Should any future works be proposed outwith the red line, such as landscaping, we would encourage the applicant to liaise with Derbyshire Wildlife Trust regarding maintaining the biodiversity value of the site.

It is considered that sufficient information has been provided to determine the application and if the council are minded to grant permission, we recommend that the following conditions are attached:

Replacement Provision for Bats and Birds

To ensure that conversion of the barn does not result in a biodiversity loss, opportunities for roosting bats and nesting birds should be incorporated within proposals. Prior to the commencement of development, details of bird and bat boxes (positions/specification/numbers) shall be submitted to and approved in writing by the LPA. These should include provision for swallows. Approved measures shall be implemented in full and maintained thereafter.

Nesting Birds

As evidence of nesting birds, including swallows, has been recorded in the barn, no works shall take place between 1st March and 31st August inclusive, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period, and details of measures to protect the nesting bird interest on the site have first been submitted to and approved in writing by the local planning authority and then implemented as approved.

Update Bat Survey

Given that the barn has moderate potential to support roosting bats, it is possible that bats may use the barn in the future. If development has not commenced within 12 months of the August 2017 building inspection, an update building inspection should be undertaken.

Peak and Northern Footpaths

5.5 No objection

Derbyshire Dales Group of The Ramblers

5.6 No objection provided that footpath 53 is not affected by the development.

Environmental Health (Derbyshire Dales)

5.7 No objection

6.0 REPRESENTATIONS RECEIVED

6.1 A total of 26 representations have been received. A summary of the representations is outlined below:
Principle

- This is a beautiful area, development to the eastern side of the roman road would set a precedent for future housing.
- The plans shown would not justify the outlay of connecting services for such a small property, therefore further development is inevitable.
- The site is outside the settlement and therefore would set a precedence for further development.
- Will development break through into the adjacent field?
- This will be an incursion into green fields.
- The house would breach the clearly defined physical boundary and spoil this lovely area of countryside.
- This development would extend settlement boundaries into the countryside.
- The proposal is very modest and therefore permission will be sought to extend this.
- The site is only 0.01 hectares which is only a fraction of the agricultural land, is this the thin end of the wedge and further applications will follow.
- This site is part of the green belt surrounding Wirksworth.
- Housing development in this area is not in the local Wirksworth plan.
- The Wirksworth neighbourhood plan should be taken into consideration.
- The proposal will result in a new build dwelling due to the condition of the existing building.
- One barn conversion will not meet the need for additional housing.
- The boundaries were drawn up by local people, their recommendations should be respected.
- The public have a right to know the significance of the other area referred to on the map which is much larger than the site of the barn.

Highway safety

- Motorbikes already use the road cars would add a further hazard.
- The existing road could not take the potential future development here.
- Footpath 53 would be affected by the development, it is a narrow lane with limited space for vehicles and pedestrians to pass.
- Construction vehicles would lead to a deterioration of the lane.
- An application at 51 Summer Lane was refused due to access difficulties, the situation here is worse.
- A tanker would be needed to empty the septic tank and would not be able to use the narrow lane.
- The use of the lane which is part of a network of paths used by walkers will harm pedestrian safety.
- A previous application for a small bungalow here was refused due to traffic increases.
- Presumable emergency vehicle would have difficulty accessing the site.
- The proposal will be dangerous for pedestrians, horse riders, and cyclists using the lane.
- The lane is for rural use and should not be used as access to houses.
- Presumably significant works will be required to the lane to make it suitable for two vehicles to pass.

Character and appearance

- Summer lane is part of the Manchester to Nottingham pack horse trial of which most has disappeared, by developing the Pingle its antiquity will be destroyed.
- Upgrading the condition of the lane would alter the character and appearance of the area.
- The land surrounding the town is an important part of the history of the town and provides a visual setting for the town, it is important this is not lost through inconsiderate development.
- Potential erosion of the green space surrounding our unique town
- There would be significant adverse impact on the landscape.

Ecology
- There have always been bats in the barn which now seem to have disappeared.
- Additional light will harm bat habitat.
- Bats are frequently seen in the area.
- Surprised that swallows had left the building.

Amenity
- Whilst this proposal would not adversely affect me, further development which would not doubt follow would.
- The proposal will impact upon our amenity the barn will look directly tour property, vehicles will be parked at the back of our garden.
- Lighting for the barn would impact on our property.
- We would be overlooked by the new development.
- If this is to be a holiday let who would be staying here, this is a concern.
- We do not want to look onto a building site.
- We have recently moved here for the enjoyment of the surrounding countryside views which will be harmed through this proposal.

Other
- Improvements to the lane will increase surface water run off putting further strain n existing drains.
- Earth works are being carried out.
- The barn is described as being used for agriculture, it has been used for stabling and there is demand for stabling in the area.
- There are many lead mine shafts and grass covered spoil heaps in the surrounding fields.
- The building is still capable of being used as stabling or for agricultural use.
- Works has already started as there has been digger and trailer activity at the site.
- A large horse chestnut tree near the access could be affected by the development or through works to upgrade the track.
- How would waste be dealt with and large vehicles could not access the site.
- The previous tenant of this building was disappointed to leave.
- A detailed landscaping scheme should be submitted and permitted development rights should be removed.
- Would the public footpath remain so?
- An archaeologist should be involved in the ground works.
- Severn Trent water has pipes that run through the fields demonstrating it is unsuitable for development.
- In heavy rain fall the lane becomes a stream, hard surfacing will make this worse.
- There is a sough near the barn, this could endanger water supplies.
- Water pipes have been installed before permission is granted.

7.0 OFFICER APPRAISAL
The following material planning issues are relevant to this application:
- Principle of development
- Character and appearance
- Highway safety
- Impact on residential amenity
- Ecology

Principle of development
7.1 Adopted and emerging plan policies support the re-use of rural buildings for residential uses where those buildings are worthy of retention and re-use and capable of conversion without extensive alteration, extension and rebuilding. Government policy on such matters in recent times has demonstrated with the permitted development rights for the conversion of farm buildings that there is support for such conversions.

7.2 In this case the barn is a limestone rural barn presumably originally built as a small field barn. Such buildings are an intrinsic element of the character of the landscape and should be retained in a manner sympathetic to their existing character.

7.3 Therefore in this case the principle of the conversion of this field barn, previously used as stabling, is considered to be acceptable in this countryside location adjacent to the first tier settlement of Wirksworth as defined by the emerging local plan which now has substantial weight in the decision making process.

7.4 Therefore in accordance with policy H5 of the Adopted Local Plan and policy HC8 of the emerging plan the proposal is considered to be acceptable in principle.

7.5 Significant concern has been raised in relation to this application regarding the precedent that will be set for such development outside of a settlement boundary. The granting of permission for the conversion of a rural barn in accordance with policies specifically relating to such out of settlement development does not impact in any way on the potential for new build development outside of settlement boundaries.

7.6 It should be brought to the attention of Members that through the application process there was a mistake on the mapping tab on the Council's website which showed an area much larger than the application site as being part of the application site, this was a mistake of the Council's and has been rectified as soon as it was brought to our attention. The documents associated with the application remained as submitted by the applicant and have no regard to the incorrect mapping on the website. This matter appears to have caused some confusion and concern to the applicant during the consideration of the application.

Character and appearance

7.7 The existing barn is of a traditional scale and appearance. Whilst the proposal seeks to utilise existing openings within the barn or re-use closed openings it also seeks to extend the barn removing the existing lean to structure and replacing this with a slightly enlarged lean to, the existing extension projecting 2.5m form the gable end of the building and the proposed projecting 3.2m from the gable. Whilst the details plan demonstrating this has not been received at the time of writing the report it is anticipated that this will have been submitted prior to the committee meeting at which time an update can be provided. On the basis that the scheme is amended as anticipated it is considered that the amended scheme will be acceptable in keeping with the scale and form of the existing building which will ensure the retention of the building within this rural landscape, without the need for significant extension.

7.8 The proposal will also result in the removal of the unsightly garage located to the west of the barn which is considered to be an enhancement of the area. In converting the dwelling there will be a need to install some sort of access track from the lane to the barn. As no details have been submitted relating to this detail this is required via condition prior to works commencing. It is envisaged that the access track from the lane to the barn should be of minimal width and be of a finish appropriate to the rural character of the site, possibly limestone chippings. Full details of all new windows and doors which should be of a painted timber finish are required via condition. A landscaping scheme for any other hard
surfacing and boundary treatments is also required. Given the nature of the barn it is also considered necessary to restrict permitted development rights in order to ensure the Local Planning Authority retains control over any future additions, extensions or outbuildings.

7.9 Subject to receiving the appropriate amended plans and imposing appropriate conditions it is considered that the barn can be converted without adversely affecting either the character and appearance of the barn itself or the surrounding landscape character. The proposal is therefore considered to accord with adopted local plan policies SF5 and H5, emerging policies PD1 and HC8 and national planning policy.

Highway Safety

7.10 Concern has been raised by local residents that the proposed conversion will lead to harm to highway safety in particular in terms of conflicts between pedestrians, horse riders, cyclists and vehicles. The concerns also relate to access to the site by larger vehicles whether for emergency services or tankers for emptying the proposed septic tank. The local highway authority have considered the application and have concluded that the functioning agricultural building would generate a similar amount of vehicular activity to that of a 2-3 bedroom dwelling and there is therefore no need to make any improvements to the existing access situation. Furthermore the applicant controls ample land within the site curtilage to make provision for the parking and manoeuvring of two vehicles. The highway authority therefore had no objection to the scheme subject to imposing a condition for parking to be provided on site. on this basis it is considered that as the local highway authority have considered all aspects of highway safety and found it to be acceptable without any additional works to the lane or access point the proposal is acceptable in terms of highway safety in accordance with policies TR1 and TR8 of the Adopted Local Plan, policy HC19 of the emerging local plan and guidance contained within the National Planning Policy Framework.

Impact on residential amenity

7.11 Concern has been raised by local residents that the proposal will adversely impact upon the amenity of existing residents living in close proximity to the site. Whilst the conversion of the barn will cause a change within close proximity to the properties on Summer Drive it is considered that given the distance between the barn and the dwellings and the alignment of these properties, the conversion can take place without causing harm to residential amenity. As such the proposal is considered to be acceptable in this regard in accordance with adopted local plan policies SF5 and H5, emerging policies PD1 and HC8 and national planning policy. The removal of permitted development rights whilst necessary in terms of the character and appearance of the building will also assist in terms of control over future changes to the building that may raise concerns in terms of amenity impacts. Issues relating to drainage of the site and the presence of Severn Trent water pipes would be a matter to be considered by Severn Trent and the company considering compliance with building regulations.

Ecology

7.12 A preliminary bat roost assessment has been submitted with the application which concluded that following a full inspection of the property no bats were present and there was no evidence of roosting bats. Evidence of nesting birds was recorded within the barn. Local residents have noted that they consider that bats use the building and they expressed surprise that none were found during the inspection. The information submitted in the assessment has been submitted to Derbyshire Wildlife Trust for consideration. The Trust have provided detailed comments regarding the ecological impacts of the proposal and concluded that the proposal is acceptable subject to conditions. In this regard it is considered that the scheme is acceptable in accordance with policy NBE5 of the adopted
local plan, emerging policy PD3 and guidance contained within the National Planning Policy Framework.

Conclusion

7.13 The conversion of the barn can be carried out without harm to the overall character and appearance of the building or its surroundings, subject to the receipt of amended plans to cover the matters discussed above. The conversion will not be prejudicial to highway safety or adversely affect residential amenity such that planning permission could be refused. An assessment of the ecology impacts have been carried out and Derbyshire Wildlife Trust have recommended conditions. It is therefore considered that in accordance with adopted, emerging and national planning policy the proposed development is acceptable.

8.0 RECOMMENDATION

That planning permission be granted subject to the following conditions.

1. Condition ST02a: time limit on full

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

3. The premises, the subject of the application, shall not be occupied until space has been provided within the site curtilage for the parking and manoeuvring of 2 no. vehicles, located, designed, laid out and constructed all as agreed in writing with the Local Planning Authority and maintained throughout the life of the development free from any impediment to its designated use.

4. 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) 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) means of enclosure;
   f) hard surfacing materials;

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

6. Condition ST06a: amended plans

7. Condition IC19: Restrict operating hours 0800 to 1800

8. Prior to the occupation of the dwelling hereby approved the existing garage shall be demolished and removed from the site in accordance with the Design and Access Statement received 23.10.17.

9. Where new stonework or roofing tiles are required these shall match exactly in terms of geological source, colour, appearance and method of construction those used in the existing building.

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

11. All verges shall be given a plain mortared finish without the use of bargeboards. All rainwater goods, which shall be of black coated metal construction, shall be fixed directly to the wall by means of rise and fall brackets without the use of fascia boards.

12. Prior to commencement of development details of all new external window and door joinery and/or metal framed glazing, and the finish including colour, 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, elevations at a scale of not less than 1:10 and horizontal/vertical frame sections (including sections through glazing bars) at not less than 1:2. The development shall be carried out in accordance with the approved details.

13. The development shall not commence until details of a scheme for foul and surface water drainage have been submitted to and approved in writing by the Local Planning Authority. The scheme so approved shall thereafter be implemented prior to the commencement of the development.

14. The extent of demolition required to carry out the conversion shall be in strict accordance with a detailed plan to be submitted to and agreed in writing by the Local Planning Authority. Works shall be completed in accordance with the agreed details.

15. Prior to the commencement of development, details of bird and bat boxes (positions/specification/numbers) shall be submitted to and approved in writing by the LPA. These should include provision for swallows. Approved measures shall be implemented in full and maintained thereafter.

16. No works shall take place between 1st March and 31st August inclusive, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period, and details of measures to protect the nesting bird interest on the site have first been submitted to and approved in writing by the local planning authority and then implemented as approved.

17. If development has not commenced within 12 months of the August 2017 original building inspection, an updated building inspection relating to the presence of bats or other species shall be submitted to and agreed in writing by the Local Planning Authority. Works shall be completed in accordance with the agreed assessment and any associated mitigation works.
Reasons:

1. Reason ST02a

2. Reason PD10: adopted local plan policies SF5 and H5, emerging policies PD1 and HC8 and guidance contained within the National Planning Policy Framework.

3. In the interests of highway safety in accordance with policies TR1 and TR8 of the Adopted Derbyshire Dales Local Plan Policy PD3 of the emerging local plan and guidance contained within the National Planning Policy Framework.

4. To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features in accordance with policies SF5, H5 and NBE8 of the Adopted Derbyshire Dales Local Plan, Policies PD1 and HC8 of the emerging local plan and guidance contained within the National Planning Policy Framework.

5. To ensure a satisfactory standard of landscaping in the interests of amenity in accordance with SF5, H5 and NBE8 of the Adopted Derbyshire Dales Local Plan, Policies PD1 and HC8 of the emerging local plan and guidance contained within the National Planning Policy Framework.

6. Reason ST06a

7. Reason IC19: adopted local plan policies SF5 and H5, emerging policies PD1 and HC8 and guidance contained within the National Planning Policy Framework.

8-12. To ensure a satisfactory finished form of development in accordance with policies SF5, H5 and NBE8 of the Adopted Derbyshire Dales Local Plan, Policies PD1 and HC8 of the emerging local plan and guidance contained within the National Planning Policy Framework.

13. To ensure proper drainage of the site in accordance with policy PD8 of the emerging local plan and guidance contained within the National Planning Policy Framework.

14. To ensure the extent of rebuilding in connection with the conversion is kept to the minimum necessary to ensure the retention of the existing building in accordance with policies SF5, H5 and NBE8 of the Adopted Derbyshire Dales Local Plan, Policies PD1 and HC8 of the emerging local plan and guidance contained within the National Planning Policy Framework.

15-17. In the interests of any protected species in accordance with policy NBE5 of the Adopted Derbyshire Dales Local Plan, Policy PD3 of the emerging local plan and guidance contained within the National Planning Policy Framework.

9.0 NOTES TO APPLICANT:

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

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

9.3 This decision notice relates to the following documents:
Design and access statement received 23.10.17
Amended plans
Existing elevations received 25.10.17
Existing floor and site plan received 25.10.17
Bat roost assessment received 025.10.17
### Application Details

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### REASON FOR DETERMINATION BY COMMITTEE

- Considered sensitive by the Development Manager and Ward Member

### REASON FOR SITE VISIT (IF APPLICABLE)

- To assess the impact of the development on the local environment

### MATERIAL PLANNING ISSUES

- Whether there is a functional need for an agricultural worker to be permanently present on site, based on the scale and nature of the proposed agricultural operation, whether it is planned on a sound financial basis and whether there is any other suitable alternative accommodation nearby, and;
- The impact of the development on:
  - The local landscape / character and appearance of this part of the countryside;
  - Highway safety;
  - The amenity of the occupants of neighbouring properties / land uses, and;
  - The local environment.

### RECOMMENDATION

Approval with conditions
17/00489/FUL

Land East Of Turlowfields Farm, Hognaston

Derbyshire Dales DC

Date: 30/11/2017

100019785

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

1.1 The application site comprises a field some 2.9 hectares in an area of open countryside, off Turlow Fields Lane, Atlow. Access is via a recessed gate at the south western corner of the field (see photograph 1). The site is bounded on all sides by native species hedgerows containing a number of mature trees. All hedgerows, but particularly those on the southern, northern and western sides are substantial and screen views into the field from the road and from neighbouring property to the north. The site has / is being used as a ‘growing on’ tree nursery. The site has plantations of willow on its western edge and there are belts of other trees planted in lines running east / west across the field (see photographs 2 and 3). To the north of the site is Badgermoor Farm.

1.2 (Photograph 1) (Photograph 2) (Photograph 3)

2. THE APPLICATION

2.1 Full planning permission is sought to site a timber cabin at the south western corner of the site, close to the main site access to provide temporary accommodation for an agricultural worker in association with a new free-range rabbit breeding and rearing enterprise. The application advises that the enterprise would operate alongside the existing tree nursery. The timber cabin would be a little less than 12m long by 6m wide and 3.5m high to ridge. The accommodation would comprise two bedrooms, a kitchen, bathroom and open plan dining and living room.
2.2 To the north east of the cabin, planning permission is sought for a general purpose agricultural building. The building would be 11.5m long by 5.5m wide and 5.4m high to ridge. It is proposed to clad this building in profiled steel sheets. A pair of large access doors are proposed in the north west facing elevation.

2.3 A new access track to serve the proposed buildings, parking and yard area will be formed to the north west.

2.4 An appraisal by Reading Agricultural Consultants accompanies the application, which advises the following in relation to the proposed agricultural operation:

- The proposals see the development of a 300-\textit{Doe}, free-range rabbit production unit over the next three years, with 100 \textit{Does} in Year 1; 200 \textit{Does} in Year 2; and 300 \textit{Does} in Year 3. The breeding rabbits are shut-up during the period immediately prior to giving birth but are otherwise able to access outdoor grazing pens, which are utilised in rotation. This is a modern variant of a husbandry system used in parts of Europe whereby the rearing phase is undertaken in \textit{plein-air} conditions, and has been successfully trialled at a site at Granby (Nottinghamshire).

- The external rabbit enclosures would comprise weldmesh fencing buried 0.5m into the ground with electric fencing around it at 0.5m and along the top.

- The progeny from the rabbit unit are reared mainly for meat and marketed to both local butchers and also national suppliers, either as fresh meat or frozen. Breeding stock is also marketed to breeders and smallholders, and other animals may be sold as pets though these figures are not included in the financial forecasts as they are considered \textit{de minimis}. The projected annual sales of meat rabbits after three years will be approximately, but less than 10,000 units per annum.

- Over the past few years the Applicant has been developing an innovative method of rearing rabbits on a free-range basis and has established a successful business model. One of the limitations of rearing free-range rabbits commercially is the risk of bio-security breakdowns as there are several diseases that can destroy a flock over a very short time period. There are also food hygiene rules 1 that need to be complied with. However, one of the exemptions is that small establishments that produce rabbit meat are exempt from various EU/FSA regulations provided that (approximately) less than 10,000 units are produced per annum, and that sales are localised i.e. supplying meat within the county of origin and neighbouring counties. The development of the site at Atlow will enable the company to supply rabbits into Staffordshire and Cheshire.

3. PLANNING POLICY AND LEGISLATIVE FRAMEWORK

3.1 Adopted Derbyshire Dales Local Plan (2005):
- SF4: Development in the Countryside
- SF5: Design and Appearance of Development
- H4: Housing Development outside Settlement Framework Boundaries
- H9: Design and Appearance of New Housing
- EDT13: Buildings Associated With Agriculture, Forestry or Other Rural Based Enterprise
- NBE6: Trees and Woodlands
- NBE7: Features Important In the Landscape
- NBE8: Landscape Character
- NBE12: Foul Sewage
- 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 Emerging Derbyshire Dales Derbyshire Dales Local Plan:
- S2: Sustainable Development Principles
3.3 Other:
National Planning Practice Guidance

4. RELEVANT PLANNING HISTORY

11/00104/FUL - Erection of agricultural barn for rabbit breeding & 3 no polytunnels - Refused

5. CONSULTATION RESPONSES

5.1 Hognaston Parish Council:

Object to the application on the following grounds:

1. Vehicular access, traffic generation and highway safety: Councillors feel very strongly that the reasons for rejection of Application 11/00104/FUL for a similar development on this site still apply viz. 'The proposed development ' would be likely to lead to the intensification in use of an existing substandard access to Turlowfield Lane where exit visibility is severely restricted due to the mature hedgerow north of the access, thereby leading to a potential danger and inconvenience to other highway users and interference with the safe and efficient movement of traffic on the adjoining highway'. In particular, the transit into and out of the site will be of a heavy nature as required for the movement of foodstuffs, livestock/deadstock and other material relating to an agro-industrial development of this nature, and as such will constitute a significant increase in both traffic pressure on a narrow country lane and hazard to vehicles approaching the site access from either direction.

2. Storage, handling and disposal of waste materials: Councillors are concerned that the issue of storage and disposal of waste products associated with such a high-intensity livestock unit is not satisfactorily addressed in the application. This would comprise animal waste and associated products as well as animals dying from natural causes. Councillors wish also to draw attention to the concerns expressed by the neighbouring property, in particular those relating to the potential impact of this development on the agricultural livelihood of this immediately proximate farm through risk of contamination and disease.

3. Noise and disturbance: Councillors note that there the question of power supply is not addressed in the application. Councillors have concerns lest the power requirements of the 2-bed temporary dwelling and electric fencing referred to in the documentation are met by the installation of generating equipment, with consequent adverse impact on neighbouring locations through noise and fumes created.

4. Nature conservation interests: Councillors are concerned that supporting documentation for the application highlights the control (by elimination) of animals that are perceived as being a commercial threat. Since a development of this type will naturally attract certain species this represents a significant risk to local
biodiversity, in particular through the upsetting of the balance whereby local populations of, for example, rats and wild rabbits are kept in check.

5.2 Local Highway Authority:

No objections on the basis that the applicant owns a sufficient amount of land fronting the public highway to achieve the recommended visibility sightlines.

5.3 Head of Environmental Health:

Raise no objections, subject to conditions to secure the appropriate management of waste, pest control and any noise associated with the proposed operation.

5.4 Natural England:

Do not wish to comment.

5.5 Landscape Officer (Derbyshire Dales District Council):

Visibility from the existing access point onto the road is very poor (potentially dangerous). If a substantial section of the roadside hedge is removed in order to comply with any Highways Department regulations in this regard there will be an adverse impact on the character of Turlowfields Lane and local landscape character. Hedge removal/trimming will also open up views to the development resulting in adverse impact on local visual amenity.

The rabbit farm does not, currently, exist and the development is not required for the management of the tree nursery it would seem, therefore, to be unwarranted. As such the development will be intrusive in the countryside.

The site is, currently, substantially screened and, if this can be maintained, the development is unlikely to result in significant adverse impact on local visual amenity. In this respect I am concerned that the position of buildings so close to the boundary is likely to result in damage to the hedge. If planning permission is allowed the buildings should be offset sufficiently from the hedge to allow its long term survival.

A garden associated with the cabin is likely to result in over domestication of an area in open countryside and close to the highway and should, therefore, not be allowed as part of the development.

6. REPRESENTATIONS

6.1 Representations from three local residents have been received, objecting to the proposed development. Their concerns can be summarised as follows, insofar as they are material to the consideration of this application for planning permission:

- The access splay is inadequate and is set on the brow of a hill.
- There will be a significant increase in traffic.
- The use of a rifle as pest control 24 hours a day will present a significant safety problem.
- The appeal at Granby is a significantly different undertaking. The business case will be very much more marginal in this area of the Derbyshire Dales.
- The high intensity rabbit breeding unit proposed is only 100m from the rear of our house and less than 200m from our own pedigree livestock unit. Maintaining a disease free population in a high intensity unit is nigh on impossible, and rabbits are known carriers of various bovine diseases. Therefore the proximity of the proposal to our own livestock,
which are of high health heard status and farm assurance scheme, is of serious concern, for ourselves, the control of disease is critical.

- The applicant has failed to mention the method of disposal for diseased or deceased animals or the storage and disposal of animal waste (volume of) all of which carries disease. Our property lies below the applicants field level, any run off from waste will permeate through and contaminate our spring water which is extensively used as drinking water for the livestock. This further exacerbates the likelihood of disease cross-and would negatively impact upon our enterprise.

- The production size of 10,000 rabbits per year means the applicant is exempt from the FSA/EU (Foods Standard Agency) rules for monitoring and reporting on livestock welfare, medication, disposal, not to mention the possibility of on site slaughtering etc.

- If the proposed unit becomes infected with disease the likely outcome would be mass mortality as there are no licensed approved veterinary products in this country for the treatment of rabbits for meat. Clearly the outcome of such an unregulated high intensity unit with no licensed veterinary products in the UK for the produce reared will be an unsavoury reality which can be clearly seen to directly jeopardise the bio security of our own premises with the subsequent financial implications to our business.

- The proposed site has no mains electricity and the expenditure of a hard wire cable would likely be financially unviable. As the applicant has not specified how he plans to supply power we can only assume that diesel powered generator units are to be used for the occupants cabin, and to power the perimeter fencing running 24hrs a day, therefore providing a constant source of noise pollution for ourselves and the surrounding residents (4 current residencies within 400m of the applicant).

- Turlow Fields Lane is narrow and with poor visibility.

- This is a tranquil rural area; the scale of the proposed development would have an adverse impact on the character and appearance of the countryside here. It amounts to a stage in the ribbon development of Hognaston's access road.

- Although apparently a tree nursery, little arboriculture seems to have taken place beyond planting a willow thicket as a place-holder.

- The developer's documentation relating to their site in Granby shows it fenced, but never-the-less they found it necessary to kill foxes in the area. A poorly enclosed rabbit farm will be a magnet for small predators and, apparently, a death trap. Foxes, stoats and buzzards are important locally for the control of rats and wild rabbits. The open-topped rabbit enclosures shown would be an invitation to buzzards, particularly when the young buzzards are first feeding themselves and I am concerned for the safety of this protected species.

7. OFFICER APPRAISAL

7.1 Having regard to the nature of the development proposal, relevant provisions of the development plan, national planning policy / practice guidance and the consultation responses and representation received, the main issues for consideration are:

- Whether there is a functional need for an agricultural worker to be permanently present on site, based on the scale and nature of the proposed agricultural operation, whether it is planned on a sound financial basis and whether there is any other suitable alternative accommodation nearby, and;

- The impact of the development on:
  - The local landscape / character and appearance of this part of the countryside;
  - Highway safety;
  - The amenity of the occupants of neighbouring properties / land uses, and;
  - The local environment.

As can be seen from the relevant history section of this report planning permission was refused for the erection of agricultural barn for rabbit breeding & 3 no polytunnels in 2011.
The substandard access, location of the rabbit building, intensity and extent of infrastructure associated with the operation and lack of information to demonstrate that adverse impacts on the residential amenity of dwelling to the north would result were cited in the reasons for refusal. The 2011 application proposed that the site would be used for rabbit farming, hydroponic barley growing, micro propagation of various plants and trees and, a free range egg unit. This application seeks planning permission to erect a temporary rural workers dwelling and buildings associated with the establishment of a free-range rabbit breeding and rearing enterprise unit only. This business would operate alongside the existing tree nursery.

Whether there is a functional need for an agricultural worker to be permanently present on site, based on the scale and nature of the proposed agricultural operation

7.2 As the Deposit Draft Derbyshire Dales Local Plan is nearing adoption, significant weight can now be given to policies contained within this document. Policy HC13 deals specifically with agricultural and rural worker dwellings and is supportive of such development where there is a clear established functional need, the need relates to a full time worker, the unit has been established for at least three years and has been profitable for at least one of them, is currently financially sound and has a clear prospect of remaining so and the functional need cannot be fulfilled by another existing dwelling amongst other considerations. This policy aligns with guidance contained at Paragraph 55 of the National Planning Policy Framework, which states that Local Planning Authorities should avoid new isolated homes in the countryside unless there are special circumstances such as the essential need for a rural worker to live permanently at or near their place of work in the countryside. This application seeks temporary permission for an agricultural worker to be resident on site in association with a new agricultural enterprise. The Local Planning Authority is satisfied that the enterprise, which requires outdoor grazing space, justifies a countryside location. Whether there is a functional need for an agricultural worker based on the nature of the proposed agricultural operation and that need is for a full time worker is therefore an important consideration. The purpose of the temporary accommodation is to enable the applicant to demonstrate that the enterprise is financially sound and capable of sustaining a permanent dwelling in the long term. To consider this important aspect of the development proposal the Local Planning Authority has engaged the services of an independent agricultural consultant. The consultant has considered Defra's Codes of Recommendations for the Welfare of Farmed Animals and the John Nix Farm Management Pocketbook 2018 48th Ed. to assess whether a rabbit breeding enterprise of this scale would require an onsite presence, and be viable.

7.3 The consultant advises that Defra published guidance on ‘Caring for Rabbits’ in October 2015. The guidance states that “you should inspect each rabbit regularly because rabbits worsen quickly when they get ill”. It also states that “stockmen must watch for signs of distress or disease and take immediate action”. They advise that disease is common in rabbits and so the chances of things going wrong are therefore increased in this type of livestock. Careful inspection of the rabbits is the only method for identifying whether or not diseases are becoming an issue and that only a stockman on site at most times would be able to identify diseases early and be able to successfully segregate and treat those infected. By segregating diseased rabbits early on it prevents the spread of the disease to the rest of the population. In respect of kitting, the applicant presented evidence as part of the appeal at Granby which highlighted that an on-site presence reduced post birth losses from 25% to 10%, as the stockman was able to move kittens that had been born outside back into their hutch within a relatively short period of time. In addition to the risk of disease and problems post kitting, the consultant advises that rabbits are incredibly vulnerable to predators and a human onsite presence is likely to reduce this risk. Having regard to the John Nix Management Handbook an outdoor rabbit unit of 200 Does is a full time job, this includes 15% allowance for managerial duties, breakdowns and maintenance. Factoring for an economy of scale a 300 Doe unit is considered equivalent
to 1.35 man jobs. Taking the above into consideration the independent countryside consultant considers that there is an essential need for a worker to live at or near to the proposed rabbit breeding enterprise, provided it expands in the manner set out in the appraisal by Reading Agricultural Consultants i.e. 300 Does by year three.

Whether the proposed enterprise is planned on a sound financial basis

7.4 Considering whether the business has been planned on sound financial basis, the independent agricultural consultant advises that rabbit breeding for meat is a relatively new enterprise in the UK and data published within John Nix is undergoing significant change. When first assessing the proposals John Nix 47th Edition was being used and suggested a gross margin of £46,689 could be achieved on a 200 Does unit. However, since this application has been submitted the 48th Edition of John Nix has been published which reveals significantly increased gross margins. The 48th edition suggest a 200 doe unit could achieve a gross margin of up to £61,851. The proposed business would, however, operate in a different way to that set out in John Nix. The applicant proposes less progeny per doe which in turn would lead to a reduction in profits. The applicant is however proposing new routes to the market, which is creating higher profits. This is recognised in John Nix as it states “further profits can be achieved through self-processing/marketing”. According to John Nix 48th Ed, a 300 Doe unit is likely to make a gross margin in excess of £92,000. The business plan projects a slightly higher margin. It is accepted, however, that although each Doe will not produce as much progeny as the figures stated in John Nix, new routes into the market are providing higher profits and explain why the applicant’s figures are higher than those set out in John Nix. Having regard to the running costs of the enterprise, the need to invest in new infrastructure and wages, the independent agricultural consultant is satisfied that the enterprise is capable of making a sustainable profit.

Whether there is any other suitable alternative accommodation nearby

7.5 Given the regular inspections that will need to take place especially when the rabbits are preparing to give birth, it considered that only a dwelling in the immediate vicinity would be suitable. The only dwelling for sale within the immediate locality, the Old Stables, would render the business unsustainable when factored into the budgets.

7.6 Taking the above into consideration, it is considered that there is a functional need for an agricultural worker to be permanently present on site, based on the scale and nature of the proposed agricultural operation in this case and that the enterprise is planned on a sound financial basis and there is no other suitable alternative accommodation nearby.

The impact of the development on the local landscape / character and appearance of this part of the countryside

7.7 The proposed buildings would be well screened by existing vegetation. Some additional infrastructure associated with the outdoor grazing areas will be required. This is likely to comprise post and wire fencing, which would not have an adverse impact on the local landscape or require formal planning permission (up to 2m in height) where it is not located adjacent a highway. The provision of visibility splays to provide a safe means of access onto Turlowfields Lane will require the cutting back / setting back of the existing roadside hedge, which would expose the new buildings / use of the site to the detriment of the local landscape. If strengthened and replaced this would mitigate any adverse impact and preserve the character and appearance of this part of the countryside. This would need to be secured by condition, if planning permission was to be granted.

7.8 Adopted and emerging local plan policies require new development associated with agricultural to be commensurate with the needs of the enterprise and to be appropriate in
nature and scale to a rural area. The timber cabin is considered to be of an appropriate scale and design and necessary to meet the requirements of the proposed agricultural enterprise in this case. The size of the general storage building is modest at only 120 sq. m. Given that the building will provide for a variety of uses and the applicant is basing this enterprise on the enterprise at Granby it is considered that the building is of an appropriate size for its intended use. The utilitarian design and appearance is considered to be acceptable. It will be sited next to the timber cabin at the southern most point of the land, close to the existing access reducing the amount of hardstanding that needs to be laid to provide a means of access and turning areas. Subject to being given an appropriate finish and the provision / maintenance of a substantial hedge along the roadside and south eastern boundary it is not considered that the buildings and associated infrastructure would result in significant harm to the local landscape / character and appearance of this part of the countryside. As recommended by the District Councils Landscape Officer it will be necessary to remove permitted development rights to prevent the domestication of the site.

The impact of the development on highway safety

7.9 Local residents have raised concerns with regard to the suitability of the site access and traffic. The Local Highway Authority recognise that the existing site access offers poor visibility onto Turlowfields Lane. However, the applicant controls enough land to be able to provide sufficient visibility splays, based on the speed of vehicles that travel along the lane and has noted that such splays will need to be secured by condition. Whilst the development is likely to result in more frequent vehicle movements to and from the site, the Local Highway Authority have raised no concerns regarding the impact of the development on the wider highway network. Subject to securing appropriate visibility splays by condition (as well as an appropriate roadside boundary treatment) the development is considered to be acceptable from a highway safety and visual amenity perspective.

The impact of the development of the occupants of neighbouring properties / land uses

7.10 The nearest residential dwelling to the site is at Turlowfields Farm, which is located approximately 150m to the north of the proposed timber cabin and general purpose agricultural storage building. Unlike the previous application, the buildings and yard area have been located as far as possible from this dwelling to reduce any potential impacts on the occupants’ residential amenity. The relative siting, scale and use of the buildings / yard area is unlikely to result in any significant adverse effects with regard to noise / amenity. The need for a generator to produce power has been raised by local residents. Whilst the proximity of the cabin to the nearest dwelling is such that noise from a generator is unlikely to result in significant noise nuisance, for the avoidance of doubt, bearing in mind the tranquil location of the site it is recommended that a condition be imposed that prevents any generator being brought onto the site without the prior approval of the Local Planning Authority.

7.11 Concern has been raised with regard to the spread of disease and the storage of waste. The presence of a full time farm manager on site will enable the effective management of disease on the site. Rabbits will also be confined to certain areas on the site and would not be allowed to roam free, minimising the risk of disease being spread to other livestock. In terms of waste management the applicant advises that the faeces and urine produced is deposited on to the grass in the same manner as other types of farm animals. Rabbit waste is odourless unlike other farm animals. It is also known as cold waste as opposed to hot waste associated with cows, pigs, sheep etc. They advise that there have been no complaints received in relation to odour at the Granby unit. Rabbit manure is made up of 2.4% nitrogen, 1.4% phosphorus and 0.6% potassium plus trace elements. Unlike other farm animal waste, rabbit droppings have no need to compost and will fertilise
immediately. The urine is alkaline PH 8 to 9 and is rich in nitrogen, potassium, phosphorous, calcium, magnesium and zinc. The waste is therefore considered to be an excellent organic fertilizer. The applicant advises that waste and carcasses will be kept in sealed bins and disposed of regularly by a licenced commercial operator. Such measures will however need to be secured by condition in accordance with the recommendations of the Head of Environmental Health.

7.12 The applicant advises that the process does not attract insects or vermin. The rabbit enclosures should prevent foxes entering the grazing pens. Some control of this unprotected species is, however, likely to be required and a condition to secure how this will be managed in the interests of biodiversity and protecting wildlife is recommended on this basis. The safety of buzzards has been raised by local residents. This species is, protected under separate legislation (the Wildlife and Countryside Act 1981). It is an offence to kill or injure a buzzard and it is recommended that the applicant be advised of this in any decision to approve planning permission.

The impact of the development on the local environment

7.13 The application will involve the cutting / setting back of the hedge along the road frontage. The strengthening and replacement of the hedge can, however, be secured by condition to mitigate any adverse impact. The Council’s Landscape Officer has expressed some concern regarding the hedge along the south eastern boundary of the site. A condition to secure its protection is recommended to safeguard this important landscape feature. Existing tree plantations and other vegetation will remain, preserving existing wildlife habitat on site.

Summary

7.14 This application is considered to addresses the reasons for refusing application code ref. 11/00104/FUL and is accompanied by a detailed business plan, based on a free range rabbit breeding and rearing enterprise only and accounts for a similar operation at Granby, which has been scrutinised by an independent agricultural consultant and considered to justify a functional need for a permanent presence on site. The site would be used less intensively and the timber cabin and general storage building located close to the south eastern boundary, further away from the nearest residential dwelling. An appropriate level of visibility onto Turlowfield Lane, over land controlled by the applicant can also be provided. It is considered, subject to conditions, that the development that is now being proposed would satisfy the relevant provision of the emerging Derbyshire Dales Local Plan and national guidance. A recommendation of approval is put forward on this basis.

8. RECOMMENDATION

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

1. The timber cabin (temporary dwelling) hereby permitted shall be removed from the site within 3 years of the date of this decision and the land restored to its former condition.

2. The occupation of the timber cabin (temporary dwelling) hereby permitted shall be limited to a person solely or mainly employed in association with the free-range rabbit breeding and rearing enterprise on site or a dependent of such a person residing with him or her only.

3. Prior to the timber cabin (temporary dwelling) being brought onto site, the general purpose agricultural storage building, yard area and access track shall be completed / formed and be ready for use, unless otherwise agreed in writing by the Local Planning Authority.
4. Prior to the commencement of development details of the paint / stain finish to the profiled steel sheets to the general purpose agricultural storage building and exterior walls of the timber cabin shall be submitted to and approved in writing by the Local Planning Authority. The buildings shall thereafter be constructed / given the approved paint finish within 28 days prior to first use.

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no buildings, structures, extensions or means of enclosure associated with the occupation of the timber cabin (temporary dwelling) shall be erected without the prior written approval of the Local Planning Authority upon an application submitted to it.

6. Before any other operations are commenced the sites existing vehicular access shall be provided with visibility sightlines extending from a point 2.4 metres from the carriageway edge, measured along the centreline of the access, for a distance of 103 metres in each direction measured along the nearside carriageway edge, in accordance with a scheme first submitted to and approved in writing by the Local Planning Authority. The area in advance of the visibility sightlines shall be retained throughout the life of the development free of any object greater than 1m in height (0.6m in the case of vegetation) relative to adjoining nearside carriageway channel level.

7. Concurrently with the submission of the details required in respect of Condition 6 above, a scheme for the strengthening and repositioning of a new hedge behind the required visibility splay along the road frontage and for the protection of the hedge along the south eastern boundary of the site shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development, including a timetable for any planting. The scheme shall thereafter be carried out in accordance with the approved details.

8. Prior to the commencement of development a management plan, which shall set out details of the following shall be submitted to and approved in writing by the Local Planning Authority:

- Stocking / destocking and cleaning out of the rabbits (including time restrictions);
- the screening of air inlets for flies and measures to minimise their numbers;
- pest and predator control;
- any ventilation equipment (with details of background noise levels), and;
- the management of waste.

The site shall thereafter be managed in strict accordance with the approved details.

9. No generators for the purposes of producing power shall be brought onto the site without the prior written approval of the Local Planning Authority, having been provided with details of the generator and any acoustic housing beforehand.

Reasons:

1. The timeframe is considered reasonable to demonstrate that the agricultural enterprise is capable of sustaining a permanent dwelling on site in accordance with the aims of Policy HC13 of the Emerging Derbyshire Dales Local Plan and guidance contained within the National Planning Policy Framework (2012).

2. To ensure that the unit is occupied by a worker related to the enterprise upon which a functional need to reside on site has been demonstrated in accordance with the aims of
3. To ensure that the temporary dwelling would serve a viable agricultural enterprise and constitute and essential form of development in the countryside in accordance with the aims of Policies S5 and HC13 of the Emerging Derbyshire Dales Local Plan and guidance contained within the National Planning Policy Framework (2012).

4-5. To ensure a satisfactory appearance of the development and to protect the character and appearance of the area of this part of the countryside in accordance with the aims of Policies S5 and PD1 of the Emerging Derbyshire Dales Local Plan and guidance contained within the National Planning Policy Framework (2012).

6. In the interests of highway safety in accordance with the aims of Policy HC19 of the Emerging Derbyshire Dales Local Plan and guidance contained within the National Planning Policy Framework (2012).

7 - 8. In the interests of protecting the environment and preserving the residential amenity of the occupants of nearby residential dwellings in accordance with the aims of Policies PD3 and PD9 of the Emerging Derbyshire Dales Local Plan and guidance contained within the National Planning Policy Framework (2012).

Footnotes:

1. The Local Planning Authority have during the consideration of this application engaged in a positive and proactive dialogue with the applicant which resulted further accounts information being submitted in relation to a similar operation at Granby to demonstrate that the proposed enterprise is planned on a sound financial basis.

2. The applicant should note that the work hereby granted consent does not override the statutory protection afforded to protected species under the terms of the Wildlife and Countryside Act 1981 and Countryside and Rights of Way Act 2000 and you are advised to seek expert advice if you suspect that the operation would disturb any protected species. For further advice, please contact Natural England.

3. NFA20 Conditions Precedent… Conditions 5 and 6.

4. NFA21 Conditions Fee Discharge.

This Decision Notice relates to the following documents:
1:2500 Scale Site Location Plan numbered SC/BCH/01;
1:500 Scale Proposed Site Layout Plan numbered SC/BCH/03;
1:100 Scale Proposed Timber Cabin and General Purpose Agricultural Building Elevations and Floor Layout Plans numbered SC/BCH/04 and 05;
Covering Letter by Willis of Co. dated 1st June 2017, and;
Appraisal by Reading Agricultural Consultants received by the District Council on the 2nd June 2017, and;
The Granby Site Accounts Information received by the District Council on the 18th September 2017.
<table>
<thead>
<tr>
<th>APPLICATION NUMBER</th>
<th>17/00902/VCOND</th>
</tr>
</thead>
<tbody>
<tr>
<td>SITE ADDRESS:</td>
<td>McDonalds, 43 Bakewell Road, Matlock</td>
</tr>
<tr>
<td>DESCRIPTION OF DEVELOPMENT</td>
<td>Variation of condition 8 of planning application 16/00933/VCOND to vary opening hours to 06:00 to 00:00 Monday to Saturday and Sunday 07:00 to 23:00</td>
</tr>
<tr>
<td>CASE OFFICER</td>
<td>Mr. G. A. Griffiths</td>
</tr>
<tr>
<td>TOWN</td>
<td>Matlock</td>
</tr>
<tr>
<td>APPLICANT</td>
<td>McDonald’s Restaurants Ltd.</td>
</tr>
<tr>
<td>AGENT</td>
<td>Planware Ltd.</td>
</tr>
</tbody>
</table>
| WARD MEMBERS      | Cllr. M. Burfoot  
|                   | Cllr. Mrs S. Burfoot  
|                   | Cllr. Mrs. A. Elliott |
| DETERMINATION TARGET | 7th November 2017 |
| REASON FOR DETERMINATION BY COMMITTEE | Requested by Ward Members given the number of serious concerns raised by residents |
| REASON FOR SITE VISIT (IF APPLICABLE) | |

**MATERIAL PLANNING ISSUES**

- Background
- Impact on local residents

**RECOMMENDATION**

Approval
17/00902/VCOND

McDonald's, 43 Bakewell Road, Matlock

Date: 29/11/2017

Derbyshire Dales DC

100019785

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

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1. THE SITE AND SURROUNDINGS

1.1 The site lies to the west of Matlock town centre and is bounded by Bakewell Road to the north and the River Derwent and A6 to the south. It has been recently re-developed for a McDonalds restaurant/takeaway with the retention on part of the site of a car wash business. Modifications to the car wash business element have not yet been implemented in accordance with the planning permission 14/00820/FUL but the operation continues in temporary facilities.

2. DETAILS OF THE APPLICATION

2.1 A variation of Condition 8 of planning permission 14/00820/FUL is sought to allow the premises to operate between 06.00 and 00.00 on Monday to Saturday and 07.00 and 23.00 on Sunday.

3. PLANNING POLICY AND LEGISLATIVE FRAMEWORK

3.1 Adopted Derbyshire Dales Local Plan (2005)
- SF1 Development within Settlement Frameworks Boundaries
- SF5 Design and Appearance of Development
- SF8 Catering for the Needs of People with Disabilities in Development and Redevelopment
- EDT4 Other Existing Employment Land And Business Premises
- EDT8 Design And Appearance Of New Industrial And Business Premises
- EDT11 Retail Uses within Employment Areas
- NBE6 Trees And Woodlands
- NBE26 Landscape Design In Association With New Development
- S6 The Design and Appearance of Shops and Commercial Premises
- S7 Shopfront Security
- S8 Development to Realise the Potential of the River Derwent
- TR1 Access Requirements and the Impact of New Development
- TR8 Parking Requirements for New Development

3.2 Deposit Draft Derbyshire Dales Local Plan
- S3 Settlement Hierarchy
- S8 Matlock/Wirksworth/Darley Dale Development Strategy
- PD1 Design and Place Making
3.3 National Planning Policy Framework

3.4 National Planning Practice Guidance

4. RELEVANT PLANNING HISTORY

16/00933/VCOND  Variation of Condition 7 to include Use Class A5 (take away) – Granted

14/00820/FUL  Redevelopment of site to provide restaurant/food takeaway and bulk wine retail store with associated parking (revisions to planning permission 14/00249/FUL) – Granted

5. CONSULTATION RESPONSES

5.1 Town Council:
- object
- loss of amenity to local residents

5.2 Environmental Health (DDDC):
- no objection
- noise complaints received in relation to noise from the extraction fan system located on the roof of the premises has resulted in actions being taken site managers to reduce noise impact from the extraction system on local residents - have not received any complaint from residents since July 2017
- do not believe that the granting of the proposed changes in operation hours at the site will result in increased likelihood of noise nuisance at the site.

6. REPRESENTATIONS RECEIVED

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

- no recorded data in the Noise Impact Assessment relating to the period in which the opening hours are proposed
- sleep in a room directly overlooking the McDonalds car park and have on at least 20-30 occasions woken from the sustained noise of engines, horns and stereos of vehicles in the car park
- passing cars do not make a sustained noise nor persistent music - traffic noise very different to sudden braking or accelerating which “after hours target market” customers of McDonalds appear to need to do on a number of occasions, particularly late at night
- have approached police
- management take no responsibility for the car park
- resorted to closing child’s bedroom window during the summer months after several occasions of being woken
- note that while doors closed at 11.00pm, noise continues until midnight – similar pattern would extend beyond midnight into the early hours if application approved
- impact on sleep likely to affect child’s and other children’s development
- did not chose to move in next to McDonalds
- will not improve waste clean up
whilst do not fundamentally object to McDonalds, a few rogue customers can greatly affect lives and feel addition of the hour will only further attract these type of visitors
will not benefit local community and will, if anything, bring further problems to the town
been less problematic than expected helped by clean up staff so only get food wrappers in garden occasionally
as the premises closes, get groups of raucous teenagers play fighting at a loud volume opposite house – can cope with this to a point but if open until midnight there is likely to be people coming from pubs in the town yelling and shouting as they pass the house and already get that at the weekend
don’t want to add to noise level.

6.2 The following are the comments of Matlock Civic Association:

opposite a number of houses
proposal to extend opening hours will mean there will only be 6 hours when there will be no activity for six days of the week and 8 hours on Sunday
in reality staff need to arrive before opening the restaurant and stay behind after closing – even less time for neighbours to have uninterrupted sleep
medical recommendations are for eight hours sleep per day
unneighbourly proposal which should be refused.

7. OFFICER APPRAISAL

Background
7.1 There have been various applications which have been presented for the development of the site in recent years. When the original application was submitted for the McDonald restaurant (ref: 14/00249/FUL) the recommendation to Committee in the Officer’s report was that the hours of operation be limited from 06.00 until 23.00 each day. However, prior to the determination of the application, the applicant submitted a noise report suggesting the opening hours be 06.00 to 00.00. It was agreed by the Planning Committee, subject to no objections to the noise report by District Council’s Environmental Health Section, that the hours of operation could be amended.

7.2 The District Council’s Environmental Health Section raised no objection to the revised hours of operation proposed and therefore planning permission was granted with the following condition:

10.  The hours of operation of the takeaway/restaurant premises shall be restricted to the following hours: Monday to Saturday - 06:00 to 24:00hrs, Sunday 07:00 to 23:00hrs. Goods deliveries shall be restricted to between the hours 07:00 and 20:00hrs daily.

7.3 Thereafter, further applications were submitted for variations of conditions and amendments to the scheme. However, in granting these latter permissions, the condition in the Officer’s report on 14/00249/FUL was copied across into those decisions in error, rather than the one above which was on the original decision notice; this was never challenged by the applicants.

7.4 As such, whilst the current conditions on the latter permissions restrict the opening hours to 23.00 hrs, this is due to an administration error rather than a true reflection on what had been granted by the Planning Committee for the site.

Impact on Local Residents
7.5 Notwithstanding the above, and noting the concerns raised in the letters of representation, the matter of the opening hours has been consulted upon with the District Council’s Environmental Health Section. They have advised the following:
In principle, I do not have an objection to the proposed change in operating hours at the McDonald's restaurant on Bakewell Road, Matlock. Although this Department have received noise complaints regarding the premises, these were in relation to noise from the extraction fan system located on the roof of the premises. The complaints were received in June and were investigated and actions taken to resolve the matter. Dialogue with managers of the restaurant has resulted in actions being taken by them to reduce noise impact from the extraction system on local residents. I have not received any complaint from residents since July 2017.

Therefore, I do not believe that the granting of the proposed changes in operation hours at the site will result in increased likelihood of noise nuisance at the site.

7.6 Any formal complaints with respect to the operation of the premises can still be made to the District Council's Environmental Health Section and/or the police as appropriate. However, it is expected that the premises will be managed to seek to avoid such occurrences leading to complaint.

Conclusion

7.7 Officers consider it necessary to amend the hours of operation to be in line with the original grant of planning permission for the restaurant/takeaway. Given the original condition on planning permission 14/00249/FUL, and the comments of the District Council's Environmental Health Section, refusal of this application would be a decision that the Authority could not defend at Appeal without facing a legitimate claim for an award of costs from the applicant. The operation of the premises until 23.00hrs on a Sunday, rather than the approved 22.00hrs, is not considered so significant that it would result in substantial harm to the amenities of the local residents.

7.8 Given the above, it is recommended that condition 8 be varied and those ongoing conditions associated with the site be repeated in the decision.

8. RECOMMENDATION

8.1 A Variation of Condition 8 be granted subject to the following conditions:

1. Any proposals to remove a tree(s) shall be first be agreed in writing by the Local Planning Authority, in accordance with an arboricultural report from a certified arboriculturalist, and the tree(s) shall be replaced in the next planting season with others that are semi-mature and of similar species, unless otherwise agreed in writing by the Local Planning Authority. All hard landscaping and means of enclosure shall also be carried out in accordance with the approved details prior to any part of the development first being brought into use or in accordance with a programme to be agreed in writing with the Local Planning Authority.

2. The use of the restaurant/takeaway premises shall be restricted to uses only within Class A3 and Class A5 of the Town and Country Planning (Use Classes) Order 1987 (as amended).

3. The hours of operation of the takeaway/restaurant premises shall be restricted to the following hours: Monday to Saturday - 06:00 to 24:00hrs, Sunday 07:00 to 23:00hrs. Goods deliveries shall be restricted to between the hours 07:00 and 20:00hrs daily.

Reasons:

1. To ensure the satisfactory appearance of the development and to safeguard the amenity of the area to comply with Policies SF1, SF5, EDT8, NBE6 and NBE26 of
the Adopted Derbyshire Dales Local Plan (2005), Policy PD1 and PD6 of the emerging Local Plan and government guidance contained in the National Planning Policy Framework.

2. In the interests of maintaining the vitality and viability of Matlock town centre in accordance with Policies SF1 and EDT8 of the Adopted Derbyshire Dales Local Plan (2005), Policies PD1 and PD9 of the emerging Local Plan and government guidance contained in the National Planning Policy Framework.

3. In the interests of the amenities of neighbouring residents to comply with Policies SF1 and EDT8 of the Adopted Derbyshire Dales Local Plan (2005), Policies PD1 and PD9 of the emerging Local Plan and government guidance contained in the National Planning Policy Framework.

NOTES TO APPLICANT
1. The Local Planning Authority considered the application as submitted to be acceptable. On this basis, there was no need to engage with the applicant in a positive and proactive manner to resolve any planning problems and permission was granted without negotiation.

2. This decision notice relates to the following documents:
   Drawing Nos. 2124-20 and 23 received on 19th December 2014
   Amended Drawing Nos. 2124-115 received on 4th February 2015
   Amended Certificate of Ownership received on 21st January 2015
   Noise Impact Assessment received on 19th December 2014
   Kitchen Extract Schematic received on 19th December 2014
   Construction Phase Plan received on 19th December 2014
   Flood Risk Assessment received on 19th December 2014
   Wall Condition Survey received on 19th December 2014
   Design and Access Statement received on 19th December 2014
   Transport Assessment received on 19th December 2014.
### Ashbourne North

<table>
<thead>
<tr>
<th>Case Number</th>
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<tbody>
<tr>
<td>ENF/14/00071</td>
<td>Unauthorised building works to facilitate a Biomass Boiler and affecting the setting of a listed building.</td>
<td>Sturston Hall Farm Mill Lane Sturston Derbyshire DE6 1LN</td>
<td>Notice Issued</td>
</tr>
<tr>
<td>ENF/15/00014</td>
<td>Unauthorised alterations to listed building. Installation of photo voltaic panels on roof slope - Sturston Hall Farm, Ashbourne, DE6 1LN</td>
<td>Sturston Hall Farm Mill Lane Sturston Derbyshire DE6 1LN</td>
<td>Notice Issued</td>
</tr>
<tr>
<td>ENF/17/00046</td>
<td>Unauthorised engineering comprising of excavations and leveling of land to the rear of 71 Park Avenue.</td>
<td>71 Park Avenue Ashbourne Derbyshire DE6 1GB</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/17/00054</td>
<td>Breach of pre-commencement condition 4 of planning permission 17/00169/FUL - erection of garage and swimming pool building and external alterations to barn.</td>
<td>Grange Barn Kniveton Derbyshire DE6 1JQ</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/17/00094</td>
<td>Unauthorised facia signs at 1 Shawcroft Centre, Dig Street, Ashbourne, DE6 1GF</td>
<td>1 Shawcroft Centre Dig Street Ashbourne Derbyshire DE6 1GD</td>
<td>Pending Consideration</td>
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### Ashbourne South

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

### Brailsford

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

ENF/17/00120 Are the relevant permissions in place for weddings to be held at this site
Lakeside Ednaston Business Centre Hollington Lane Ednaston Derbyshire DE6 3AE Pending Consideration

ENF/17/00125 Installation of a Biomas Generator
Marsh Hollow Farm Shirley Lane Hollington Derbyshire DE6 3GD Pending Consideration

ENF/17/00143 Change of use of agricultural land into garden land with the creation of new vehicular accesses and creation of vehicle hardstanding
Ivy Cottage Longford Lane Longford Derbyshire DE6 3DT Pending Consideration

**Carsington Water**

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

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

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

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

ENF/17/00082 Unauthorised erection of raised platform on land within the conservation area and to the rear of Barnwood, Hopton, Wirksworth, Matlock, Derbyshire DE4 4DF
Barnwood Main Street Hopton Derbyshire DE4 4DF Pending Consideration

ENF/17/00085 Unauthorised building works comprising a change of structure on a building approved under PDA change of use.
Former Wallands Farmhouse Ashbourne Road Brassington Derbyshire DE4 4DB Pending Consideration

ENF/17/00095 Unauthorised building works to create a roof over an existing muck store and unauthorised minor enlargement of approved building, 15/00493/FUL.
Turlow Fields Farm Turlowfields Lane Hognaston Derbyshire DE6 1PW Pending Consideration

ENF/17/00132 Unauthorised installation of gas cylinder, forward of a principal elevation.
Barnwood Main Street Hopton Derbyshire DE4 4DF Pending Consideration

ENF/17/00141 Tipping of Materials on Land
The Ketch Ashbourne Road Kniveton Derbyshire DE6 1JF Pending Consideration
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<thead>
<tr>
<th>ENF/17/00122</th>
<th>Addition of lean to building and slabbied area</th>
<th>Woodways 6 Yew Tree Lane Bradley Derbyshire DE6 1PG</th>
<th>Pending Consideration</th>
</tr>
</thead>
<tbody>
<tr>
<td>ENF/12/00034</td>
<td>Unauthorised demolition of a Listed wall and unauthorised access off the A6 at Dale Road North Darley Dale.</td>
<td>Stancliffe Quarry, Darley Dale, Matlock.</td>
<td>Notice Issued</td>
</tr>
<tr>
<td>ENF/17/00016</td>
<td>Breach of pre commencement conditions on planning permission 15/00718/FUL Demolition of existing dwelling and barn and erection of replacement dwelling and swimming pool building.</td>
<td>Former Bent Farm Farley Hill Matlock Derbyshire DE4 5LT</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/17/00048</td>
<td>Alleged unauthorised lamp posts.</td>
<td>St Elphins St Elphins Park Darley Dale Derbyshire DE4 2RL</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/17/00098</td>
<td>Erection of an outbuilding</td>
<td>11 Hillside Gardens Matlock Derbyshire DE4 3SH</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/17/00100</td>
<td>Alleged - Unauthorised Use of Site and Building for the Holding of Weddings</td>
<td>Peak Village Ltd Darwin Lake Holiday Village Jaggers Lane Darley Moor Matlock Derbyshire DE4 5LJ</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/17/00114</td>
<td>Breach of pre-commencement conditions relating to planning permission 15/00629/FUL - two storey extension.</td>
<td>1 Church Road Churchtown Darley Dale Derbyshire DE4 2GG</td>
<td>Pending Consideration</td>
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<tr>
<td>ENF/17/00119</td>
<td>Access Modifications/ Modifications to Public Footpath</td>
<td>Former Bent Farm/ Ameycroft Farm Farley Hill Matlock Derbyshire DE4 5LT</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/17/00139</td>
<td>Unauthorised erection of a steel framed building, erection of a concrete retaining wall and unauthorised office building</td>
<td>Bent Farm / Ameycroft Farm Farley Hill Matlock Derbyshire DE4 5LR</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/17/00142</td>
<td>Unauthorised use of agricultural building for domestic garaging</td>
<td>St Elphins Cottage Blind Lane Hackney Derbyshire DE4 2QE</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/15/00065</td>
<td>Alleged change of use of pub car park to use for the stationing of vehicular mobile homes.</td>
<td>Okeover Arms Mapleton Road Mapleton Derbyshire DE6 2AB</td>
<td>Notice Issued</td>
</tr>
</tbody>
</table>

**Dovedale And Parwich**

**Hulland**

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<tr>
<th>Ref.</th>
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<th>Location</th>
<th>Status</th>
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<tbody>
<tr>
<td>ENF/14/00041</td>
<td>Breach of condition 2 relating to planning permission 10/00812/TEMP - Provision of temporary access for a period of 2 years - Redmire Gap, Intakes Lane, Turnditch, Derbyshire DE56 2LU</td>
<td>Redmire Gap Intakes Lane Turnditch Derbyshire DE56 2LU</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/15/00004</td>
<td>Unauthorised engineering works including substantive excavation on land at Common Farm.</td>
<td>Common Farm Mugginton Lane End Weston Underwood Ashbourne Derbyshire DE6 4PP</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/15/00024</td>
<td>Unauthorised change of use of holiday cabins to dwelling.</td>
<td>Blackbrook Lodge Farm Intakes Lane Turnditch Derbyshire DE56 2LU</td>
<td>Pending Consideration</td>
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<tr>
<td>ENF/17/00064</td>
<td>Unauthorised change of use of land to create a horse riding Manege' on land West side of Broadway, Kirk Ireton</td>
<td>Caravan At Valley View Broad Way Kirk Ireton Derbyshire</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/17/00065</td>
<td>Unauthorised engineering works to create field access with gate onto Hobs Lane, Kirk Ireton.</td>
<td>Winney Hill Farm Hob Lane Kirk Ireton Derbyshire DE6 3LG</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/17/00109</td>
<td>Use as a collection point for County Council vehicles</td>
<td>Wheel Plant Ltd Winney Hill Farm Hob Lane Kirk Ireton Derbyshire DE6 3LG</td>
<td>Pending Consideration</td>
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</tbody>
</table>

### Masson

<table>
<thead>
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<tbody>
<tr>
<td>ENF/13/00108</td>
<td>Unauthorised works to Grade II Listed Building</td>
<td>Corn Mill Cottage Water Lane Cromford Derbyshire DE4 3QH</td>
<td>Notice Issued</td>
</tr>
<tr>
<td>ENF/15/00054</td>
<td>Unauthorised alterations to a Grade II Listed Building.</td>
<td>Rita’s Fish Bar 182 South Parade Matlock Bath Derbyshire DE4 3NR</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/15/00104</td>
<td>Unauthorised internal works and demolition of external boundary wall.</td>
<td>Mill Managers House Cromford Mill Mill Road Cromford Derbyshire DE4 3RQ</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/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/16/00090</td>
<td>Erection of a shed, decking and fence.</td>
<td>2 Primrose Cottages St Johns Road Matlock Bath Derbyshire DE4 3PQ</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/16/00097</td>
<td>Unauthorised engineering operations and the creation of concrete retaining wall.</td>
<td>UK Slipform Ltd Dunsley Mill Via Gellia Road Bonsall Derbyshire DE4 2AJ</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/17/00022</td>
<td>Erection of two wooden sheds.</td>
<td>The Cottage Puddle Hill Bonsall Derbyshire DE4 2BA</td>
<td>Notice Issued</td>
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<tr>
<td>ENF/17/00061</td>
<td>Unauthorised works to a Listed Building</td>
<td>RIVA Rose Cottage 124 - 126 North Parade Matlock Bath Derbyshire DE4 3NS</td>
<td>Pending Consideration</td>
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<tr>
<td>ENF/17/00102</td>
<td>Erection of Four Sheds</td>
<td>Land Adj. The Allotments Between North Street And Bedehouse Lane Cromford Derbyshire DE4 3QZ</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/17/00135</td>
<td>Erection of Fence Panels</td>
<td>Brae Mount Waterloo Road Matlock Bath Derbyshire DE4 3PH</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/17/00145</td>
<td>Unauthorised works to ground floor concrete floor slab, contrary to condition 8 of 15/00329/LBALT</td>
<td>1 High Street Bonsall Derbyshire DE4 2AS</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/17/00147</td>
<td>Breach of Conditions of Planning Permission Reference 11/00504/FUL</td>
<td>Cromford Hill Hand Car Wash 161 The Hill Cromford Derbyshire DE4 3QU</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/17/00150</td>
<td>Breach of condition 2 relating to planning permission 17/00104/FUL - Single storey extension, 1 Water Lane, Cromford, Derbyshire, DE4 3QH</td>
<td>1 Water Lane Cromford Derbyshire DE4 3QH</td>
<td>Pending Consideration</td>
</tr>
</tbody>
</table>

### Matlock All Saints

<table>
<thead>
<tr>
<th>Reference</th>
<th>Description</th>
<th>Address</th>
<th>Status</th>
</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>Notice Issued</td>
</tr>
<tr>
<td>ENF/15/00030</td>
<td>Unauthorised &quot;PELI&quot; advertisement</td>
<td>Peli Deli 6 Crown Square Matlock Derbyshire DE4 3AT</td>
<td>Notice Issued</td>
</tr>
<tr>
<td>ENF/16/00101</td>
<td>Unauthorised erection of sheds, chicken enclosures and a &quot;shepherds hut&quot;.</td>
<td>High Croft Salters Lane Matlock Derbyshire DE4 2PA</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/17/00043</td>
<td>Engineering operations to create a raised patio area.</td>
<td>161 Smedley Street Matlock Derbyshire DE4 3JG</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/17/00090</td>
<td>Breach of condition regarding opening hours.</td>
<td>McDonald's 43 Bakewell Road Matlock Derbyshire DE4 3AU</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/17/00108</td>
<td>Works undertaken to extension and spiral staircase not in accordance with the approved plans</td>
<td>Herd Steakhouse Limited 5 Dale Road Matlock Derbyshire DE4 3LT</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/17/00110</td>
<td>Development not being built in accordance with approved plans (Doors in Gable End)</td>
<td>The Lawns Cavendish Road Matlock Derbyshire DE4 3GZ</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/17/00123</td>
<td>Erection of 2.5m high Fence between properties</td>
<td>131 Smedley Street Matlock Derbyshire DE4 3JG</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/17/00129</td>
<td>Erection of fence around property</td>
<td>179 Smedley Street Matlock Derbyshire DE4 3JA</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/17/00146</td>
<td>Development not being built in accordance with the approved plans (Application Reference 17/00567/FUL)</td>
<td>10 Crook Stile Matlock Derbyshire DE4 3LJ</td>
<td>Pending Consideration</td>
</tr>
</tbody>
</table>

### Matlock St Giles
<table>
<thead>
<tr>
<th>Case Number</th>
<th>Description</th>
<th>Location</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>ENF/13/00084</td>
<td>Unauthorised erection of workshop</td>
<td>Phillips Woodware Smuse Lane Matlock Derbyshire DE4 5EY</td>
<td>Notice Issued</td>
</tr>
<tr>
<td>ENF/16/00046</td>
<td>Alleged that the stone used for the extension is not in keeping with the rest of the property as conditioned by the planning permission 14/00360/FUL</td>
<td>Hurst Cottage 14 Bull Lane Matlock Derbyshire DE4 5LX</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/16/00053</td>
<td>Unauthorised access off Riber Road.</td>
<td>Brookdale Riber Road Lea Derbyshire DE4 5JQ</td>
<td>Notice Issued</td>
</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/16/00089</td>
<td>Breaches of Planning Control</td>
<td>ALS Scaffolding Services Limited Sunnyside Farm Whitelea Lane Tansley Derbyshire DE4 5FL</td>
<td>Notice Issued</td>
</tr>
<tr>
<td>ENF/17/00020</td>
<td>Unauthorised use of land for the storage and stationing of caravans.</td>
<td>Duke William Hotel 91 Church Street Matlock Derbyshire DE4 3BZ</td>
<td>Notice Issued</td>
</tr>
<tr>
<td>ENF/17/00079</td>
<td>Breach of condition 5 on planning permission 16/00889/FUL</td>
<td>ALS Scaffolding Services Limited Sunnyside Farm Whitelea Lane Tansley Derbyshire DE4 5FL</td>
<td>Notice Issued</td>
</tr>
<tr>
<td>ENF/17/00088</td>
<td>Unauthorised creation of pond</td>
<td>Mount Pleasant Nottingham Road Tansley Derbyshire DE4 5GA</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/17/00116</td>
<td>Excavation works being undertaken</td>
<td>Parkfield 283 Starkholmes Road Starkholmes Matlock Derbyshire DE4 5JE</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/17/00117</td>
<td>Unauthorised engineering works and formation of access</td>
<td>Land And Track Opposite Willersley Lane Plantation Matlock Derbyshire DE4 5JE</td>
<td>Notice Issued</td>
</tr>
</tbody>
</table>

**Norbury**

<table>
<thead>
<tr>
<th>Case Number</th>
<th>Description</th>
<th>Location</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>ENF/11/00091</td>
<td>Untidy site - storage of scrap materials (Timber, metal, pipes, bricks, slates, gravel etc), old vehicles and caravans in a state of disrepair. Land at Marston House Farm and Home Farm, Thurvaston Road, Marston Montgomery, Ashbourne, Derbyshire, DE6 2FF</td>
<td>Home Farm Thurvaston Road Marston Montgomery Derbyshire DE6 2FF</td>
<td>Notice Issued</td>
</tr>
<tr>
<td>ENF/13/00050</td>
<td>Unauthorised building works to an agricultural building. (Increasing the height).</td>
<td>Barn Opposite Field Cottage Finny Lane Rodsley Derbyshire</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/14/00030</td>
<td>Change of use of land from use for Microlight flying to use for the flying of Biplane aircraft.</td>
<td>Airways Airsports Darley Moor Airfield Darley Moor Ashbourne Derbyshire DE6 2ET</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/16/00068</td>
<td>Alleged breach of condition 9 relating to the slurry pit on land at Four Oaks Farm, Shields Lane, Roston. 10/00580/FUL - condition 9 &quot;The slurry lagoon hereby approved shall only be used for the storage of slurry arising from the keeping of livestock on the site and livestock kept at Pear Tree Farm, Stubwood. It shall not be used for the storage of slurry or any other waste material imported from elsewhere&quot;.</td>
<td>Land To The South Of West View Shields Lane Roston Derbyshire</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/17/00029</td>
<td>Unauthorised building works, in the burial grounds at the former Methodist Church, Somersal Herbert, to facilitate a kitchen area/summerhouse and tractor shed</td>
<td>WELLIES HQ, Chapel O The Hill Somersal Herbert Derbyshire DE6 5PE</td>
<td>Notice Issued</td>
</tr>
<tr>
<td>ENF/17/00056</td>
<td>Unauthorised engineering works to facilitate access at Old House Farm, Can Alley, Roston, Derbyshire</td>
<td>Old House Farm Can Alley Roston Derbyshire DE6 2EF</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/17/00113</td>
<td>Unauthorised engineering works to facilitate what appears to be a hard standing area for the base of a garage.</td>
<td>Old Barn Rigs Lane Marston Montgomery Derbyshire DE6 2FD</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/17/00137</td>
<td>Change of use of agricultural land for the siting of 2 caravans for human habitation</td>
<td>Shaw Lane Farm Shaw Lane Marston Montgomery Derbyshire DE6 2FJ</td>
<td>Pending Consideration</td>
</tr>
</tbody>
</table>

**Stanton**

| ENF/17/00151 | Illuminated Signage and Banner Advert | UK Tyres Direct Auto Centre Unit 10 Unity Complex Dale Road North Darley Dale Derbyshire DE4 2HX | Pending Consideration |

**Winster And South Darley**

| ENF/17/00053 | Unauthorised rear extension | 72 Eversleigh Rise Darley Bridge Derbyshire DE4 2JW | Pending Consideration |

**Wirksworth**

| ENF/12/00022 | Unauthorised stationing of a wooden chalet building and two steel containers. | The WoodYard, Homesford. Matlock. Derbyshire. DE4 5HL. | Notice Issued |
| ENF/15/00068 | Unauthorised change of use of land for the stationing of a caravan for residential purposes, the erection of a small timber building and the erection of a polly tunnel and portaloo. | Peak View Caravan Site Brassington Lane Wirksworth Derbyshire | Notice Issued |
| ENF/16/00079 | Erection of timber fence over 1 metre in height adjacent a highway. | 20 Willowbath Lane Wirksworth Derbyshire DE4 4AY | Notice Issued |
ENF/17/00002  Unauthorised engineering operations to create a raised area
11 New Road Bolehill Derbyshire DE4 4GL  Pending Consideration

ENF/17/00018  Unauthorised works to remove a fire surround in a Grade II Listed Building.
Red Lion Hotel Market Place Wirksworth Derbyshire DE4 4ET  Pending Consideration

ENF/17/00023  Breach of conditions on planning permission 14/00891/FUL
Mount Cook Adventure Centre Porter Lane Middleton By Wirksworth Derbyshire DE4 4LS  Pending Consideration

ENF/17/00031  Unauthorised installation of a white plastic door and window.
1 Cavendish Cottages Cromford Road Wirksworth Derbyshire DE4 4FP  Pending Consideration

ENF/17/00051  Unauthorised change of use of garage/store to beauty studio.
The Mews 3 Wirksworth Hall Farm Wash Green Wirksworth Derbyshire DE4 4FD  Pending Consideration

ENF/17/00092  Failure to correctly discharge pre-commencement planning conditions relating to planning permission 16/00229/PDA - change of use of agricultural building to dwelling house(use class C3) and associated building operations.
Arm Lees Farm Ryder Point Road Wirksworth Derbyshire DE4 4HE  Pending Consideration

ENF/17/00104  Non compliance with planting condition
Land Adjacent To 11A Little Bolehill Bolehill Derbyshire DE4 4GR  Pending Consideration

ENF/17/00105  Finished detail on apartment bay windows not in accordance with the approved design
Land At Cromford Road Wirksworth Derbyshire  Pending Consideration

ENF/17/00106  Erection of High Fence Posts
2 New Road Bolehill Derbyshire DE4 4GL  Pending Consideration

ENF/17/00124  Erection of New Railway Building
Ecclesbourne Valley Railway Wirksworth Station Station Road Wirksworth Derbyshire DE4 4FB  Pending Consideration

ENF/17/00127  Engineering operations
11A Little Bolehill Bolehill Derbyshire DE4 4GR  Pending Consideration

ENF/17/00136  Artist's studio building not built in accordance with approved details
Walkers Cottage 31 - 33 The Dale Wirksworth Derbyshire DE4 4EJ  Pending Consideration

ENF/17/00140  Unauthorised building works to raise the height of building approved under 16/00536/FUL
5 Cromford Road Wirksworth Derbyshire DE4 4FH  Pending Consideration

ENF/17/00153  Unauthorised change of use of agricultural land for the siting of a mobile home and two shipping containers.
Longway Bank Wood Longway Bank Whatstandwell Derbyshire  Pending Consideration

**Total Open Cases**  100
## Enforcement Investigations Closed

### In the 6 Months Prior to 29/11/2017

#### Ashbourne North

<table>
<thead>
<tr>
<th>Case Reference</th>
<th>Issue Description</th>
<th>Location</th>
<th>Compliance Status</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>ENF/17/00019</td>
<td>Unauthorised erection of timber structure in field to rear of Sunny Mount, Windmill Lane, Ashbourne, DE6 1JA</td>
<td>Sunny Mount Windmill Lane Ashbourne Derbyshire DE6 1JA</td>
<td>Complied Voluntarily</td>
<td>12/06/2017</td>
</tr>
</tbody>
</table>

#### Ashbourne South

<table>
<thead>
<tr>
<th>Case Reference</th>
<th>Issue Description</th>
<th>Location</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>ENF/17/00008</td>
<td>Unauthorised development - Breach of conditions relating to planning permission 09/00207/REM. Erection of 5 two storey dwellings and associated car parking (approval of reserved matters), Olivers Mount Works, South St, Ashbourne.</td>
<td>39 South Street Ashbourne Derbyshire DE6 1DP</td>
<td>Planning Application Received</td>
</tr>
<tr>
<td>ENF/17/00030</td>
<td>Unauthorised building works to facilitate a raised platform/decking and additional fencing on land at the rear of 47 South St, Ashbourne.</td>
<td>47 South Street Ashbourne Derbyshire DE6 1DP</td>
<td>Planning Application Received</td>
</tr>
<tr>
<td>ENF/17/00075</td>
<td>Unauthorised erection of shed on land to rear of 49 Lodge Farm Chase, contrary to condition 9 of planning permission 13/00854/REM - Erection of 38 no. dwellings and associated public open space and infrastructure (approval of reserved matters)</td>
<td>49 Lodge Farm Chase Ashbourne Derbyshire DE6 1GY</td>
<td>Complied Voluntarily</td>
</tr>
<tr>
<td>ENF/17/00083</td>
<td>Removal of boundary hedgerow</td>
<td>Land South Of Old Derby Road Ashbourne Derbyshire</td>
<td>Complaint Unfounded</td>
</tr>
<tr>
<td>ENF/17/00128</td>
<td>Dwelling being built to the rear of the property</td>
<td>Rear Of 49 Derby Road Ashbourne Derbyshire DE6 1BH</td>
<td>Complaint Unfounded</td>
</tr>
<tr>
<td>ENF/17/00134</td>
<td>Exterior Painting</td>
<td>Panda Express 7 Station Street Ashbourne Derbyshire DE6 1DE</td>
<td>Justification from Officer</td>
</tr>
</tbody>
</table>

#### Brailsford

<table>
<thead>
<tr>
<th>Case Reference</th>
<th>Issue Description</th>
<th>Location</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>ENF/17/00009</td>
<td>Unauthorised building works - Building does not accord with approved plans 15/00407/FUL (Part) for the erection of the freestanding garage/studio.</td>
<td>Burton Shutts Farm Cuscas Lane Brailsford Derbyshire DE6 3BG</td>
<td>Planning Application Received</td>
</tr>
<tr>
<td>ENF/17/00050</td>
<td>Unauthorised change of use of domestic garage to use for commercial dog grooming parlour.</td>
<td>The Spruces Main Road Brailsford Derbyshire DE6 3DA</td>
<td>Planning Application Received</td>
</tr>
<tr>
<td>ENF/17/00063</td>
<td>Various adverts around Brailsford</td>
<td>Land To The North Of The Telephone Exchange Luke Lane Brailsford Derbyshire</td>
<td>Not in the Public interest to pursue</td>
</tr>
<tr>
<td>ENF/17/00126</td>
<td>Siting of a static caravan</td>
<td>Daisy Bank Farm Longford Lane Longford Derbyshire DE6 3DT</td>
<td>Justification from Officer</td>
</tr>
</tbody>
</table>

**Carsington Water**

| ENF/17/00103 | Early Morning Construction Noise from Development | Former Goodacres Farm Furlong Lane Hognaston Derbyshire DE6 1PX | Complaint Unfounded | 28/09/2017 |

**Clifton And Bradley**

| ENF/17/00012 | Unauthorised engineering works to facilitate an access and roadway across an agricultural field, in addition to an approved access and driveway, and a breach of condition 8 relating to planning permission 16/00662/FUL - Creation of new driveway. | Westwood Clifton Road Clifton Derbyshire DE6 2DH | Complied Voluntarily | 22/06/2017 |
| ENF/17/00013 | Unauthorised change of use of land from agricultural to domestic curtilage, and engineering works to create new access drive/parking area to dwelling. | Laurel Cottage Clifton Road Clifton Derbyshire DE6 2DH | Planning Application Received | 20/10/2017 |
| ENF/17/00096 | Alleged unauthorised excavation to create slurry pit on land adjacent to Rough Wood, Bradley | Land North Of Rough Wood Rough Lane Yeldersley Derbyshire | Complaint Unfounded | 08/09/2017 |

**Darley Dale**

<p>| ENF/16/00071 | Unauthorised engineering operations | The Beches Hallmoor Road Darley Dale Derbyshire DE4 2HF | Planning Application Received | 14/06/2017 |
| ENF/17/00047 | Unauthorised engineering/earthwork operations on the Western boundary of Denacre House and the building of a retaining wall between Denacre House and the road. | Denacre House Denacre Lane Two Dales Derbyshire DE4 2FL | Planning Application Received | 28/09/2017 |
| ENF/17/00086 | Unauthorised side extension. | Lynfield Dale Road South Darley Dale Derbyshire DE4 2EU | Planning Application Received | 20/09/2017 |
| ENF/17/00091 | Alleged unauthorised fence. | Meadow View Centre 300 Bakewell Road Matlock Derbyshire DE4 2JF | Complaint Unfounded | 23/08/2017 |
| ENF/17/00107 | Extension not being carried out in accordance with the approved plans. | The Beches Hallmoor Road Darley Dale Derbyshire DE4 2HF | Not in the Public interest to pursue | 13/10/2017 |
| ENF/17/00115 | Alleged unauthorised signage on roof of public house | Square And Compass Main Road Darley Bridge Derbyshire DE4 2EQ | Complaint Unfounded | 06/10/2017 |</p>
<table>
<thead>
<tr>
<th>ENF/17/00099</th>
<th>Unauthorised use of land for Commercial/Industrial Storage</th>
<th>Hallmark Tractors Limited Springfield Garage Ashbourne Road Sudbury Derbyshire DE6 5HL</th>
<th>Justification from Officer</th>
<th>18/09/2017</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hulland</td>
<td>Alleged breach of condition relating to removal of P/D rights. Installation of external heat source pump on Laburnham Cottage, Nether Lane, Kirk Ireton.</td>
<td>Bluebell House Nether Lane Kirk Ireton Derbyshire DE6 3JW</td>
<td>Complaint Unfounded</td>
<td>08/06/2017</td>
</tr>
<tr>
<td>ENF/17/00066</td>
<td>Unauthorised building work to create a chimney on roof of barn conversion contrary to planning permission 16/00501/PDA - Change of use of agricultural building to 2 no dwelling houses (use class C3) and associated building operations.</td>
<td>Highcroft Hillcliff Lane Turnditch Derbyshire DE56 2EA</td>
<td>Complied Voluntarily</td>
<td>11/08/2017</td>
</tr>
<tr>
<td>ENF/17/00072</td>
<td>Breach of condition 1 of planning permission 15/00817/FUL - The temporary mobile home hereby approved shall be removed from the site and the land reinstated to its former condition no later than 18 months from the date of this permission. Occupancy of the dwelling shall be restricted to the applicant and her immediate dependants/family members for the duration of the temporary permission, hereby granted.</td>
<td>Log Cabin At Millfield Stables Millfield Lane Kirk Ireton Derbyshire</td>
<td>Planning Application Received</td>
<td>11/09/2017</td>
</tr>
<tr>
<td>ENF/17/00138</td>
<td>Unauthorised works to listed building - External alterations including repointing works</td>
<td>Northfield Farmhouse Main Street Kirk Ireton Derbyshire DE6 3LD</td>
<td>Justification from Officer</td>
<td>28/11/2017</td>
</tr>
<tr>
<td>Masson</td>
<td>Unauthorised rebuilding of retaining wall.</td>
<td>24 Chapel Hill Cromford Derbyshire DE4 3QG</td>
<td>No Code []</td>
<td>01/11/2017</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>Not in the Public interest to pursue</td>
<td>20/09/2017</td>
</tr>
<tr>
<td>ENF/16/00107</td>
<td>Unauthorised erection of &quot;carving&quot; building.</td>
<td>1 Black Rock Cottages Bakers Lane Cromford Derbyshire DE4 3QW</td>
<td>Justification from Officer</td>
<td>20/09/2017</td>
</tr>
<tr>
<td>ENF/17/00027</td>
<td>Unauthorised erection of a satellite dish.</td>
<td>4 Holme Villas Brunwood Road Matlock Bath Derbyshire DE4 3PA</td>
<td>Complied Voluntarily</td>
<td>13/06/2017</td>
</tr>
<tr>
<td>ENF/17/00028</td>
<td>Engineering operations to extend a car parking area.</td>
<td>Rock View Temple Walk Matlock Bath Derbyshire DE4 3PG</td>
<td>Planning Application Received</td>
<td>24/07/2017</td>
</tr>
<tr>
<td>ENF/17/00039</td>
<td>Unauthorised installation of a new illuminated fascia sign on a Listed Building</td>
<td>136 North Parade Matlock Bath Derbyshire DE4 3NS</td>
<td>Planning Application Received</td>
<td>08/08/2017</td>
</tr>
<tr>
<td>ENF/17/00040</td>
<td>Change of use of premises from a retail sweet shop to a cafe selling hot food.</td>
<td>136 North Parade Matlock Bath Derbyshire DE4 3NS</td>
<td>Planning Application Received</td>
<td>20/09/2017</td>
</tr>
<tr>
<td>ENF/17/00045</td>
<td>Unauthorised satellite dish.</td>
<td>3 Holme Villas Brunswold Road Matlock Bath Derbyshire DE4 3PA</td>
<td>Complied Voluntarily</td>
<td>13/06/2017</td>
</tr>
<tr>
<td>ENF/17/00070</td>
<td>Use of premises as a Cafe.</td>
<td>20 North Parade Matlock Bath Derbyshire DE4 3NS</td>
<td>Complied Voluntarily</td>
<td>05/10/2017</td>
</tr>
<tr>
<td>ENF/17/00071</td>
<td>Alleged unauthorised car standing space</td>
<td>16 Rose End Avenue Cromford Derbyshire DE4 3QP</td>
<td>Complaint Unfounded</td>
<td>11/07/2017</td>
</tr>
<tr>
<td>ENF/17/00078</td>
<td>Potential change of use of tennis courts to a Fun Fair from 22nd July until 3rd September 2017</td>
<td>Tennis Courts Derwent Gardens South Parade Matlock Bath Derbyshire</td>
<td>Complied Voluntarily</td>
<td>16/10/2017</td>
</tr>
<tr>
<td>ENF/17/00080</td>
<td>Alleged unauthorised works to a Listed Building.</td>
<td>19 North Street Cromford Derbyshire DE4 3RG</td>
<td>Complaint Unfounded</td>
<td>09/08/2017</td>
</tr>
<tr>
<td>ENF/17/00081</td>
<td>Alleged unauthorised C.O.U to a wedding venue</td>
<td>Masson Farm St Johns Road Matlock Bath Derbyshire DE4 3PQ</td>
<td>Complaint Unfounded</td>
<td>09/08/2017</td>
</tr>
<tr>
<td>ENF/17/00084</td>
<td>Alleged unauthorised works.</td>
<td>County And Station Hotel 258 Dale Road Matlock Bath Derbyshire DE4 3NT</td>
<td>Complaint Unfounded</td>
<td>14/08/2017</td>
</tr>
<tr>
<td>ENF/17/00111</td>
<td>Check that Garden Room has been built in accordance with submitted plans</td>
<td>Memphis Holme Road Matlock Bath Derbyshire DE4 3NU</td>
<td>Justification from Officer</td>
<td>20/10/2017</td>
</tr>
<tr>
<td>ENF/17/00112</td>
<td>Potential Engineering Operation as part of Tree Planting</td>
<td>Rock House Derby Road Cromford Derbyshire</td>
<td>Complaint Unfounded</td>
<td>16/10/2017</td>
</tr>
<tr>
<td>ENF/17/00121</td>
<td>Engineering works to garden facing Alabaster Lane</td>
<td>10 The Newlands Alabaster Lane Cromford Derbyshire DE4 3QJ</td>
<td>Not in the Public interest to pursue</td>
<td>06/11/2017</td>
</tr>
<tr>
<td>ENF/17/00133</td>
<td>Engineering works being undertaken on site</td>
<td>Four Trees 109 Derby Road Cromford Derbyshire DE4 3RN</td>
<td>Complaint Unfounded</td>
<td>10/11/2017</td>
</tr>
<tr>
<td>ENF/17/00148</td>
<td>Alleged display of a sign to frontage advertising the opening of a beauty salon at the property</td>
<td>40 The Hill Cromford Derbyshire DE4 3QR</td>
<td>Complaint Unfounded</td>
<td>28/11/2017</td>
</tr>
</tbody>
</table>

**Matlock All Saints**

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

### Matlock St Giles

<table>
<thead>
<tr>
<th>Ref</th>
<th>Description</th>
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</thead>
<tbody>
<tr>
<td>ENF/16/00025</td>
<td>1/ Unauthorised engineering operations to create an earth bund and storage of materials behind it. 2/ Rearrangement of existing bund.</td>
<td>Land Off Alders Lane, Tansley.</td>
<td>Complied Voluntarily</td>
<td>21/06/2017</td>
</tr>
<tr>
<td>ENF/17/00017</td>
<td>Breach of conditions on planning permission 16/00598/FUL-Erection of replacement dwelling and garage and retention of existing dwelling as ancillary accommodation at Pinetrees, Upper Lumsdale, Matlock.</td>
<td>6 Pond Cottages Upper Lumsdale Matlock Derbyshire DE4 5LB</td>
<td>Complied Voluntarily</td>
<td>22/08/2017</td>
</tr>
<tr>
<td>ENF/17/00059</td>
<td>Extensions/building works to Veronica</td>
<td>Veronica Alders Lane Tansley Derbyshire DE4 5FB</td>
<td>Complaint Unfounded</td>
<td>21/08/2017</td>
</tr>
<tr>
<td>ENF/17/00060</td>
<td>Alleged unauthorised vehicular access.</td>
<td>25 Knowleston Place Matlock Derbyshire DE4 3BU</td>
<td>Complaint Unfounded</td>
<td>19/06/2017</td>
</tr>
<tr>
<td>ENF/17/00089</td>
<td>Unauthorised decking and shed.</td>
<td>1 Hill Top Terrace Alfreton Road The Cliff Tansley Derbyshire DE4 5FY</td>
<td>Planning Application Received</td>
<td>16/10/2017</td>
</tr>
<tr>
<td>ENF/17/00130</td>
<td>Breach of Condition 3 of Planning Application 17/00025/REM - Developer not parking within the site as approved</td>
<td>Land At Askers Lane Matlock Derbyshire</td>
<td>Complaint Unfounded</td>
<td>31/10/2017</td>
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### Norbury

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<tr>
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<th>Date</th>
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<tbody>
<tr>
<td>ENF/17/00015</td>
<td>Unauthorised engineering works to facilitate roadway onto agricultural field.</td>
<td>Meadow View Alkmonton Road Boylestone Derbyshire DE6 5AD</td>
<td>Not in the Public interest to pursue</td>
<td>28/07/2017</td>
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<tr>
<td>Case Number</td>
<td>Description</td>
<td>Location</td>
<td>Status / Action</td>
<td>Date</td>
</tr>
<tr>
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<tr>
<td>ENF/17/00087</td>
<td>Alledged unauthorised engineering works to raise land level within the curtilage of Dove Bank House, Marston Bank, Roston</td>
<td>Dove Bank House Marston Bank Rocester Derbyshire ST14 5BP</td>
<td>Complaint Unfounded</td>
<td>21/08/2017</td>
</tr>
<tr>
<td>ENF/17/00149</td>
<td>Groundworks and the storage and burning of materials</td>
<td>Land Between Northwood Depot And Ashbrook Roofing And Supplies Limited Harrison Way Darley Dale Derbyshire DE4 2LF</td>
<td>Complaint Unfounded</td>
<td>24/11/2017</td>
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<tr>
<td>ENF/15/00079</td>
<td>Works to a Listed Building</td>
<td>14 Market Place Wirksworth Derbyshire DE4 4ET</td>
<td>Complied Voluntarily</td>
<td>21/06/2017</td>
</tr>
<tr>
<td>ENF/15/00082</td>
<td>Unauthorised engineering operations.</td>
<td>Land Off Oakerthorpe Road Bolehill Derbyshire</td>
<td>Complied Voluntarily</td>
<td>21/06/2017</td>
</tr>
<tr>
<td>ENF/16/00064</td>
<td>Installation of plastic windows.</td>
<td>45 North End Wirksworth Derbyshire DE4 4FG</td>
<td>Complaint Unfounded</td>
<td>21/06/2017</td>
</tr>
<tr>
<td>ENF/17/00033</td>
<td>Creation of an additional dwelling.</td>
<td>HotHouse Gatehouse Drive Wirksworth Derbyshire DE4 4DL</td>
<td>Planning Application Received</td>
<td>14/06/2017</td>
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<tr>
<td>ENF/17/00035</td>
<td>Unauthorised use of access for construction traffic and materials.</td>
<td>Mount Cook Adventure Centre Porter Lane Middleton By Wirksworth Derbyshire DE4 4LS</td>
<td>Complied Voluntarily</td>
<td>13/06/2017</td>
</tr>
<tr>
<td>ENF/17/00144</td>
<td>Engineering Works</td>
<td>Barn, The Pingle Summer Lane Wirksworth Derbyshire</td>
<td>Complaint Unfounded</td>
<td>21/11/2017</td>
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</table>

**Total Closed Cases**: 68
## PLANNING APPEAL – PROGRESS REPORT

Report of the Corporate Director

<table>
<thead>
<tr>
<th>REFERENCE</th>
<th>SITE/DESCRIPTION</th>
<th>TYPE</th>
<th>DECISION/COMMENT</th>
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<tbody>
<tr>
<td><strong>Southern</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>16/00922/OUT</td>
<td>Land east of Derby Road, Doveridge</td>
<td>WR</td>
<td>Appeal dismissed – copy of appeal decision attached</td>
</tr>
<tr>
<td>17/00105/FUL</td>
<td>Shaw Wood, 28 Derby Road, Ashbourne</td>
<td>WR</td>
<td>Appeal being processed</td>
</tr>
<tr>
<td>17/00043/OUT</td>
<td>16 Upwoods Road, Doveridge</td>
<td>WR</td>
<td>Appeal being processed</td>
</tr>
<tr>
<td>16/00929/FUL</td>
<td>Camp Site, The Ketch, Ashbourne Road, Kniveton</td>
<td>WR</td>
<td>Appeal being processed</td>
</tr>
<tr>
<td>16/00930/FUL</td>
<td>Camp Site, The Ketch, Ashbourne Road, Kniveton</td>
<td>WR</td>
<td>Appeal being processed</td>
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<tr>
<td>17/00084/OUT</td>
<td>Former Brailsford CE Primary School Modular Building, Land south of Main Road, Brailsford</td>
<td>WR</td>
<td>Appeal being processed</td>
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<tr>
<td><strong>Central</strong></td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>ENF/15/00104</td>
<td>Mill Managers House, Mill Road, Cromford</td>
<td>PI</td>
<td>Appeal being processed</td>
</tr>
<tr>
<td>ENF/16/00089</td>
<td>Sunnyside Farm, Whitelea Lane, Tansley</td>
<td>WR</td>
<td>Appeal dismissed – copy of appeal decision attached</td>
</tr>
<tr>
<td>ENF/16/00090</td>
<td>2 Primrose Cottages, St Johns Road, Matlock Bath</td>
<td>WR</td>
<td>Appeal being processed</td>
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<tr>
<td>16/00847/FUL</td>
<td>Adjacent to 2 Mill Road, Cromford</td>
<td>WR</td>
<td>Appeal being processed</td>
</tr>
<tr>
<td>17/00112/PDA</td>
<td>Marsh Hollow, Shirley Lane, Hollington</td>
<td>WR</td>
<td>Appeal being processed</td>
</tr>
<tr>
<td>17/00571/FUL</td>
<td>8 Pope Carr Road, Matlock</td>
<td>HH</td>
<td>Appeal being processed</td>
</tr>
<tr>
<td>Reference</td>
<td>Description</td>
<td>Type</td>
<td>Status</td>
</tr>
<tr>
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<tr>
<td>17/00624/FUL</td>
<td>Land to the rear of 3 Stags Heads, Main Road, Darley Bridge</td>
<td>WR</td>
<td>Appeal being processed</td>
</tr>
<tr>
<td>17/00663/FUL</td>
<td>The Woodyard, 2 Old Marston Lane, Doveridge</td>
<td>WR</td>
<td>Appeal being processed</td>
</tr>
</tbody>
</table>

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

**OFFICER RECOMMENDATION:**

That the report be noted.
Appeal Decision
Hearing held on 31 October 2017
Site visit made on 31 October 2017

by Gareth Wildgoose  BSc (Hons) MSc MRTP
an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 17 November 2017

Appeal Ref: APP/P1045/W/17/3176852
Land to the east of 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 Ltd against the decision of Derbyshire Dales District Council.
- The application Ref 16/00922/OUT, dated 15 December 2016, was refused by notice dated 15 March 2017.
- The development proposed is residential development of up to 14 dwellings (outline).

Decision
1. The appeal is dismissed.

Application for costs
2. At the Hearing, an application for costs was made by Roche Enterprises Ltd against Derbyshire Dales District Council. This application is the subject of a separate Decision.

Procedural Matters
3. The application was submitted in outline with all detailed matters other than means of access reserved for future approval. However, during the Hearing it was confirmed that the appellant had requested that access also be treated as a reserved matter prior to the Council making its decision. As the outline application was determined by the Council on the basis that all detailed matters were reserved, I necessarily deal with the appeal on the same basis treating the indicative site layout plan (drg. no. 1225 003 Revision D) as illustrative.

4. A completed counterpart planning obligation by way of Unilateral Undertaking under Section 106 of the Planning Act (UU) dated 21 August 2017 was submitted by the appellant in advance of the Hearing. The UU includes planning obligations relating to affordable housing and education contributions. I return to the UU later in my decision.

5. During the Hearing, it was confirmed that the parties could not reach an agreement with respect the precise wording of a Statement of Common Ground and did not intend to finalise the draft documents that had been previously provided to me. However, it was agreed between the parties that the main issues identified during the Hearing reflect the matters in dispute and I determine the appeal on that basis.
Main Issues

6. The main issues are:
   - Whether the development proposed would be consistent with the objectives of policies relating to the location and supply of housing, and;
   - The effect on the character and appearance of the area.

Reasons

Policy background

7. The development plan consists of the saved policies of the Derbyshire Dales Local Plan (LP), adopted November 2005. The appeal site lies outside of the settlement of Doveridge as defined by the LP and is not allocated for residential development. Consequently, it is in an open countryside location.

8. Based upon the evidence before me, the hearing sessions for the Examination in Public of an emerging Derbyshire Dales Local Plan (ELP) took place in May 2017. I have been provided with a schedule of main modifications to the ELP that was published in July 2017 for consultation, with the deadline for comments having now expired. It was confirmed at the Hearing, that the main modifications to the ELP have been submitted to the Examining Inspector, but the Inspectors Report has yet to be published. Based upon the ELP as modified, the site is not proposed to be allocated for residential development and would fall outside of the proposed settlement boundary of Doveridge.

9. The site has been subject to two recent appeal decisions; an outline application with all matters reserved for up to 17 dwellings on the same site\(^1\) and an outline application for up to two dwellings with all matters reserved except for access on part of the site subject to this appeal\(^2\). Since the initial appeal decision in 2016 for up to 17 dwellings, circumstances have changed in terms of both the preparation stage of the emerging ELP and because the Council have indicated that a five year supply of deliverable housing sites can now be demonstrated. In that respect, the evidence before me also includes recent appeal decisions relating to proposed developments at Babbs Lane, Doveridge\(^3\) and at Land off Main Road, Brailsford, Derbyshire\(^4\). As part of those appeals, up-to-date evidence relating to the Council’s housing requirement and housing supply has been tested through an Inquiry held on 13 June 2017 and a Hearing held on 28 June 2017 respectively. In determining those appeals, each Inspector accepted that a five year supply of deliverable housing sites can be demonstrated by the Council.

10. The appellant in taking account of the recent appeal decisions has confirmed both prior to and during the Hearing that the issue of five year housing supply is no longer a matter in dispute. The calculation of housing supply is based upon an objectively assessed need (OAN) of 5,680 dwellings across the period of 2013 to 2033 based on the 2014 Population and Household Projections as set out in Emerging Policy S6 of the ELP. Those figures are the most recent available and were utilised by each Inspector at the respective Inquiry and Hearing. There is no evidence before me which would lead me to take a

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\(^1\) Appeal Ref: APP/P1045/W/16/3148676 - Dismissed - 29 July 2016
\(^2\) Appeal Ref: APP/P1045/W/17/3167657 - Dismissed - 6 July 2017
\(^3\) Appeal Ref: APP/P1045/W/16/3152087 - Dismissed - 14 August 2017
\(^4\) Appeal Ref: APP/P1045/W/17/3167362 - Allowed with Conditions - 8 September 2017

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different approach. The housing supply conclusions included application of a 20% buffer and accounted for accumulated backlog from 2013/14 to 2016/17 using the Sedgefield method. In that context, I have no reason to take a different view to the Inspector conclusions in each of those decisions that the Council can demonstrate a deliverable five year supply of housing land in accordance with paragraph 47 of the National Planning Policy Framework (the Framework). I return to this finding as part of the planning balance.

11. The Council made its decision relating to this appeal proposal on the basis that housing policies in the LP are out-of-date as they do not account for the need for development beyond its plan period which was up to 2011. In doing so, the Council set aside Saved Policies H4 and SF4 of the LP despite those policies having been considered by a previous Inspector to be relevant to the assessment of the proposal relating to up to 17 dwellings. I do not consider that the Council’s approach with respect to Saved Policies H4 and SF4 was correct when having regard to paragraphs 11, 211 and 215 of the Framework, as to my mind, development plan policies should not be simply disregarded as a result of being deemed out-of-date. Furthermore, I concur with a recent Inspector’s interpretation of the Daventry District Council v SSCLG and Gladman Developments Limited [2015] EWHC 3459 (Admin) judgment set out in the appeal decision relating to the proposal for up to two dwellings for part of the same site. In that context, saved policies should not be regarded as out-of-date simply because the LP is time expired.

12. It is, therefore, necessary that I firstly assess the proposal against the relevant saved policies of the LP and other material considerations, including the emerging policies of the ELP, which I now go on to consider. The due weight to be given to those policies relative to the Framework and as part of any resultant planning balance is a matter that I then intend to return to.

Policies relating to the location and supply of housing

13. Saved Policy H4 of the LP relates to housing development outside of settlement framework boundaries and is, therefore, relevant to the proposal before me. Saved Policy H4 states that planning permission will be granted for housing that is essential for the operation of agriculture, forestry or other enterprises, which needs to be in that location; or consists of affordable housing for an identified local need. Saved Policy SF4 of the LP relates to development in the countryside and lists criteria where development will only be permitted, which reiterates and expands upon those listed in Saved Policy H4.

14. The appellant has not sought to demonstrate that the proposal would relate to an essential requirement for agriculture, forestry or other enterprise. Saved Policy H4 of the LP requires that housing development outside of settlement framework boundaries, which does not relate to an essential requirement, consists of affordable housing. The proposal relates to market housing with the UU intending that affordable housing at a rate of 33% would be constructed within the development. Although affordable housing may form part of the development, the proposal would not comply with Saved Policy H4 given that market housing is included. There is also conflict with Saved Policy SF4 of the LP as the proposal would not accord with its listed criteria. The permissive approach in that policy to other needs which can only be met in a rural area, subject to additional criteria, is reasonably restricted in terms of housing development by Saved Policy H4.
15. The appellant has drawn my attention to the historic under-delivery of affordable housing relative to local need in Derbyshire Dales. However, the Council has sought to address such matters through an Affordable Housing Programme (AHP) and in the ELP within Emerging Policy HC4, when taken together with Emerging Policies S3 (Settlement Hierarchy), S5 (Development in the Countryside), HC1 (Location of Housing Development) and HC2 (Housing Allocations). Whilst the influence of a Community Infrastructure Levy Charging Schedule has been raised, it can be afforded little weight as it remains at an early preparation stage. Consequently, I have no reason to consider that affordable housing in accordance with the ELP would not be delivered.

16. The UU accompanying the proposal seeks compliance with the requirements of Emerging Policy HC4 that residential developments of 11 dwellings or more should provide 30% of the net dwellings proposed as affordable housing. However, the site lies in the countryside and outside of the proposed settlement boundary of Doveridge in the ELP, where Emerging Policy S3 indicates that development will be strictly limited to that which has an essential need to be located in the countryside, with associated criteria set out in Emerging Policy S5. Compliance with Emerging Policy HC4 in terms of provision of affordable housing would constitute a benefit to be weighed in any planning balance, but does not of itself demonstrate an essential need for development relative to the criteria of Emerging Policy S5. Consequently, the proposal would conflict with Emerging Policies S3 and S5 in that respect, with associated conflict with Emerging Policy HC1 of the ELP.

17. The draft Doveridge Neighbourhood Development Plan 2017 - 2033 (D-NDP), was also provided during the Hearing. However, the D-NDP does not currently include specific housing policies relating to land beyond the Doveridge settlement boundary which add to those relevant in the LP or ELP. In any case, the D-NDP is at an early stage of preparation and I afford little weight to it.

18. In terms of accessibility, the development would not result in isolated homes in the countryside. The site has nearby footpath links to the Doveridge settlement where existing services and facilities are available, including routes with street lighting. There are also regular bus services nearby to Uttoxeter and Burton upon Trent where a wider range of services and facilities, including employment opportunities, would be accessible. However, given the conflict with development plan policies identified, any benefits in that respect are to be considered as part of the subsequent planning balance.

19. I conclude that the development would not be consistent with the objectives of policies relating to the location and supply of housing. The proposal would conflict with Saved Policies H4 and SF4 of the LP and Emerging Policies S3, S5 and HC1 of the ELP in that respect.

Character and appearance

20. The Council’s Landscape Sensitivity Study (LSS), published in August 2015, assesses the area within which the appeal site is situated as being highly sensitive to new housing development and also refers to land to the east of the Doveridge settlement and beyond Derby Road as acting as a strong limit to development. It is evident that selected localised assessment took place as part of the LSS, given that there are other areas of land, including on the

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5 Hearing Document 2

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opposite side of Derby Road to the north which are assessed to be of low sensitivity. Nevertheless, I agree with the appellant that the categorisation of the location of the site within the LSS does not rule out residential development but requires individual appraisal of development proposals. Such an approach is also consistent with that taken by the Council when previously granting planning permission for residential development in Hulland Ward on a site proposed to be allocated in the ELP.

21. The site consists of an existing field which adjoins the eastern side of Derby Road and at the time of my visit had the appearance of managed grassland. A dense wooded area adjoins the northern boundary of the site with buildings associated with a neighbouring crane hire business located further beyond. The site is also bounded by a hedgerow behind a shallow grass verge along most of the Derby Road frontage. However, there are gaps which provide open views across the site and surrounding fields toward the undulating topography of the wider landscape beyond the A50. The site adjoins a cluster of dwellings to the south with a linear arrangement that leads toward a grouping of other dwellings located to the opposite side of the road beyond the junction with Bell Lane. In contrast, the land immediately opposite to the site on Derby Road consists of open fields bounded by hedgerows and intermittent trees, which form part of a transition into the rural character of the countryside from the more developed parts of Doveridge.

22. A Landscape Visual Impact Assessment (LVIA) provided by the appellant concludes that the landscape and visual impacts of the development would be highly localised and very limited. LVIA viewpoints 1 and 2 are taken from a public footpath which crosses fields on the opposite side of Derby Road. Viewpoints 3 and 4 are taken from Derby Road along the site frontage, and viewpoint 5 is taken from a footpath that is situated to the south of the site which runs in a broadly east to west direction. Those LVIA viewpoints correspond with those considered to be most significant by the previous Inspector relating to the proposal for up to 17 dwellings on the same site (footnote 1). I have no reason to take a different view, as I observed that the other LVIA viewpoints are more distant from the site and influenced by a mix of intervening screening and changes in topography.

23. The previous Inspector who assessed the site from LVIA viewpoints 1 - 5 found that the site is a very visually prominent location when viewed from Derby Road and the public footpath network. Based upon my observations, I agree with the previous Inspector. The existing site when viewed together with adjoining woodland to the north and open fields to the east and west, forms part of a visual break and a gap in built development visible along Derby Road (including from LVIA viewpoints 3 and 4) and beyond the main settlement of Doveridge from footpaths nearby (including from LVIA viewpoints 1, 2 and 5).

24. Having regard to the above, I also agree with the previous Inspector that despite the appeal site and fields in close proximity having some features that are not typical of the ‘Needwood and South Derbyshire Claylands’ LCA and the Landscape Character Type ‘Settled Farmlands’, they are viewed as an integral part of the wider landscape and play an important role in establishing and enhancing the open and rural character of the area. The site has no specific landscape, ecological or heritage designation so as to indicate a valued

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6 Council ref: 16/00832/OUT

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landscape for the purposes of paragraph 109 of the Framework. Nevertheless, the contribution that the site makes to the character and appearance of the area is a relevant planning consideration. The site and the fields immediately surrounding are important to the character and setting of Doveridge through their contribution to the transition to a wider area of countryside around the settlement.

25. The previous Inspector identified that the effect of a proposal for up to 17 dwellings whilst localised would be significantly harmful to the character and appearance of the area. In seeking to address those concerns, the appellant has reduced the maximum numbers of dwellings to 14 and has indicated that a substantial broad leaved woodland planting belt would be provided to help the development assimilate into the landscape. I note that the previous Inspector found that there was little specific evidence before her to suggest that landscaping and other reserved matters could overcome the harm identified. However, it is unclear whether the evidence included the extent of woodland planting now proposed, which I necessarily go on to consider.

26. The construction of dwellings on the site would result in built development where there is presently none on a greenfield site. The layout plan before me is illustrative. However, the shape of the site would inevitably result in a continuation of the linear form of development present to the south. Consequently, the proposal would considerably narrow the gap between existing built development further to the north that is visible despite the wooded area adjoining the site. Different forms of development could be provided as part of a reserved matters submission, including designs that could correspond with existing two storey dwellings to the south. However, the footprint of buildings and the resultant bulk, scale and massing of built form, together with hardstanding and domestic paraphernalia, would inevitably change the character of the site when viewed from Derby Road and the surrounding footpath network. Whilst, the use of bungalows could reduce the overall scale and massing of built form it would not mitigate the resultant change of the site to a more suburban character and appearance.

27. Planting of trees to assimilate with woodland to the north, as part of a reserved matters submission or outside of planning controls, could provide some visual containment of the site as it matures particularly from distance views toward Derby Road and of the wider landscape from Derby Road. In that context, built form would become less conspicuous over time from some vantage points, including LVIA viewpoint 5. However, it would not fully mitigate the prominent intrusion of development into open countryside and the increased sense of enclosure of built form which would be experienced in a prominent location on Derby Road and visible from other parts of the footpath network, including LVIA viewpoints 1 - 4, irrespective of the screening or backdrop of trees that could emerge over time. Consequently, the development of the site would be harmful to the character and appearance of the area and visual amenity which although localised would be considerable. The retention of a hedgerow or additional planting along the site frontage would not mitigate the harm.

28. In reaching the above findings, I have taken into account that a nearby site has recently been granted outline planning permission for 70 dwellings by the Council\(^7\). However, that site is located further to the north on the opposite side

\(^7\) Council Ref: 15/00389/OUT

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of the road behind a dense grouping of trees. Consequently, it would not influence the character of the immediate surroundings of the site to an extent that would justify the proposal. In reaching that view, I also give significant weight to the findings of both Inspectors who considered previous proposals at the appeal site and reached a similar view on that matter.

29. A recent appeal decision granted planning permission for 2 dwellings on land to the eastern side of Derby Road further to the south at the opposite end of the cluster of dwellings. The development was under construction at the time of my visit and I observed that it is located amongst a grouping of dwellings close to the junction of Bell Lane. The close relationship and grouping of the two dwellings with other dwellings nearby on both sides of Derby Road reflect different circumstances to the proposal before me. Consequently, I give little weight to the conclusions of that previous Inspector as the circumstances of that development do not replicate the harm I have identified.

30. A number of other appeal decisions have been drawn to my attention relating to sites in Worcestershire, Kent, West Sussex and Berkshire, where issues such as visual impact, containment and benefits afforded by vegetative screening and/or woodland planting were considered. However, I do not have the full details of the circumstances which led to Inspectors reaching their conclusions and therefore, cannot be certain that they replicate the proposal before me given the differences in locational and development plan context. I, therefore, necessarily consider the proposal before me on its own merits.

31. Manor House, a Grade II* Listed Building, is located on the opposite side of Derby Road beyond an expansive area of land with intervening trees along its boundaries that provides screening which would limit inter-visibility with the proposal. Consequently, I am satisfied that the proposed development would preserve the setting of the Grade II* Listed Building. However, the absence of concern in that respect is a neutral factor.

32. I conclude that the development would result in considerable harm to the character and appearance of the area. It would, therefore, conflict with Saved Policies SF5 and NBE8 of the LP. When taken together, the policies seek, amongst other things, to ensure that new development preserves the character, appearance and local distinctiveness of its surroundings. Those policies are consistent with the design objectives of the Framework and in so far as it seeks recognition of the intrinsic beauty of the countryside. The development would also conflict with Emerging Policies PD1 and PD5 of the ELP which contain similar requirements to Saved Policies SF5 and NBE8 of the LP.

Planning Obligation

33. The counterpart UU is signed and dated but does not include an accompanying plan which identifies the site and instead refers to a HM Land Registry Title (Title Number DY258923). Following submission of a corresponding HM Land Registry Title Plan during the Hearing, I am satisfied that it is complete and would take effect if planning permission were to be granted.

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8 Appeal Ref: APP/P1045/W/16/3145895 - Allowed with Conditions - 14 September 2016
9 Appeal Ref: APP/P1805/W/17/3175713 - Allowed with Conditions - 18 August 2017
10 Appeal Ref: APP/U2235/W/16/3145575 - Allowed with Conditions - 9 December 2016
11 Appeal Ref: APP/Z3825/A/13/2200213 - Allowed with Conditions - 18 June 2014
12 Appeal Ref: APP/R0335/W/14/2228002 - Allowed with Conditions - 20 August 2015
13 Hearing Document 3

https://www.gov.uk/planning-inspectorate
34. Notwithstanding the above, I have reservations that the covenants in the UU are not precise in terms of delivery of the affordable housing and availability for occupation and allocation by a Registered Provider as they rely considerably upon the definitions and rules of interpretation in the agreed terms of the UU. However, I afford significant weight to the view of the Council’s Senior Solicitor expressed at the Hearing that, notwithstanding those reservations, the planning obligation would provide for affordable housing within the site as intended. I, therefore, take the planning obligation relating to affordable housing into account when determining this appeal.

35. The UU would also provide financial contributions to secure the provision of two secondary education places and a post 16 year place at Queen Elizabeth’s Grammar School. The contributions are justified by evidence provided as part of the planning application consultation, are necessary to make the development acceptable in that context and would comply with the statutory tests contained in The Community Infrastructure Levy Regulations 2010.

Other Matters

36. The development would have a number of benefits relating to its contribution to housing supply and choice in Derbyshire Dales arising from up to 14 dwellings including the potential for delivery of affordable housing in an accessible location, which are important considerations that carry significant weight. There would also be associated economic benefits during construction and support for local services and facilities after occupation, which carry moderate weight based on the scale of the development proposed.

37. In addition, subject to the submission of a detailed site layout and landscaping as part of the reserved matters, the provision of a wooded area and additional hedgerow planting could provide additional benefits, albeit modest, in terms of ecology and biodiversity within the site. However, the weight that can be afforded to those matters is limited as the existing layout remains illustrative. In that context, any associated benefits of a wooded area in terms of noise mitigation for future residents and shading of adjacent agricultural land are matters which can be afforded little weight.

38. There is no substantive evidence in terms of the limited road traffic accidents in the local area or their causes which would lead me to consider that the formation of a new access on Derby Road would be harmful. Based upon the evidence and my observations, a safe and suitable access to the site could be achieved for all people as part of a reserved matters submission. Furthermore, the increase in traffic movements would not have a severe residual cumulative impact upon the transport network. The development, therefore, would not have a harmful impact upon highway or pedestrian safety.

39. The design of a detailed site layout and landscaping at reserved matters stage would also be capable of ensuring no significant effect upon the living conditions of occupiers of neighbouring properties.

40. The site is located in Flood Zone 1. Consequently, the development would not be at unacceptable risk of flooding or increase the risk of flooding to surrounding properties, subject to a detailed site layout as part of the reserved matters and drainage provision. The latter details could be secured by condition if the appeal were to be allowed.
Planning Balance

41. As previously stated, the Council can demonstrate a deliverable five year supply of housing land in accordance with paragraph 47 of the Framework. The circumstances by which paragraph 49 of the Framework would engage paragraph 14, therefore, are not met. However, as Saved Policies H4 and SF4 of the LP pre-date the Framework they are necessarily also considered in terms of paragraph 215. The approach of Saved Policies H4 and SF4 is broadly consistent with the Framework in terms of its core planning principles, particularly the fifth bullet of paragraph 17, and paragraphs 28, 54 and 55. However, the policies relate to settlement boundaries and identification of countryside in the LP that are based upon assessments of housing need up to 2011. Furthermore, it is evident that the Council’s ability to demonstrate a five year housing land supply places some reliance upon proposed housing allocations in the ELP that lie outside of existing LP settlement boundaries. Accordingly, Saved Policies H4 and SF4 of the LP cannot be considered up-to-date and paragraph 14 of the Framework is engaged.

42. I have identified a number of benefits of the development that weigh in its favour, including the contribution to the supply of housing of up to 14 dwellings with affordable housing in an accessible location. There would also be some moderate economic, social and environmental benefits that I have identified which also weigh in favour of the proposal. The absence of harm in terms of highway and pedestrian safety, living conditions of occupiers of neighbouring properties, flood risk and the setting of a Grade II* listed building are neutral factors which neither weigh for nor against the proposal.

43. However, I have found that there would be considerable harm to the character and appearance of the area in a countryside location resulting in conflict with Saved Policies SF5 and NBE8 of the LP, which are consistent with the Framework, and also conflict with Saved Policies H4 and SF4. There would be associated conflict with Emerging Policies of the ELP, albeit that those policies carry only moderate weight in the context of paragraph 216 of the Framework based upon their advanced stage of preparation but taking into account that they remain subject to objections and modifications.

44. Having regard to all of the above and in the context of paragraph 14 of the Framework, I conclude that the extent of the harm identified would significantly and demonstrably outweigh the benefits of the appeal proposal. Consequently, the proposal would not result in sustainable development when considered relative to the development plan and the Framework as a whole.

45. The Framework does not change the statutory status of the development plan in terms of decision making. I conclude that the identified harm relating to the proposal and the associated conflict with the development plan are not outweighed by the other material considerations in this case.

Conclusion

46. For the reasons set out above and having taken all other matters into account, I conclude that the appeal should be dismissed.

Gareth Wildgoose

INSPECTOR

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**APPEARANCES**

**FOR THE APPELLANT:**

Jeremy Fryer  
Roche Enterprises Ltd

Sian Griffiths  
RCA Regeneration Ltd - Director

Gareth Sibley  
RCA Regeneration Ltd - Senior Planning Consultant

**FOR THE LOCAL PLANNING AUTHORITY:**

Chris Whitmore  
Derbyshire Dales District Council – Principal Planning Officer

Katie Hamill  
Derbyshire Dales District Council - Senior Solicitor

Joseph Baldwin  
Derbyshire Dales District Council - Area Planning Officer

**DOCUMENTS SUBMITTED AT THE HEARING**

1. E-mail correspondence dated 30 October 2017 relating to draft Statement of Common Ground
2. Doveridge Neighbourhood Development Plan 2017 - 2033 dated October 2017
3. HM Land Registry Title Plan (Title Number DY258923) at 1:1250 scale
4. Application for costs made by Roche Enterprises Ltd (including appended e-mail thread)
5. E-mail correspondence dated 9 August 2017 from Gareth Sibley to Chris Whitmore.
Appeal Decision

Site visit made on 2 October 2017

by Thomas Shields  MA DipURP MRTPI
an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 27 October 2017

Appeal Refs: APP/P1045/C/17/3173755 and 3173756
Sunnyside Farm, Whitelea Lane, Tansley, Matlock, DE4 5FL

- The appeals are made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991 (the Act).
- The appeals are made by Mr A J Hazle (3173755) and Mrs A R Hazle against an enforcement notice issued by Derbyshire Dales District Council.
- The enforcement notice was issued on 3 April 2017.
- The breach of planning control as alleged in the notice is without planning permission, engineering operations comprising of the unauthorised construction of a raised, level, concreted area with a concrete retaining wall marked in blue on the attached plan.
- The requirements of the notice are:
  (a) Remove the unauthorised raised concrete area and concrete retaining wall in its entirety from the land to an unauthorised site for the disposal and reinstate the land level in accordance with the attached drawings Restoration drawing 1 and Restoration drawing 2.
  (b) Re-seed with grass the resultant area that is subject to the notice.
- The period for compliance with the requirements is 4 months.
- The appeals are proceeding on the grounds set out in section 174(2)(c) of the Act. Since the prescribed fees have not been paid within the specified period, the appeals on ground (a) and the applications for planning permission deemed to have been made under section 177(5) of the Act have lapsed.

Decision

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

Procedural matter

2. A second enforcement notice alleging an unauthorised material change of use of the land had also been appealed and was to be determined in tandem with these appeals. That notice was subsequently withdrawn by the Council during the appeal process, hence this decision relates only to the enforcement notice cited in the banner heading above.

The appeal on ground (c)

3. To succeed on this ground, the burden of proof is upon the appellants to show, on the balance of probability, that the matters alleged in the notice do not constitute a breach of planning control.

4. The development comprises a raised, level, concreted area with a retaining wall as shown outlined in blue on the plan attached to the enforcement notice. No argument is advanced by the appellants that it was carried out in stages as separate and unrelated building operations and I have no other reason to consider that it was not carried out as a single development. No planning
permission has been granted by the Council for the development, and there is no dispute between the parties that it requires planning permission.

5. The appeal therefore turns on the appellants’ contention that the development constitutes the commencement of an agricultural building benefiting from the planning permission (“permitted development”) provided by Article 3 and Class A, Part 6, of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995 (as amended) (the GPDO). This was the version of the GPDO in force at the time of the appellants’ prior notification application to the Council (0800105/AGR).

6. Class A provides that the erection of a building which is reasonably necessary for the purposes of agriculture within an agricultural unit of 5 hectares or more is permitted development. That provision is subject to conditions which include, at A.2(2)(i), a prior notification requirement to the Council for a determination as to whether their prior approval is required in respect of the siting, design and external appearance of the proposed building. Also condition A.2(2)(ii) states that “the application shall be accompanied by a written description of the proposed development and of the materials to be used and a plan indicating the site together with any fee required to be paid”.

7. The prior notification application to the Council proposed a building having a footprint of 20m x 18m, with eaves and ridge height of 4.2m and 5.5m respectively. The building’s location was shown on a 1:1250 plan submitted with the application.

8. The Council argue, amongst other matters, that the development carried out cannot be commencement of the prior notification building because the development constructed on site is not in the location shown on the prior notification plan (PNP) submitted with 0800105/AGR. They argue it is several metres further to the west and within a different footprint. In support of this argument the Council have produced a scaled drawing overlaid with the outline of the as-built development (shown in red). It demonstrates the significant variance in location as argued by the Council.

9. As I have previously explained, in a ground (c) appeal it is the appellants who have the burden of proof.

10. For the appellants it is argued that the as-built development is “broadly consistent” with the PNP and that “site” in the context of the PNP could reasonably be considered to be the whole of the agricultural holding, such that the building was constructed “within the site”.

11. I disagree with this interpretation. Clearly the agricultural holding is shown on the PNP. However, the precise location of the building is also clearly shown and annotated on the PNP. Furthermore, an explanatory letter submitted with application 0800105/AGR states: “The plan accompanying the prior notification application for the new building shows the extent of the agricultural holding at Sunnyside Farm, the proposed siting, and...”

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1 Appendix 6: Drawing SK28 01 taken from planning application 12/00615/FUL, as confirmed in Council response to PINS letter dated 25.10.2017
2 Appellant Statement of Case, paragraphs 1.16 – 1.18
3 Letter from Chris Thorp Planning Ltd, dated 11.02.2008
4 My emphasis

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12. There is no doubt in my mind that the marked position of the proposed building’s footprint on the PNP, together with the explanatory letter, provided clear and precise details for the siting of the proposed building; that being in addition to the extent of the agricultural holding. On the basis of these submitted details the Council’s decision of 7 March 2008 confirmed that the Council’s prior approval, including for siting, was not required. That is not surprising given that detailed siting of the proposed building was clearly shown in the submitted details.

13. Given the above factors it is important to note that condition A.2(2)(v)(bb) within Class A requires that where prior approval is not required, the development shall be carried out “in accordance with the details submitted with the application”.

14. From my inspection of the site and the surrounding area, and having regard to all the evidence available, it appears to me that the as-built development does not accord with the details of the submitted prior notification due to it being in a significantly different position than was shown on the PNP.

15. It is argued that I should not attach weight to the overlay drawing in the Council’s Appendix 6, due to an adjacent storage building shown on the plan not existing or shown on the 2008 PNP, and additionally that its position is more accurately represented in a later application (Council ref 16/00889/FUL). As such, it is argued, it does not represent the storage building’s correct position nor provide an accurate datum point.

16. However, mindful that the burden of proof is upon the appellants, they have not submitted any evidence in the form of an alternative detailed survey or drawing to demonstrate inaccuracies in the Council’s Appendix 6, or, more pertinently, to show that the as-built development is in the correct position as shown in the PNP and thereby demonstrating that there has not been a breach of planning control. Consequently, I am not persuaded that the Council’s evidence should be disregarded or afforded less weight.

17. Having regard to all the evidence before me, and on the balance of probability, I find that the as-built development is significantly different from that shown in the details submitted with prior notification application 0800105/AGR due to it having a substantially different location. As such it does not comply with condition A.2(2)(v)(bb) within Class A which requires development to be carried out “in accordance with the details submitted with the application”. It cannot therefore be permitted development.

**Conclusion**

18. For all the above reasons I conclude that the as-built development is not permitted development. Since no planning permission has otherwise been granted, it therefore constitutes a breach of planning control.

19. Consequently, the appeal on ground (c) that there has not been a breach of planning control fails.

*Thomas Shields*

INSPECTOR
BACKGROUND PAPERS

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

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

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

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