08 January 2018

To: All Councillors

As a Member or Substitute of the Planning Committee, please treat this as your summons to attend a meeting on Tuesday 16 January 2018 at 6.00pm at The Venue, Wyaston Road, Ashbourne DE6 1NB.

Yours sincerely

Sandra Lamb
Head of Corporate Services

AGENDA

SITE VISITS: The Committee is advised a coach will leave The Venue, Ashbourne at 1.50pm prompt. A schedule detailing the sites to be visited is attached to the Agenda.

1. APOLOGIES/SUBSTITUTES

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

2. APPROVAL OF THE MINUTES OF THE PREVIOUS MEETING

Planning Committee – 20 December 2017

3. INTERESTS

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

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

PUBLIC PARTICIPATION

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

4.1 APPLICATION NO. 17/01032/FUL (Site Visit)  
Proposed two-storey extension at rear of 7 Saxon Close, Ashbourne.

4.2 APPLICATION NO. 17/01142/FUL (Site Visit)  
Variation to the design of access road to provide enlarged drainage facility and to accommodate a Pumping Station at Ashbourne Airfield, A52, Ashbourne, Derbyshire DE6 1LY.

4.3 APPLICATION NO. 17/00973/FUL (Site Visit)  
Demolition of redundant building and erection of a dependant relative annexe at Herdsman Close Farm, Ashbourne, DE6 1JE.

4.4 APPLICATION NO. 17/01030/FUL (Site Visit)  
Erection of a pair of semi-detached bungalows at Land to the rear of 12 The Green Road, Ashbourne, DE6 1ED.

4.5 APPLICATION NO. 17/00015/FUL (Site Visit)  
Demolition works and conversion of buildings to 7 No. dwellings and erection of 12 further dwellings and associated garages at Dairy House (Derelict Property), Luke Lane, Brailsford.

4.6 APPLICATION NO. 17/00489/FUL  
Erection of temporary agricultural workers dwelling and agricultural storage building at Land East of Turlowfields Lane, Hognaston.

4.7 APPLICATION NO. 17/00934/OUT  
Residential development of up to 17 dwellings with access (Outline) at the former Harveydale Quarry, Dale Road, Matlock.

4.8 APPLICATION NO. 17/01088/LBALT  
Alterations to outbuilding at 85 Church Street, Matlock.
5. INFORMATION ON ACTIVE AND CLOSED ENFORCEMENT INVESTIGATIONS

6. APPEALS PROGRESS REPORT

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

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

Nominated Substitute Members
Martin Burfoot, Ann Elliott, Helen Froggatt, Chris Furness, Neil Horton, Vicky Massey-Bloodworth, 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. Online 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>Group</th>
<th>Time Limit</th>
</tr>
</thead>
<tbody>
<tr>
<td>Town and Parish Council</td>
<td>3 minutes</td>
</tr>
<tr>
<td>Objectors</td>
<td>3 minutes</td>
</tr>
<tr>
<td>Ward Members</td>
<td>5 minutes</td>
</tr>
<tr>
<td>Supporters</td>
<td>3 minutes</td>
</tr>
<tr>
<td>Agent or Applicant</td>
<td>5 minutes</td>
</tr>
</tbody>
</table>

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

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

Members will leave The Venue, Wyaston Road, Ashbourne DE6 1NB at **1.50pm prompt** for the following site visits:

**1.55pm**  APPLICATION NO. 17/01032/FUL

7 SAXON CLOSE, ASHBOURNE.

At the request of Officers to consider the impact of the extension on residential amenity and the character and appearance of its surroundings.

**2.15pm**  APPLICATION NO. 17/01142/FUL

ASHBOURNE AIRFIELD, A52, ASHBOURNE.

At the request of Officers to consider the implications of the changes on the local environment.

**2.40pm**  APPLICATION NO. 17/00973/FUL

HERDSMAN CLOSE FARM, ASHBOURNE DE6 1JE.

At the request of Ward Member to appreciate the proposal in the context of its surroundings.

**3.05pm**  APPLICATION NO. 17/01030/FUL

LAND REAR OF 12 THE GREEN ROAD, ASHBOURNE DE6 1ED.

At the request of Ward Member to appreciate the proposal in the context of its surroundings.

**3.40pm**  APPLICATION NO. 17/00015/FUL

DAIRY HOUSE (DERELICT PROPERTY), LUKE LANE, BRAINTFORD.

At the request of Officers for Members to appreciate the site and context and the extent of demolition and conversion works.

**4.25pm**  RETURN TO THE VENUE, ASHBOURNE
COMMITTEE SITE MEETING PROCEDURE

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

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

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

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

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

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

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

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

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

9. All persons attending are requested to refrain from smoking during site visits.
<table>
<thead>
<tr>
<th><strong>APPLICATION NUMBER</strong></th>
<th>17/01032/FUL</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>SITE ADDRESS:</strong></td>
<td>7 Saxon Close, Ashbourne</td>
</tr>
<tr>
<td><strong>DESCRIPTION OF DEVELOPMENT</strong></td>
<td>Proposed two-storey extension to rear</td>
</tr>
<tr>
<td><strong>CASE OFFICER</strong></td>
<td>J Baldwin</td>
</tr>
<tr>
<td><strong>APPLICANT</strong></td>
<td>Mr &amp; Mrs T Hilton</td>
</tr>
<tr>
<td><strong>PARISH/TOWN</strong></td>
<td>Ashbourne</td>
</tr>
<tr>
<td><strong>AGENT</strong></td>
<td>Mr Daniel Wright</td>
</tr>
<tr>
<td><strong>WARD MEMBER(S)</strong></td>
<td>Cllr Thomas Donnelly</td>
</tr>
<tr>
<td><strong>DETERMINATION TARGET</strong></td>
<td>19/12/17</td>
</tr>
<tr>
<td><strong>REASON FOR DETERMINATION BY COMMITTEE</strong></td>
<td>5 or more unresolved objections received.</td>
</tr>
<tr>
<td><strong>REASON FOR SITE VISIT (IF APPLICABLE)</strong></td>
<td>To consider the impact of the extension on residential amenity and the character and appearance of its surroundings</td>
</tr>
</tbody>
</table>

**MATERIAL PLANNING ISSUES**

- The impact of the development on the residential amenity of the occupants of neighbouring properties, and;
- the character and appearance of the existing dwellinghouse and its surroundings.

**RECOMMENDATION**

Approval with conditions
1.0 THE SITE AND SURROUNDINGS
1.1 7 Saxon Close is a 3 bedroomed, semi-detached dwelling located in a primarily residential area on the southern edge of Ashbourne. The dwelling forms part of a development of 55 dwellings at Willow Meadow Farm, Wyaston Road which was approved in 2014 under application code ref. 14/00356/REM. A timber fence defines the eastern and western boundaries of the rear garden and a high hedge line defines the rear boundary.

2.0 DETAILS OF THE APPLICATION
2.1 Planning permission is sought for a two storey rear extension to the dwelling which would accommodate additional family/dining space at ground floor and an additional bedroom at first floor.

2.2 The original submission presented a two storey rear extension spanning the full 5.19m width of the dwelling. The ground floor element was shown to extend 4m from the existing rear elevation, have a height of 4m and extend slightly beyond the existing side elevation of the dwelling by 2.01m. The first floor element was shown set back slightly, extending 3.3m from the rear elevation and 7m in height.

2.3 The application was amended following the representations received by the Local Planning Authority in respect of the original scheme. The application in its revised form proposes a two storey rear extension, where the ground floor would have a height of 3.4m and would extend 4m from the existing rear elevation. The ground floor element would extend beyond the existing side elevation by 2.01m. The first floor element would extend
3m from the existing rear elevation and would have a height of 6.4m. The width of the first floor would be 3.39m, set 1.8m away from the adjoining property. Rear bi-folding doors, double patio doors and a roof light would be installed at ground floor level and a window in the rear elevation at first floor level.

3.0 PLANNING POLICY AND LEGISLATIVE FRAMEWORK
1. Adopted Derbyshire Dales Local Plan 2017
   Policy PD1: Design and Place Making
   Policy HC10: Extensions to Dwellings
2. National Planning Policy Framework
   National Planning Practice Guidance

4.0 RELEVANT PLANNING HISTORY:
None.

5.0 CONSULTATION RESPONSES

Ashbourne Town Council
5.1 Initial Comments (21/11/17) – Members object in principle to the loss of a three-bedroom home. The Ashbourne Housing Needs Assessment gives consideration to the Planning Consent which has recently been granted and the principal development scheme maintained. Members feel that the development is out of character for the property and design of the overall development of that part of the estate.

Comments on the amended scheme (13/12/17) – The application is contrary to the master plan and planning design principle of the original planning application, which would result in the loss of a three bedroomed house.

6.0 REPRESENTATIONS RECEIVED

6.1 A total of 5 representations were received in respect of the original application objecting to the proposed development. A summary of the representations is outlined below:

- Covenant states that building/development cannot be carried out in the development period which expires December 2018.
- Negative impact on the appearance of the housing development as a whole.
- The increased number of bedrooms would be against the planning design and overall character of the development.
- The property would no longer be an affordable home.
- Need for 3 bedroom homes, purpose built 4 bedroom properties are being erected nearby.
- Reduction of sunlight into neighbouring gardens.
- Reduction of light into windows of neighbouring properties
- The proposal would add to existing drainage issues on the estate.
- Negative impact on views from nearby dwellings.
- Will add to the existing issue of parking on the pavements due to lack of off street parking.
- The development is out of character for the property and design of the overall development of this part of the estate.
Following the submission of amended plans, 4 further representations have been received from local residents objecting to the proposed development. These further representations can be summarised as follows:

- Covenant states that building/development cannot be carried out in the development period which expires December 2018.
- The increased number of bedrooms would be against the planning design and overall character of the development.
- The property would no longer be an affordable home.
- There is a need for 3 bedroom homes. Purpose built 4 bedroom properties are being erected nearby.
- Reduction of sunlight into neighbouring gardens.
- Reduction of light into windows of neighbouring properties
- The proposal would add to existing drainage issues on the estate.
- Concerns relating to the placement of log burner.
- The proposal would negatively impact the appearance of the property.
- Negative impact on views from nearby dwellings.
- Will add to the existing issue of parking on the pavements due to lack of off street parking.
- The development is out of character for the property and design of the overall development of that part of the estate.

7.0 OFFICER APPRAISAL

The following material planning issues are relevant to this application:

- The impact of the development on residential amenity of the occupants of neighbouring properties.
- The impact of the development on the character and appearance of the existing dwellinghouse and its surroundings.

Residential Amenity

7.1 Adopted Derbyshire Dales Local Plan (2017) policy PD1 requires development to achieve a satisfactory relationship with adjacent development and ensure it does not cause unacceptable effects by reason of visual intrusion, overlooking, shadowing, overbearing effect, noise, light pollution or other adverse impacts on local character and amenity.

7.2 Concern has been raised by local residents with regard to the proposals impact on the amenity of the occupants of neighbouring properties; in particular, the potential for overshadowing and a reduction of sunlight entering the windows and gardens of neighbouring properties.

7.3 It is considered that the reduction in height of the single storey aspect of the extension and the reduction in projection and width of the first floor element would not result in a significant loss of light or privacy, nor would the extension appear overbearing to the extent that that a recommendation of refusal could be sustained on such grounds. The two storey element would project 3m from the rear elevation be 6.4m high and be sited 1.8m away from the common boundary with the adjoining property (9 Saxon Close) which is positioned to the north east.
Character and Appearance

7.4 Both policies HC10 and PD1 of the Adopted Derbyshire Dales Local Plan outline how
development should not harm the character and appearance of the property or
surrounding area.

7.5 Concern has also been raised by local residents that the development proposal would be
harmful to the character and appearance of its surroundings and how the loss of a three
bedroom dwelling would have a negative impact on this part of the estate.

7.6 The proposal would be constructed of red brickwork, UPVC windows and roof tiles to
match the existing development. As the proposal is a rear extension, it would be mainly
screened from the highway by the existing house, with the exception of the small 2m,
single storey projection to the side at the end of the existing driveway. When assessing
householder applications Adopted Local Plan policies do not limit extensions by size or
number of additional bedrooms. It is considered that the extension would be subservient to
the principle building and would not overwhelm or appear as an incongruous addition to it.
Being constructed in matching materials it is not considered that the extension would have
a detrimental impact on the character and appearance of the existing dwellinghouse or its
surroundings. A recommendation of approval is put forward on this basis.

8.0 RECOMMENDATION

That planning permission be granted subject to the following conditions.

1. The development hereby permitted must be begun before the expiration of three years from the
date of this permission.
2. The development hereby permitted shall be constructed of facing and roofing materials to
match in terms of colour, texture, size and material those used in the construction of the
existing building.

Reasons

1. This is a statutory period which is specified in Section 91 of the Town and Country Planning Act
1990.
2. To ensure the use of appropriate materials in accordance with Policy PD1 and HC10 of the
Adopted Derbyshire Dales Local Plan 2017

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 design of the
proposed extension and its impact on the residential amenity of the occupants of
neighbouring properties.

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.

This decision notice relates to the following documents:

Plans as Existing: Received 24/10/2017
Proposed plans – Revision C: Received 05/12/2017
<table>
<thead>
<tr>
<th>APPLICATION NUMBER</th>
<th>17/01142/FUL</th>
</tr>
</thead>
<tbody>
<tr>
<td>SITE ADDRESS:</td>
<td>Ashbourne Airfield</td>
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<td></td>
<td>A52</td>
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<td></td>
<td>Ashbourne</td>
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<td></td>
<td>Derbyshire</td>
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<td>DE6 1LY</td>
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<td>DESCRIPTION OF DEVELOPMENT</td>
<td>Variation to the Design of Access Road to Provide Enlarged Drainage Facility and Accommodate for Pumping Station</td>
</tr>
<tr>
<td>CASE OFFICER</td>
<td>Mr. Jon Bradbury</td>
</tr>
<tr>
<td>APPLICANT</td>
<td>Miss Joanne Harrison</td>
</tr>
<tr>
<td>PARISH/TOWN</td>
<td>Yeldersley</td>
</tr>
<tr>
<td>AGENT</td>
<td>None</td>
</tr>
<tr>
<td>WARD MEMBER(S)</td>
<td>Cllr. Andrew Shirley</td>
</tr>
<tr>
<td>DETERMINATION TARGET</td>
<td>27th February 2018</td>
</tr>
<tr>
<td>REASON FOR DETERMINATION BY COMMITTEE</td>
<td>Major application</td>
</tr>
<tr>
<td>REASON FOR SITE VISIT (IF APPLICABLE)</td>
<td>To consider the implications of the amended scheme on the local environment</td>
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</tbody>
</table>

**MATERIAL PLANNING ISSUES**

- Planning history / background;
- Principle of the development;
- Impact on highway safety, and;
- The local environment (inc. residential amenity, archaeology, ecology and land drainage).

**RECOMMENDATION**

That authority be delegated to the Development Manager to approve the application subject to conditions, upon receipt of a revised plan to secure connection of the link road to the adopted part of Blenheim Road.
Ashbourne Airfield, A52, Ashbourne
1. **THE SITE AND SURROUNDINGS**

1.1 The application site concerns an area of land to the east of Ashbourne Airfield Industrial Estate between it and the cluster of houses at the Osmaston / Yeldersley crossroads on the A52. The site links into the existing Blenheim Road access for the industrial estate at its western end and comprises the route of a link road between it and the A52 which would join the A52 to the west of Osmaston crossroads.

1.2 The site currently has some open storage to its western end but is predominantly former airfield with no active land use. Where the site joins the A52 is a narrow strip of self-set woodland. Along the site frontage of the A52 to the west is a boundary hedge. The nearest dwelling to the east is The Thatched Cottage. On the opposite side of the A52 is agricultural land with a copse of trees lying opposite the point of access onto the A52. The airfield site is relatively level with only a gentle downward gradient between it and the A52. The site lies 500m from the boundary with Osmaston Conservation Area.

2. **DETAILS OF THE APPLICATION**

2.1 This application follows the grant of planning permission on the 25th May 2016 for a new link road under application code ref. 16/00168/FUL to connect Blenheim Road which serves as the only current access to Ashbourne Airfield Industrial Estate with the A52 to the west of Osmaston / Yeldersley crossroads on the A52. As part of the original application a surface water attenuation basin was proposed to deal with surface water from the link road. This application seeks to enlarge the attenuation basin to accommodate surface water from the wider use of the site for employment purposes. The attenuation basin will occupy the south eastern corner of the site, close to the boundary with a number of residential dwellings located off the A52 and Lady Hole Lane. At its extremities it will be approximately 50m long by 32m wide and will be 6m deep. The sides of the basin will have a gradient of 1 in 3. To the west of the attenuation basin a pumping station is proposed. Other changes include a new spur off the access road, approximately 50m from the point where Blenheim Road currently terminates and new locations for the bus stop and compound area for construction vehicles.

![Photograph 1](image1.jpg) ![Photograph 2](image2.jpg)

3. **PLANNING POLICY AND LEGISLATIVE FRAMEWORK**

3.1 Adopted Derbyshire Dales Local Plan (2017)
4. RELEVANT PLANNING HISTORY

4.1 16/00168/FUL  Formation of Link Road - Granted

4.2 14/00074/OUT  Residential development (367 dwellings) employment site, commercial and community facilities, link road, access and landscaping (outline) – Granted

5. CONSULTATION RESPONSES

5.1 Local Highway Authority:
Advises the following:

The application proposals seek to include a number of amendments / variations to the previously approved link road scheme, approved under application reference 16/00168/FUL – whilst the route of the link road essentially remains on the same alignment the new proposals include additional / modified junction arrangements, improved junction geometry and a foul pumping station / enlarged surface water balancing pond. Purely from a highway safety perspective the proposed new arrangements are not considered to materially affect the development proposals. The Local Highway Authority advise that the application site boundary, as drawn on drawing number CIV-SA-90-0003 Rev C01, fails to connect to the adopted highway part of Blenheim Road which was highlighted and addressed in the previous application. They advise that the application site boundary will need to be extended, to include this section, to ensure an adoptable link road can be provided between Blenheim Road and the A52.

Subject to the application site boundary being extended to provide the link to the adopted section of Blenheim Road and the conditions imposed in respect of application 16/00168/FUL being repeated / varied slightly, the Local Highway Authority raise no objections to the revisions on highway safety grounds. The Local Highway Authority advise
that the comments relating to s106 monies made in respect of application 16/00168/FUL equally apply to this application. As this application concerns the link road only and does not propose any new housing or employment development, it would not affect the coverage of the s106 content relating to the wider development of the airfield (covered under application code ref. 14/00074/OUT).

5.2 **Osmaston and Yeldersley Parish Council:**
Make the following comments in objecting to the proposed development:

- The application doesn't fit the Local Plan in that the extra land is designated for landscaping and planting.
- It does not include any assessment of the effect on and/or by the existing airfield drainage systems.
- If it only applies to the outline designated, there is no need for a foul water system as a roadway does not produce any runoff that fits Severn Trent's definition of foul water. There is a complete lack of technical data on the basin, specifications etc.
- There is no outflow consent or appraisal on the water body's ability to absorb any increase in flow.
- There are no aftercare measures, i.e. who is responsible for the maintenance of the basin.

5.3 **Ashbourne Town Council:**
Object. Members feel there is a lack of information with the application. It will have an impact on neighbouring properties and cause excess water on an area that is already prone to flooding, including a major road junction.

5.4 **Development Control Archaeologist**
Reiterate their previous comments in respect of application code ref. 16/00168/FUL and the draw the Local Planning Authority's attention to the need for a condition to secure appropriate archaeological evaluation.

5.5 **County Minerals:**
No comments received. However, previously advises that the development would not impact adversely on minerals safeguarding interests.

5.6 **Economic Development Manager**
The accelerated delivery of serviced land and employment floorspace at Ashbourne Airfield, enabled by the proposed new link road has been identified as an economic development priority by the District Council. The proposed business park is identified as the main future employment location in the Derbyshire Dales Local Plan, adopted by the District Council on 7 December 2017 (with the site accounting for a third of all new employment development land within the district) and one of six economic growth sites in the Derbyshire Dales Economic Plan, 2014.

The link road, enlarged drainage attenuation basin and foul pumping station have been designed by engineering design consultants to service circa 34,500 sqm of commercial employment floorspace identified within the masterplan for the site and are necessary for development to proceed, providing space for businesses on the industrial estate to expand and opportunities to attract new business investment to Ashbourne.

From an economic development perspective, the application is therefore supported.
5.7 Land Drainage Authority (Derbyshire County Council)
The Land Drainage Authority initially advised that the application was lacking details in a number of areas. Following receipt of the additional information requested the Land Drainage Authority advised the following:

The existing Qbar greenfield runoff rate has been calculated to 4.375 l/s/ha giving a greenfield runoff rate from the impermeable areas of phase 1 of the overall development of 57 l/s. It is proposed to dispose of surface water off site to a nearby watercourse via an attenuation basin (with a low flow channel) and a surface water sewer network that will be offered for adoption. The volume of the attenuation basin reflects the corresponding impermeable area of phase 1 not only the proposed highway.

Modelling has been provided to demonstrate the network retains surface water within the infrastructure up to the 1 in 30 year rainfall event and that the 1 in 100 year rainfall event (plus 30% climate change allowance) remains on site. As this application has been made post the Environment Agency issuing new climate change advice, at the detailed design stage the system should have a 40% climate change sensitivity test.

It is noted that a small area of the site will drain to the existing Blenheim Road drainage infrastructure, however it has been demonstrated that at 5 l/s this will provide betterment to the existing situation.

Subject to a condition to secure the detailed design of the surface water drainage for the site to take account of the above and details of its future management the Land Drainage Authority raise no objections.

6. REPRESENTATIONS

6.1 Representations from four local residents have been received, objecting to the proposed development. Their comments can be summarised as follows:

- This application is completely inadequate as it contains no technical information on which is can be judged.
- There seems to be no information about the surface geology of the site.
- Previous flooding of properties on Lady Hole lane and the road itself do not seem to have been considered.
- The large pool next to the houses on Lady Hole Lane looks like complete madness.
- Have there been any test bores to find out the nature of the water bearing properties of the soil?
- There is no detailed design of the pool. Is it to be clay lined or some plastic membrane?
- What measures would be in place to prevent flooding from the lake or underground leakage of water into the foundations of the houses on Lady Hole Lane.
- What are the noise implications of any pumping station?
- The application seems to be inadequate in every respect and should be refused.
- The red line extends up to our back fencing.
- What effect will the development have on a nearby 22ft well?
- How can you design a drainage system for 12.13ha when the outline permission was for 62ha.
- To place the pond right behind the properties on Lady Hole Lane and Derby Road with the top water level of the pond half a metre higher than these properties beggars belief –
Will these properties get a guarantee that they will not be flooded to give to their insurance company.

- Where does foul waste go when water overflows.
- How can local residents be expected to put up with single lane traffic lights / road closure / diversion for weeks, even months when a 4m trench across the A52 needs to be constructed.
- In a development of this size, how is something so integral to the design only being addressed at this stage?
- A landscaped buffer to the rear of properties along Lady Hole Lane was shown in the Design Brief and Illustrative Masterplan which accompanied the previous application. There will be no buffer zone provided if this amended goes ahead.
- The smell from pumping stations and stagnant water is overpowering, particularly in the summer months. It will also be a prime breeding ground for mosquitoes. This will have an adverse impact on my residential amenity.
- I find it incredible that the only place for this pond and pumping station is on a piece of land that is currently unoccupied by buildings for the development and therefore will in no way impact on the profitability for the developer.

7. OFFICER APPRAISAL

Planning History / Background

7.1 Reference is made in the representations received to the grant of planning permission for development of nearly 40 hectares of land to the southeast of Ashbourne Airfield for mixed employment, commercial and housing under application code ref. 14/00074/OUT and the adequacy of the proposed drainage system to accommodate this development. There is also criticism of the location of the attenuation basin and lack of consideration of this fundamental element of the scheme.

7.2 The grant of permission for the development covered under application 14/00074/OUT is clearly a material consideration in respect of this application, as is the permission for the link road under application code ref. 16/00168/FUL which agreed a detailed specification for the access road linking through from the A52 to Blenheim Road. Application code ref. 14/00074/OUT set out broad parameters for redevelopment of the wider Airfield site. It did not agree the siting, scale or appearance of any housing, employment, commercial or community development or associated landscaping. These details will be the subject of a separate application for approval of reserved matters. Application 16/00168/FUL came forward separately to help unlock the part of the site to be redeveloped for employment. As can be seen from the consultation response received from the Economic Development Manager the provision of serviced land and employment floorspace at Ashbourne Airfield is an economic development priority of the District Council. Following the grant of planning permission for the link road, the site has been included as a key housing and employment site within the recently Adopted Derbyshire Dales Local Plan (2017) and further masterplanning of the site has been undertaken. To make the most effective use of the site available for employment purposes this application seeks, amongst other minor changes, to enlarge the surface water attenuation basin to accommodate surface water from this development (up to 34,500 sqm of commercial employment floorspace) only. This will ensure that any new employment that comes forward on the site will be served by both an appropriate access and surface water arrangements. Should the scheme be supported it will only allow the access road, pumping station and attenuation basin to be constructed. It will not permit the construction of any new employment development on the site.
Principle of Development

7.3 The site is allocated in the Adopted Derbyshire Dales Local Plan (2017) for employment development (B1a, b and c, B2 and B8 Uses). The planning permission for a link road under application code ref. 16/00168/FUL is also a significant material consideration in respect of this application. Policy S8 of the Adopted Derbyshire Dales Local Plan (2017) sets out a development strategy for Ashbourne and recognises at c) that a new access to, and link road through the Ashbourne Airfield Industrial Estate to help realise the full economic potential of the site is crucial to encouraging the growth of local employment opportunities and supporting the diversification and growth of local businesses. The link road and enlargement of the attenuation basin to make full and effective use of the site for employment purposes is therefore considered to be acceptable in principle.

7.4 Highway Safety

Whilst noting that the application includes modified junction arrangements and improved junction geometry, the Local Highway Authority have advised that from a highway safety perspective the minor revisions to the link road are not considered to materially affect the development proposal. As with the previous application it will be necessary to amend the site location plan to connect the link road to the adopted highway part of Blenheim Road. It is recommended, should members be minded to approve the application that authority be delegated to the Development Manager to secure a revised site location plan prior to any decision being issued. It will also be necessary to re-impose the highway conditions attached to the previous permission, given the lack of technical detail of the link road and construction method statement / details accompanying this application.

Impact on the Local Environment

7.5 The amenity of existing dwellings on the A52 and along Lady Hole Lane was previously considered in respect of application 16/00168/FUL in terms of traffic from the development and associated noise disturbance. It was not considered that any adverse impacts would constitute a substantive reason to resist the development. This application proposes a larger attenuation basin, which will extend up to the boundaries of existing dwellings located to the south east of the site. Concern has been raised with regard to its location and size and impact on the residential amenity of existing residents. The smell from stagnant water, pumping station and mosquitoes are cited as concerns in the representations received from local residents.

7.6 The location of the attenuation basin is logical given the topography of the site. It has been engineered to be largely a dry feature, enabling planting within the basin and around the periphery to provide an appropriate landscaped setting. The basin has been designed so that only a small amount of water at the bottom of the basin will be retained. In a storm event or during periods of heavy rainfall the water level will rise and only in a 1 in 100 flood risk event plus climate change (applying an additional 30%) (where the drainage infrastructure pipework is overloaded and there is a surge of surface water) will the attenuation basin reach capacity. It is not therefore considered that the smells from stagnant water or issues of mosquitoes in the summer period would result in adverse impact on the residential amenity of the occupants of existing dwellings. The condition recommended by the Land Drainage Authority seeks to secure the future management of the facility. There is also opportunity for a small number of trees to be planted between the
basin and the boundaries of existing dwelling. Such planting will need to be secured by
condition, should members be minded to approve the application. The provision of a large
balancing facility will provide relief / an appropriate buffer zone between the new
employment development and existing dwellings. The attenuation basin has been drawn
up by engineers to be a safe and structurally sound facility that is unlikely to undermine the
foundations of nearby buildings or adversely affect groundwater sources. The pumping
station will provide a facility to pump foul sewage from the employment development to a
public sewer. It is unlikely to result in odour or nuisance to nearby residents. Its location
and modest scale is such that it would not have an adverse impact on its surroundings.

7.7 The Land Drainage Authority have advised that Environment Agency guidance on climate
change has changed since the consideration of the previous application and that any
surface water facility should be designed to cope with a 1 in 100 flood risk event plus 40%
for climate change. They have recommended a condition to secure a detailed design of
the surface water drainage solution to accommodate for this additional capacity. The use
of permeable surfacing and other design solutions can be used to help hold back the flow
of water in extreme weather events. The impermeability assessment for the commercial
areas has also been taken as 100%. It is likely therefore that the attenuation basin as
designed is adequate to meet the needs of the planned employment development. Officers
are however of the view that a suitable facility can be accommodated with the application
site area with minor modifications to achieve the additional capacity if necessary.

7.8 This and previous applications have been subject to detailed assessment by the
Development Control Archaeologist. On the basis of the submitted information they are
comfortable with a condition to secure appropriate archaeological evaluation.

7.9 Outline application 14/00074/OUT was accompanied by a detailed ecological assessment.
Of particular interest were Lapwing, Skylark and this scheme secures appropriate
mitigation. Whilst it is clearly necessary to assess this scheme for its impacts, as
concluded in respect of application code ref. 16/00168/FUL the actual ecological interest
on the route of the access road is limited. The important bird species utilise land to the
north and the ponds and woodland habitat are at the northern boundary of the wider site.
On the basis of the above, it is considered that the development has no significant
ecological impacts that cannot be addressed by mitigation. A condition to secure a detailed
scheme of ecological mitigation specific to the route of the access road and immediate
surroundings is recommended.

Conclusion

7.10 This application seeks amendments to an extant permission for a link road to support
significant employment development in Ashbourne, a main market town in the Derbyshire
Dales District. The link road through the Ashbourne Airfield Industrial Estate to help realise
the full economic potential of the site is considered, in the Adopted Derbyshire Dales Local
Plan (2017) to be crucial to encouraging the growth of local employment opportunities and
supporting the diversification and growth of local businesses. The provision of a purpose
designed attenuation basin and foul sewage pumping station to serve the drainage needs
of the wider site (for employment purposes) will ensure that full and effective use of the
land will be made. Subject to conditions, the development can be accommodated without
any detrimental impacts on highway safety or the local environment. A recommendation of
approval is put forward on this basis.
8. RECOMMENDATION

That authority be delegated to the Development Manager to approve the application subject to the following conditions, upon receipt of a revised plan to secure connection of the link road to the adopted part of Blenheim Road:

1. The development hereby permitted must be begun before the expiration of three years from the date of this permission.
2. This permission relates solely to the application as amended by the revised site location plan(s) numbered… received by the Local Planning Authority on…
3. Prior to commencement of development a detailed scheme of ecological mitigation specific to the route of the access road, attenuation basin and pumping station and their immediate surroundings shall be submitted to and agreed to in writing by the Local Planning Authority. The mitigation shall then be carried out in accordance with the approved scheme.
4. No development shall take place, including any works of demolition, until a construction management plan or construction method statement has been submitted to and been approved in writing by the Local Planning Authority. The approved plan/statement shall be adhered to throughout the construction period. The statement shall provide for:
   i. Construction compound and site accommodation,
   ii. Parking of vehicles of site operatives and visitors,
   iii. arrangements for loading / unloading and turning vehicles within the site,
   iv. routes for construction traffic,
   v. method of prevention of debris being carried onto highway,
   vi. proposed temporary traffic restrictions,
   vii. roadside hoarding (including any gates),
   viii. site access arrangements.
5. No development shall be commenced until a Phasing and Completion Plan for the new link road has been submitted to and approved in writing by the Local Planning Authority. The Phasing and Completion Plan shall set out in detail the works program for connections to Blenheim Road / A52 and delivery of the new link road and the standards that estate streets serving any phase of the development will be completed, all as may be agreed in writing with the Local Planning Authority.
6. No development shall be commenced until a temporary access for construction purposes has been provided to the public highway (Blenheim Road or A52 Derby Road) in accordance with a detailed design first submitted to and approved in writing by the Local Planning Authority. The access shall be retained in accordance with the approved scheme throughout the construction period, or such other period of time as may be agreed in writing by the Local Planning Authority, free from any impediment to its designated use.
7. Before any other operations are commenced detailed designs for the layout and construction of the signalised junction to the A52 shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme being fully constructed to an adoptable standard and be operational, in a timescale to be agreed in advance with the Local Planning Authority. For the avoidance of doubt the developer will be required to enter into a Highways Act 1980 Agreement (Section 278) with the Highway Authority in order to comply with the requirements of this condition.
8. No development shall take place until construction details of the new link road and footways (including layout, levels, gradients, surfacing and means of surface water drainage) have been submitted to and approved in writing by the Local Planning Authority.
9. The new link road between the public highway on Blenheim Road and the A52 shall be laid out and fully constructed in accordance with the details approved under Condition 8 above prior to the link road being opened to vehicular and pedestrian traffic, or other such timescale as may be agreed with the Local Planning Authority in writing.

10. Direct accesses / junction spurs indicated on the application drawings, to the internal link road, shall be provided with 2.4m x 47m visibility splays in either direction, the area in advance of the sightlines being levelled, constructed as footway or verge and not being included in any plot or other sub-division of the site.

11. The existing commercial access points, to the western extremity of the new link road, shall be provided with 2.4m x 47m visibility sightlines onto the existing / new link road, in accordance with detailed designs submitted to the Local Planning Authority for written approval. Any amendments being laid out strictly in accordance with the approved details, prior to the new link road being formally opened to traffic.

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

13. Works shall not commence on site until a scheme for the disposal of highway surface water has been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details prior to the road being opened to vehicular and pedestrian traffic and retained accordingly thereafter.

14. No development shall take place until a detailed design and associated management and maintenance plan of surface water drainage for the site, in accordance with the principles outlined within:
   a. The documents titled Section 38 Works Drainage Overland Flow Plan Sheet 1 of 2 and 2 of 2, referenced ‘CIV-SA-90-518-C02’ and ‘CIV-SA-90-519-C02’,
   c. The technical note titled ‘Ashbourne Business Park SuDS Maintenance Plan’ referenced ‘WIE12458-100-R-1-1-6-suDS Maintenance Plan’, and
   d. DEFRAs Non-statutory technical standards for sustainable drainage systems (March 2015).

have been submitted to and approved in writing by the Local Planning Authority. The approved drainage system shall be implemented in accordance with the approved detailed design prior to the use of the building commencing.

15. No development shall take place until a Written Scheme of Investigation for archaeological work has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include an assessment of significance and research questions, and:
   a. The programme and methodology of site investigation and recording;
   b. The programme for post investigation assessment;
   c. Provision to be made for analysis of the site investigation and recording;
   d. Provision to be made for publication and dissemination of the analysis and records of the site investigation;
   e. Provision to be made for archive deposition of the analysis and records of the site investigation;
   f. Nomination of a competent person or persons / organisation to undertake the works set out within the Written Scheme of Investigation.
No development shall take place other than in accordance with the archaeological Written Scheme of Investigation and the development not be brought into use until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the archaeological Written Scheme of Investigation and until the provision to be made for analysis, publication and dissemination of the results and archive deposition has been secured.

Reasons

1. This is a statutory period which is specified in Section 91 of the Town and Country Planning Act 1990.
2. For the avoidance of doubt.
3. To ensure the ecological interest of the site is appropriately safeguarded in accordance with the aims of Policy PD3 of the Adopted Derbyshire Dales Local Plan (2017).
4. In the interests of highway safety in accordance with the aims of Policy HC19 of the Adopted Derbyshire Dales Local Plan (2017).
5. In the interests of highway safety in accordance with the aims of Policy HC19 of the Adopted Derbyshire Dales Local Plan (2017).
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12. In the interests of highway safety in accordance with the aims of Policy HC19 of the Adopted Derbyshire Dales Local Plan (2017).
13. In the interests of highway safety in accordance with the aims of Policy HC19 of the Adopted Derbyshire Dales Local Plan (2017).
14. To ensure that the proposed development does not increase flood risk and that principles of sustainable drainage are incorporated into this proposal and sufficient detail of the construction, operation and maintenance of sustainable drainage systems is provided in accordance with the aims of Policies PD7 and PD8 of the Adopted Derbyshire Dales Local Plan (2017).
15. To ensure the appropriate recording of any below ground archaeology and preserve its significance in accordance with the aims of Policy PD2 of the Adopted Derbyshire Dales Local Plan (2017).

NOTES TO APPLICANT:

1. The Local Planning Authority have during the consideration of this application engaged in a positive and proactive dialogue with the applicant which has resulted in the submission of technical details of the drainage system being submitted and revised proposals which overcame initial problems with the application relating to its connection to the adopted highway.
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. The applicant is advised that in order to discharge Condition 14 the below parameters will need to be satisfied:

1. The production and submission of a scheme design demonstrating full compliance with DEFRA’s Non- statutory technical standards for sustainable drainage systems:

   - Limiting the discharge rate and storing the excess surface water run-off generated by all rainfall events up to the 100 year plus the current recommended (by the Environment Agency) allowance for climate change critical duration rain storm so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site to comply with S2 & S3.
   - Provision of surface water run-off attenuation storage to accommodate the difference between the allowable discharge rate/s and all rainfall events up to the 100 year plus an allowance for climate change critical rain storm to comply with S7 & S8.
   - Detailed design (plans, cross, long sections and calculations) in support of any surface water drainage scheme, including details on any attenuation system, and the outfall arrangements.
   - Details of how the on-site surface water drainage systems shall be maintained and managed after completion and for the lifetime of the development to ensure the features remain functional.
   - Production of a plan showing above ground flood pathways where relevant for events in excess of 1 in 100 year rainfall event to comply with S9.
   - Where reasonably practicable demonstrate that the runoff volume of the site reflects the requirements of S4.

This Decision Notice relates to the following documents:
Amended 1:2500 Scale Site Location Plan numbered… received by the District Council on..., and;
The Detailed Link Road, Attenuation Basin and Pumping Station Drawings numbered 520 Rev C01, 517 Rev C01, 519 Rev C02, 513 Rev C03; 515 Rev C03 (Sheets 1 – 2); 514 Rev C03, 516, Rev C04, 518 Rev C02, 519 Rev C02, 508 Rev C04, 506 Rev C04, 510 Rev C03 (Sheets 1 – 3, 004 Rev C01, 505 Rev C04 (Sheets 1 – 3), and;
Storm Sewer Design Calculations received by the District Council on the 19th December 2017.
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<tr>
<th><strong>APPLICATION NUMBER</strong></th>
<th>17/00973/FUL</th>
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<tr>
<td><strong>SITE ADDRESS:</strong></td>
<td>Herdsman Close Farm, Ashbourne, DE6 1JE</td>
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<tr>
<td><strong>DESCRIPTION OF DEVELOPMENT</strong></td>
<td>Demolition of redundant building and erection of a dependant relative annexe</td>
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<tr>
<td><strong>CASE OFFICER</strong></td>
<td>Mr. Andrew Stock</td>
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<tr>
<td><strong>APPLICANT</strong></td>
<td>Mr &amp; Mrs Allen</td>
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<td><strong>PARISH/TOWN</strong></td>
<td>Ashbourne</td>
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<td><strong>AGENT</strong></td>
<td>Campbell and Partners</td>
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<td><strong>WARD MEMBER(S)</strong></td>
<td>Cllr. A. Millward</td>
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<td></td>
<td>Cllr S. Bull</td>
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<tr>
<td><strong>DETERMINATION TARGET</strong></td>
<td>30th November 2017</td>
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<td><strong>REASON FOR DETERMINATION BY COMMITTEE</strong></td>
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<td><strong>REASON FOR SITE VISIT (IF APPLICABLE)</strong></td>
<td>Requested by Ward Member to appreciate the proposal in the context of its surroundings</td>
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**MATERIAL PLANNING ISSUES**
- Principle of the development
- Impact of the development on its surroundings
- Highway safety
- Ecology

**RECOMMENDATION**
Refusal
Herdsman Close Farm, Ashbourne Green, Ashbourne
1. THE SITE AND SURROUNDINGS

1.1 The application site relates to a red brick and tiled agricultural building at Herdsman Close Farm which is situated to the north of Ashbourne, in open countryside. The barn has been previously extended/altered.

1.2 The site is accessed by an unbound track which links the farm group to the B5035, some 300m to the east. The site is screened by a number of established field boundary hedgerows and trees.

2. DETAILS OF THE APPLICATION

2.1 Full planning permission is sought for the demolition of a the former agricultural building and erection of dependant relative annexe, as illustrated on submitted plans date stamped 5th October 2017.

2.2 The dependant relative annexe would comprise two double bedrooms, store and bathroom across the first floor with a utility, plant room, boot room, kitchen, dining room, sitting room, home office and WC on the ground floor. The total floor space provided would measure approximately 225sq.m.

3. PLANNING POLICY AND LEGISLATIVE FRAMEWORK

3.1 Adopted Derbyshire Dales Local Plan (2017):
   S1 Sustainable Development Principles
   S4 Development in the Countryside
   PD1 Design and Place Making
   PD2 Protecting the Historic Environment
HC1 Location of Housing Development
HC12 Elderly Needs Accommodation
HC19 Accessibility and Transport
HC21 Car Parking Standards

4. RELEVANT PLANNING HISTORY

13/00766/FUL Single storey extensions and alterations GRANTED

5. CONSULTATION RESPONSES

5.1 Derbyshire Wildlife Trust
No objection, subject to conditions.

5.2 Derbyshire County Council (Highways)
No objections, subject to a dependant relative occupancy restriction being included on any consent issued.

5.3 County Council Archaeologist
No objection.

5.4 Environmental Health
No objections to this application provided the dependant relative unit has occupation tie to main farm house to minimise risk of nuisance.

6. REPRESENTATIONS RECEIVED

6.1 None received.

7. OFFICER APPRAISAL

Principle of development

7.1 Planning permission is sought for the demolition of an existing redundant agricultural building and erection of new bespoke dependant relative annexe, as illustrated on submitted plans date stamped 5th October 2017.

7.2 Policy HC12 of the Adopted Derbyshire Dales Local Plan deals specifically with the creation of new dependant accommodation. It states the District Council will support the provision of accommodation for older people which ensures that they are able to sustain on-going independence either in their own homes or with the support of family members. To enable this, the policy advises that the Council will support evidence-based proposals for the creation of self-contained annexes and extensions to existing dwellings in order to accommodate an elderly or disabled dependent.

7.3 It goes on to state that planning permission will be granted for the creation of an annexe where there is a clear justification for a dependant or full-time carer provided the following criteria are met:
   a) the annexe is linked to the main dwelling by an internal door or doors
   b) the annexe is readily convertible into an extension to the main dwelling when no longer required for family health circumstances.
7.4 The policy advises that permission may be granted to convert an existing outbuilding within the curtilage of a dwelling house to a self-contained annexe where it is not possible to attach the outbuilding to the main house. Any such application will require a legal agreement to ensure that a new dwelling is not created in an unsustainable location. Any outbuilding to be converted must be closely related to the main dwelling and have shared parking and amenity (garden) space.

7.5 Firstly it is imperative when assessing such an application as to whether the proposed dependant relative accommodation is commensurate with the need of the dependant person. The application proposes the erection of a bespoke two storey building comprising two double bedrooms, store and bathroom across the first floor with a utility, plant room, boot room, kitchen, dining room, sitting room, home office and WC on the ground floor. The total habitable floor space would measure approximately 225 s.q.m.

7.6 Whilst the application is accompanied by a letter from the applicants GP which indicates that the applicant would benefit from living within close proximity of the host dwelling no justification is given to why the accommodation needs to be of this scale and in the location proposed.

7.7 The physical attributes and scale of the accommodation is such that it would constitute the construction of a new dwelling house and could not be construed as being reasonably necessary to accommodate a dependant person. Without justification such development would constitute an unwarranted and inherently unsustainable form of development in the open countryside contrary to Policies S1, S4 and HC12 of the Adopted Derbyshire Dales Local Plan (2017).

7.8 Furthermore, no attempts have been made to secure the dependant accommodation within the existing host dwelling via either extension or conversion of an existing building on site, as required by Policy HC12 of the Adopted Derbyshire Dales Local Plan (2017).

7.9 The application site benefits from a number of existing buildings which could appropriately accommodate the need of the dependant relative through conversion rather than new build. This option was discussed with the applicants agent however, it was made clear that this is not be acceptable by the applicants.

7.10 When the proposal is assessed against Policy HC12 of the Adopted Derbyshire Dales Local Plan (2017), which deals specifically with the creation of new dependant accommodation the proposal is contrary to parts (a) and (b) of Policy HC12, as the annexe is not linked to the main dwelling by an internal door or doors or would be readily convertible into an extension to the main dwelling when no longer required for family health circumstances it would therefore fail to comply with Policy HC12 of the Adopted Derbyshire Dales Local Plan (2017).

Impact of the development on its surroundings

7.11 It is the Local Planning Authority’s opinion that the existing historic barn range at Herdsman Close Farm adds positively to the rural character of the immediate and wider area. Historic barn ranges are a dominating characteristic of the countryside which typifies the prevailing character of an area. They are considered to be an important and significant element of the character and appearance of localities which should be protected as

7.12 Policy PD1 of the Adopted Derbyshire Dales Local Plan requires development to be of high quality design that respects the character, identity and context of the Derbyshire Dales townscapes and landscapes, development on the edge of settlements to enhance and/or restore landscape character, contribute positively to an area's character, history and identity in terms of scale, height, density, layout, appearance, materials and the relationship to adjacent buildings and landscape features.

7.13 Policy PD5 of the Adopted Derbyshire Dales Local Plan seeks to resist development, which would harm or be detrimental to the character of the local and wider landscape.

7.14 The building is considered to have a quasi-agricultural appearance with the inclusion of large cart door style openings, use of timber weatherboarding and false infill windows. The confused and unfamiliar hybrid appearance of the proposed building would result in an incongruous form of development that would have a detrimental impact on the character and appearance of this part of the countryside contrary to Policies S4, HC12, PD1 and PD5 of the Adopted Derbyshire Dales Local Plan (2017).

Highways

7.15 The Local Highway Authority raised no objection, in principle for the erection of a dependant relative accommodation, subject to an occupancy restriction being included on any consent issued. However, as expressed above the size and scale of the accommodation is tantamount to the erection of a new residential dwellinghouse.

Ecology matters

7.16 The application is accompanied with a Bat and Bird Survey undertaken by Bat-Survey. Following consultation with Derbyshire Wildlife Trust, no objection was raised for the demolition of the existing building, subject to conditions.

Conclusion

7.17 Taking the above into consideration the application does not satisfy the relevant provision of the Adopted Derbyshire Dales Local Plan (2017). Accordingly the application is recommended for refusal.

8. RECOMMENDATION

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

1. The physical attributes and scale of the accommodation is such that it would constitute the construction of a new dwellinghouse and could not be construed as being reasonably necessary to accommodate a dependant person. Without justification such development would constitute an unwarranted and inherently unsustainable form of development in the open countryside contrary to Policies S1, S4 and HC12 of the Adopted Derbyshire Dales Local Plan (2017).

2. The proposal is contrary to parts (a) and (b) of Policy HC12 as the annexe is not linked to the main dwelling by an internal door or doors or would be readily convertible into an extension.
to the main dwelling when no longer required for family health circumstances and would therefore fail to comply with Policy HC12 of the Adopted Derbyshire Dales Local Plan (2017).

3. The confused and unfamiliar hybrid appearance of the proposed building would result in an incongruous form of development that would have a detrimental impact on the character and appearance of this part of the countryside contrary to Policies S4, HC12, PD1 and PD5 of the Adopted Derbyshire Dales Local Plan (2017).

NOTES TO APPLICANT:

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

2. This decision notice relates to the following documents:
   Submitted plans date stamped 5th October 2017.
**APPLICATION NUMBER** | 17/01030/FUL  
---|---  
**SITE ADDRESS:** | Land to the rear of 12 The Green Road, Ashbourne, DE6 1ED  
**DESCRIPTION OF DEVELOPMENT** | Erection of a pair of semi-detached bungalows  
**CASE OFFICER** | Mr. Andrew Stock  
**APPLICANT** | Mr Elvins  
**PARISH/TOWN** | Ashbourne  
**AGENT** | Birchwood Planning Consultants  
**WARD MEMBER(S)** | Cllr. A. Millward  
| Cllr S. Bull  
**DETERMINATION TARGET** | 22nd December 2017  
**REASON FOR DETERMINATION BY COMMITTEE** | Requested by Ward Member and 5 or more letters of unresolved objection have been received  
**REASON FOR SITE VISIT (IF APPLICABLE)** | Requested by Ward Member to appreciate the proposal in the context of its surroundings  

**MATERIAL PLANNING ISSUES**  
- Principle of the development and the impact on character and appearance of this part of the settlement;  
- Impact on residential amenity, and;  
- Highway safety  

**RECOMMENDATION**  
Approval with conditions
Land To The Rear Of 12 The Green Road, Ashbourne
1. THE SITE AND SURROUNDINGS

1.1 The application site forms part of the rear garden of 12 The Green Road which lies within the settlement boundary of Ashbourne, as defined by the Adopted Derbyshire Dales Local Plan (2017).

1.2 The site is bounded by the residential gardens of numbers 1 - 3 Coopers Close to the east, the host dwelling to the north, the garden of 10 The Green Road to the west and Coopers Close road to the south. Accessed is gained directly off Coopers Close.

1.3 The application site lies outside but adjacent to Ashbourne Conservation Area.

2. DETAILS OF THE APPLICATION

2.1 Full planning permission is sought for the erection of a pair of semi-detached bungalows, as illustrated on submitted revised plans date stamped 20th December 2017. The illustrative layout which accompanies the application shows two identical dwellings comprising a single bedroom, bathroom and kitchen/dining area.

2.2 The proposal would be a car free development with pedestrian access only proposed directly off Coopers Close.

3. PLANNING POLICY AND LEGISLATIVE FRAMEWORK

3.1 Adopted Derbyshire Dales Local Plan (2017):
   S1 Sustainable Development Principles
   S2 Settlement Hierarchy
4. RELEVANT PLANNING HISTORY

- WED/1194/0718 Erection of bungalow (outline) REFUSED
- WED/1093/0725 Erection of bungalow (outline) REFUSED

5. CONSULTATION RESPONSES

5.1 Town Council
Members object to splitting gardens, and see no justification for two one bedroomed properties. They feel that the proposed development would be detrimental to the landscape of the town. There is no proposed parking, which is contrary to DDDC’s Local Plan.

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

6. REPRESENTATIONS RECEIVED

6.1 A total of 8 representations have been received, 6 objecting and 1 supporting the development. In objecting to the proposed development the following concerns are raised;

Principle:
- Sets the precedent of back land development

Impact on residential amenity:
- Loss of view
- Overlooking issues
- Loss of light
- Construction traffic

Highway Safety:
- Increase in vehicular movements
- Narrow road
- Increase traffic
- Dangerous access
- Lack of pavements connecting the site
- No passing place on Mill Lane
- Large lorries would have difficulty accessing the site due to the narrow access
- No public footpath from application site
- Pedestrian safety concerns
- Poor visibility
Impact on the character and appearance of the surrounding area:
- Inappropriate density
- Set a precedent for further development

A single letter of support was received from a local resident who wishes to purchase the land, subject to approval.

7. OFFICER APPRAISAL

Principle of the development and the impact on character and appearance of this part of the settlement

7.1 The application site is located within the defined settlement boundary of Ashbourne which is designated as a first tier settlement within Policy S2 in the Adopted Derbyshire Dales Local Plan (2017).

7.2 Tier 1 settlements are identified as the District’s main towns which are the primary focus for growth and development to safeguard and enhance their strategic roles as employment and service centres. They will continue to provide significant levels of jobs and homes, together with supporting community facilities and infrastructure to meet their economic potential in the most sustainable way, consistent with maintaining or enhancing key environmental attributes.

7.3 Being located within the defined settlement boundary of Ashbourne, the site is considered acceptable for residential development, in principle.

7.4 Policy S3 of the Adopted Derbyshire Dales Local Plan (2017) deals specifically with development within defined settlement boundaries and states that planning permission will be granted for development where the proposed development is of a scale, density, layout and design that is compatible with the character, appearance and amenity of the part of the settlement in which it would be located, the access would be safe and the highway network can satisfactorily accommodate traffic generated by the development or can be improved as part of the development; it would have a layout, access and parking provision appropriate to the proposed use, site and its surroundings; and it does not conflict with any other relevant policy of this Local Plan.

7.5 The application site forms part of the rear garden of 12 The Green Road. As such, the development would comprise back land development. The site does not occupy a prominent position within Ashbourne Town Centre and is surrounded by mainly single storey dwellings with larger two storey dwellings located to the north of the site, along The Green Road. Development in this area is much denser, particularly to the east with the ‘U’ shaped bungalow development totalling 9 residential units.

7.6 The application proposes the erection of a pair of semi-dethatched bungalows which replicates the development immediately adjacent to the site. The single storey buildings are considered to respond positively to this context and would not appear dominant or overly cramped within the streetscene. The development is being promoted as a car free
development which is typical of the immediate area and not considered to be out of character.

**Impact on residential amenity**

7.7 It is considered that careful consideration of the size, scale and design of the dwellings has been given which minimises the impact upon the amenities of the occupants of neighbouring dwellings.

7.8 The proposed dwellings would be of a similar scale to the existing dwellings off Coopers Close. Their siting, scale and design would not, it is considered, have any overbearing / overshadowing impact or result in any loss of privacy between the proposed and existing dwellings.

**Highway Safety**

7.9 Coopers Close is substandard in terms of its carriageway width and level of emerging visibility onto Hall Lane which serves 9 bungalows and a former business premises which now forms a single dwellinghouse.

7.10 Pedestrian access only will be provided as part of this application, accessed directly off Coopers Close with no off street parking proposed. The proposal would essentially be a car free development.

7.11 The Local Highway Authority raise no objection to the application as Coopers Close is not an adopted road and the applicant is not proposing to create any parking spaces; which is deemed acceptable given its town centre location. It was concluded once constructed; the dwellings will generate very little traffic.

7.12 During the construction phase, the development will inevitably increase the traffic generation using the substandard access onto Hall Lane, so it is recommended a Construction Management Plan is submitted for approval prior to any works commencing. A Construction Management Plan has been submitted however, no comments from the Local Highway Authority have been received following further consultation.

7.13 In conclusion given the Local Highway Authority raise no objections to the application, subject to conditions a reason for refusal on highway safety grounds could not be sustain.

7.14 Notwithstanding the above, the applicant has submitted revised plans in response to the concerns raised by local residents in terms of restricted pedestrian access which serves the Coopers Close bungalow development. It is proposed to include a wider pavement across the front of the application site to improve pedestrian rights of way from Coopers Close, which is supported.
Conclusion

7.15 Taking the above into consideration and subject to conditions the application satisfies the relevant provision of the Adopted Derbyshire Dales Local Plan (2017). Accordingly the application is recommended for approval.

8. RECOMMENDATION
Planning Permission to be granted subject to the following conditions:

1. Condition ST02a: Time limit on full

2. Condition ST06. (Amended plans received 20<sup>th</sup> December 2017).

3. DM1: All Materials to be Approved – General

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.

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

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

7. No development shall take place including any works of demolition until a construction management plan or construction method statement has been submitted to and been approved in writing by the Local Planning Authority. The approved plan/statement shall be adhered to throughout the construction period. The statement shall provide for:

- Parking of vehicles of site operatives and visitors
- routes for construction traffic
- hours of operation
- proposed temporary traffic restrictions and temporary traffic management
- arrangements for turning vehicles
- Site storage of plant and materials

8. Details of the boundary treatments, along the southern boundary of the site which restricts vehicles from entering the site directly off Coopers Close following the completion of the development, shall be submitted to and approved in writing by the Local Planning Authority prior to first use of occupation. The scheme shall therefore be implemented and retained in perpetuity.
Reasons:

1. Reason ST02a

2. Reason ST06.

3-4. In the interests of preserving the character and appearance of the area in accordance with Policies S3, PD1 and PD2 of the Adopted Derbyshire Dales Local Plan (2017).

5. To preserve the appearance of the dwellings, protect the amenity of neighbouring properties and in the interest of highway safety in accordance with Policies S3, PD1, PD2 and HC19 of the Adopted Derbyshire Dales Local Plan (2017).

6-8. In the interests of highway safety in accordance with Policies HC19 and HC21 of the Adopted Derbyshire Dales Local Plan (2017).

NOTES TO APPLICANT:

1. The Local Planning Authority have during the consideration of this application engaged in a positive and proactive dialogue with the applicant which has resulted in revised proposals which overcame initial problems with the application.

2. This decision notice relates to the following documents:
   Submitted plans date stamped 20th December 2017.
### APPLICATION NUMBER

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### SITE ADDRESS:

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### DESCRIPTION OF DEVELOPMENT

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### CASE OFFICER | H Frith

### APPLICANT | Mr P Prince

### PARISH/TOWN | Brailsford

### AGENT | Ms S Gruetzner of Axis Architecture

### WARD MEMBER(S) | Councillor A Jenkins

### DETERMINATION TARGET | 14.04.17

### REASON FOR DETERMINATION BY COMMITTEE | Major development

### REASON FOR SITE VISIT (IF APPLICABLE) | To enable members to appreciate the site and its context and to appreciate the extent of demolition and conversion works.

### MATERIAL PLANNING ISSUES

- Principle of the development
- Impact on the character and appearance of this part of the settlement;
- Other issues (inc. ecology, drainage, contamination, highway safety, archaeology and crime prevention).

### RECOMMENDATION

That planning permission be granted subject to the applicant entering into a S106 planning obligation agreement to secure monies towards school places and conditions.
1.0 THE SITE AND SURROUNDINGS

1.1 The application relates to a former cheese factory site centrally positioned within the village of Brailsford, which is currently vacant. The site contains a number of buildings some of which are red brick buildings that are of architectural and historic interest including the cheese factory building and what is thought to be the associated former manager’s house. All other buildings on the site, some of which are in a considerably dilapidated state are to be demolished. A large area of hardstanding currently fronts onto Luke Lane. The ‘Stoneworks’ commercial property sits beyond the southern boundary of the site from which a substantial brick walls runs along the boundary of the site. There is some hedging to the site frontage and to the northern side boundary there is a large tree in the garden of the former Manager’s House, hedging, boundary walling and fencing.

2.0 DETAILS OF THE APPLICATION

2.1 Planning permission is sought to redevelop the site for housing including the conversion of the former cheese factory building to provide 6 dwellings, the alteration of the former managers house to be retained as a dwelling and the erection of a further 12 dwellings in place of the buildings to be demolished.

The proposed development is as follows:
- A row of three dwellings (House type A - 2 bedroom units of a traditional style) are proposed to be erected to the site frontage to give definition to the site boundary and an attractive road frontage. Parking for these dwellings would be to the side and rear of the row.
- Behind the terraced row a row of garages is proposed.
- These garages lead onto a terraced group of three dwellings (House type E, F, G – 3 bedroom units of a traditional design detailing with gable features) which will form a
court yard to the frontage of the former Cheese Factory building. The former ‘manager’s house’ will be retained as a dwelling on the site albeit altered to allow for the adjacent terraced row.

- The Cheese Factory will be altered to provide 5 no. 2 bedroom dwellings and 1 no. 3 bedroom dwelling, the conversion will largely retain the historic appearance of the existing building with some alterations to existing openings.
- To the rear of the Cheese Factory building a 6 further dwellings are proposed, these are semi-detached, 3 bed roomed units with the third bedroom being within the roof space. A dormer window to the rear elevation is proposed to accommodate this with roof lights to the frontage roof slope. Each of these dwellings would have a garage.
- Further parking spaces to serve the development and the adjacent ‘Stoneworks’ building are proposed to the southern boundary of the site.

To support the application the following additional information has been submitted by the applicant’s agent:

- Transport statement received 11.01.17
- Ecological appraisal received 13.01.17
- Bat surveys and mitigation strategy received 17.11.17
- Flood risk assessment report received 13.01.17
- Micro drainage information received 17.11.17
- Noise assessment received 13.01.17
- Nocturnal emergence and dawn re-entry bat surveys received 11.01.17
- Envirocheck report received 13.01.17
- Phase 1 desk top study and appendices received 13.01.17
- Marketing overview received 11.01.17
- Design and Access Statement received 13.01.17

3.0 PLANNING POLICY AND LEGISLATIVE FRAMEWORK

1. Adopted Derbyshire Dales Local Plan (2017)
   Policy S1 : Sustainable Development Principles
   Policy S2 : Settlement Hierachy
   Policy S3 : Development Within Defined Settlement Boundaries
   Policy S10 : Local Infrastructure Provision and Developer Contributions
   Policy PD1 : Design and Place Making
   Policy PD2 : Protecting the Historic Environment
   Policy PD3 : Biodiversity and the Natural Environment
   Policy PD8 : Flood Risk Management and Water Quality
   Policy PD9 : Pollution Control and Unstable Land
   Policy HC1 : Location of Housing Development
   Policy HC4 : Affordable Housing
   Policy HC11 : Housing Mix and Type
   Policy HC19 : Accessibility and Transport
   Policy HC21 : Car Parking Standards
   Policy EC1 : New and Existing Employment Development
   Policy EC3 : Existing Employment Land and Premises

2. Other:
   National Planning Practice Guide
4.0 RELEVANT PLANNING HISTORY:

15/00918/FUL Demolition works and conversion of buildings to 7 no. dwellings and erection of 13 further dwellings and associated garages – Withdrawn.

5.0 CONSULTATION RESPONSES

Parish Council
5.1 Support the application due to the fact that it is on brownfield land and the site requires tidying up. Serious concerns regarding traffic issues close to the junction. Pavements should be installed to both sides of the road. A pelican crossing for the school should be installed. Parking for the school to be provided.

Environment Agency
5.2 No objections in principle subject to conditions being imposed.

Derbyshire County Council (Highways)
5.3 As you are aware from the ongoing consultations regarding this site, the Highway Authority has no objections to the proposed development but the access road shall remain private as it’s not in accordance with current road adoption design guidance. I understand that the initial part of the road will be constructed to ‘adoptable standards’ but this is purely to allow a large refuse vehicle to enter the site, turn and exit in a forward gear given the significant distance some of the plots are from Luke Lane.

Whilst the level of parking within the site is less than the recommended level, the access road is generally 5.5m wide so on-street parking on the private access road is available and unlikely to cause any safety issues. Likewise, the location of some of the designated parking spaces are a significant distance away from the designated dwelling, but again on-street parking on the private access road is not going to lead to any safety concerns on the public highway.

The revised drawing now includes a separate access being created directly off Luke Lane to serve Plot 7. Whilst it would be difficult to park 2 vehicles on this parking area and still allow all vehicles to turn, emerging visibility onto Luke Lane is very good and forward visibility on Luke Lane is very good, so the occupant of a single dwelling reversing to or from this access is unlikely to lead to any safety concerns.

The proposals include the creation of a 2m wide footway across the site frontage and leading into the initial part of the site. For the avoidance of any doubt, all works within the public highway require the applicant to enter into a Section 278 Agreement with the Highway Authority. Conditions and footnotes are recommended.

Derbyshire County Council (Strategic Infrastructure)
5.4 Initial response:

The proposed development falls within, and directly relates to, the normal areas of Brailsford CE Controlled Primary School and Queen Elizabeth's Grammar School. The proposed development of 19 dwellings would generate the need to provide for an additional 4 primary, 3 secondary and 1 post 16 pupils.
A contribution is required to make the development acceptable and sustainable as follows:

£45,596.04 for 4 primary places at Brailsford C E Controlled primary School towards project A – extension to teaching accommodation.
£51,528.51 for 3 secondary places at Queen Elizabeth’s Grammar School towards Project D – extension to teaching accommodation.
£18,627.90 for 1 post 16 place at Queen Elizabeth’s Grammar School towards project D – extension to teaching accommodation.

Updated response December 2017:

Brailsford CE Controlled Primary School has a net capacity of 119 pupils and has 89 pupils on roll currently. The latest projections show the number of pupils on roll to be 66 during the next 5 years. There are approved planning applications within the normal area totalling 171 dwellings, creating a demand for an additional 34 primary pupils. This and the analysis of the current and future projected number of pupils on roll shows that the normal area primary school would have sufficient capacity to accommodate the 4 primary pupils from the proposed development.

Queen Elizabeth’s Grammar School has a net capacity of 1,384 pupils and currently has 1,293 pupils on roll. The latest projections show the number of pupils on roll to be 1,293 during the next 5 years. There are a number of recently approved planning applications within the normal area totalling 1,194 dwellings amounting to an additional 179 secondary and 72 post 16 pupils, this and the analysis of the current and future projected number of pupils on roll shows that the normal area secondary school would not have sufficient capacity to accommodate the 3 secondary and 1 post 16 pupils from the proposed development.

Therefore, the County Council can advise that the normal area secondary school would not have sufficient capacity to accommodate all of the additional pupils generated by the proposed development. The County Council requests a financial contribution of: £70,156.41 (total) for the provision of 3 secondary places (£51,528.51) and, 1 post 16 place (£18,627.90) at Queen Elizabeth’s Grammar School towards Project D - extension to teaching accommodation.

Derbyshire Wildlife Trust

5.5 Upon receipt of the additional information the following response was provided:

Further to our comments in February and October 2017 we have reviewed the latest Bat Survey and Mitigation Strategy dated November 2017 (ref: RT-MME-123725 Revision A). We are satisfied with the bat surveys undertaken during 2017 including the DNA analysis of bat droppings. The mitigation strategy provides details of the measures that will be incorporated into the development for bats. We are satisfied with the mitigation measures that have been put forward and can recommend to the Council that adequate survey work/information has now been provided. It is considered that adequate information on European Protected Species (i.e. bats), is now available and the Local Planning Authority is able to discharge its duties in respect of regulation 9(5) of the Habitats Regulations. Conditions are recommended.
5.6 The proposed discharge rate off site is recommended to be 5 l/s the update drainage calculations indicate that this has been calculated for the 1 in 30 year, 1 in 100 year and 1 in 100 year + 30% climate change rainfall event for the site. The LLFA support the latest guidance from the Environment Agency in relation to climate change and would require that at the detailed design stage of the development the applicant applies a sensitivity test of 40% for a range of rainfall intensities at the detailed design stage.

The LLFA would require that an allowance of 10% for urban creep is made, in addition to the allowance for climate change. The LLFA believe this to be a sensible precaution in order to account for urban creep over the lifetime of the development.

The final drainage scheme from the Flood Risk Assessment (FRA) will consist of oversized pipes to attenuate flow before discharging into an existing combined sewer. Outfall to a combined sewer is the absolute last resort option for surface water drainage on the runoff destination hierarchy. It appears the applicant has not undertaken an appropriate ground investigation to support and inform the application. Therefore the application cannot demonstrate the runoff destination hierarchy as described in paragraph 80 of the planning practice guidance.

Should the application progress the LLFA would expect information regarding the management and maintenance of the proposed surface water drainage scheme for the lifetime of the development to ensure the features remain. Conditions recommended.

**Designing Out Crime Officer**

5.7 The scope of the application is below the 50 unit threshold. However a small portion of the parking is not in the view of the associated housing. This should be discouraged to deter crime.

Whilst in a rural area the A52 is a common movement corridor of travelling criminals which raises the risk for the site. As a residential conversion and new build all dwelling doors, ground floor and easily accessible windows will need to be specified to building regulation approved document Q in respect of security.

**Environmental Health (Derbyshire Dales)**

5.8 No objection in principle.

Would recommend that a phase 2 ground investigation is carried out in order to determine if any part of the land is contaminated and a detailed remediation scheme, to bring the site to a condition suitable for the intended use and that full details of the intended noise attenuation measures are submitted once a final site layout has been determined.

**Strategic Housing (Derbyshire Dales)**

5.9 We will accept an off-site financial contribution in lieu of affordable housing being provided on site.

**Economic Development Officer (Derbyshire Dales)**

5.10 As the District Valuer has assessed the proposed residential scheme as ‘not viable’ with the 106 contributions I do not see merit in pursuing alternative mixed use residential / commercial proposals which would further reduce the value within the scheme. From our
previous discussions they appear to have only undertaken a limited marketing exercise for the site but again we need to take account of the DV’s assessment of viability. On balance therefore, the proposed redevelopment of the site to bring the majority of buildings back into use, assuming a level of 106 contributions can be achieved, would appear preferable to the site remaining as is.

**Development Control Archaeologist**

5.11 There is limited potential for below ground archaeology. Although medieval ‘toft and croft’ is likely along the north side of the Derby-Ashbourne Road the current site is set some 70m back beyond the likely extent of such activity. Archaeological survey of the neighbouring site yielded negative results.

The site has an undesignated heritage asset in the form of former industrial buildings of the 19th century, including the former cheese factory. Whilst the retention and conversion of these buildings is likely to be a positive factor the redevelopment process should be guided but sufficient heritage information to understand the significance of the buildings and the extent to which the redevelopment will impact on their significance.

Recommended in accordance with paragraph 128 of the National Planning Policy Framework that the applicant sis asked to submit a brief and targeted heritage impact assessment by comprising documentary research into the history of the development of the site and a built heritage appraisal of the buildings.

**6.0 REPRESENTATIONS RECEIVED**

6.1 A total of 6 representations have been received. A summary of these representations is provided below:

- This would be the perfect site for a residential home for the elderly now that St Mary’s Ednaston has closed. Many residents are retired and this would mean that they would not have to leave the area. Part of the site could also be used for village parking.
- Concerns for traffic onto Luke Lane from junction with A52.
- The design (particularly including dormers in the roof) is not in keeping with the character of the village. The new properties will be imposing when considered from the southern side of the development.
- The development is very dense with the properties having very small gardens.
- Concern regarding site security and the visibility of some parking spaces.
- Concern regarding drainage. The existing sewerage system in Brailsford is already at capacity. The new Miller Homes development has to employ an underground tank to accommodate foul water.
- Luke Lane is a road that is already struggling with the volume and type of traffic that use it on a daily basis. It is dangerous with limited turning for larger vehicles.
- The village facilities will be overloaded by more development, in particular the Doctors surgery and the primary school.
- There are bats present on the site and newts within the locality.
- The development should be in keeping with the older part of the village.
- The area to the front of the site has been used for parking for the nearby chapel. We would lose this valuable facility.
7.0 OFFICER APPRAISAL

7.1 Having regard to the relevant provisions of the development plan, consultation responses and representations received the main planning issues to assess in respect of this application are:

- The principle of the development
- Impact on the character and appearance of this part of the settlement;
- Other issues (inc. ecology, drainage, contamination, highway safety, archaeology and security).

Principle of the development

7.2 In considering the principle of the development the following factors require taking into consideration; the location of the site, the previously developed nature of the land, the loss of the employment use, the viability of the proposal and developer contributions.

7.3 The application site is located within the village of Brailsford, a tier 3 settlement within the adopted local plan and is a brownfield site. There are a number of buildings present of site used in connection with the former commercial use of the site, which have been vacant for some years. The buildings towards the rear of the site are of little architectural quality and are in a dilapidated state. The primary building on site is the former cheese factory building which is considered to be worthy of conversion as an important industrial building within the village. To the north of the cheese factory building is an imposing dwelling which is thought to be the former manager's house. These two ‘historic’ buildings are to remain. The rest of the buildings on site are to be demolished, including the single storey central building to the south (frontage) of the site.

7.4 The redevelopment of the site for housing will result in a loss of an existing, albeit vacant employment site. The site is potentially contaminated, in need of some clearance of buildings and proposes conversion works to an existing building which can be costly. Through the application process the scheme has been considered by the District Valuer in terms of viability. The District Valuer concluded that the submitted scheme based on full compliance with the required developer contributions including affordable housing and off site play area contribution would not be viable. However, the District Valuer also considered that based on the education contribution only and a lower developer profit on GDV the land value would be in excess of the benchmark site value, therefore whilst a fully compliant scheme (with the affordable housing and off site play contribution) is not viable, there is scope to seek a reduced contribution from the developer. As such, this proposed development would not provide any affordable housing contribution or any off site contribution towards upgrading existing play space in the village. Furthermore, whilst minimal information has been submitted by the applicant in terms of the marketing of the site, it is clear from the viability appraisal that has been carried out that the scheme, if only viable for a residential scheme without any affordable housing or off site play contribution, would not result in a viable commercial or mixed commercial scheme.

7.5 It is considered that the benefits to be gained from the redevelopment of the site and the retention of a buildings of historic and architecture interest to provide housing in a sustainable location, would outweigh lack of full compliance with Policy H3 and HC14 in terms of the provision of affordable housing and off site play contribution in this case.
7.6 As the redevelopment of a brownfield site in the centre of the village, which is in a derelict and untidy state, it is considered that the principle of redevelopment in this location is acceptable in principle in accordance with policies S1, S2, S3 and HC1 of the Adopted Local Plan 2017.

*Impact on the character and appearance of this part of the settlement*

7.7 The proposed development includes a row of properties to define the frontage of the site, the retention through conversion of the cheese factory building and the associated former managers house, albeit altered, with new dwellings forming a courtyard to the frontage of the cheese factory building and a small cul-de-sac of 6 dwellings to the rear.

7.8 The design and appearance of the house types A and B as revised are considered appropriate to this village setting being of a traditional design and appearance. House Types E, F and G are of a more formal appearance with gabled feature elements which again are considered to respond positively to this part of the village. The external facing materials would be agreed via condition but are anticipated to be red brick and plain clay tiles. The proposal will retain the cheese factory building and the associated manager’s house although these will be altered externally with some altered openings.

7.9 Both the buildings to be converted and the new development is considered to be of a design and appearance that is appropriate to the village setting and will retain the character and appearance of the site / reflect its former industrial use. Conditions will be necessary to ensure appropriate hard and soft landscaping, materials and boundary treatments. Subject to such conditions the proposal is considered to be acceptable in terms of its visual impact in accordance with policies S1, S2, S3, PD1 and PD2 of the Adopted Local Plan 2017.

*Other issues: ecology, drainage, highway safety, amenity, archaeology and security.*

**Ecology**

7.10 From the detailed ecological surveys carried out in relation to this site it is clear that there are bat roosts within the former manager’s house and bat activity across the site. As a result, a bat mitigation strategy has been submitted and Derbyshire Wildlife Trust have considered the detail of this strategy and have confirmed that they are satisfied with the mitigation measures that have been put forward and advise that adequate information has now been provided. The Trust recommends that the mitigation should be carried out in full on site. Appropriate conditions will need to be imposed should members be minded to approve the application.

7.11 The invasive species Japanese knotweed is present on site and a strategy is required to remove this. Again this will need to be covered by condition. Construction works should also take place outside of the bird breeding season to minimise any impact to nesting bird species. A detailed strategy is also required to mitigate against the impact of the development upon Great Crested Newts.

7.12 Subject to detailed conditions as recommended by the Trust it is considered that the proposal is acceptable in terms of the impacts upon ecology in accordance with policy PD3 of the Adopted Local Plan 2017.
**Drainage**

7.13 A flood risk assessment and detailed drainage reports have been submitted through the application process with an ongoing dialogue with the lead Local Flood Authority. It is noted in the comments of the Lead Flood Authority that it is proposed to discharge to the existing combined sewer. This should be a last resort and detailed ground investigations are required to demonstrate an appropriate drainage scheme. It is considered that further investigation is required and, as such, the Flood Authority have recommended conditions are imposed on any permission to require these additional investigations and provide appropriate surface water drainage. Subject to these conditions and the condition recommended by the environment agency it is considered that the proposal accords with the requirements of policy PD8 of the Adopted Local Plan 2017.

**Contamination**

7.14 The site has a former commercial/industrial use and as such may have some level of contamination associated with these former uses. Whilst a Phase 1 report into the environmental nature of the land has been submitted, in accordance with the advice from the Council’s Environmental Health Officer, it is considered necessary to impose a condition requiring a Phase 2 ground investigation is carried out in order to determine if any part of the land is contaminated along with a detailed remediation scheme, to ensure the ground conditions are suitable for the intended use. As such the proposal is considered acceptable in terms of land contamination in accordance with policy PD9 of the Adopted Local Plan 2017.

**Highway safety**

7.15 Through the application process the layout has been amended to address the concerns of the Local Highway Authority. The scheme, as amended, is considered to be satisfactory by the Local Highway Authority, which have recommended a number of conditions are imposed to ensure adequate parking on the site in the long term though the removal of permitted development rights and the provision of an appropriate access with good visibility splays and appropriate levels of parking.

7.16 Concern has been raised by local residents that the highway network in the locality cannot accommodate the additional traffic caused by this development and that there is already congestion in the area particularly in relation to the Luke Lane / A52 junction. The Local Highway Authority in their assessment of the proposal consider the capacity of the highway network and in this case are satisfied that the scheme is acceptable in terms of highway safety. It should also be noted that when the site was in commercial use there would have been an amount of traffic associated with that use. Concern has also been raised that the users of the local chapel will lose their parking facility, however this is private land and as such whilst they have been allowed to use this for informal parking the right to do this could be taken away by the land owner at any time.

7.17 It is considered that subject to conditions the proposal is acceptable in accordance with policies S3, HC19 and HC21 of the Adopted Local Plan 2017.
Amenity

7.18 Concern has been raised by local residents that the dwellings to the rear of the site will be in an elevated position and, as such, will be imposing onto dwellings located to the south of the site. The detailed layout of the scheme has been considered and it is the view of the Local Planning Authority that the development of the site with appropriate boundary treatments will not cause harm to the amenity of neighbouring residents to warrant refusal. It is recognised that the development of a vacant site will no doubt be a significant change. In terms of the impact upon the amenities of neighbouring residents the proposal is, however, considered to be acceptable in accordance with policy PD1 of the Adopted Local Plan 2017.

Archaeology

7.19 The impact of the development upon any below ground archaeology has been assessed and a detailed report submitted. It is the view of the development Control Archaeologist that the site has limited potential for below ground archaeology and as such there are no archaeological conditions recommended in relation to the development. However, it has been noted that a detailed historic building assessment should be carried out to inform the development. The Local Planning Authority has not considered this necessary in this case given that the development relates to a non-designated heritage asset (the former cheese factory and manager’s house) which are to be retained through what is considered to be a sympathetic conversion. As such, given the retention of what are considered to be the important buildings on site the proposal is considered acceptable in accordance with policy PD2 of the Adopted Local Plan 2017.

Crime Prevention

7.20 Concern has been raised by the Crime Prevention Officer that some of the parking areas on the site are not within sight of the associated dwellings and that this can lead to the potential for crime. Whilst ideally such matters would normally be resolved through the layout, given the constraints of this site and the buildings to be retained it has not been possible to alter the parking such that it is visible to the owners. However, the parking spaces would be overlooked by other dwellings. As such, as a minor negative of the scheme it is not considered that this matter is of such weight to warrant refusal of the application.

Conclusion

7.21 The application for the redevelopment of this derelict brownfield site in a third tier settlement is considered to be acceptable in principle in accordance with Adopted Local Plan policies. The constraints of the site including clearance work, demolition, contamination and conversion has resulted in a scheme that would not be viable if an affordable housing contribution and contribution towards play space were required as part of the permission. The provision of additional school places is, however, considered necessary to make the development acceptable in planning terms, in mitigation for the increase in number of pupils the development is likely to generate. The applicant has agreed to sign up to a S106 legal agreement to fund the school places requested by the County Council. The design and appearance of the scheme both in terms of the conversion and the new development is considered to be in keeping with the surroundings and has the benefit of retaining buildings that are considered important to the history of
this part of the village. The ecological issues raised though the proposal can be resolved through mitigation. The development would not be prejudicial to highway safety and there are no other matters which would outweigh the benefits of the redeveloping the site for housing. As such, it is recommended that subject to the applicant entering into a S106 planning obligation agreement to secure monies towards school places and conditions, permission is granted.

8.0 RECOMMENDATION

That planning permission be granted subject to the applicant entering into a S106 planning obligation agreement to secure monies towards school places and the following conditions:

(Condition in normal font, reason underneath in italics)

1. Condition ST02a: Time limit on full
   
   1.  
   
   Reason ST02.

2. No development shall take place until a detailed design and associated management and maintenance plan of surface water drainage for the site, in accordance with the principles outlined within:
   
   b. Proposed Civils 1 of 2 - drawing number 100 & Proposed Civils 2 of 2 – drawing number 100 by Collinshallgreen ltd
   c. And DEFRA Non-statutory technical standards for sustainable drainage systems (March 2015), have been submitted to and approved in writing by the Local Planning Authority. The approved drainage system shall be implemented in accordance with the approved detailed design prior to the use of the building commencing.

3. To ensure that the proposed development does not increase onsite or offsite flood risk, ensure that the principles of sustainable drainage are incorporated into this proposal and sufficient detail of the construction, operation and maintenance of sustainable drainage systems is provided to the Local Planning Authority.

3. No development shall take place until a detailed assessment has been provided to and approved in writing by the Local Planning Authority to demonstrate that the proposed destination for surface water accords with the hierarchy in paragraph 80 of the planning practice guidance, and to obtain a full understanding of the springs within the site and any associated mitigation requirements.

3. To ensure that surface water from the development is directed towards the most appropriate waterbody in terms of flood risk and practicality by utilising the highest possible priority destination on the hierarchy of drainage options. The assessment should demonstrate with appropriate evidence that surface water runoff is discharged as high up as reasonably practicable in the following hierarchy:
   1. into the ground (infiltration);
   2. to a surface water body;
   3. to a surface water sewer, highway drain, or another drainage system;
   4. to a combined sewer.
And to ensure that development will be safe from flood risk including from groundwater and natural springs.

4. The proposed development shall be carried out in full accordance with the Bat Survey and Mitigation Strategy dated November 2017 (ref: RT-MME-123725 Rev A).

4. *In the best interests of ecology and biodiversity in accordance with Policy PD3 of the Adopted Local Plan.*

5. Prior to the commencement of development information on any external lighting scheme shall be submitted to and approved in writing by the Local Planning Authority. Such approved measures shall be implemented in full and maintained thereafter.

5. *In the best interests of ecology and biodiversity in accordance with Policy PD3 of the Adopted Local Plan.*

6. No development shall commence until a copy of the NE EPS licence required has been submitted to and approved in writing by the Local Planning Authority.

6. *In the best interests of ecology and biodiversity in accordance with Policy PD3 of the Adopted Local Plan.*

7. Prior to the commencement of any works which may affect great crested newts and/or their habitat, a detailed mitigation and monitoring strategy, should be submitted to and approved in writing by the Local Planning Authority. All works should then proceed in accordance with the approved strategy with any amendments agreed in writing.

7. *In the best interests of ecology and biodiversity in accordance with Policy PD3 of the Adopted Local Plan.*

8. Prior to the commencement of development, an invasive non-native species removal strategy shall be submitted to and approved by the Local Planning Authority, detailing the containment, control and removal of Japanese Knotweed on site. The measures shall be carried out strictly in accordance with the approved scheme.

8. *In the best interests of ecology and biodiversity in accordance with Policy PD3 of the Adopted Local Plan.*

9. Prior to the commencement of the development a Landscape and Ecological Management Plan (LEMP) for all retained and created habitats on the site shall be submitted to and approved in writing by the Local Planning Authority. The Plan should include details of how the management of the habitats will be implemented and funded. The development shall be completed in accordance with the agreed details.

9. *In the best interests of ecology and biodiversity in accordance with Policy PD3 of the Adopted Local Plan.*

10. No buildings demolition, hedgerow or tree removal trees 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.

10. *In the best interests of ecology and biodiversity in accordance with Policy PD3 of the Adopted Local Plan.*

11. No development approved by this planning permission shall take place until a scheme that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority.
   1. A preliminary risk assessment which has identified:
      - all previous uses
      - potential contaminants associated with those uses
      - a conceptual model of the site indicating sources, pathways and receptors
      - potentially unacceptable risks arising from contamination at the site.

   2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

   3. The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

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

   Any changes to these components require the express written consent of the Local Planning Authority. The scheme shall be implemented as approved.

11. *The Phase 1 Desk Study Report (Collinshallgreen, August 2015) has revealed that the site used to be occupied by 'works' buildings and the site walkover identified the storage of oil drums in one of the buildings. We agree with the conclusions of the Phase 1 report that a limited site investigation should be undertaken to ascertain the nature and extent of any contamination at the site. The site is underlain by the Nottingham Castle Sandstone formation, classified as a Principal aquifer.*

12. No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

12. *To ensure that any agreed remediation strategy is adhered to in order to protect controlled waters.*

13. No development shall take place including any works of demolition until a construction management plan or construction method statement has been submitted to and been
approved in writing by the Local Planning Authority. The approved plan/statement shall be adhered to throughout the construction period. The statement shall provide for:

- Parking of vehicles of site operatives and visitors
- Site storage of plant and materials
- Method of prevention of debris being carried onto highway
- Arrangements for turning vehicles
- Temporary construction access details, including any gates and roadside hoarding.

13. In the interests of highway safety in accordance with policies S3, HC19 and HC21 of the Adopted Local Plan 2017.

14. Prior to occupation of the first dwelling, the sites vehicular access shall be modified in accordance with drawing number 26654 A(00)03 Rev Q – Proposed Site Layout and provided with visibility sightlines extending from a point 2.4 metres from the carriageway edge, measured along the centreline of the access, for a distance of 43 metres in each direction measured along the nearside carriageway edge. The land in advance of the visibility sightlines 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.


15. Prior to occupation of Plot 7, its new vehicular access to Luke Lane shall be constructed in accordance with application drawing number 26654 A(00)03 Rev Q – Proposed Site Layout and provided with visibility sightlines extending from a point 2.4 metres from the carriageway edge, measured along the centreline of the access, for a distance of 43 metres in each direction measured along the nearside carriageway edge. The land in advance of the visibility sightlines 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.

15. In the interests of highway safety in accordance with policies S3, HC19 and HC21 of the Adopted Local Plan 2017.

16. No part of the development shall be occupied until the 2m wide footway across the site frontage has been carried out in accordance the details first submitted to and approved by the Local Planning Authority. For the avoidance of any doubt, this work shall be carried out under a Section 278 Agreement.

16. In the interests of highway safety in accordance with policies S3, HC19 and HC21 of the Adopted Local Plan 2017.

17. No dwelling shall be occupied until space has been laid out within the site in accordance with drawing No 26654 A(00)03 Rev Q – Proposed Site Layout for cars to be parked and for vehicles to turn so that they may enter and leave the site in forward gear. These facilities shall thereafter be retained for use at all times.

17. In the interests of highway safety in accordance with policies S3, HC19 and HC21 of the Adopted Local Plan 2017.
18. No development shall take place until the layout and construction details of the residential estate roads and footways (including layout, levels, gradients, surfacing / construction materials, means of surface water drainage and street lighting) have been submitted to and approved in writing by the Local Planning Authority.

18. In the interests of highway safety in accordance with policies S3, HC19 and HC21 of the Adopted Local Plan 2017.

19. The carriageways of the proposed estate roads shall be constructed in accordance with details approved under Condition No 18 above up to and including at least road base level, prior to the commencement of the erection of any dwelling intended to take access from that road. The carriageways and footways shall be constructed up to and including binder course surfacing to ensure that each dwelling prior to occupation has a properly consolidated and surfaced carriageway and footway, between the dwelling and the existing highway. Until final surfacing is completed, the footway base course shall be provided in a manner to avoid any upstands to gullies, covers, kerbs or other such obstructions within or abutting the footway. The carriageways, footways and footpaths in front of each dwelling shall be completed with final surface course within twelve months (or three months in the case of a shared surface road) from the occupation of such dwelling, unless otherwise agreed in writing by the Local Planning Authority.

19. In the interests of highway safety in accordance with policies S3, HC19 and HC21 of the Adopted Local Plan 2017.

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

20. In the interests of highway safety in accordance with policies S3, HC19 and HC21 of the Adopted Local Plan 2017.

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

21. In the interests of highway safety in accordance with policies S3, HC19 and HC21 of the Adopted Local Plan 2017.

22. No development shall be commenced until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved by the local planning authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details

22. In the interests of highway safety in accordance with policies S3, HC19 and HC21 of the Adopted Local Plan 2017.
23. Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until sections A and B have been complied with.

A. Site Characterisation

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

i. a survey of the extent, scale and nature of contamination;

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

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

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

B. Submission of Remediation Scheme

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

23. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy PD9 of the Adopted Local Plan 2017.

24. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans to which this decision notice relates, or as otherwise agreed in writing by the Local Planning Authority:

- Amended house type A received 05.01.18
- Amended house type B received 05.01.18
- Amended house type E, F, G Rev C elevation plans and floor plans received 17.11.17
- Garages Rev C received 17.11.17
- Cottage proposed demolition Rev B received 17.11.17
- Cottage proposed elevations Rev J received 17.11.17
- Vehicle tracking plan P01 received d17.11.17

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Proposed site layout plan Rev Q received 17.11.17
Parking for Plot 7 layout received 17.11.17
Visuals A(05)03 B, A(05)02 C, A(05)01 C received 17.11.17
Proposed demolition site plan Rev B received 17.11.17
Barn dairy works A(02)07 Rev D received 06.07.17
Barn dairy works A(02)08 Rev E received 06.07.17
Dairy works roof plan and elevation existing A(02)02 received 13.01.17
Barn dairy works existing A(02)01 Rev A received 13.01.17
Block plan A(00)01 received 13.01.17
Existing tree survey plan A(00)02 received 13.01.17

24. For the avoidance of doubt.

25. The development hereby permitted shall not be brought into use until the proposed
building has been acoustically insulated in accordance with a scheme to be previously
submitted to and approved in writing by the Local Planning Authority. The development
shall thereafter be implemented in accordance with the approved scheme.

25. To protect the amenities of nearby residential properties in accordance with Policies S1
and PD1 of the Adopted Local Plan 2017.

26. No machinery shall be operated on the premises, no process or operations shall be carried
out and no deliveries shall be taken at or despatched from the site except between 0800
hours and 1800 hours Mondays to Saturdays or at any time on Sundays and Bank
Holidays.

26. To preserve the amenities of the surrounding area in accordance with Policies S1 and PD1

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

27. To ensure a satisfactory external appearance of the development in accordance with Policies S1, PD1 and PD2 of the Adopted Local Plan 2017.

28. 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.

28. To preserve the external appearance of the buildings in accordance with Policies S1, PD1
and PD2 of the Adopted Local Plan 2017.

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

29. To protect the external appearance of the buildings and preserve the character of the area
in accordance with Policies S1, PD1 and PD2 of the Adopted Local Plan 2017.
30. Prior to the commencement of development, details of all gutters, downpipes and all other external pipework, which shall be of a matt black finish, shall be submitted to and approved in writing by the Local Planning Authority. These items shall then be provided in accordance with the approved details and so retained.

30. To protect the external appearance of the buildings and preserve the character of the area in accordance with Policies S1, PD1 and PD2 of the Adopted Local Plan 2017.

31. 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.

31. To protect the external appearance of the buildings in accordance with Policies S1, PD1 and PD2 of the Adopted Local Plan 2017.

32. Prior to being installed details of all chimneys and associated pots shall be submitted to and agreed in writing by the Local Planning Authority. Works shall be completed in accordance with the agreed details.

32. To ensure a satisfactory external appearance of the development in accordance with Policies S1, PD1 and PD2 of the Adopted Local Plan 2017.

33. Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 (or any Order revoking or re-enacting that Order with or without modification), no extensions or alterations to the front elevations (as shown on the submitted plans) of the dwellings on Plot Nos. 01, 02, 03, 07, 08, 09, 10, 11, 12 or 13 shall be carried out without the prior written approval of the Local Planning Authority upon an application submitted to it.

33. To preserve the character and appearance of the area in accordance with Policies S1, PD1 and PD2 of the Adopted Local Plan 2017.

34. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification) no external alterations or additions shall be made to the dwellings on plots 14, 15, 16, 17, 18, or 19 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.

34. To preserve the character and appearance of the original building and its surroundings in accordance with Policies S1, PD1 and PD2 of the Adopted Local Plan 2017.

35. 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;
e) all plant species, planting sizes, planting densities, the number of each species to be planted and plant protection;
g) finished site levels and contours;
h) means of enclosure;
i) car park layouts;
j) other vehicle and pedestrian access and circulation areas;
k) hard surfacing materials;
l) minor artefacts and structures (e.g. furniture, play equipment, refuse and other storage units, signs, lighting etc);

35. To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features in accordance with Policies S1, PD1, PD2 and PD5 of the Adopted Local Plan 2017.

36. 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.

36. To ensure a satisfactory standard of landscaping in the interests of amenity in accordance with Policies S1, PD1, PD2 and PD5 of the Adopted Local Plan 2017.

9.0 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

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. Footnote from Lead Local Flood Authority:

The Local Planning Authority should be mindful to obtain all the relevant information pertaining to the proposed discharge in land that is not within the control of the applicant, which is fundamental to allow the drainage of the proposed development site. The County Council would prefer the applicant to utilise existing landform to manage surface water in mini/sub-catchments. The applicant is advised to contact the County
Council’s Flood Risk Management team should any guidance on the drainage strategy for the proposed development be required. The County Council do not adopt any private SuDS schemes. As such, it should be confirmed prior to commencement of works which organisation will be responsible for SuDS maintenance once the development is completed.

The applicant should demonstrate, to the satisfaction of the Local Planning Authority, the appropriate level of treatment stages from the resultant surface water in line with Table 4.3 of the CIRIA SuDS Manual 7353. This type of development usually requires >2 treatment stages before outfall into surface water body/system which may help towards attainment of the downstream receiving watercourse’s Water Framework Directive good ecological status.

To discharge the conditions the applicant should ensure all of the below parameters have been satisfied:

1. The production and submission of a scheme design demonstrating full compliance with DEFRA’s Non-statutory technical standards for sustainable drainage systems:
   a. Detailed plans of the surface water drainage system, indicating, pipe diameters, gradients, and pipe numbers.
   b. A plan detailing the impermeable area for each pipe
   c. A detailed model of the surface water drainage system demonstrating that the proposed system does not surcharge during the 1 in 1 year event, flood in the 1 in 30 year event or Flood building or leave the site in the 100 year + climate change event.
   d. The system should be designed to 30% climate change as per the FRA with a sensitivity test to 40% Climate change, along with an incorporation of 10% impermeable area for urban creep
   e. Detailed design (plans, cross, long sections and calculations) in support of any surface water drainage scheme, including details on any attenuation system, and the outfall arrangements.
   f. Details of how the on-site surface water drainage systems shall be maintained and managed after completion and for the lifetime of the development to ensure the features remain functional.
   g. Production of a plan showing above ground flood pathways where relevant for events in excess of 1 in 100 year rainfall
   h. An assessment of the overland flow routes from the north east and details of how they will be managed through the site.
   i. A plan detailing the finished floor levels within the development should be supplied demonstrating compliance with the principles within the FRA.

2. Information to indicate that the surface water can, in principle, be disposed of sustainably in compliance with paragraph 80 of the planning practice guidance. In particular, the following information should be provided to the Local Planning Authority for review:
   i. Soakaway/ground investigation conducted in compliance BRE Digest 365 methodology or similar submitted to demonstrate the feasibility of infiltration alone to manage surface water on the site.
II. If infiltration is found not to be feasible, an alternative option for surface water disposal should be proposed. In order of preference this should be to:

i. an adjacent watercourse with detailed evidence of the feasibility of this option given the existing site constraints,
ii. a surface water public sewer, with appropriate evidence that the relevant Water and Sewerage Company deems this acceptable, or
iii. a combined public sewer, with appropriate evidence that the relevant Water and Sewerage Company deems this acceptable.

3. As a residential conversion and new build all dwelling doors, ground floor and easily accessible windows will need to be specified to building regulation approved document Q in respect of security.

4. Highway footnotes:

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

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

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

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

5. This decision notice relates to the following documents:
   Amended house type A received 05.01.18
   Amended house type B received 05.01.18
   Amended house type E, F, G Rev C elevation plans and floor plans received 17.11.17
Garages Rev C received 17.11.17
Cottage proposed demolition Rev B received 17.11.17
Cottage proposed elevations Rev J received 17.11.17
Vehicle tracking plan P01 received d17.11.17
Proposed site layout plan Rev Q received 17.11.17
Parking for Plot 7 layout received 17.11.17
Visuals A(05)03 B, A(05)02 C, A(05)01 C received 17.11.17
Proposed demolition site plan Rev B received 17.11.17
Barn dairy works A(02)07 Rev D received 06.07.17
Barn dairy works A(02)08 Rev E received 06.07.17
Dairy works roof plan and elevation existing A(02)02 received 13.01.17
Barn dairy works existing A(02)01 Rev A received 13.01.17
Block plan A(00)01 received 13.01.17
Existing tree survey plan A(00)02 received 13.01.17
Transport statement received 11.01.17
Ecological appraisal received 13.01.17
Bat surveys and mitigation strategy received 17.11.17
Flood risk assessment report received 13.01.17
Micro drainage information received 17.11.17
Noise assessment received 13.01.17
Nocturnal emergence and dawn re-entry bat surveys received 11.01.17
Envirocheck report received 13.01.17
Phase 1 desk top study and appendices received 13.01.17
Marketing overview received 11.01.17
Design and Access Statement received 13.01.17
## Planning Committee 16th January 2018

### Item No. 4.6

<table>
<thead>
<tr>
<th>APPLICATION NUMBER</th>
<th>17/00489/FUL</th>
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<tbody>
<tr>
<td>SITE ADDRESS:</td>
<td>Erection of temporary agricultural workers dwelling and agricultural storage building</td>
</tr>
<tr>
<td>DESCRIPTION OF DEVELOPMENT</td>
<td>Land east of Turlowfields Lane, Hognaston</td>
</tr>
<tr>
<td>CASE OFFICER</td>
<td>Mr Chris Whitmore</td>
</tr>
<tr>
<td>APPLICANT</td>
<td>Mr Kerry</td>
</tr>
<tr>
<td>PARISH/TOWN</td>
<td>Hognaston</td>
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<tr>
<td>AGENT</td>
<td>Mr Samuel Croft</td>
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<tr>
<td>WARD MEMBER(S)</td>
<td>Cllr. Lewis Rose</td>
</tr>
<tr>
<td>DETERMINATION TARGET</td>
<td>28th July 2017</td>
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<tr>
<td>REASON FOR DETERMINATION BY COMMITTEE</td>
<td>Considered sensitive by the Development Manager and Ward Member</td>
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<tr>
<td>REASON FOR SITE VISIT (IF APPLICABLE)</td>
<td>No site visit required. Members visited the site on the 12th December 2017.</td>
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### 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
Land East Of Turlowfields Lane, Hognaston
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.

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 In addition to a supporting statement by Willis and Co. 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-Does, free-range rabbit production unit over the next three years, with 100 Does in Year 1; 200 Does in Year 2; and 300 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 *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 *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 Derbyshire Dales Local Plan (2017):
- S2: Sustainable Development Principles
- S5: Development in the Countryside
- HC13: Agricultural and Rural Workers Dwellings
- HC19: Accessibility and Transport
- HC21: Car Parking Standards
- PD1: Design and Place Making
3.2 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 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 herd 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 applicant’s 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 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 occupant’s 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 nevertheless 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 This application was deferred by members at the 12th December 2017 planning committee meeting for clarification on a number of matters relating to the operation of the proposed agricultural unit. In particular, members sought clarification on the following:
1. The applicant’s proposals to prevent the transmission of disease from the rabbit farm to the adjacent farms and livestock;
2. The applicant’s intentions with regard to securing power and water infrastructure on site;
3. The applicant’s proposals for the management of the site in terms of stocking, cleaning, pest and predator control, ventilation measures and waste disposal;
4. Full details of the different business and activities proposed for the site.

Following deferral of the application the applicant, through their agent, has submitted a supporting statement, which addresses these points.

7.2 With regard to point 4 the applicant advises that the enterprise is an agricultural business for the breeding of rabbits for meat production. This will be the main focus of the enterprise and will account for the majority of activity on site. Whilst elements of the business will include:

- Rabbits for the pet market;
- Mature rabbit sales to home farmers for breeding;
- The sale of offal and waste products for the pet food market, and;
- Enhanced products, Pies and Pates, off the bone meat etc. (produced elsewhere)

Officers are satisfied that these activities would be ancillary to the agricultural use of the site. In addition to the rabbit breeding / rearing activity it is intended to grow a small amount of trees and shrubs at the unit. The applicant advises that this is an activity which has taken place for a number of years. Cuttings will be taken off the various varieties of willow trees and marketed.

With regard to the use of the general purpose agricultural storage building the applicant anticipates that the space will mainly be used for the storage of hay and straw bales, food, machinery and tools with some space dedicated to the processing of rabbit food products. They advise that it is difficult to specify the exact proportion of each of the aforementioned uses as this will change as the enterprise develops. Based on the nature of the proposed enterprise officers are satisfied that the building would be used in association with the agricultural activity on the site and any industrial processes carried out would be ancillary / incidental to that use.

Points 1 to 3 are considered at paragraphs 7.12, 7.13 and 7.14 below.

7.3 As set out in the officer’s previous report to planning committee on the 12th December 2017, 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 prognation 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

7.4 Policy HC13 of the Adopted Derbyshire Dales Local Plan 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 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.

7.5 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

7.6 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 does 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 fewer 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

7.7 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.

7.8 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

7.9 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.

7.10 Adopted local plan policies support new agricultural development that maintains the landscape quality and character of the countryside. 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 considered that the buildings and associated infrastructure would maintain the quality of the local landscape and 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

7.11 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 on the occupants of neighbouring properties / land uses

7.12 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 is raised in the representations / consultation responses received and the applicant’s intentions with regard to securing power and water infrastructure constituted a reason for deferral of the application at committee on the 12th
December 2017. The applicant has advised that there is already mains water on site and that they intend to get quotations for mains electricity. They do however, advise that the Granby site functions off grid and that if they need to bring any generators on site they would be low volume. Officers maintain that the proximity of the cabin / general purpose storage building 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 a condition that prevents any generator being brought onto the site without the prior approval of the Local Planning Authority would safeguard the residential amenity of the occupants of nearby dwellings. The applicant agrees to such a condition being imposed.

7.13 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. The applicant advises that this has been the key to the applicants successful animal health programme at Granby and profitability of that enterprise. 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. The applicant intends to create a stand-off area of at least 20m from the boundaries of the site. No rabbit will be able to get within this stand-off distance. The applicant has advised, following deferral of the application, that the reason DEFRA has no interest in rabbit farms is that there is no risk to other farm animals. The applicant has entered into conversations with the senior vet at DEFRA who has stated that they are only interested in hooved animals and the bovine disease is transmitted from infected livestock through close contact, sneezing and coughing, and as such they fail to see how this could include the rabbits. They point to DEFRA guidance on rabbit care/farming at [https://www.gov.uk/government/publications/rabbits-on-farm-welfare/caring-for-rabbits](https://www.gov.uk/government/publications/rabbits-on-farm-welfare/caring-for-rabbits) which does not make any reference to bovine disease or the transmission of diseases from rabbits to other livestock, nor does it specify any minimum distance between where rabbits and other livestock should be kept. The only risk of disease is considered to be that which can be spread amongst the rabbit themselves such as myxomatosis. Notwithstanding that the provision of a stand-off area and fencing will, it is considered, prevent the transmission of disease outside the confines of the site, the application does not seek a change of use of the land (other than in association with the stationing of a log cabin). Animals including rabbits, bred for meat could be brought onto the site without the need for formal planning permission. The spread of disease between animals is not therefore considered to be a significant material planning consideration in respect of this application, that would constitute a sustainable reason for refusal at appeal.

7.14 The applicant has previously advised that faeces and urine produced will be deposited on to the grass in the same manner as other types of farm animals and is a good natural fertiliser. They advise that the waste is odourless and there have been no complaints received in relation to odour at Granby. The applicant advises that waste and carcasses will be kept in sealed bins and disposed of regularly by a licenced commercial operator. Other waste such as used bedding is allowed to compost and is used as a natural growing medium for potted trees and shrubs. Following deferral of the application, the applicant has considered the other requirements of conditions 8 and advised that although the operation does not attract insects or vermin bait boxes will be used for mice and rodent control and fencing for fox and stoat control. They advise that there have been no fly issues at the Granby site other than mosquitoes which are managed by regular assessment of water buckets for larva control. As the rabbits will be kept outdoors mechanical ventilation will not be required. If managed in such a manner the enterprise would not have an adverse effect on the residential amenity of the occupants of nearby
dwellings. Notwithstanding the additional information submitted by the applicant in respect of the above, Condition 8 will still need to be imposed to ensure that appropriate safeguards are in place.

7.15 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

7.16 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

7.17 This application is considered to address 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 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. Subject to conditions, the proposed development would, it is considered, satisfy the relevant provision of the Adopted Derbyshire Dales Local Plan (2017) and 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 site’s 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 Adopted Derbyshire Dales Local Plan (2017).
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 Policy HC13 of the Adopted Derbyshire Dales Local Plan (2017).

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 Adopted Derbyshire Dales Local Plan (2017).

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 Adopted Derbyshire Dales Local Plan (2017).

6. In the interests of highway safety in accordance with the aims of Policy HC19 of the Adopted Derbyshire Dales Local Plan (2017).

7-9. In the interests of protecting the environment and safeguarding the residential amenity of the occupants of nearby residential dwellings in accordance with the aims of Policies PD3 and PD9 of the Adopted Derbyshire Dales Local Plan (2017).

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 development 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 4, 7 and 8.

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, and;
Supporting information from the applicants agent following deferral of the application received by the District Council on the 4th January 2018.
<table>
<thead>
<tr>
<th><strong>APPLICATION NUMBER</strong></th>
<th>17/00934/OUT</th>
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<tr>
<td><strong>SITE ADDRESS:</strong></td>
<td>Former Harveydale Quarry, Dale Road, Matlock</td>
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<tr>
<td><strong>DESCRIPTION OF DEVELOPMENT</strong></td>
<td>Residential Development of up to 17 Dwellings with Access (Outline)</td>
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<tr>
<td><strong>CASE OFFICER</strong></td>
<td>Mr. G. A. Griffiths</td>
</tr>
<tr>
<td><strong>APPLICANT</strong></td>
<td>Ernest V. Waddington Ltd</td>
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<tr>
<td><strong>TOWN</strong></td>
<td>Matlock</td>
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<tr>
<td><strong>AGENT</strong></td>
<td>JVH Town Planning Consultants Ltd</td>
</tr>
<tr>
<td><strong>WARD MEMBERS</strong></td>
<td>Cllr. M. Burfoot, Cllr. Mrs. S. Burfoot, Cllr. Mrs. A. Elliott</td>
</tr>
<tr>
<td><strong>DETERMINATION TARGET</strong></td>
<td>25th December 2017</td>
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<td><strong>REASON FOR DETERMINATION BY COMMITTEE</strong></td>
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<tr>
<td><strong>REASON FOR SITE VISIT (IF APPLICABLE)</strong></td>
<td>To assess the impact of the development in its context.</td>
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**MATERIAL PLANNING ISSUES**

- Principle of the development
- Sustainability
- Provision of Affordable Housing
- Impact of Development on the Character and Appearance of the Matlock Dale Conservation Area
- Impact on Amenity
- Highway Issues
- Public Rights of Way
- Provision of Infrastructure
- Open Space and Children's Play Space Provision
- Landscaping
- Ecological Matters
- Flood Risk and Drainage
- Site Contamination and Land Stability
- Archaeology

**RECOMMENDATION**

Approval subject to conditions and a financial contribution by the applicant towards off-site affordable housing provision to be secured by a Section 106 Agreement.
Former Harveydale Quarry, Dale Road, Matlock
1. THE SITE AND SURROUNDINGS

1.1 The site is a former quarry on the southern side of Matlock on the western side of Dale Road with access directly off the A6. Views into the quarry are effectively screened by the landform and existing trees in views from the west and by existing development and trees in views from all other directions.

1.2 Part of the quarry is already developed with offices leased to Derbyshire County Council and a new residential development fronting the A6. The area proposed for development is the southern part of the quarry immediately to the west and above the new housing development described above and measures some 1.1ha in area.

1.3 The quarry is included on the Historic Environment Record for the limestone quarry and a lime kiln. It is designated as a Regionally Important Geological/Geomorphological Site as a quarry exposure of Cawdor limestone and the presence of brachiopods and crinoids. There is a Site of Special Scientific Interest designated at Masson Hill a little way to the south west.

1.4 The eastern margins of the site are included in the Matlock Dale Conservation Area and the site is within the Settlement Boundary of Matlock.
2. DETAILS OF THE APPLICATION

2.1 Outline planning permission is sought for the erection of up to 17 dwellings with associated access with all other matters reserved. The applicant has submitted an illustrative layout plan and the following documents:

- Planning Statement
- Flood Risk Assessment
- Highways Statement
- Transport Statement
- Preliminary Ecological Appraisal
- Phase 2 Geological and Geo-Environmental Statement
- Rock Face Appraisal
- Remediation Implementation Plan

2.2 The applicant has submitted an indicative layout plan for the site development and proposes a mix of two storey and two and a half storey, detached and semi-detached dwellinghouses located off a central access road off the A6. An area of amenity space is included within the site. The drawing also details a catch trench and fence arrangement to protect the site from falling rocks off the cliff face.

2.3 Despite indicating the provision of six affordable dwellinghouses on the site, the applicant has submitted a viability appraisal advising that the development proposals, given the constraints of developing a quarry site, cannot deliver affordable housing either on-site or by way of a financial contribution towards off-site provision.

3. PLANNING POLICY

3.1 Adopted Derbyshire Dales Local Plan (2017)
   S1  Sustainable Development Principles
   S2  Settlement Hierarchy
   S3  Development within Defined Settlement Boundaries
   S7  Matlock/Wirksworth/Darley Dale Development Area Strategy
   S10 Local Infrastructure Provision and Developer Contributions
   PD1 Design and Place Making
   PD2 Protecting the Historic Environment
   PD3 Biodiversity and the Natural Environment
   PD5 Landscape Character
   PD6 Trees, Hedgerows and Woodlands
   PD7 Climate Change
   PD8 Flood Risk Management and Water Quality
   PD9 Pollution Control and Unstable Land
4. RELEVANT PLANNING HISTORY

15/00305/OUT  Residential Development of up to 20 Dwellings (outline) – Granted.

14/00148/OUT  14 dwellings and associated access (outline) – Refused for reasons of the development being too low in density, with no provision of affordable housing, and lack of details regarding the securing of the quarry face and to protect its RIGS designation.

5. CONSULTATION RESPONSES

5.1 Matlock Town Council – Refuse:
   - need to maximise use of brownfield site by building high density affordable housing.

5.2 Matlock Bath Parish Council – No objection.

5.3 Local Highway Authority – No objection subject to conditions.

5.4 Peak and Northern Footpaths Association – No objection.

5.5 Derbyshire Dales Group of the Ramblers – No objection.

5.6 Environment Agency – No objection subject to conditions on contamination remediation strategies and no infiltration of surface drainage water.

5.7 Land Drainage Authority (DCC) – No objection subject to a condition on the detailed design and management of surface water drainage.

5.8 Environmental Health (DDDC) – Comments as with previous application and recommend consultation with the Environment Agency.

5.9 Planning Policy (DCC) – Comment:
   - existing schools would have adequate capacity
   - suggest access is provided to high speed broadband.

5.10 Historic England – Comment:
   - application should be determined in accordance with national and local policy guidance.

5.11 Natural England – Comment:
   - no objection to the proposal with regard to its proximity to the Masson Hill SSSI
   - should consider impacts on local wildlife sites and protected species
   - should consider measures to enhance biodiversity.
5.12 Derbyshire Wildlife Trust – No objection subject to conditions.

5.13 Forestry Commission – No comment.

5.14 Development Control Archaeologist (DCC) – Comment:
   - the proposed development in this southern part of the quarry floor will have no archaeological impact.

6. REPRESENTATIONS RECEIVED

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

- consider the site would be more suitable for commercial development such as a retail park which would encourage more footfall along Dale Road and increase its vitality
- impact on highway safety with an extra 30 cars leaving and accessing the site and pedestrians crossing the road at this point where view to south of A6 is obscured and sped limit 40mph
- could be mitigated by 30mph speed restriction well to the south (before the 'Matlock' sign) and installing a refuge in the road in the vicinity of the footbridge
- would wish for trees between the site and the houses on Dale Road to be retained as would preserve rural aspect, suppress noise, maintain screening and absorb some pollution from A6
- draw attention to Japanese Knotweed on the site.

6.2 Matlock Civic Association – Comment:
   - welcome the proposal in principle but have two major reservations
   - only seems to be part of the quarry floor - suggest the layout should be amended to allow for future expansion into the rest of the site
   - housing types indicated seem to be 17 larger houses yet with close proximity to the town centre, with its public transport links, means it would be better for higher density, smaller houses and flats suitable for younger people or perhaps for older people wishing to 'down-size' which would vacate family sized housing for a new family.

7. OFFICER APPRAISAL

Principle of Development

7.1 The site is within the Settlement Boundary for Matlock and therefore there is a presumption in favour of development in accordance with Policy S2 of the Adopted Derbyshire Dales Local Plan (2107). Policy HC1 advises that housing development will be supported on unallocated sites within the defined Settlement Hierarchy, particularly where it makes full and effective use of brownfield land.

7.2 Whilst the site was allocated for employment development in the former adopted Local Plan (2005), this designation has not been carried forward as, with the extant outline planning permission 15/00305/OUT, the principle of residential development has been accepted to meet the housing land supply requirements for the District.
Policy H4 states that development of 11 or more dwellings, or development of more than 1000sqm of floorspace, should make provision of 30% of the dwellings as affordable dwellings. Developments of such a scale should also provide for open space and children’s play space within the site in accordance with Policy HC14.

It is necessary to consider whether there are any environmental constraints that would necessitate consideration. The eastern side of the site is within the Matlock Dale Conservation Area and therefore Policy PD2 is relevant and advises that development proposals will need to ensure that they contribute positively to the character of the built and historic environment.

Policy PD3 advises that where the proposals may have an impact on ecology, planning permission will only be granted if it can be demonstrated that there is an overriding need for the development. Policy PD5 advises that planning permission will only be granted for development that protects and enhances the character, appearance and local distinctiveness of the landscape. Policy PD6 seeks to protect trees from development that may impact directly or indirectly upon them.

Policy PD8 seeks to ensure that development will not lead to an increase in flood risk and that Sustainable Drainage Systems (SuDS) should be incorporated where possible. Policy PD9 states that planning permission will only be granted for development on or adjacent to land that is, or is suspected of being, either contaminated or unstable where it can be demonstrated that the development can take place without having an adverse impact upon public health or the safety of the local environment.

In order for the development of the site to be acceptable, it is also necessary to determine whether the site can be served by a safe and secure access, and provide adequate off-street parking, to comply with Policies S3, HC19 and HC21.

The development proposals are considered below in the context of these Policies.

**Sustainability**

The development is proposed on a brownfield site within the Settlement Framework Boundary of Matlock and is a sustainable location relative to the town and, therefore, is considered an appropriate location for residential development.

However, sustainability also relates to making the most effective use of land in locations that are inherently sustainable in themselves. This is reflected in Policies S1, S2 and HC1 of the Adopted Local Plan (2017) which state that development will be permitted where it makes full and effective use of previously developed land. In this regard, there is some concern raised with regard to the density of development on the site, particularly given that there is a reduction in the number of dwellings previously approved from 20 down to 17. However, this has to a large extent been as a result of having to avoid development in proximity to the quarry face due to stability issues. In this respect, the density of development of the site, compared to the previously approved scheme, is considered to be reasonable.

**Provision of Affordable Housing**

The District Council seeks 30% affordable housing on housing developments in excess of 11 dwellings or 1000sqm of floorspace in line with Policy HC4 of the Adopted Local Plan
(2017) and such provision allows for balanced future growth by ensuring access to housing for all.

7.12 However, whilst accepting an affordable housing provision of 45% of the dwellings on the site with outline planning permission 15/00305/OUT (based on Policy HC10 of the previous Local Plan), the applicant has now submitted a viability appraisal with the current application which outlines the constraints associated with development of the site. This has been appraised by the District Valuer’s Office (DVO) which has confirmed that the viability of the proposals cannot support a 30% on-site affordable provision. Based on the reasonable provision of a 20% profit margin in the development of the site, it has been advised by the DVO that one affordable dwellinghouse could be provided on-site, or a financial contribution towards off-site provision amounting to £57,000. Officer’s consider it reasonable to take a financial contribution in this instance as a Housing Association would be unlikely to wish to take a single property on the site under its management. As such, the financial contribution has been agreed to by the applicant.

The Impact of Development on the Character and Appearance of the Matlock Dale Conservation Area

7.13 Whilst the applicant only seeks to agree access, with all other matters reserved for subsequent approval, an indicative layout has been submitted for the development. It is considered reasonable to comment on this by way of guiding the applicant. As with the previous outline application, there are concerns that the illustrative proposals present a sub-urban form and layout which is considered inappropriate for this former quarry site. Given the nature and form of the site, it is considered that a development that incorporates groups of buildings and terraces, potentially reflecting a commercial form of development in character and appearance, would be more appropriate to the quarry setting. This detail will need to be addressed as part of any Reserved Matters application.

Impact on Amenity

7.14 It is considered that a residential development can be assimilated into its surroundings without significantly impacting upon the amenity of the recent housing development fronting Dale Road, close to the application site access, or placing a constraint on the existing businesses on the land to the north.

Highway Issues

7.15 The Local Highway Authority has appraised the applicant’s submission and advised of no objection in principle. One of the recommended conditions on the previous outline permission was to submit a scheme to modify the sites existing vehicular access to Dale Road. The applicant has had a speed survey carried out to determine the approaching vehicle speeds from the south. The result of this speed reading was an approaching vehicle, 85% ile, wet weather speed reading of 30.5mph and it is advised that the proposed 2.4m x 65m sightline, measured to the nearside carriageway edge, is acceptable.

7.16 However, in the opposite direction, the recommended visibility sightline is 2.4m x 102m as it is within the 40mph speed limit and no speed reading evidence is available to show vehicles travelling less than the speed limit. Although it is envisaged this sightline is achievable, it will need to be illustrated on a revised drawing.
7.17 As this application is not seeking approval for the access layout through the site, the Local Highway Authority has not provided any detailed comments regarding this matter. However, judging from the indicative layout, it appears that 17 dwellings can be accommodated, along with a new access road to adoptable standards. Due to the number of dwellings proposed, the Local Highway Authority recommends the proposed residential roads be laid out and constructed to adoptable standards.

Public Rights of Way
7.18 There is a public right of way to the west of the site but this is above the quarry face. In this respect, the proposal is not considered to have any impact on public rights of way.

Provision of Infrastructure
7.19 The County Council have advised of no need for a contribution to school places. They make reference to Derbyshire Clinical Commissioning Groups possibly seeking a financial contribution towards assisting with health provision, but no comments have been received from North Derbyshire Clinical Commissioning Group in this respect. The matter of high speed broadband provision is not one the Local Planning Authority can reasonably insist upon but can be attached as an advisory note to any grant of outline planning permission.

Open Space and Childrens’ Play Space Provision
7.20 There is a requirement under Policy HC14 of the Adopted Local Plan (2017) to make appropriate provision for open space and play areas within developments of this scale. Open space is indicatively shown on the submitted drawings. Whilst there is no specific provision of childrens’ formal play space identified, this would be a requirement for the development but could be secured by way of a condition on any grant of outline planning permission.

Landscaping
7.21 The quarry is well vegetated with naturally regenerating trees and scrub. The belts of trees at the top of the quarry face in the west are an important feature in the wider landscape but should remain unaffected by the proposal and are protected by being within the Conservation Area.

7.22 The trees on the road frontage, either side of new development and extending to the back of existing dwellings in the south, are important within the street scene and help to screen proposed development from the road and neighbouring properties. These would be expected to be largely retained in any development proposal. In addition, trees within the confines of the quarry floor are also important in that they might be used to help integrate development into the wider landscape.

7.23 The site has been developed in the past and, although the loss of a substantial quantity of existing trees is required, it should be possible to retain sufficient trees to maintain the character of the existing landscape on the western side, screen the development from existing residential properties, maintain the street scene and integrate the development with its surroundings. If this is accomplished, there is unlikely to be any significant adverse impact on local landscape character or visual amenity.

Ecological Matters
7.24 The whole site lies within a designated RIGS site. Policy PD3 of the Adopted Local Plan (2017) states that planning permission for development within sites important for nature
conservation, including Regionally Important Geological Sites, will only be granted if it can clearly be demonstrated that the benefits from the development outweigh the harm caused to the nature conservation value of the site.

7.25 Natural England has raised no objection to the proposal with regard to its proximity to the Masson Hill SSSI. It has advised that the Local Planning Authority should consider impacts on local sites, landscape character and priority habitats and species. In this respect, the applicant has submitted several surveys which conclude that the proposals would have little direct impact on protected species and has set out a mitigation strategy for addressing any potential impacts. Conditions could be attached to any grant of permission that the development is undertaken in accordance with the findings and recommendations of the surveys and reports submitted.

7.26 Derbyshire Wildlife Trust has advised that the information submitted by the applicant is generally acceptable but requires matters of nesting birds, the presence of Japanese Knotweed, the lighting for the site and biodiversity enhancements to be addressed with conditions on any grant of planning permission.

Flood Risk and Drainage

7.27 The applicant has submitted a flood risk assessment which has been assessed by the Environment Agency and it has advised of no objection to the proposal. However, the Environment Agency requests a condition on any grant of planning permission with regard to there being no surface water infiltration into the ground unless it can be demonstrated that there would be no resultant unacceptable risk to controlled waters.

7.28 The Land Drainage Authority (DCC) has advised that the only viable sustainable drainage system (SuDs) for the site that would be acceptable is lined permeable paving or detailed information as to why this would not be acceptable. The proposed attenuation tank would be acceptable but will require details to be submitted for consideration at the detailed design stage. It is also advised that the applicant has provided no strategy indicating the future maintenance and management of the storage tank; conditions have been requested to address these matters.

Site Contamination and Land Stability

7.29 Policy PD9 of the Adopted Local Plan (2017) states that planning permission will only be granted for development on or adjacent to land that is, or suspected of being, either contaminated or unstable, where it can be demonstrated that the development can take place without having an adverse impact upon public health and safety of the local environment.

7.30 In terms of site contamination, the Environment Agency has advised that it has no, in principle, objections to the proposal but requests conditions on any grant of planning permission with regard to a remediation strategy to deal with the risks of contamination.

7.31 The applicant has submitted an assessment of the quarry face stability. This concludes that there is moderate risk of instability along the western face, although the severity of this could be considered high with large volumes of rock potentially collapsing. There is considered to be a lower risk along the southern face. All properties within 20-30m could be affected to some degree by rock falls and therefore the dwellinghouses have been indicatively detailed to be set away from these areas and also include a trench to catch
rock falls which provide a buffer to the indicative access route. It is recommended that conditions be attached to any grant of planning permission to address such matters.

**Archaeology**

7.32 The DCC Archaeologist has advised that site is within the former Harveydale/Holt limestone quarries (HER 30809). This was established before 1847 and operational until the 1960s. The quarry floor has been much impacted by subsequent development and earthmoving, and retains no evidence for the historic quarry operations or infrastructure. As such, it is advised that the proposed development in this southern part of the quarry floor will have no archaeological impact.

**Conclusion**

7.33 This is a former quarry site located within Matlock, a main market town within the Derbyshire Dales District, and its redevelopment for housing, for the reasons set out above, would constitute a sustainable and acceptable form of development in accordance with policies contained within the recently Adopted Local Plan (2017). Taking the above into consideration and having regard to the extant permission to redevelop the site for housing that is already in place, it is recommended that planning permission be granted subject to the completion of a Section 106 Planning Obligation Agreement to make a financial contribution towards affordable housing provision and relevant conditions.

**8. RECOMMENDATION**

That authority be delegated to the Development Manager to grant outline planning permission subject to the completion of a Section 106 Planning Obligation Agreement, for a financial contribution of £57,000 towards off-site affordable housing provision, and subject to the following conditions:

1. **Condition ST01a:** Time Limit on Outline
   **Reason ST01a**

2. **Condition ST03a** Submission of Certain Reserved Matters (delete access)
   **Reason ST03a**

3. No works of construction shall take place on the site outside of the following hours:
   Monday to Friday 08.00 to 20.00
   Saturday 09.00 to 13.00
   Sunday/Bank Holidays No construction.

   *To safeguard the amenity of neighbouring residents to the development site.*

4. The development shall be carried out in accordance with the recommendations and mitigation measures proposed in the Preliminary Ecological Appraisal (Absolute Ecology LLP July 2017) and in accordance with the following information to be submitted to and approved in writing by the Local Planning Authority prior to the development commencing:
   - a reptile presence/absence survey, with subsequent mitigation strategy if required (see Sections 5.18 – 5.19 of the Ecology Appraisal);
- A bat survey which shall consider both foraging and commuting activity, summer and hibernation roosts. Mitigation measures should be recommended upon completion of survey, considering the impacts to roosting, foraging and commuting bats, as set out in Section 5.13 – 5.15 of the Ecology Appraisal; and
- any requirement for works to the quarry face shall be identified as a priority, especially to caves or quarry tubes, so that appropriate survey and/or mitigation can be designed and may include an inspection during winter 2017, emergence surveys when bats emerge from hibernation or the avoidance of netting in certain areas such as suspected caves or quarry tubes.

To safeguard protected species and their habitats within and adjacent to the development site to comply with Policies S1 and PD3 of the Adopted Derbyshire Dales Local Plan (2017).

5. 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.

To protect protected species and their habitats within and adjacent to the development site to comply with Policies S1 and PD3 of the Adopted Derbyshire Dales Local Plan (2017).

6. No development shall commence until a detailed lighting strategy, which should follow the guidelines set out in ‘Bats and Lighting in the UK’ (BCT, 2009) and should avoid lighting the quarry face, has been submitted to and approved in writing by the Local Planning Authority. The approved measures shall thereafter be implemented in full.

To protect protected species and their habitats within and adjacent to the development site to comply with Policies S1 and PD3 of the Adopted Derbyshire Dales Local Plan (2017).

7. Prior to the commencement of development, a biodiversity enhancement strategy, as outlined in the Ecology Appraisal, shall be submitted to and approved in writing by the Local Planning Authority and the approved measures shall be carried out in strict accordance with the approved scheme.

To ensure appropriate protection and enhancement of biodiversity of the site in accordance with Policies S1 and PD3 of the Adopted Derbyshire Dales Local Plan (2017).

8. Prior to the commencement of development, a non-invasive protocol, detailing the containment, control and removal of Japanese Knotweed, shall be submitted to and approved in writing by the Local Planning Authority and the approved measures shall be carried out in strict accordance with the approved scheme.

To safeguard the development and the amenity of residents.

9. With the submission of the Reserved Matters application, the applicant shall identify the provision of a Locally Equipped Area of Play (LEAP) within the development site to include its laying out, type of equipment and hard and soft landscaping. The LEAP shall thereafter be provided in accordance with the approved details prior to the occupation of 50% of the
dwellings and shall be managed and maintained thereafter in accordance with details to be agreed in writing by the Local Planning Authority.

To ensure the satisfactory provision of children's play space to comply with Policies HC1 and HC14 of the Adopted Derbyshire Dales Local Plan (2017).

10. Condition GR9 Secure by Design

Reason GR9

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

(i) A preliminary risk assessment which has identified:
   - all previous uses
   - potential contaminants associated with those uses
   - a conceptual model of the site indicating sources, pathways and receptors
   - potentially unacceptable risks arising from contamination at the site.

(ii) A site investigation scheme, based on (i) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

(iii) The results of the site investigation and the detailed risk assessment referred to in (ii) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

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

Any changes to these components require the express written consent of the Local Planning Authority. The scheme shall be implemented as approved.

To ensure that the development does not contribute to, is not put at unacceptable risk from, or adversely affected by unacceptable levels of water pollution in line with paragraph 109 of the National Planning Policy Framework and to comply with Policies S1, PD8 and PD9 of the Adopted Derbyshire Dales Local Plan (2017).

12. No development shall take place until a detailed design and associated management and maintenance plan of surface water drainage for the site, in accordance with:

a. Harveydale Quarry, Dale Road, Matlock - Flood Risk Assessment (July 2017, by Eastwood and Partners)

b. Harveydale Quarry, Matlock Response to Lead Local Flood Authority comments dated 18.10.2017 (31 October 2017, by Eastwood and Partners, ref AP/MW/39841/04)

c. DEFRA’s Non-statutory technical standards for sustainable drainage systems (March 2015)

is submitted to and approved in writing by the LocalPlanning Authority. The approved drainage system shall be implemented in accordance with the approved detailed design prior to the use of the building commencing.
To ensure that the proposed development does not increase on-site or off-site flood risk and to ensure that the principles of sustainable drainage are incorporated into the proposal and sufficient detail of the construction, operation and maintenance of sustainable drainage systems (SuDS) is provided to the Local Planning Authority to comply with Policies S1 and PD8 of the Adopted Derbyshire Dales Local Plan (2017).

13. Prior to first occupation of any property, details of the surface water catch trench at the base of the quarry face, shall be submitted to and approved in writing by the Local Planning Authority and this shall be installed prior to the development being first occupied.

To ensure that the proposed surface water mitigation measures are implemented preventing the development being placed at risk of flooding to comply with Policies S1 and PD8 of the Adopted Derbyshire Dales Local Plan (2017).

14. Before any other operations are commenced (excluding demolition/site clearance), space shall be provided within the site curtilage for the storage of plant and materials/site accommodation/loading and unloading of goods vehicles/parking and manoeuvring of site operatives and visitors vehicles, laid out and constructed in accordance with detailed designs to be submitted in advance to the Local Planning Authority for written approval and maintained throughout the contract period in accordance with the approved designs free from any impediment to its designated use.

In the interests of highway safety.

15. Before any other operations are commenced the sites existing vehicular access shall be modified 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 102 metres to the north and 65m to the south, 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.

In the interests of highway safety to comply with Policies S3 and HC19 of the Adopted Derbyshire Dales Local Plan (2017).

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

In the interests of highway safety.

17. Notwithstanding the submitted information, a subsequent reserved matters or full application shall include design of the internal layout of the site in accordance with the guidance contained within the Manual for Streets document issued by the Department for Transport and Communities and Local Government.

In the interests of highway safety to comply with Policies S3 and HC19 of the Adopted Derbyshire Dales Local Plan (2017).
18. Prior to the occupation of each dwelling, the proposed estate street, between that dwelling and the existing public highway, shall be laid out in accordance with the scheme approved in accordance with Condition 17 above or as subsequently revised and approved in writing by the Local Planning Authority, constructed to binder course level, drained and lighted in accordance with the County Council’s specification for new housing development roads. The estate streets shall be fully completed with the final surface course applied in a timescale to be agreed with the Local Planning Authority prior to the occupation of the 10th dwelling, or other such timescale as may be agreed in writing by the Local Planning Authority.

In the interests of highway safety to comply with Policies S3 and HC19 of the Adopted Derbyshire Dales Local Plan (2017).

19. No dwelling shall be occupied until space has been provided within the site for the parking and manoeuvring of residents and visitors vehicles associated with that dwelling, laid out in accordance with the scheme approved in accordance with Condition 17 above, or as subsequently revised and approved in writing by the Local Planning Authority. The facilities shall be retained throughout the life of the development free from any impediment to their designated use.

To ensure the provision of adequate off road parking provision in the interests of highway safety to comply with Policies S3, HC19 and HC21 of the Adopted Derbyshire Dales Local Plan (2017).

20. The scheme to be submitted to and approved in writing by the Local Planning Authority pursuant to Condition 18 above shall provide for bin stores within private land at the highway end of the private accesses, to prevent refuse bins and collection vehicles standing on the new estate street for longer than necessary causing an obstruction or inconvenience for other road users. The facilities shall be provided prior to the first occupation of the dwellings to which they relate to and shall be retained free from any impediment to their designated use thereafter.

In the interests of highway safety.

21. Private driveways/parking spaces to the proposed estate street, the subject of Condition 18 above, shall not be taken into use until 2m x 2m x 45° pedestrian intervisibility splays have been provided on either side of the access at the back of the footway, the splay area being maintained throughout the life of the development clear of any object greater than 0.6m in height relative to footway level.

In the interests of highway safety to comply with Policies S3 and HC19 of the Adopted Derbyshire Dales Local Plan (2017).

22. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 the garage accommodation/parking space to be provided in connection with the development shall not be used other than garaging and parking of vehicles except with the prior permission of the Local Planning Authority granted on an application made in that regard.
To ensure the retention of adequate off-road parking provision in the interests of highway safety to comply with Policies S3, HC19 and HC21 of the Adopted Derbyshire Dales Local Plan (2017).

23. Unless otherwise agreed in writing with the Local Planning Authority, the proposed access driveways/parking spaces to the new estate streets shall be no steeper than 1:14 for the first 5m from the nearside highway boundary and 1:10 thereafter.

In the interests of highway safety to comply with Policies S3 and HC19 of the Adopted Derbyshire Dales Local Plan (2017).

24. Unless otherwise agreed in writing by the Local Planning Authority, no works shall commence on site until a scheme for the disposal of highway surface water has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details and retained accordingly thereafter.

In the interests of highway safety.

FOOTNOTES:

1. The Local Planning Authority have during the consideration of this application engaged in a positive and proactive dialogue with the applicant which has resulted in the submission of a Section 106 Legal Agreement which overcame initial problems with the application relating to the provision for affordable housing.

2. This decision notice relates to the following documents:
   Site Location Plan received on 25th September 2017
   Illustrative Layout Plan received on 25th September 2017
   Topographic Survey received on 25th September 2017
   Preliminary Road Layout received on 25th September 2017
   Planning Statement received on 25th September 2017
   Flood Risk Assessment received on 25th September 2017
   Highways Statement received on 25th September 2017
   Transport Statement received on 25th September 2017
   Phase 2 Geological and Geo-Environmental Statement received on 25th September 2017
   Remediation Implementation Plan received on 25th September 2017
   Preliminary Ecological Appraisal received on 25th September 2017
   Rock Face Appraisal received on 25th September 2017

3. Should reptiles, bats or other protected species be found during the course of the development, works should cease and expert advice should be sought from a professional ecologist.

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

6. Pursuant to Section 38 and the Advance Payments Code of the Highways Act 1980, the proposed new estate roads should be laid out and constructed to adoptable standards and financially secured. Advice regarding the technical, financial, legal and administrative processes involved in achieving adoption of new residential roads may be obtained from the Strategic Director of the Economy, Transport and Environment Department at County Hall, Matlock (tel: 01629 538570). The applicant is advised to allow approximately 12 weeks in any programme of works to obtain a Section 38 Agreement.

7. Highway surface water shall be disposed of via a positive, gravity fed system (i.e. not pumped) discharging to an approved point of outfall (e.g. existing public sewer, highway drain or watercourse) to be sanctioned by the Water Authority (or their agent), Local Highway Authority or Environment Agency respectively.

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

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

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

11. Pursuant to Section 50 (Schedule e) of the New Roads and Street-works Act 1991, before any excavation works are commenced within the limits of the public highway (including public rights of Way), at least 6 weeks prior notification should be given to the Strategic Director of Economy, Transport and Environment at County Hall, Matlock (tel: 01629 580000 and ask for the New Roads and Street-works Section).

12. Car parking provisions should be made on the basis of 1.5 spaces per 1 bedroom dwellings, 2 spaces for 2 or 3 bedroom dwellings and 3 spaces for dwellings consisting of 4 or more bedrooms. Each space shall measure a minimum of 2.4m x 4.8m (larger for disabled spaces) with adequate space behind each space for manoeuvring.
13. Derbyshire County Council do not adopt any private SuDS schemes. As such, it should be confirmed prior to commencement of works which organisation will be responsible for SuDS maintenance once the development is completed.

14. Any works in or nearby to an ordinary watercourse require consent under the Land Drainage Act (1991) from DCC (e.g. an outfall that encroaches into the profile of the watercourse, etc.) Upon receipt of any application (including the legislative fee) DCC has an 8 week legislative period in which to make a decision and either consent or object the proposals. If the applicant wishes to make an application for any works please contact Flood.Team@derbyshire.gov.uk

15. The applicant should demonstrate, to the satisfaction of the Local Planning Authority, the appropriate level of treatment stages from the resultant surface water in line with Table 4.3 of the CIRIA SuDS Manual 7353. This type of development usually requires >2 treatment stages before outfall into surface water body/system which may help towards attainment of the downstream receiving watercourse’s Water Framework Directive good ecological status.

16. The County Council would prefer the applicant to utilise existing landform to manage surface water in mini/sub-catchments. The applicant is advised to contact the County Council’s Flood Risk Management team should any guidance on the drainage strategy for the proposed development be required.

17. In order to discharge Conditions 8 and 9, the applicant should ensure all of the below parameters have been satisfied:

(i) The applicant should provide a detailed assessment of the proposed surface water drainage system, including but not limited to:

   a. Detailed plans of the surface water drainage system, indicating, pipe diameters, gradients, and pipe numbers.
   b. A plan detailing the impermeable area for each pipe
   c. A detailed model of the surface water drainage system demonstrating that the proposed system does surcharge during the 1 in 1 year event, flood in the 1 in 30 year event or Flood building or leave the site in the 100 year + climate change event.
   d. The system should be designed to 30% climate change as per the Drainage Strategy with a sensitivity test to 40% Climate change, along with an incorporation of 10% impermeable area for urban creep.
   e. Detailed design (plans, cross, long sections and calculations) in support of any surface water drainage scheme, including details on any attenuation system, and the outfall arrangements.
   f. Details of how the on-site surface water drainage systems shall be maintained and managed after completion and for the lifetime of the development to ensure the features remain functional.
   g. Production of a plan showing above ground flood pathways where relevant for events in excess of 1 in 100 year, and detailing the proposed internal and external finished floor levels
   h. An assessment of the overland flow routes from the north east of the site and details of how they will be managed through the site.
i. Calculations and details relating to flotation prevention of the attenuation tank and details of the groundwater inflow protection.

j. Incorporation of permeable paving into the development as described in the document referenced ‘AP/MW/39841/04’ or a detailed assessment on why permeable paving is not appropriate for incorporation within the development.

18. The applicant should provide details of the catch trench to demonstrate appropriate protection from surface water flows into the development:

   a. As built construction details detailing the cross section, bed levels and bank levels for the trench.
   b. Details of the ownership and maintenance responsibilities for the trench including an appropriate maintenance schedule.

19. The developer ids encouraged to make separate enquiries with broadband providers in order to ensure that future occupants have access to sustainable communications infrastructure and that appropriate thought is given to the choice and availability of providers which can offer high speed data connections. More information on how to incorporate broadband services as part of the design of new development is available by the following link: https://www.gov.uk/government/publications/better-connected-a-practical-guide-to-utilities-for-home-builders

20. This planning permission shall be read in conjunction with the accompanying legal agreement under Section 106 of the Town and Country Planning Act 1990 dated ...............
<table>
<thead>
<tr>
<th><strong>APPLICATION NUMBER</strong></th>
<th>17/01088/LBALT</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>SITE ADDRESS:</strong></td>
<td>85 Church Street, Matlock</td>
</tr>
<tr>
<td><strong>DESCRIPTION OF DEVELOPMENT</strong></td>
<td>Alterations to Outbuilding</td>
</tr>
<tr>
<td><strong>CASE OFFICER</strong></td>
<td>M Askey</td>
</tr>
<tr>
<td><strong>APPLICANT</strong></td>
<td>C Bunton</td>
</tr>
<tr>
<td><strong>PARISH/TOWN</strong></td>
<td>Matlock Town</td>
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<tr>
<td><strong>AGENT</strong></td>
<td>-</td>
</tr>
<tr>
<td><strong>WARD MEMBER(S)</strong></td>
<td>Cllr D Botham, Cllr J Stevens and Cllr S Flitter</td>
</tr>
<tr>
<td><strong>DETERMINATION TARGET</strong></td>
<td>01.01.18</td>
</tr>
<tr>
<td><strong>REASON FOR DETERMINATION BY COMMITTEE</strong></td>
<td>Application made by a member of immediate family of Council Officer</td>
</tr>
<tr>
<td><strong>REASON FOR SITE VISIT (IF APPLICABLE)</strong></td>
<td>-</td>
</tr>
</tbody>
</table>

**MATERIAL PLANNING ISSUES**

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

**RECOMMENDATION**

Approval
85 Church Street, Matlock
1.0 THE SITE AND SURROUNDINGS
1.1 The property is a grade II listed building (listed 1972). The building is constructed from stonework and dates from the later 17th century with 18th and 19th century additions & alterations. It was formerly the King’s Head PH. The property displays a number of phases of construction and this is reflected in its window types and styles. The roof is covered with modern ‘Hardrow’ concrete tiles. On the north elevation is a set of historic stone mounting steps. To the south is a detached, mono-pitched, stone built garage block and attached store (former toilets when used as a public house). The property lies within the Old Matlock Conservation Area.

2.0 DETAILS OF THE APPLICATION
2.1 An application for Listed Building Consent has been received for the following works:

- Replace flat roof covering to attached storeroom to garage block and remove existing painted timber/glazed roof lantern to storeroom and replace with new flat/flush glass skylight.

3.0 PLANNING POLICY AND LEGISLATIVE FRAMEWORK
1. National Planning Policy Framework (2012) - Conserving and Enhancing the Historic Environment

4.0 RELEVANT PLANNING HISTORY:
None relevant
5.0 CONSULTATION RESPONSES

Parish / Town Council

5.1 The Town Council expressed some confusion over the proposals based on the submission information. See ‘Officer Appraisal’ section below.

6.0 REPRESENTATIONS RECEIVED

6.1 None received.

7.0 OFFICER APPRAISAL

The issue to consider, through this application for Listed Building Consent, is the impact the proposed works will have upon the significance & setting of the listed building.

*Replace flat roof covering to attached storeroom to garage block and remove existing painted timber/glazed roof lantern to store room and replace with new flat/flush glass skylight:*

The proposal is to remove the current painted timber/glazed lantern to the flat roofed part of the detached outbuildings/garage and replace it with a flat, toughened, plain glass, rooflight. The outbuildings are the remains of a range of buildings in this location which first appear on the OS maps in 1880 (and, therefore, probably date from the mid-19th century). Whilst they have been altered over time and converted to garage/utility use etc. they remain ancillary buildings associated with the grade II listed building (i.e. curtilage-listed). It is likely that the small, flat-roofed section (on which the glazed lantern is located) was built at a later date, probably when the property was in use as a public house and the applicant has cited it as the former gent’s toilet to the public house. It is possible, therefore, that this particular part of the outbuilding range was constructed post-1948. Whilst this may be the case this flat-roofed addition is physically attached to the older part of the outbuilding range and in that regard subsumed under the curtilage-listed protection.

As a probable post-1948 addition the key consideration would be if the removal of the glazed lantern and its replacement with a new flat glazed rooflight would adversely affect the character and appearance of the curtilage-listed structures and the setting of the principal listed building. The glazed lantern dates from the time the flat-roofed addition was constructed (or sometime after) and in terms of its age & detailing this is considered to present an element with relatively minimal significance. Furthermore, in terms of its presence within the local area of the Conservation Area it is concealed from public viewpoints. It is considered that the removal of the glazed lantern and its replacement with a new flat glazed rooflight (utilising the same aperture within the flat roof) would not constitute harm to the outbuilding or to the setting of the adjacent listed building or this part of the Conservation Area.

With regard to the replacement of the existing mineral felt roof covering to the flat-roof with a new ply deck and black rubber roof system it is considered that the visual & physical change will be minimal and in that regard would not constitute harm to the outbuilding or to the setting of the adjacent listed building or this part of the Conservation Area.
The Town Council have expressed some confusion over the proposals as based on the submission. The case-officer wrote to the Town Clerk (letter dated 4 December 2017) outlining exactly what the proposed works entailed. No further response/comments have been received in connection with that letter and it is assumed that the Town Councillors now understand the proposed works.

8.0 RECOMMENDATION

That Listed Building Consent be granted, subject to the following condition(s):

1. The works hereby permitted shall be begun before the expiration of three years from the date of this Consent.

Reason(s):

1. This is a statutory period which is specified in Section 18 of the Planning (Listed Buildings & Conservation Areas) Act 1990.

9.0 NOTES TO APPLICANT:

This Decision Notice relates to the following documents:

Statement of Significance & Impact
Design & Access Statement
Location Plan (1:1250)
Block Plan (1:500)
External & internal photographs of the outbuilding
# Active Enforcement Investigations

**05 January 2018**

## Ashbourne North

<table>
<thead>
<tr>
<th>Case Reference</th>
<th>Issue Description</th>
<th>Location</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>ENF/14/00071</td>
<td>Unauthorised building works to facilitate a Biomass Boiler and affecting the setting of a listed building.</td>
<td>Sturston Hall Farm Mill Lane Sturston Derbyshire DE6 1LN</td>
<td>Notice Issued</td>
</tr>
<tr>
<td>ENF/15/00014</td>
<td>Unauthorised alterations to listed building. Installation of photo voltaic panels on roof slope - Sturston Hall Farm, Ashbourne, DE6 1LN</td>
<td>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>Sturston Hall Farm Mill Lane Sturston Derbyshire DE6 1LN</td>
<td>Pending Consideration</td>
</tr>
</tbody>
</table>

## Ashbourne South

<table>
<thead>
<tr>
<th>Case Reference</th>
<th>Issue Description</th>
<th>Location</th>
<th>Status</th>
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<tbody>
<tr>
<td>ENF/14/00070</td>
<td>Unauthorised internally illuminated signage above front of restaurant - 25 Dig Street, Ashbourne, DE6 1GF</td>
<td>25 Dig Street Ashbourne Derbyshire DE6 1GF</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/17/00038</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

<table>
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<tr>
<th>Case Reference</th>
<th>Issue Description</th>
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<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>
<tr>
<td>Reference</td>
<td>Description</td>
<td>Address</td>
<td>Status</td>
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<tr>
<td>ENF/17/00093</td>
<td>Alleged unauthorised use of parking area to serve food and provide outdoor seating, use of first floor as living accommodation and siting of log burner</td>
<td>Blueberry Tea Room 13A Main Road Brailsford Derbyshire DE6 3DA</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/17/00120</td>
<td>Are the relevant permissions in place for weddings to be held at this site</td>
<td>Lakeside Ednaston Business Centre Hollington Lane Ednaston Derbyshire DE6 3AE</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/17/00125</td>
<td>Installation of a Biomas Generator</td>
<td>Marsh Hollow Farm Shirley Lane Hollington Derbyshire DE6 3GD</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/17/00143</td>
<td>Change of use of agricultural land into garden land with the creation of new vehicular accesses and creation of vehicle hardstanding</td>
<td>Ivy Cottage Longford Lane Longford Derbyshire DE6 3DT</td>
<td>Pending Consideration</td>
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</table>

**Carsington Water**

<table>
<thead>
<tr>
<th>Reference</th>
<th>Description</th>
<th>Address</th>
<th>Status</th>
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</thead>
<tbody>
<tr>
<td>ENF/16/00034</td>
<td>Unauthorised erection of Dog kennels</td>
<td>Four Lane Ends Farm Gibfield Lane Hulland Ward Derbyshire DE6 3EJ</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/16/00073</td>
<td>Unauthorised change of use and conversion of outbuildings on land at Rock Cottage, Brassington, Matlock, Derbyshire, DE4 4HA</td>
<td>Rock Cottage Hillside Lane Brassington Derbyshire DE4 4HA</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/17/00041</td>
<td>Unauthorised change of use of land for the stationing of a static caravan for the purpose of human habitation</td>
<td>Barn At Arm Lees Farm Ryder Point Road Wirksworth Derbyshire</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/17/00052</td>
<td>Unauthorised engineering works to install septic tank on land at the Manor House, Church St, Brassington, Derbyshire.</td>
<td>Manor House Church Street Brassington Derbyshire DE4 4HJ</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/17/00082</td>
<td>Unauthorised erection of raised platform on land within the conservation area and to the rear of Barnwood, Hopton, Wirksworth, Matlock, Derbyshire DE4 4DF</td>
<td>Barnwood Main Street Hopton Derbyshire DE4 4DF</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/17/00085</td>
<td>Unauthorised building works comprising a change of structure on a building approved under PDA change of use.</td>
<td>Former Wallands Farmhouse Ashbourne Road Brassington Derbyshire DE4 4DB</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/17/00095</td>
<td>Unauthorised building works to create a roof over an existing muck store and unauthorised minor enlargement of approved building, 15/00493/FUL.</td>
<td>Turlow Fields Farm Turlowfields Lane Hognaston Derbyshire DE6 1PW</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/17/00132</td>
<td>Unauthorised installation of gas cylinder, forward of a principal elevation.</td>
<td>Barnwood Main Street Hopton Derbyshire DE4 4DF</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/17/00141</td>
<td>Tipping of Materials on Land</td>
<td>The Ketch Ashbourne Road Kniveton Derbyshire DE6 1JF</td>
<td>Pending Consideration</td>
</tr>
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</table>
## Clifton And Bradley

<table>
<thead>
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<tbody>
<tr>
<td>ENF/17/00122</td>
<td>Addition of lean to building and slabbed area</td>
<td>Woodways 6 Yew Tree Lane Bradley Derbyshire DE6 1PG</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/17/00155</td>
<td>Unauthorised engineering works to create a new spillway on land near Osmaston Saw Mill</td>
<td>Saw Mill Osmaston Derbyshire</td>
<td>Pending Consideration</td>
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</tbody>
</table>

## Darley Dale

<table>
<thead>
<tr>
<th>Reference</th>
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<th>Location</th>
<th>Status</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/17/00100</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>
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<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>The unauthorised erection of an agricultural building contrary to planning permission 13/00378/FUL - Erection of agricultural/fodder and equipment building</td>
<td>St Elphins Cottage Blind Lane Hackney Derbyshire DE4 2QE</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/17/00158</td>
<td>The unauthorised change of use of land for the storage of domestic and commercial vehicles, building materials and heras fencing</td>
<td></td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/17/00159</td>
<td>Partial change of use of agricultural building for ancillary domestic purposes, on land at St Elphins Cottage, Hackney</td>
<td></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>
<tr>
<td>--------------</td>
<td>--------------------------------------------------------------------------------------</td>
<td>------------------------------------------------------</td>
<td>---------------</td>
</tr>
<tr>
<td>Hulland</td>
<td>Breach of condition 2 relating to planning permission 10/00812/TEMP - Provision of temporary access for a period of 2 years - Redmile 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/15/0004</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/15/0024</td>
<td>Unauthorised change of use of holiday cabins to dwelling.</td>
<td>Blackbrook Lodge Farm Intakes Lane Turnditch Derbyshire DE56 2LU</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/17/0064</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/17/0065</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>
</tr>
<tr>
<td>Masson</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/15/0054</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/15/0014</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/16/0041</td>
<td>Unauthorised instalation of plastic windows and door.</td>
<td>2,4,6 North Parade Matlock Bath Derbyshire DE4 3NS</td>
<td>Notice Issued</td>
</tr>
<tr>
<td>ENF/16/0090</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/16/0097</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>
</tbody>
</table>
ENF/17/00022  Erection of two wooden sheds.  The Cottage Puddle Hill Bonsall Derbyshire DE4 2BA  Notice Issued

ENF/17/00061  Unauthorised works to a Listed Building  RIVA Rose Cottage 124 - 126 North Parade Matlock Bath Derbyshire DE4 3NS  Pending Consideration

ENF/17/00102  Erection of Four Sheds  Land Adj. The Allotments Between North Street And Bedehouse Lane Cromford Derbyshire DE4 3QZ  Pending Consideration

ENF/17/00145  Unauthorised works to ground floor concrete floor slab, contrary to condition 8 of 15/00329/LBALT  1 High Street Bonsall Derbyshire DE4 2AS  Pending Consideration

ENF/17/00147  Breach of Conditions of Planning Permission Reference 11/00504/FUL  Cromford Hill Hand Car Wash 161 The Hill Cromford Derbyshire DE4 3QU  Pending Consideration

ENF/17/00150  Breach of condition 2 relating to planning permission 17/00104/FUL - Single storey extension, 1 Water Lane, Cromford, Derbyshire, DE4 3QH.  1 Water Lane Cromford Derbyshire DE4 3QH  Pending Consideration

**Matlock All Saints**

ENF/15/00030  Unauthorised "PELI" advertisement  Peli Deli 6 Crown Square Matlock Derbyshire DE4 3AT  Notice Issued

ENF/16/00101  Unauthorised erection of sheds, chicken enclosures and a "shepherds hut".  High Croft Salters Lane Matlock Derbyshire DE4 2PA  Pending Consideration

ENF/17/00043  Engineering operations to create a raised patio area.  161 Smedley Street Matlock Derbyshire DE4 3JG  Pending Consideration

ENF/17/00108  Works undertaken to extension and spiral staircase not in accordance with the approved plans  Herd Steakhouse Limited 5 Dale Road Matlock Derbyshire DE4 3LT  Pending Consideration

ENF/17/00110  Development not being built in accordance with approved plans (Doors in Gable End)  The Lawns Cavendish Road Matlock Derbyshire DE4 3GZ  Pending Consideration

ENF/17/00123  Erection of 2.5m high Fence between properties  131 Smedley Street Matlock Derbyshire DE4 3JG  Pending Consideration

ENF/17/00146  Development not being built in accordance with the approved plans (Application Reference 17/00567/FUL)  10 Crook Stile Matlock Derbyshire DE4 3LJ  Pending Consideration

ENF/18/00001  Breach of conditions 2 and 3 of planning permission 17/00660/TEMP. Retain change of use to car park for a further temporary period of 10 years  Private Car Park Olde Englishe Road Matlock Derbyshire  Pending Consideration

**Matlock St Giles**

ENF/13/00084  Unauthorised erection of workshop  Phillips Woodware Smuse Lane Matlock Derbyshire DE4 5EY  Notice Issued
ENF/16/00046 Alleged that the stone used for the extension is not in keeping with the rest of the property as conditioned by the planning permission 14/00360/FUL
Hurst Cottage 14 Bull Lane Matlock Derbyshire DE4 5LX Pending Consideration

ENF/16/00053 Unauthorised access off Riber Road.
Brookdale Riber Road Lea Derbyshire DE4 5JQ Notice Issued

ENF/16/00056 Change of use of agricultural land to the rear of 70 - 80 Starkholmes Road Matlock, to incorporate within the domestic curtilage of 72 Starkholmes Road, Matlock, DE4 3DD.
72 Starkholmes Road Matlock Derbyshire DE4 3DD Pending Consideration

ENF/16/00089 Breaches of Planning Control
ALS Scaffolding Services Limited Sunnyside Farm Whitelea Lane Tansley Derbyshire DE4 5FL Notice Issued

ENF/17/00020 Unauthorised use of land for the storage and stationing of caravans.
Duke William Hotel 91 Church Street Matlock Derbyshire DE4 3BZ Notice Issued

ENF/17/00079 Breach of condition 5 on planning permission 16/00889/FUL
ALS Scaffolding Services Limited Sunnyside Farm Whitelea Lane Tansley Derbyshire DE4 5FL Notice Issued

ENF/17/00088 Unauthorised creation of pond
Mount Pleasant Nottingham Road Tansley Derbyshire DE4 5GA Pending Consideration

ENF/17/00116 Excavation works being undertaken
Parkfield 283 Starkholmes Road Starkholmes Matlock Derbyshire DE4 5JE Pending Consideration

ENF/17/00117 Unauthorised engineering works and formation of access
Land And Track Opposite Willersley Lane Plantation Matlock Derbyshire DE4 5JE Notice Issued

Norbury
ENF/11/0091 Untidy site - storage of scrap materials (Timber, metal, pipes, bricks, slates, gravel etc), old vehicles and caravans in a state of disrepair. Land at Marston House Farm and Home Farm, Thurvaston Road, Marston Montgomery, Ashbourne, Derbyshire, DE6 2FF
Home Farm Thurvaston Road Marston Montgomery Derbyshire DE6 2FF Notice Issued

ENF/13/00050 Unauthorised building works to an agricultural building. (Increasing the height).
Barn Opposite Field Cottage Finny Lane Rodsley Derbyshire
Pending Consideration

ENF/14/00030 Change of use of land from use for Microlight flying to use for the flying of Biplane aircraft.
Airways Airsports Darley Moor Airfield Darley Moor Ashbourne Derbyshire DE6 2ET Pending Consideration
<table>
<thead>
<tr>
<th>Reference</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<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>
</tr>
<tr>
<td>ENF/17/00056</td>
<td>Unauthorised engineering works to facilitate access at Old House Farm, Can Alley, Roston, Derbyshire</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>
</tr>
<tr>
<td>ENF/17/00137</td>
<td>Change of use of agricultural land for the siting of 2 caravans for human habitation</td>
</tr>
<tr>
<td>ENF/17/00156</td>
<td>Unauthorised engineering works to create a vehicular access to the holiday lets from the Roston Inn car park</td>
</tr>
</tbody>
</table>

**Stanton**

<table>
<thead>
<tr>
<th>Reference</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>ENF/17/00151</td>
<td>Illuminated Signage, totem pole signage and banner advert</td>
</tr>
</tbody>
</table>

**Winster And South Darley**

<table>
<thead>
<tr>
<th>Reference</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>ENF/17/00053</td>
<td>Unauthorised rear extension</td>
</tr>
</tbody>
</table>

**Wirksworth**

<table>
<thead>
<tr>
<th>Reference</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>ENF/12/00022</td>
<td>Unauthorised stationing of a wooden chalet building and two steel containers.</td>
</tr>
<tr>
<td>ENF/15/00068</td>
<td>Unauthorised change of use of land for the stationing of a caravan for residential purposes, the erection of a small timber building and the erection of a polly tunnel and portaloo.</td>
</tr>
<tr>
<td>ENF/16/00079</td>
<td>Erection of timber fence over 1 metre in height adjacent a highway.</td>
</tr>
<tr>
<td>ENF/17/00002</td>
<td>Unauthorised engineering operations to create a raised area</td>
</tr>
<tr>
<td>Reference</td>
<td>Description</td>
</tr>
<tr>
<td>-----------</td>
<td>------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>ENF/17/00018</td>
<td>Unauthorised works to remove a fire surround in a Grade II Listed Building.</td>
</tr>
<tr>
<td>ENF/17/00023</td>
<td>Breach of conditions on planning permission 14/00891/FUL</td>
</tr>
<tr>
<td>ENF/17/00031</td>
<td>Unauthorised installation of a white plastic door and window.</td>
</tr>
<tr>
<td>ENF/17/00051</td>
<td>Unauthorised change of use of garage/store to beauty studio.</td>
</tr>
<tr>
<td>ENF/17/00092</td>
<td>Failure to correctly discharge pre-commencement planning conditions relating to planning permission 16/00229/PDA - change of use of agricultural building to dwelling house (use class C3) and associated building operations.</td>
</tr>
<tr>
<td>ENF/17/00104</td>
<td>Non compliance with planting condition</td>
</tr>
<tr>
<td>ENF/17/00105</td>
<td>Finished detail on apartment bay windows not in accordance with the approved design</td>
</tr>
<tr>
<td>ENF/17/00106</td>
<td>Erection of High Fence Posts</td>
</tr>
<tr>
<td>ENF/17/00124</td>
<td>Erection of New Railway Building</td>
</tr>
<tr>
<td>ENF/17/00127</td>
<td>Engineering operations</td>
</tr>
<tr>
<td>ENF/17/00136</td>
<td>Artist's studio building not built in accordance with approved details</td>
</tr>
<tr>
<td>ENF/17/00140</td>
<td>Unauthorised building works to raise the height of building approved under 16/00536/FUL</td>
</tr>
<tr>
<td>ENF/17/00153</td>
<td>Unauthorised change of use of agricultural land for the siting of a mobile home and two shipping containers.</td>
</tr>
<tr>
<td>ENF/17/00154</td>
<td>Unauthorised change of use of land and buildings</td>
</tr>
<tr>
<td>ENF/18/00002</td>
<td>Unauthorised erection of raised platform, above 0.3m from ground level.</td>
</tr>
<tr>
<td>Total Open Cases</td>
<td></td>
</tr>
<tr>
<td>------------------</td>
<td>---</td>
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<tr>
<td></td>
<td>101</td>
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</tbody>
</table>
## Enforcement Investigations Closed

**In the 6 Months Prior to 05/01/2018**

### Ashbourne South

<table>
<thead>
<tr>
<th>Case Number</th>
<th>Nature of Investigation</th>
<th>Address</th>
<th>05/01/2018</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>06/10/2017</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>25/10/2017</td>
</tr>
<tr>
<td>ENF/17/00075</td>
<td>Unauthorised erection of shed on land to rear of 49 Lodge Farm Chase, contrary to condition 9 of planning permission 13/00854/REM - Erection of 38 no. dwellings and associated public open space and infrastructure (approval of reserved matters)</td>
<td>49 Lodge Farm Chase Ashbourne Derbyshire DE6 1GY</td>
<td>28/07/2017</td>
</tr>
<tr>
<td>ENF/17/00083</td>
<td>Removal of boundary hedgerow</td>
<td>Land South Of Old Derby Road Ashbourne Derbyshire</td>
<td>11/08/2017</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>03/11/2017</td>
</tr>
<tr>
<td>ENF/17/00134</td>
<td>Exterior Painting</td>
<td>Panda Express 7 Station Street Ashbourne Derbyshire DE6 1DE</td>
<td>06/11/2017</td>
</tr>
</tbody>
</table>

### Brailsford

<table>
<thead>
<tr>
<th>Case Number</th>
<th>Nature of Investigation</th>
<th>Address</th>
<th>05/0050</th>
</tr>
</thead>
<tbody>
<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>18/08/2017</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>06/10/2017</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>17/11/2017</td>
</tr>
</tbody>
</table>

### Carsington Water

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<table>
<thead>
<tr>
<th>Reference</th>
<th>Description</th>
<th>Location</th>
<th>Status</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>ENF/17/0013</td>
<td>Unauthorised change of use of land from agricultural to domestic curtilage, and engineering works to create new access drive/parking area to dwelling.</td>
<td>Laurel Cottage Clifton Road Clifton Derbyshire DE6 2DH</td>
<td>Planning Application Received</td>
<td>20/10/2017</td>
</tr>
<tr>
<td>ENF/17/00096</td>
<td>Alleged unauthorised excavation to create slurry pit on land adjacent to Rough Wood, Bradley</td>
<td>Land North Of Rough Wood Rough Lane Yeldersley Derbyshire</td>
<td>Complaint Unfounded</td>
<td>08/09/2017</td>
</tr>
<tr>
<td>ENF/17/00047</td>
<td>Unauthorised engineering/earthwork operations on the Western boundary of Denacre House and the building of a retaining wall between Denacre House and the road.</td>
<td>Denacre House Denacre Lane Two Dales Derbyshire DE4 2FL</td>
<td>Planning Application Received</td>
<td>28/09/2017</td>
</tr>
<tr>
<td>ENF/17/00086</td>
<td>Unauthorised side extension.</td>
<td>Lynfield Dale Road South Darley Dale Derbyshire DE4 2EU</td>
<td>Planning Application Received</td>
<td>20/09/2017</td>
</tr>
<tr>
<td>ENF/17/00091</td>
<td>Alleged unauthorised fence.</td>
<td>Meadow View Centre 300 Bakewell Road Matlock Derbyshire DE4 2JF</td>
<td>Complaint Unfounded</td>
<td>23/08/2017</td>
</tr>
<tr>
<td>ENF/17/00098</td>
<td>Erection of an outbuilding</td>
<td>11 Hillside Gardens Matlock Derbyshire DE4 3SH</td>
<td>Complied Voluntarily</td>
<td>04/12/2017</td>
</tr>
<tr>
<td>ENF/17/00107</td>
<td>Extension not being carried out in accordance with the approved plans.</td>
<td>The Beeches Hallmoor Road Darley Dale Derbyshire DE4 2HF</td>
<td>Not in the Public interest to pursue</td>
<td>13/10/2017</td>
</tr>
<tr>
<td>ENF/17/00115</td>
<td>Alleged unauthorised signage on roof of public house</td>
<td>Square And Compass Main Road Darley Bridge Derbyshire DE4 2EQ</td>
<td>Complaint Unfounded</td>
<td>06/10/2017</td>
</tr>
<tr>
<td>ENF/17/00099</td>
<td>Unauthorised use of land for Commercial/ Industrial Storage</td>
<td>Hallmark Tractors Limited Springfield Garage Ashbourne Road Sudbury Derbyshire DE6 5HL</td>
<td>Justification from Officer</td>
<td>18/09/2017</td>
</tr>
<tr>
<td>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>Case Reference</td>
<td>Description</td>
<td>Address Details</td>
<td>Justification</td>
<td>Date</td>
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<tr>
<td>----------------</td>
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<td>--------------</td>
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</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>
</tbody>
</table>

**Masson**

<table>
<thead>
<tr>
<th>Case Reference</th>
<th>Description</th>
<th>Address Details</th>
<th>Justification</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>ENF/11/00083</td>
<td>Unauthorised rebuilding of retaining wall.</td>
<td>24 Chapel Hill Cromford Derbyshire DE4 3QG</td>
<td>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/17/00028</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/17/00070</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>
</tbody>
</table>
ENF/17/00111  Check that Garden Room has been built in accordance with submitted plans  Memphis Holme Road Matlock Bath Derbyshire DE4 3NU  Justification from Officer  20/10/2017

ENF/17/00112  Potential Engineering Operation as part of Tree Planting  Rock House Derby Road Cromford Derbyshire  Complaint Unfounded  16/10/2017

ENF/17/00121  Engineering works to garden facing Alabaster Lane  10 The Newlands Alabaster Lane Cromford Derbyshire DE4 3QJ  Not in the Public interest to pursue  06/11/2017

ENF/17/00133  Engineering works being undertaken on site  Four Trees 109 Derby Road Cromford Derbyshire DE4 3RN  Complaint Unfounded  10/11/2017

ENF/17/00135  Erection of Fence Panels  Brae Mount Waterloo Road Matlock Bath Derbyshire DE4 3PH  Complied Voluntarily  20/12/2017

ENF/17/00148  Alleged display of a sign to frontage advertising the opening of a beauty salon at the property  40 The Hill Cromford Derbyshire DE4 3QR  Complaint Unfounded  28/11/2017

<table>
<thead>
<tr>
<th>Matlock All Saints</th>
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<tr>
<td><strong>ENF/14/00006</strong></td>
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<td><strong>ENF/16/00014</strong></td>
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<td><strong>ENF/17/00034</strong></td>
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<td><strong>ENF/17/00118</strong></td>
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<td><strong>ENF/17/00129</strong></td>
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<th>Matlock St Giles</th>
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<tr>
<th>ENF/17/00017</th>
<th>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.</th>
<th>6 Pond Cottages Upper Lumsdale Matlock Derbyshire DE4 5LB</th>
<th>Complied Voluntarily</th>
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<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>
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<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>
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<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 Asker Lane Matlock Derbyshire</td>
<td>Complaint Unfounded</td>
<td>31/10/2017</td>
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**Norbury**

| ENF/17/00015 | Unauthorised engineering works to facilitate roadway onto agricultural field. | Meadow View Alkmonton Road Boylestone Derbyshire DE6 5AD | Not in the Public interest to pursue | 28/07/2017 |
| ENF/17/00029 | Unauthorised building works, in the burial grounds at the former Methodist Church, Somersal Herbert, to facilitate a kitchen area/summerhouse and tractor shed | WELLIES HQ, Chapel O The Hill Somersal Herbert Derbyshire DE6 5PE | Planning Application Received | 12/12/2017 |
| ENF/17/00087 | Alledged unauthorised engineering works to raise land level within the curtilage of Dove Bank House, Marston Bank, Roston | Dove Bank House Marston Bank Rocester Derbyshire ST14 5BP | Complaint Unfounded | 21/08/2017 |

**Stanton**

| ENF/17/00149 | Groundworks and the storage and burning of materials | Land Between Northwood Depot And Ashbrook Roofing And Supplies Limited Harrison Way Darley Dale Derbyshire DE4 2LF | Complaint Unfounded | 24/11/2017 |

**Wirksworth**

| ENF/17/00144 | Engineering Works | Barn, The Pingle Summer Lane Wirksworth Derbyshire | Complaint Unfounded | 21/11/2017 |

**Total Closed Cases** 57
PLANNING APPEAL – PROGRESS REPORT

Report of the Corporate Director

<table>
<thead>
<tr>
<th>REFERENCE</th>
<th>SITE/DESCRIPTION</th>
<th>TYPE</th>
<th>DECISION/COMMENT</th>
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<tr>
<td></td>
<td><strong>Southern</strong></td>
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<tr>
<td>16/00929/FUL</td>
<td>Camp Site, The Ketch, Ashbourne Road, Kniveton</td>
<td>WR</td>
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<td>16/00930/FUL</td>
<td>Camp Site, The Ketch, Ashbourne Road, Kniveton</td>
<td>WR</td>
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<td>17/00043/OUT</td>
<td>16 Upwoods Road, Doveridge</td>
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<tr>
<td>17/00084/OUT</td>
<td>Former Brailsford CE Primary School Modular Building, Land south</td>
<td>WR</td>
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<td>17/00105/FUL</td>
<td>Shaw Wood, 28 Derby Road, Ashbourne</td>
<td>WR</td>
<td>Appeal dismissed – copy of appeal decision</td>
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<td>17/00112/PDA</td>
<td>Marsh Hollow, Shirley Lane, Hollington</td>
<td>WR</td>
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<td>17/00663/FUL</td>
<td>The Woodyard, 2 Old Marston Lane, Doveridge</td>
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<td>17/00661/FUL</td>
<td>Penfold Lodge, Hulland Village, Ashbourne</td>
<td>WR</td>
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<tr>
<td>16/00872/OUT</td>
<td>Land east of “Les Ardennes”, Mugginton Lane End, Hulland Ward</td>
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<td>Poplars Farm, Belper Road, Hulland Ward</td>
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<td><strong>Central</strong></td>
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<td>ENF/15/00104</td>
<td>Mill Managers House, Mill Road, Cromford</td>
<td>PI</td>
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<td>2 Primrose Cottages, St Johns Road, Matlock Bath</td>
<td>WR</td>
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<td>Reference</td>
<td>Location</td>
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<td>16/00847/FUL</td>
<td>Adjacent to 2 Mill Road, Cromford</td>
<td>WR</td>
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<tr>
<td>17/00093/PDA</td>
<td>The Racecourse, Hey Lane, Wirksworth</td>
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<tr>
<td>17/00262/FUL</td>
<td>Ridgewood Lodge, Derby Road, Cromford</td>
<td>HH</td>
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<td>17/00571/FUL</td>
<td>8 Pope Carr Road, Matlock</td>
<td>HH</td>
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<td>17/00624/FUL</td>
<td>Land to the rear of 3 Stags Heads, Main Road, Darley Bridge</td>
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<td>17/00809/FUL</td>
<td>Rear of Sunnyside Terrace, Farley Hill</td>
<td>WR</td>
<td>Appeal being processed</td>
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</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

Site visit made on 14 November 2017

by A Jordan BA Hons  MRTPI

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

Decision date: 6 December 2017

Appeal Ref: APP/P1045/W/17/3181142
Shaw Wood, 28 Derby Road, Ashbourne, DE6 1BH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr & Mrs Wilson against the decision of Derbyshire Dales District Council.
- The application Ref 17/00105/FUL, dated 8 February 2017, was refused by notice dated 12 April 2017.
- The development proposed is a dwellinghouse.

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue for the appeal is the effect of the proposal on the character and appearance of the surrounding rural area.

Reasons

3. Shaw Wood is a substantial detached dwelling which sits on land off Derby Road, in open fields outside Ashbourne. The house is adjoined by a small collection of assorted outbuildings and sits alongside a small coppice to the east which rises up the slope to meet the site. Although the property is largely screened from view from the main road to the south, it sits in an elevated and open position above Belper Road to the north, where it is visible as a prominent feature on the skyline. In views from Belper Road below the site, Derby Road sits out of view and Shaw Wood sits on its own within a collection of small out-buildings.

4. Outline planning permission was granted in 2016 for a single dwelling on a site which comprises part but not all of the appeal site. The appeal scheme differs in that it is for full permission and comprises a larger site which extends to the east and includes a separate access. Furthermore, the previous outline consent included an indicative layout which orientated the proposed dwelling in a “east-west” direction, with the narrower side gable of the property facing the prominent northerly aspect, the garage positioned at right angles and with planting along the northerly extent of the site. I noted on site that the existing collection of outbuildings which sit within the wider setting of Shaw Wood are visible in views of the site from the north. I concur with the Council that the previous layout was broadly reflective of this, and that as such, the site could accommodate further development in principle without compromising wider

1 16/00547/OUT

https://www.gov.uk/planning-inspectorate
visual amenity or significantly altering the existing character or appearance of the area.

5. However, the scheme as proposed is significantly wider than the previous layout indicates, and is also positioned further back in the site, towards the ridgeline. As a result, despite its varying height, the proposed dwelling would be perceived as a building of significant mass and would appear very prominent in sustained views from the north along Belper Road. It is also apparent that the local topography is such that a building of the width proposed would extend across the width of the existing built up portion of the site, into the open and sloping land to the east. The proposal is not supported by a topographical survey and although the difference in levels is acknowledged on the plans by the lower level of the proposed garage, taking into account the slope as viewed from the north, it appears likely that some remodelling of the land would be necessary to facilitate the dwelling proposed. This would be likely to compound the visual impact of the dwelling and its visual prominence on the skyline. In views from the north it would compete in scale with the already prominent Shaw Wood, and as a consequence would erode the open character of the countryside in this location.

6. The Council have also expressed concerns in relation to the introduction of a separate access to the site to the south, and the potential effect of the access route on existing trees. Taking into account the proximity of established housing to the south, I am satisfied that the proposed access would have a very limited impact upon the character of the countryside in this location. Furthermore, whilst I would anticipate that there would be very limited removal of established vegetation, I am also satisfied that any effects in this regard could be mitigated by a condition requiring replacement planting. Lastly I note that the Council have no objection to the proposed materials, and I see no reason to dispute this.

7. Nevertheless, taking into account my concerns in relation to the scale and orientation of the proposed dwelling I am of the view that the proposal would appear as an unduly prominent and urbanising feature on the skyline, which would detract from the distinctive open quality of the countryside in this location.

8. I therefore conclude that the proposal would fail to comply with policy NBE8 of the Derbyshire Dales Local Plan (Local Plan) which seeks to ensure that new development protects or enhances the character and local distinctiveness of the local landscape. Furthermore, although I find no conflict with policy NBE6, in relation to the effect of the proposal on trees, I consider that the proposal would conflict with policies H9 and SF5 of the Local Plan which together seek to ensure that the scale and form of new residential development is in keeping with the character of its surroundings. It would also fail to comply with guidance in the National Planning Policy Framework which recognises the intrinsic character and beauty of the countryside.

9. I have also been provided with policies from the Derbyshire Dales Local Plan – Pre Submission Draft Plan. This is still at a very early stage and as I cannot be assured that it will come forward to adoption in its present form, I attribute very limited weight to them.

10. Accordingly, having regard to all other matters raised, the appeal is dismissed.

A Jordan
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.