14 February 2017

To: All Councillors

As a Member or Substitute of the Planning Committee, please treat this as your summons to attend a meeting on Wednesday 22 February 2017 at 6.00pm at The Venue, Wyaston Road, Ashbourne DE6 1NB – PLEASE NOTE CHANGE OF VENUE.

Yours sincerely

Sandra Lamb
Head of Corporate Services

AGENDA

SITE VISITS: The Committee is advised a coach will leave The Venue, Ashbourne at 2.55pm prompt. A schedule detailing the sites to be visited is attached to the Agenda.

1. APOLOGIES/SUBSTITUTES

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

2. APPROVAL OF THE MINUTES OF THE PREVIOUS MEETING

Planning Committee – 14 February 2017

3. INTERESTS

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

4. APPLICATIONS FOR DETERMINATION

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

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

4.1 APPLICATION NO. 16/00711/OUT (Site Visit)
Outline application for a residential development of up to 37 dwellings at Land adjacent to Hill Top, Derby Road, Ashbourne.

4.2 APPLICATION NO. 16/00860/FUL (Site Visit)
Demolition of existing dwelling and erection of 8 dwellings at The Smithy, Main Road, Hulland Ward.

4.3 APPLICATION NO. 16/00875/OUT (Site Visit)
Erection of up to 3 dwellings (Outline) at The Woodyard, 2 Old Marston Lane, Doveridge.

4.4 APPLICATION NO. 16/00633/FUL
Erection of a freestanding marquee for Use Class D2 (Assembly and Leisure) at Yeldersley Hall, Derby Road, Yeldersley.

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

Substitute Members
Deborah Botham, Jennifer Bower, Richard Bright, Martin Burfoot, Phil Chell, Ann Elliott, Helen Froggatt, Alyson Hill, Angus Jenkins, Vicky Massey-Bloodworth, Joyce Pawley, Mark Salt, Andrew Shirley, Andrew Statham, Jacquie Stevens, John Tibenham.
PUBLIC PARTICIPATION

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

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

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

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

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

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

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

<table>
<thead>
<tr>
<th>Category</th>
<th>Time Limit</th>
</tr>
</thead>
<tbody>
<tr>
<td>Town and Parish Councils</td>
<td>3 minutes</td>
</tr>
<tr>
<td>Objectors</td>
<td>3 minutes</td>
</tr>
<tr>
<td>Ward Members</td>
<td>5 minutes</td>
</tr>
<tr>
<td>Supporters</td>
<td>3 minutes</td>
</tr>
<tr>
<td>Agent or Applicant</td>
<td>5 minutes</td>
</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 **2.55pm prompt** for the following site visits:

<table>
<thead>
<tr>
<th>Time</th>
<th>Application No.</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>3.00pm</td>
<td>APPLICATION NO. 16/00711/OUT</td>
<td>LAND ADJACENT TO HILL TOP, DERBY ROAD, ASHBOURNE. At the request of Officers to allow Members to fully assess the impact of the development on the local environment.</td>
</tr>
<tr>
<td>3.30pm</td>
<td>APPLICATION NO. 16/00860/FUL</td>
<td>THE SMITHY, MAIN ROAD, HULLAND WARD. At the request of Officers to allow Members to fully assess the impact of the development on the character and appearance of its surroundings.</td>
</tr>
<tr>
<td>4.15pm</td>
<td>APPLICATION NO. 16/00875/OUT</td>
<td>THE WOODYARD, 2 OLD MARSTON LANE, DOVERIDGE. At the request of Officers to allow Members to fully assess the impact of the development on the local environment.</td>
</tr>
<tr>
<td>5.00pm</td>
<td>RETURN TO THE VENUE, ASHBOURNE</td>
<td></td>
</tr>
</tbody>
</table>

Page No. 6 - 27

Page No. 28 - 37

Page No. 38 - 51
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>APPLICATION NUMBER</th>
<th>16/00711/OUT</th>
</tr>
</thead>
<tbody>
<tr>
<td>SITE ADDRESS:</td>
<td>Land Adjacent to Hill Top, Derby Road, Ashbourne</td>
</tr>
<tr>
<td>DESCRIPTION OF DEVELOPMENT</td>
<td>Outline Application for Residential Development of up to 37 Dwellings</td>
</tr>
<tr>
<td>CASE OFFICER</td>
<td>Mr Chris Whitmore</td>
</tr>
<tr>
<td>APPLICANT</td>
<td>Mr Philip Bury</td>
</tr>
<tr>
<td>PARISH</td>
<td>Ashbourne</td>
</tr>
<tr>
<td>AGENT</td>
<td>Mr Richard Pigott</td>
</tr>
<tr>
<td>WARD MEMBER(S)</td>
<td>Cllrs Donnelley and Chell</td>
</tr>
<tr>
<td>DETERMINATION</td>
<td>22\textsuperscript{nd} December 2016</td>
</tr>
<tr>
<td>TARGET</td>
<td></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>At the request of Officers to allow Member’s to fully assess the impact of the development on the local environment</td>
</tr>
</tbody>
</table>

**MATERIAL PLANNING ISSUES**

- The appropriateness of the amount of development and the sustainability of the location, in terms of access to services and facilities and employment opportunities
- The impact of development on the character and appearance of the area / local landscape
- Highway / pedestrian safety
- Impact on the amenity of the occupants of nearby residential dwellings
- Housing mix and affordable housing
- Developer contributions and the impact of the development on existing infrastructure
- Impact on trees and ecology
- Noise from the A52 relief road and Derby Road
- Land drainage

**RECOMMENDATION**

Approval with conditions
Land Adjacent Hill Top, Derby Road, Ashbourne
1.0 THE SITE AND SURROUNDINGS

1.1 The site comprises a field some 1.13ha in area located at the junction of Derby Road and the A52 Ashbourne relief road on the approach into the town from the south east. It is enclosed on its north eastern (see photograph 1) and southern boundaries by trees and hedgerows planted on the road frontage. Hill Top, comprising a former farmhouse and range of converted farm buildings and its associated access road with a number of mature trees lies to the north west (see photograph 2). The boundary to the south west abuts the recently approved David Wilson Homes development of 200 houses.

1.2 The area is mainly grass with groups of semi mature / mature trees in the north, the east and close to the south western boundary (see photographs 3 and 4). Groups of trees on the roadside boundary in the north and in the site in the east are protected by Tree Preservation Orders. Other site trees are in good to reasonable condition.

1.3 The site is in an important location at the entrance to the town, however, vegetation surrounding and extending along the length of the A52 Ashbourne relief road effectively screens it from public view.

1.4 The existing site entrance is at a point close to the roundabout road junction.
2.0 DETAILS OF THE APPLICATION

2.1 This application seeks outline planning permission to erect up to 37 no. dwellings on the site, with all matters other than access reserved for subsequent approval. An indicative site layout plan accompanies the application which indicates that existing boundary vegetation will be retained except where a new entrance will be made off the Derby Road further to the north. All other trees will be removed except those, in the east, that are protected. A balancing pond is positioned along the south eastern boundary.

2.2 The application is accompanied by a design and access statement, planning statement, site access appraisal, topographical and land drainage plans, preliminary ecological appraisal, arboricultural report, flood risk assessment and noise assessment. All of this supporting information has been retained on the public file for examination and comment and circulated to consultees. They are referred to, where necessary and pertinent in the ‘Issues’ section of the report.

3.0 PLANNING POLICY AND LEGISLATIVE FRAMEWORK

3.1 Adopted Derbyshire Dales Local Plan (2005):

- SF4 Development in the Countryside
- SF5 Design and Appearance of Development
- SF6 Protection of the Best Agricultural Land
- SF7 Waste Management and Recycling
- SF8 Catering for the Needs of People with Disabilities in Development and Redevelopment
- H4 Housing Development Outside Settlement Frameworks
- H9 Design and Appearance of New Housing
- H13 Affordable Housing - Exceptional Sites in Rural Areas
- NBE5 Development Affecting Species Protected by Law or are Nationally Rare
- NBE6 Trees and Woodlands
- NBE7 Features Important in the Landscape
- NBE8 Landscape Character
- NBE12 Foul Sewage
- NBE26 Landscape Design in Association with New Development
- NBE27 Crime Prevention
- L6 Outdoor Playing Space in New Housing Developments
- TR1 Access Requirements and the Impact of New Development
- TR8 Parking Requirements for New Development

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

- Policy S3: Settlement Hierarchy
- Policy HC1: Location of Housing Development
- Policy HC4: Affordable Housing
- Policy HC11: Housing Mix and Type

3.3 Other

National Planning Practice Guidance
Wildlife and Countryside Act 1981
EC Birds and Habitats Directive (92/43/EEC)
The Conservation (Natural Habitats etc) Regulations 1994
Derbyshire Dales District Council Supplementary Planning Documents
- Landscape Character and Design
- Affordable Housing
4.0 PLANNING HISTORY

4.1 None relevant to the application site. The site, however, sits next to an approved development of 200 houses.

5.0 CONSULTATION RESPONSES

5.1 Ashbourne Town Council:

Object. The Town Council comment that the site is not identified within the emerging Local Plan and advise that the development will have a significant impact on the infrastructure within the town. They consider that there will be a loss of natural beauty and that the development will have a negative impact on the habitat to wildlife. They also feel that there will be issues with the vehicular access and will increase traffic.

5.2 Derbyshire County Council (Highways):

The Local Highway Authority advise that they would not be in a position to demonstrate that a development of just 37 dwellings at this location would, in context of the highway network as a whole, have such a detrimental or severe impact (with reference to paragraph 32 of the National Planning Policy Framework) in highway safety terms, that could be sustained in the event of any appeal. The consequence is likely to be that the town centre queue lengths, already experienced within the peak hour periods, will inevitably increase (albeit only slightly, based on the scale of development envisaged under the current application). However, there is no empirical data or evidence to suggest that this would necessarily lead to the introduction of accidents or exacerbate an existing highway safety concern, sufficient to warrant rejection of the application proposals on highway safety grounds.

Taking the above into consideration and subject to imposing a number of conditions in the interests of highway safety and advisory footnotes no objections are raised.

5.3 Derbyshire County Council (Land Drainage)

Make the following comments:

The County Council are aware of a significant number of historical flooding events in the vicinity of the proposed development. They advise that the applicant should be made aware that any works proposed should address the impacts on their proposals and take actions to ensure that the risks to and from the site are appropriately dealt with so as not to cause or exacerbate flood risk. Conditions to secure a surface water disposal scheme which satisfies Part H of the Building Regulations 2000 and the detailed design and associated management and maintenance plan of surface water drainage for the site and an advisory footnote are recommended.

5.4 Derbyshire County Council (Strategic Planning)

Request that the development be afforded access to high speed broadband services and £34,197.03 towards the provision of 3 infant places at Hilltop Infant and Nursery School, £45,596.04 towards the provision of 4 junior school places at Parkside Community Junior School and £140,312.82 towards the provision of 6 secondary and 2 post-16 places at Queen Elizabeth’s Grammar School.
The County Council advise that the infant school contribution would be used to fund a classroom extension. The junior school contribution would be used to fund an extension and internal remodelling project and the secondary and post 16 contribution additional classrooms.

5.5 Landscape Design Officer (Derbyshire Dales)

There are no objections to the application in principle. Existing vegetation effectively screens the site from public view and there is likely to be no significant adverse impact on visual amenity as a result of development. The housing layout must ensure that there is sufficient stand-off distance between new dwellings and existing trees to ensure their long term survival and prevent pressure for their removal. Remaining trees must be properly and adequately protected during construction in order to prevent any damage to them.

Other site trees would seem to be generally healthy with many years of life left to them. In this respect their removal will result in some adverse impact on local landscape character. Further efforts to retain existing trees along the south western and north western boundaries should be made during the detailed design process.

A balancing pond / sustainable urban drainage feature located in the south of the site must be sited such that it has no detrimental effects on existing trees/ vegetation on this boundary.

The requirement to prepare a detailed landscape plan, for approval, as part of the development should be made a condition of any planning permission.

5.6 Head of Housing (Derbyshire Dales)

Initially requested that the affordable housing requirement be provided on site and advised that the affordable homes should all be 2 bed, 4 person houses with a tenure split of 60% social rent to 40% shared ownership.

Following the applicants agreement to make a 45% affordable housing contribution, the Head of Housing has agreed to the delivery of 8 no. 2 bed, 4 person houses on site (equivalent to 21.6%) and an off-site financial contribution of £220,346.10 (37 x 0.234 (23.4%)).

5.7 Southern Derbyshire CCG:

Southern Derbyshire CCG have looked at the GP Practices that serve the area and have advised that The Surgery, Clifton Road is most likely to be affected by the development and does not have any spare capacity. Southern Derbyshire CCG have costed a project to restore efficiency within its existing patient loads and to address future capacity concerns. Based on 93 additional patients a contribution of £14,151 is sought towards this project.

5.8 Environment Agency:

Do not wish to comment.

5.9 Development Control Archaeologist (Derbyshire County Council):

In advising that the site has minimal archaeological significance, makes the following comments:

The proposal area of c1.2ha is the site (Derbyshire HER 381) of the former motor transport garages, fuel compound and service shed for the Ashbourne airfield complex (HER 333)
located on the other side of Derby Road. The built heritage associated with the site has however long since been demolished, and although there are likely to be below-ground remains of this former use, these would be of very little evidential value.

5.10 Derbyshire Wildlife Trust (DWT):

Make the following comments:

The surveys within the Preliminary Ecological Appraisal prepared by Peak Ecology dated April 2016 have been informed by a data search for existing records with relevant local nature conservation organisations which is welcomed. The surveys have been carried out to an acceptable standard by suitably experienced and qualified ecologists using methodologies that accord with best practice standards and has provided an accurate assessment of the nature conservation value of the site.

The report has identified the presence of hedgerows which is considered to be priority BAP habitat, plantation woodland, scattered trees and poor semi-improved grassland. The arboricultural report identified 45 individual trees and four groups of trees. The survey identified two trees with potential for bat roosts.

The surveys did not identify any other habitats of high nature conservation value.

At the moment the trees with potential for bat roosts are to be retained. If this were to change and these trees required trimming or felling further bat survey work would be required.

Most of the hedgerows are to be retained. It is proposed that any losses will be mitigated through gapping of hedgerows elsewhere within the site.

Measures to avoid or minimise impacts during construction are set out in the ecological report. These should adopted in full.

The public open space and balancing area and its immediate surroundings offer scope for further ecological enhancement and some potential biodiversity gain. Given that a small area of semi-improved grassland will be lost we would recommend that areas of wild flower rich grassland are created as part of the green infrastructure within the site.

Wetland habitat of wildlife value should also be created in association with the balancing area.

Lighting across the site has the potential to affect foraging and commuting bats (as well as other fauna)

The Local Planning Authority needs to ensure that any protected species and/or habitats are not impacted upon during the construction phase and to ensure biodiversity enhancements are incorporated into the green infrastructure to be created around the balancing areas and as part of the buffering and public space elsewhere around the site. Essentially this latter part comprises two parts firstly the initial creation and establishment of the habitats and secondly the subsequent management of the habitats.

DWT advise that the above matters can be secured through a series of conditions.

5.11 Principal Environmental Health Officer:

Advise that they would expect to see verification of the noise attenuation methods proposed for this site when the final site layout and design has been agreed and that the
attenuation methods should reflect the noise consultant’s recommendations which are outlined in the noise assessment report.

5.12 Derbyshire Fire and Rescue Service

Recommend that a domestic sprinkler system be installed in the premises or a 32mm supply to enable such a system to be installed in the future.

6.0 REPRESENTATIONS RECEIVED

6.1 None.

7.0 OFFICER APPRAISAL

Planning Policy Context

7.1 Before assessing the planning merits of this particular application, it is important to set out the policy context (local and national) and the weight to be given to the different components of the development plan.

7.2 The Derbyshire Dales Local Plan, adopted in 2005 comprises the development plan for the area. Its policies have been saved and continue to be relevant where they are consistent with guidance contained within the National Planning Policy Framework (2012). The National Planning Policy Framework (NPPF) was published in March 2012. Whilst the Framework does not change the statutory status of the development plan as the starting point for decision-making, policies contained within the Framework are material considerations which must be taken into account.

7.3 Based on up to date analysis of development that will come forward in the next five years the Council can identify a rolling five year supply of housing land. It is also the case that policies and strategic allocations within the emerging local plan will also provide for enough housing land throughout the plan period to meet the District Councils objectively assessed housing needs. Whilst helpful in setting out the District Councils position with regard to meeting its strategic housing objectives, it is acknowledged that the deposit draft local plan is, however yet to be scrutinised at examination and policies and strategic land allocations contained can only be afforded limited weight at this time.

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

7.5 The remainder of this report will analyse the scheme against this guidance. In making a balanced judgement the decision taker is effectively asked to weigh the economic, social and environmental benefits and disbenefits against one another and only where those disbenefits significantly and demonstrably outweigh the benefits reject the scheme.
7.6 Having regard to the policies of the development plan, which can be afforded weight, guidance contained within the National Planning Policy Framework (NPPF) and consultation responses received the main issues to assess are:

- The appropriateness of the amount of development and the sustainability of the location, in terms of access to services and facilities
- The impact of development on the character and appearance of the area / local landscape
- Highway safety
- Impact on the amenity of the occupants of nearby residential dwellings
- Housing mix and affordable housing
- Developer contributions / the impact of the development on existing infrastructure
- Impact on trees and ecology
- Noise from the A52 relief road and Derby Road
- Drainage

The loss of agricultural land is not considered to be a significant constraint to development in this case. The land is surrounded by existing and proposed development limiting its use for agricultural purposes and is dominated by poor semi-improved grassland and constrained by existing tree planting, some of which is protected. There are no heritage constraints, such that footnote 9 of paragraph 14 of the NPPF would be engaged. The site is considered to be of low archaeological interest and there are no listed buildings nearby that would be affected by the proposed development.

The appropriateness of the amount of development and the sustainability of the location, in terms of access to services and facilities and employment opportunities

7.7 As part of the preparation of the emerging Local Plan an appraisal of the relative sustainability of each of the main settlements across the plan area has been undertaken to inform the settlement hierarchy and development strategy in the plan. The Settlement Hierarchy provides the means to categorise the various settlements to recognise their different roles and functions, grouping together those settlements that have similar characteristics. The assessment concludes that at the top of the hierarchy are the main market towns, which play a key role within the District providing a range of services and facilities and employment opportunities.

7.8 The site sits next to a site approved for a development of 200 houses, which was allowed at appeal. In granting outline planning permission for the adjacent development the Inspector noted that although the site was some distance from Ashbourne town centre and journeys on foot or by bicycle would involve a steep hill, these factors do not mean that the development would be unsustainable. Ashbourne has a good range of facilities and is one of the districts main settlements. Preston’s Garage (which includes a small shop) is approximately 200m to the north and significant employment opportunities exist on the Airfield Industrial Estate on the opposite side of Derby Road, which is a main arterial road into the town. Whilst the site was not put forward as being available as part of the District Councils strategic housing land availability assessment, Policy HC1 of the deposit draft local plan seeks to ensure provision is made for housing by supporting housing development on unallocated sites in accordance with the defined settlement hierarchy.

7.9 The location of the site and amount of housing proposed in this case is considered to be acceptable in terms of access to services and facilities and as far as employment opportunities are concerned.

The impact of the development on the local landscape and character and appearance of the surrounding area
7.10 Policy NBE8 of the Adopted Derbyshire Dales Local Plan (2005) seeks to protect the character of local landscapes. Planning Inspectors have, however, in recent appeal decisions concluded that it should only be afforded limited weight as it is at odds with the Frameworks more balanced approach to determining planning applications. Notwithstanding this the Ministerial Statement made by Brandon Lewis MP on 27\textsuperscript{th} March 2015 recognises the importance of fully considering the impact of development on landscape character, which he recognises as an important material consideration in decision-making, even outside areas with statutory protection.

7.11 The site contains two groups of protected trees, including a group of 7 Sycamore and 3 Holly adjacent the existing site access and a group of 4 Beech trees within the central part of the site. The boundary with the A52 is defined by a strong tree belt which would effectively screen the development. Further tree and hedge planting along Derby Road will also screen views of the site. When approaching the town from the south east this planting will continue to form a strong settlement edge and would contain the existing and proposed housing development beyond. The District Councils Landscape Officer has considered the proposal and concluded that there is likely to be no significant adverse impact on visual amenity as a result of development. Conditions are recommended to ensure that the housing layout provides sufficient stand-off distance between any new dwellings and existing trees to ensure their long term survival and prevent pressure for their removal and to ensure their protection during construction. It will also be necessary to ensure that the existing trees along the boundaries with the A52 relief road and Derby Road are retained and any gaps filled as part of any reserved matters application. Subject to securing an appropriate landscaping scheme as part of any reserved matters application it is considered that development comprising up to 37 dwellings could be accommodated on the site without having an adverse impact on local landscape character or visual amenity.

7.12 Development on the site would be well related to the approved development of 200 houses. Notwithstanding that scale, layout and design are reserved matters the number of dwellings proposed is of sufficiently low density to ensure the provision of an appropriate amount of open space, land drainage features and the protection of trees and important boundary vegetation. The complex of former farm buildings at Hill Top would continue to utilise the existing access off Derby Road. A line of trees along the route of this access track is shown to be strengthened, separating this grouping from the proposed housing development. The new access road will require an additional break in the boundary vegetation along Derby Road. Strengthening the vegetation either side will however, mitigate any adverse impact.

Highway safety

7.13 Whilst the Local Highway Authority acknowledge that further development in this area will contribute to traffic problems, they are satisfied that there are no fundamental highway issues that would result in a severe impact on the surrounding highway network, referring to paragraph 32 of the NPPF. The consequence of allowing the development is likely to be that the town centre queue lengths, already experienced within the peak hour periods, will inevitably increase (albeit only slightly, based on the scale of development envisaged under the current application). No objections are raised with regard to the position and level of visibility that can be achieved from the proposed site access. A number of conditions and advisory footnotes are recommended, which would need to be attached to any decision to approve planning permission in the interests of highway safety.

7.14 A crossing opportunity is indicated as part of the detailed access arrangements, for pedestrians to cross Derby Road, to access existing footways on the opposite side of the road. The Local Highway Authority consider this to be acceptable in principle, subject to the crossing being located further northwest from the position shown, extended a further
25m or preferably up to the existing access point. The Local Highway Authority advise that whilst the development would normally fall under the threshold of requiring a Travel Plan to support the scale of development proposed, it is considered all development, irrespective of scale, has a part to play in encouraging and promoting sustainable transport modes, through Travel Plan documents to reduce the traffic impacts of new developments. It is therefore recommended a Travel Plan is secured as part of the development proposals. £2500 is sought towards the future review / monitoring of a Travel Plan through any s106 legal agreement.

Impact on the amenity of the occupants of nearby residential dwellings

7.15 The layout, scale and appearance of the new dwellings are all matters that have been reserved for subsequent approval. The scale and position of the site relative to the existing dwellings at Hilltop and housing development adjacent and presence of intervening boundary vegetation is such that an appropriately laid out development of dwellings which are of an appropriate scale would not have an adverse impact on the residential amenity of the occupants of existing and proposed dwellings in this case.

Housing mix and affordable housing

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

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

• plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community (such as, but not limited to, families with children, older people, people with disabilities, service families and people wishing to build their own homes);

• identify the size, type, tenure and range of housing that is required in particular locations, reflecting local demand …….”

7.17 Policy HC11 of the deposit draft Local Plan advises that the provision of market housing should be focused on delivering smaller family housing for younger households. On this basis the following mix of market housing is recommended: 1-bed properties: 5%, 2-bed properties: 40%, 3-bed properties: 50%, 4-bed properties: 5%”.

7.18 The applicant has committed to the delivery of 8 no. 2 bedroomed, four person dwellings and a financial contribution towards affordable housing which represents a significant contribution towards the delivery of smaller family housing. A mix of housing that meets the requirements of policy HC11 is therefore achievable on this site.

7.19 With regard to the level of affordable housing to be provided the applicant has agreed to provide 8 no. 2 bed, 4 bedroomed affordable units on site. This would amount to 21.6% of the total number of new houses to be constructed (assuming 37 units). As the emerging affordable housing policy advises that without CIL, 45% provision would not have any undue impact on the viability of larger housing schemes in high and medium value areas the applicant through their agent has indicated that they would be willing to pay an off-site financial contribution towards affordable housing up to 45%. This would equate to £220,346.10 (37 x 0.234 (23.4%) x £25,450 - an off-site financial contribution figure consistently applied to applications seeking permission for new housing development across the Derbyshire Dales District).
7.20 From the consultation responses received it can be seen that there is insufficient capacity within the local infant, primary and secondary schools to accommodate the anticipated number of pupils that the proposed development would be likely to generate. A financial contribution towards fully costed projects to deliver additional school places at Hilltop Infant, Parkside Community Junior and Queen Elizabeth Grammar School is required totalling £220,105.89. Southern Derbyshire CCG have also advised that there is no spare capacity at the local GP practice and have costed a project to extend The Surgery at Clifton Road. Based on anticipated patient numbers a contribution of £14,151 has been calculated. Such contributions will need to be secured through a s106 planning obligation agreement and are necessary to make the development acceptable in planning terms. They are also considered reasonable in scale and kind, and directly related to the proposed development. The applicant has confirmed through their agent that they would be willing to make the required contributions towards education and health provision.

7.21 In addition to the above an area of public open space will be provided. It is anticipated that this would be around the centrally positioned protected Beech trees and balancing feature. The provision of an area of open space presents an opportunity, given the lack of connectivity to the adjacent housing site to deliver an equipped children’s play area to satisfy the requirement of policy L6 of the Adopted Derbyshire Dales Local Plan (2005). This will need to be secured as part of any reserved matters application.

**Impact on trees and ecology**

7.22 Guidance at paragraph 118 of the National Planning Policy Framework aligns with Policy NBE5 of the Adopted Derbyshire Dales Local Plan (2005) and advises that when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity and advises that if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.

7.23 The National Planning Policy Framework advises at paragraph 119 that the presumption in favour of sustainable development (paragraph 14) does not apply where development requiring appropriate assessment under the Birds or Habitats Directives is being considered, planned or determined.

7.24 As previously discussed, whilst landscaping is a matter which is reserved for subsequent approval, the relatively low density of the development is such that all protected and the majority of other site trees can be retained as a features of the development. They will also serve to screen the development in views from the A52 and Derby Road.

7.25 In terms of the impact of the development on protected species, only two trees were considered to provide suitable habitat for bats and are shown to be retained. The accompanying preliminary ecological appraisal does not identify any other habitats of high nature conservation value. Subject to imposing the conditions recommended by Derbyshire Wildlife Trust and retention of the trees which may provide suitable habitat for bats the Local Planning Authority are satisfied that protected species would be appropriately safeguarded and that the development has the potential bring with it some ecological benefits.

**Noise from the A52 relief road and Derby Road**

7.26 Paragraph 123 of the NPPF advises that planning policies and decisions should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life as a
result of new development and should mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions.

7.27 The site sits in close proximity to an industrial estate and borders the A52 relief road and Derby Road. A noise survey has been carried out by the applicant, which found the main source of noise was from road traffic. It is recommended that a 2.4m high acoustic fence is erected around the site boundaries with a return at the site entrance. Whilst such a structure has the potential to have an adverse impact on the local landscape, the existence and retention of tree belts along the A52 and Derby Road would effectively screen the fence and appropriately mitigate noise from road traffic along with sound insulation measures which will need to be incorporated into the detailed design of the proposed dwellings.

Land drainage

7.28 The Land Drainage Authority point to a significant number of historical flooding events in the vicinity of the proposed development. The site is, however, of a sufficient size to secure a surface water disposal scheme which satisfies Part H of the Building Regulations 2000 and does not increase the risk of flooding in the vicinity of the site or have an adverse impact on the local landscape.

The Planning Balance

7.29 The Deposit Draft Local Plan has not undergone the scrutiny of an inspectors examination. Therefore, although this site lies outside the draft settlement boundary it currently has to be assessed principally on the basis of whether it constitutes sustainable development. Paragraph 14 of the NPPF advises that where the development plan is absent, silent or relevant policies are out-of-date permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.

7.30 The Council considers that it can identify a rolling five year supply of housing land and allocations and strategic policies within the emerging local plan will also provide enough housing land throughout the plan period to meet the District Councils objectively assessed housing needs. The site sits on the edge of Ashbourne, a market town which plays a key role within the District in providing a range of services and facilities and employment opportunities. Policy HC1 of the deposit draft local plan seeks to ensure provision is made for housing by amongst other things supporting housing development on unallocated sites in accordance with the defined settlement hierarchy. In this case the site is well related to the main settlement and an approved development of 200 houses and would be contained behind a dense tree belt which forms a strong settlement edge.

7.31 In social terms the development would contribute towards meeting the District Councils objectively assessed housing needs and would deliver affordable housing on site to meet an identified need. A further off-site contribution would be made towards the delivery of affordable housing elsewhere in the Derbyshire Dales District. Although the additional housing would put a strain on the local GP practice and the nearest, infant, primary and secondary schools, this would be offset by monies towards projects to extend these facilities to increase capacity.

7.32 The economic benefits are limited to employment generated during construction, which can be said of any new housing development and the benefit to businesses within the town from additional resident spend.
7.33 In environmental terms the development would result in the loss of a green field, however, as previously mentioned the site is well contained by existing landscape features and, as a consequence, no significant harm to the local landscape would result. Noise from road traffic can be appropriately mitigated so as to not result in a nuisance to the future occupants of the dwellings and the development has the potential to bring with it habitat enhancements which would benefit wildlife.

7.34 Concern expressed by the Town Council about breaking beyond draft settlement boundaries of the emerging local plan to provide further housing is understandable as it could be viewed as to some degree undermining that process and setting a precedent. However, it is important that all applications are assessed on their merits for sustainability in the round. Although the site is not a draft allocation it immediately adjoins an approved site and is contained by clear defensible boundaries in the 2 roads that bound the site. Any adverse environmental impacts are limited to the loss of the greenfield and encroachment into the countryside rather than landscape harm. Whilst officers are conscious not to undermine the emerging Local Plan process it is considered that had this site been put forward as part of the call for sites it would have performed well for draft allocation. It is not anticipated that any significant number of sites beyond draft settlement frameworks with the same balance of characteristics will come forward and, as such, this small boost to the housing figures is not damaging to the councils overall strategy.

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

8.0 OFFICER RECOMMENDATION:

8.1. That, subject to:-

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

- £2500 towards the future review / monitoring of a Travel Plan;
- £34,197.03 towards a classroom extension at Hilltop Infant and Nursery School;
- £45,596.04 towards an extension and remodeling at Parkside Community Junior School;
- £140,312.82 towards additional classrooms at Queen Elizabeth’s Grammar School;
- £14,151 towards an extension at The Surgery, Clifton Road;
- An off-site affordable housing contribution of £220,346.10, and;
- The delivery and tenure of 8 no. 2 bedroom, 4 person affordable dwellings.

Outline planning permission be granted subject to the following conditions:

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

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

   a) the scale of the development;
   b) the layout of the development;
c) the external appearance of the development;  
d) access insofar as details of the internal road layout, and;  
e) the landscaping of the site.

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

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

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

4. No development shall be commenced until a temporary access for construction purposes has been provided to Derby Road in accordance with detailed designs previously submitted to the Local Planning Authority for written approval. The access shall be laid out and constructed to accommodate construction vehicles, laid out at least 6.5m wide and provided with a minimum 2.4m x 78m visibility splay to the south east and a 2.4m x 103m splay to the north west; the area in advance of the sightlines remaining free from any obstructions to visibility over 1m high, relative to the nearside carriageway channel level. The temporary access arrangements shall be retained in accordance with the approved scheme throughout the construction period, or until such time as the permanent access is taken into use.

5. As part of any subsequent reserved matters or full planning application for this site detailed designs for the permanent access (layout, construction, drainage and street lighting), shall be submitted to and approved in writing by the Local Planning Authority. The access shall be laid out in accordance with the approved details prior to the occupation of any dwelling on the application site and provided with a 2.4m x 78m visibility splay to the south east and a 2.4m x 103m splay to the north west, or other such dimension as may be agreed in writing with the Local Planning Authority; the area in advance of the sightlines being levelled and laid out as part of an extended highway margin and not part of any plot or other sub-division of the site. 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.

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

7. As part of any reserved matters or full planning application for this site detailed designs for the following shall be submitted to and approved in writing by the Local Planning Authority:

a. the provision of a frontage footway from the new site access alongside Derby Road in a north westerly direction - to include safe crossing facilities for pedestrians.
The approved details being laid out and constructed prior to occupation of any dwelling, the subject of the application, or other such timescale as may be agreed in writing 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. Any subsequent reserved matters or full application for this site shall include detailed designs of the internal layout of the site in accordance with the guidance contained in the “Manual for Streets” document issued by the Departments for Transport and Communities and Local Government and in accordance with the County Council’s own residential design guide – the 6C’s design guide - http://www.leics.gov.uk/htd.

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

10. The carriageways and footways shall be constructed in accordance with the details approved under condition 7 above, up to and including binder course surfacing, to ensure that each dwelling, prior to occupation, has a properly consolidated and surfaced carriageway and footway between the dwelling and the existing public highway. Until final surfacing is completed, the footway binder course shall be provided in a manner to avoid any upstands to gullies, covers or other such obstructions within or abutting the footway. The carriageways, footways and footpaths in front of each dwelling shall be completed with final surface course within twelve months (or three months in the case of a shared surface road) from the occupation of such dwelling, unless otherwise agreed in writing by the Local Planning Authority.

11. The premises, the subject of the application, shall not be occupied until the estate street has been provided with suitable turning arrangements to enable service and delivery vehicles to turn, all as may be agreed in writing with the Local Planning Authority in writing. In the case where interim turning arrangements are constructed these must remain available until any permanent estate street turning is available, in accordance with the approved estate street designs.

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

13. As part of any reserved matters or full application for this site details of arrangements for the storage of bins and collection of waste shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details and the facilities retained for the designated purposes at all times thereafter.

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

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

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

17. Any reserved matters application should follow the general layout, scale and landscaping parameters set out and illustrated in the Illustrative Masterplan. In particular, the reserved matters of layout and landscaping shall provide for undeveloped areas of green infrastructure including balancing areas and the retention of all protected and boundary trees (excluding the trees to be removed to accommodate the site access).

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

19. No works which include the creation of trenches or culverts shall commence until measures to protect badgers from being trapped in open excavations and/or pipe and culverts are submitted to and approved in writing by the Local Planning Authority. The measures may include:
   a) creation of sloping escape ramps (mammal ladders) for badgers (and other mammals potentially using the site), which may be achieved by edge profiling of trenches/excavations or by using planks placed into them at the end of each working day; and
   b) open pipework greater than 200 mm outside diameter being blanked (capped) off at the end of each working day.

   The agreed measures shall thereafter be strictly adhered to throughout the construction period.

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

21. Prior to the commencement of development a landscape and ecological management plan (LEMP) detailing long-term design objectives for nature conservation, management responsibilities and maintenance schedules for all landscape areas which are not in the ownership of individual properties to be approved in writing by the Local Planning Authority. The plan should include the following:
   a) Description and evaluation of features to be managed / enhanced or created.
   b) Ecological trends and constraints on site that might influence management.
   c) Aims and objectives of management.
   d) Appropriate management options and methods for achieving aims and objectives.
   e) Timescales
   f) Prescriptions for management actions.
g) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
h) Details of the body or organization responsible for implementation of the plan.
i) Ongoing monitoring and remedial measures.

The plan should also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery and where the results from monitoring show that conservation aims and objectives of the plan are not being met how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.

The approved plan shall therefore be carried out in accordance with the approved details.

22. 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 DEFRA Non-statutory technical standards for sustainable drainage systems has 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 first occupation of any dwelling.

23. 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 Approved Document Part H of the Building Regulations 2000.

Reasons:

1. Reason ST01a.

2. Reason ST03a.

3-15. In the interests of highway safety in accordance with Policy TR1 of the Adopted Derbyshire Dales Local Plan and guidance contained within the National Planning Policy Framework (2012).

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

17-21. To safeguard any protected species which may be using the site and/or to secure biodiversity enhancements in accordance with Policy NBE5 of the Adopted Derbyshire Dales Local Plan and guidance contained within the National Planning Policy Framework (2012).

22. To 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 in advance of full planning consent being granted in accordance with the aims of guidance contained within the National Planning Policy Framework (2012).

23. 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.
Footnotes:

1. The Local Planning Authority have during the consideration of this application engaged in a positive and proactive dialogue with the applicant which resulted in revised proposals that overcame initial problems with the application relating to the level of affordable housing to be provided.

2. 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 Communities Department at County Hall, Matlock. The applicant is advised to allow approximately 16 weeks in any programme of works to obtain a Section 38 Agreement.

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

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

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

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

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

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

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

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 green-field runoff rates taking into account the impacts of climate change. For more advice regarding the County Council’s requirements please contact flood.team@derbyshire.gov.uk.

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

12. The applicant is advised in accordance with the requirements of Policy HC11 of the deposit draft local plan that the housing mix proposed as part of any reserved matters should comprise the following: 1-bed properties at 5%, 2-bed properties at 40%, 3-bed properties at 50% and 4-bed properties at 5%. Any alternative mix to the above will need to be appropriately justified in the application submission.

13. The applicants’ attention is drawn to Derbyshire Fire and Rescue Service recommendations (as part of the County Council Strategic Infrastructure comments) that a 32mm mains riser is incorporated into the residential development and ideally that sprinkler systems are installed within the dwellings.

14. 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.

15. Any works in or nearby to an ordinary watercourse require consent under the Land Drainage Act (1991) from the County Council (e.g. an outfall that encroaches into the profile of the watercourse, etc) to make an application for any works please contact Flood.Team@derbyshire.gov.uk.
16. The applicant should demonstrate, to the satisfaction of the LPA, the appropriate level of treatment stages from the resultant surface water in line with Table 3.3 of the CIRIA SuDS Manual C697. 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.

17. 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.

18. The applicant is advised that in order to discharge conditions 22 and 23 that they should ensure all of the below parameters have been satisfied:

   a) 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 30% (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 30% (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 reasonable practicable demonstrate that the runoff volume of the site reflects the requirements of S4 or S5.

   b) Information to indicate that the surface water can, in principle, be disposed of sustainably in compliance with Approved Document H of the Building Regulations 2000. In particular, the following information should be provided to the Local Planning Authority for review:

   • 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.
   • 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 (WaSC) deems this acceptable, or
     iii. a combined public sewer, with appropriate evidence that the relevant WaSC deems this acceptable.

19. 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
20. NFA20: Conditions Precedent (Various)

21. NFA21: Conditions Discharge Fee.

This Decision Notice relates to the following documents:
1:1250 Scale Site Location Plan numbered 1413-001;
1:500 Scale Topographical Survey Plan;
Illustrative Masterplan numbered 1413 Rev G;
Draft Heads of Terms;
NTS Drainage Plan;
Planning Statement by Planning Design;
Design and Access Statement by Planning Design;
Highway Statement by Bancroft Consulting dated April 2016 (Revised September 2016);
Preliminary Ecological Appraisal by Peak Ecology dated 21/04/2016;
Noise Assessment by NoiseAssess dated April 2016;
Flood Risk Assessment by EWE Associates Ltd dated May 2016, and;
Arboricultural Report by Jon Coe Tree Services Ltd received by the District Council on the 22nd September 2016.
### Planning Committee 22nd February 2017

**Agenda Item 4.2**

<table>
<thead>
<tr>
<th>APPLICATION NUMBER</th>
<th>16/00860/FUL</th>
</tr>
</thead>
<tbody>
<tr>
<td>SITE ADDRESS:</td>
<td>The Smithy, Main Road, Hulland Ward</td>
</tr>
<tr>
<td>DESCRIPTION OF DEVELOPMENT</td>
<td>Demolition of Existing Dwelling and Erection of 8 no. Dwellings</td>
</tr>
<tr>
<td>CASE OFFICER</td>
<td>Mr Chris Whitmore</td>
</tr>
<tr>
<td>APPLICANT</td>
<td>Mr Tim Tomlinson</td>
</tr>
<tr>
<td>PARISH</td>
<td>Hulland Ward</td>
</tr>
<tr>
<td>AGENT</td>
<td>Mr Brian Reid</td>
</tr>
<tr>
<td>WARD MEMBER(S)</td>
<td>Cllr. Bright</td>
</tr>
<tr>
<td>DETERMINATION TARGET</td>
<td>24th January 2016</td>
</tr>
<tr>
<td>REASON FOR DETERMINATION BY COMMITTEE</td>
<td>It is proposed to erect more than 3 dwellings outside of the settlements of Matlock, Wirksworth and Ashbourne and more than five unresolved objections have been received</td>
</tr>
<tr>
<td>REASON FOR SITE VISIT (IF APPLICABLE)</td>
<td>At the request of Officers to allow Member’s to fully assess the impact of the development on the local environment</td>
</tr>
</tbody>
</table>

### MATERIAL PLANNING ISSUES
- The appropriateness of redeveloping the site for housing;
- the impact of the development on the character and appearance of this part of the settlement;
- the impact on the privacy and amenity of the occupants of neighbouring residential dwellings;
- housing mix and affordable housing;
- highway safety, and
- land drainage.

### RECOMMENDATION

Refusal
16/00860/FUL

The Smithy, Main Road, Hulland Ward

Derbyshire Dales DC

Date: 10/02/2017

100019785
1.0 THE SITE AND SURROUNDINGS

1.1 The application site comprises The Smithy, a detached rendered dwellinghouse located at the western end of Hulland Ward, off the A517 (see photo 1). The site extends to 0.14ha and is surrounding a series of single storey dwellings which sit within large plots. On the opposite side of the road beyond a verge and established hedge is Biggin View, a development of small semi-detached dwellings (see photo 2) and Hawthorn House (see photo 3), a traditional detached dwelling. The existing dwelling and its associated access is situated at the eastern end of the site. To the west of the access, along the Main Road frontage is a hedge. A hedge, series of trees including a heavily pruned freestanding Ash and panel fence enclose the site on its western and southern sides (see photo 4).

2.0 DETAILS OF THE APPLICATION

2.1 Full planning permission is sought to demolish the existing dwelling and to erect two terraces of four, three bedroomed, two storey dwellings on the site. A central communal parking courtyard and access into the site is proposed, with two further accesses at either end of the site. The terraces will be flanked at both ends by full width projecting gables. These slightly larger dwellings (in footprint terms) will be faced entirely in brick. It is proposed to face the recessed front facade of the central dwellings in render. The terraced blocks will be covered over by a continuous dual pitched roof, which will be 8.3m high to ridge. The third bedroom of the dwellings will be accommodated within the roof space. Small rear gardens, less than 7m deep are proposed. The front of the dwellings will sit approximately 3m in from the edge of the pedestrian footway, which will be continued across the entire site frontage. The roadside hedge is shown to be taken out and a new hedge formed around the centrally positioned communal parking area. Each dwelling is allocated two car parking spaces.
2.2 The applicant advises that the structural condition of the existing dwelling is poor and that it is of little architectural merit. Reference is made to the Biggin View development opposite. It is considered that this modern development of eight, three bedroomed low cost market houses is a close comparator to the size and density of housing proposed as part of this application.

2.3 Addressing scale the applicant advises that the proposed dwellings are scaled to be in keeping with the usual height of dwellings in the village. They advise that by creating two terraces with a substantial clear space between, an incongruous monolithic form, out of scale of other structures in the village has been avoided and the massing is much closer to that seen in large, detached houses not uncommon in the village.

2.4 With regard to appearance the applicant advises that the Architectural language references the traditional vernacular of nineteenth century terraces through the placement and proportion of the openings and the material palette and simple fenestration. They go on to state that interest is added by the use of gable ends on the four end terrace dwellings, where a stepped frontage also improves the appearance of the terrace blocks, particularly when view at an angle from vehicles driving along the A517, and helps break up the massing into a less monolithic form.

3.0 PLANNING POLICY AND LEGISLATIVE FRAMEWORK

3.1 Adopted Derbyshire Dales Local Plan (2005):
   - SF1: Development within Settlement Frameworks Boundaries
   - SF5: Design and Appearance of Development
   - H1: New Housing Development within Settlement Framework Boundaries
   - H9: Design and Appearance of New Housing
   - H11: Affordable Housing within the Settlement Frameworks of Other Settlements
   - NBE6: Trees and Woodlands
   - NBE12: Foul Sewage
   - NBE26: Landscape Design in Association with New Development
   - TR1: Access Requirements and the Impact of New Development
   - TR8: Parking Requirements for New Development

3.2 Deposit Draft Derbyshire Dales Local Plan (August 2016):
   - Policy S3: Settlement Hierarchy
   - Policy HC1: Location of Housing Development
   - Policy HC4: Affordable Housing
   - Policy HC11: Housing Mix and Type

3.3 Other
   - National Planning Practice Guidance (2014)

4.0 RELEVANT PLANNING HISTORY

4.1 None.

5.0 CONSULTATION RESPONSES

5.1 Hulland Ward Parish Council:

The Council strongly object to this application and resolved to make the following comments:

1) Proposed development of 3 storey town houses is out of keeping with recent south side developments of single storey detached cottage style housing, specifically for the area from the Nags Head Public House to the reservoir at the Dog Lane Junction.
2) The Planning Department have imposed strict height controls on all recent south side developments, ensuring no overlooking of neighbouring properties, the proposed 3 storey development would overlook all neighbouring properties;

3) The proposed development, with no play area, is open to the road and would be lethal for young families, access to the school, church, medical centre and shops would all involve crossing a busy and dangerous road;

4) This proposed development of 3 storey high density townhouses is not required for the village. We already have such housing already approved for future village development in Pegasus and Yates planning applications.

5) The proposed developers must be aware that there have been severe flooding in the Smithy Gardens, over the past 6 years. This was overcome at Biggin View by a 30,000 ltr underground storage facility, which may be recommended for this proposal, to prevent flooding into nearby properties, due to the high coverage of tarmac for parking spaces. The late owner of the Smithy was forced to leave her property 3 times, for long periods, due to the severe nature of the flooding.

5.2 Derbyshire County Council (Highways):

In accordance with current guidance, a vehicular access from this site onto Main Road (A517) should achieve minimum emerging visibility sightlines of 2.4m x 47m in both directions. Whilst these sightlines seem to be achievable from the central access which serves the 12No car parking spaces (subject to removal/setting back of fronting hedgerow) it’s not clear if the sightlines can be achieved from the 2 other accesses to the east and west of the site. Given the existing fronting hedgerow it was difficult to assess the available emerging visibility from the proposed accesses during a recent site visit.

Furthermore, as the fronting road is a busy, class ‘A’ road, the Highway Authority recommends each parking area has a designated turning area to ensure all vehicles can enter, turn and exit in a forward gear. Again, this is achievable from the central access but not from the 2 other accesses.

6.0 REPRESENTATIONS RECEIVED

6.1 A total of 22 representations have been received from local residents, 18 objecting and 4 supporting the application. In objecting to the development the following comments area made:

**Principle**

There is no evidence for further housing need in the village.
Local employment is very limited.
The village has lost its post office and proposals are being drawn up to remove the bus service. Permitting extra houses while removing essential services makes no sense.
The number of houses would overload the infrastructure that they would require, particularly the existing drainage system.
The District Councils Local Plan already provides for two large developments on the opposite side of the A517 and therefore this development is unnecessary.

**Impact on residential amenity**

The proposed dwellings are tall, which will result in unacceptable overlooking of the neighbouring bungalows.
The houses would be overbearing.
The development will put the neighbouring dwellings in shade.
The houses will overlook our property.
Impact on the character and appearance of the surrounding area

The proposed dwellings are out of keeping with the majority of the surrounding single storey properties. The development will have a detrimental effect on the character of the village. The development would involve demolishing another character building with historic associations. The number of proposed houses on this plot is excessive. The house design is not compatible with surrounding buildings. Two bungalows would be ideal and in keeping with this rural village. The properties are proposed to have an elevated position on the site, presumably to avoid the ingress of water in them, thus making them look even more out of keeping with surrounding properties. The density and three storey design of the proposed development on this narrow strip of land is totally inappropriate to the size of the plot and the appearance of this part of the village. The eight semi-detached dwellings opposite have a grassed area before the large hedge and yet another grass verge on the other side of the hedge to the road. It is a pity that the existing building could not be redeveloped / refurbished to provide accommodation, much more in keeping with the existing village environment and character.

Housing Mix

Three storey town houses are not required in the village.

Highway safety

The two additional road access points will increase accident risk on the A517. Eight properties sharing three cramped vehicular access points will create an accident hazard. Access to village amenities would involve crossing a busy, dangerous road. The development would create more traffic. There is no pavement on this side. There is no provision for trade deliveries or visitor parking.

Other matters

No provision is made for waste. A fire engine has been used to control flood water on this site. The site has suffered major flooding in the past due to blocked drains. The plans do not identity a wedge of wayleave land at the western boundary of the site which is in the ownership of High Meadows. Questions are raised as to why a mature Ash has been partly removed prior to the submission of the application whether there are any rules on amenity space to number of houses. The proposed development with no play area is open to the road and would be lethal for young families.

In support of the application the following comments are made:

The development is good for the village. It will bring younger people back. Doesn’t Hulland Ward want a school to sustain as that is what will happen if the older generation rule it. The height of the properties will be no higher than a normal house and will not overlook anybody nearby.
Other properties off Main Road have accesses. Can children and adults not cross roads safely? Local schools would welcome more pupils to increase numbers. We have to rent as there are no affordable houses available to us. This build will be good for the village and bring with it a younger community who no longer have to drive their children to school.

7.0 OFFICER APPRAISAL

7.1 Having regard to the consultee and public comments received, relevant policies of the Development Plan and national guidance, the key matters to consider in respect of this application are:

- The appropriateness of redeveloping the site for housing;
- the impact of the development on the character and appearance of this part of the settlement
- the impact on the privacy and amenity of the occupants of neighbouring residential dwellings;
- housing mix and affordable housing;
- highway safety, and
- land drainage.

The appropriateness of redeveloping the site for housing

7.2 The application site is located within the defined settlement of Hulland Ward as set out in the Adopted Derbyshire Dales Local Plan (2005). Hulland Ward is also a tier 3 settlement in the emerging Derbyshire Dales Local Plan. Policies within the existing and emerging local plans align with national guidance and support new housing development within the built framework of defined settlements, where the proposed development would be of a scale, layout and design that would be compatible with the character, appearance and amenity of the part of the settlement in which it would be located. Policy H1 of the Adopted Derbyshire Dales Local Plan supports infill and consolidation within defined settlement framework boundaries and redevelopment of previously developed land for residential purposes, particularly where the development involves the replacement of existing buildings and where full and effective use of the land is made. This approach aligns with national guidance and policies contained within the emerging local plan. The existing dwellinghouse is a simple building of limited architectural and historic interest. As such, the Local Planning Authority would not insist on its retention in this case. The demolition of the existing dwelling and redevelopment of the site for housing is therefore considered to be acceptable in principle.

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

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

7.4 The site occupies a prominent position within the settlement and is surrounded by mainly single storey dwellings which sit in large plots. Development in this area is much looser than other parts of the village. The replacement of the existing dwelling with two terraces of four houses would not respond positively to this context. Furthermore, the proposed dwellings would occupy a large proportion of the site and would be served by a minimal amount of private amenity space. Whilst the applicant draws comparisons with the scheme of social housing opposite at Biggin View, these dwellings a) sit a greater distance from the A517 behind a grass verge and established hedge and b) sit within plots, which are three times as big as the individual plots proposed as part of this application. The number of dwellings proposed and their height and close proximity to the A517 is such that they would dominate the streetscene and appear as two cramped blocks of terraced properties that would appear incongruous in the context of their immediate surroundings. The associated removal of the roadside hedge and formation of a centrally positioned parking courtyard would also result in an overtly urban form of development that would be inappropriate for this prominent settlement fringe site. The development would for reasons stated above therefore be in direct conflict with the aims of Policies SF1, SF5, H1 and H9 of the Adopted Derbyshire Dales Local Plan and guidance contained within the National Planning Policy Framework (2012).

_The impact on the privacy and amenity of the occupants of neighbouring residential dwellings_

7.5 Concern has been expressed by a number of local residents with regard to the scale of the dwellings and the impact on the privacy and amenity of the occupants of neighbouring residential dwellings. Policy SF1 of the Adopted Derbyshire Dales Local Plan (2005) aligns with national guidance and requires development to be well related to surrounding properties and land uses. Policy H9 which deals with the design and appearance of new housing states that planning permission for new housing development will only be granted where adequate amenity space is available for each dwelling, reasonable privacy for each dwelling is provided and it would not have a detrimental impact upon the amenities of adjoining or adjacent properties.

7.6 Whilst the proposed dwellings would be much higher that the detached bungalows which surround the site any overlooking, with or without the intervening boundary vegetation or new planting, will be mainly over the front garden areas of Derry Down and Hollies End. These properties sit within large plots and their main outlook / majority of their private amenity space located to the south. The separation distance between the properties is such that any overbearing / overshadowing impact or loss of privacy would not be of so significant a magnitude that a recommendation of refusal on residential amenity grounds could be sustained.

_Housing mix and affordable housing_

7.7 As can be seen from the public comments received the delivery of smaller affordable homes is seen by some local residents as a positive of the development. Whilst the proposed dwellings have three bedrooms, the third bedroom is accommodated within the roof space. The dwellings cater for the lower end of the housing market and comprise small units that will be targeted at first time buyers and people wishing to downsize. Policy HC11 of the deposit draft Local Plan advises that the provision of market housing should be focused on delivering smaller family housing for younger households. The type of housing proposed in this case would it is considered satisfy the requirements of this
emerging policy and the most up to date evidence base relating to the District's housing needs.

7.8 In terms of the level of affordable housing to be provided, the development would fall below the 10 unit or 1000sq. m threshold set out in national guidance. As such, there is no requirement for any of the units to be delivered as affordable homes or for the applicant to make an off-site contribution towards affordable housing in this case.

Highway safety

7.9 As can be seen from the consultation response from the Local Highway Authority concern has been raised with regard to achievable visibility from the two accesses to the east and west of the site. Furthermore, it is not considered that vehicles using these accesses can enter, turn and exit in a forward gear. As the fronting road is a busy ‘A’ road such manoeuvres would pose a danger to highway safety. The Local Highway Authority has advised that a revised scheme is submitted to demonstrate that 2.4m x 47m emerging visibility sightlines in both directions and on-site turning is available from all 3 vehicular accesses. Provision is made for two parking spaces per dwellings. On the basis that the central parking courtyard, where appropriate manoeuvring and visibility can be achieved is sufficient to serve a development of the scale proposed, the ability to meet the above requirements is not considered fundamental to the scheme being acceptable in highway safety terms. If an appropriate level of visibility and manoeuvring space cannot be achieved from the other accesses then revised plans would need to be submitted which do not include them. This could, however, be secured by condition and would not form a sustainable reason to refuse the application.

Land drainage

7.10 Concern has been raised by local residents relating to the susceptibility of the site to surface water flooding. The site sits slight below the level of the road and the capacity of the mains drains has been cited as the problem. As part of any new development a surface water disposal scheme will need to be approved as part of the building regulations approval process which complies with Part H of the Building Regulations 2000. This will ensure that surface water from the site is appropriately disposed of and should prevent future flooding on the site.

Conclusion

7.11 In conclusion, whilst the redevelopment of the site for housing is considered to be acceptable in principle, having regard to existing and emerging Local Plan policies and national guidance, the number of dwellings proposed and their scale / appearance and close proximity to the A517 is such that they would dominate the streetscene and appear as two cramped blocks of terraced properties that would not respond positively to the site's context. It is recommended that the application be refused for this reason.

8.0 OFFICER RECOMMENDATION:

8.1. That Planning permission be refused for the following reason: -

1. The density, siting and scale / appearance of the proposed dwellings would result in an incongruous and visually dominant overdevelopment of the site that would have an adverse impact on the streetscene and the character and appearance of this part of the settlement contrary to Policies SF1, SF5, H1, and H9 of the Adopted Derbyshire Dales Local Plan (2005) and guidance contained with the National Planning Policy Framework (2012).
Footnote:

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.

This Decision Notice relates to the following documents:
1:1250 Scale Site Location Plan;
1:500 Scale Block Plan;
1:100 Scale Proposed Dwelling Elevations and Floor Layout Plan numbered H16.2;
1:200 Scale Site Layout Streetscene Drawing numbered 16/4.3, and;
## Application Number

<table>
<thead>
<tr>
<th>APPLICATION NUMBER</th>
<th>16/00875/OUT</th>
</tr>
</thead>
</table>

## Site Address

<table>
<thead>
<tr>
<th>SITE ADDRESS:</th>
<th>The Woodyard, 2 Old Marston Lane, Doveridge</th>
</tr>
</thead>
</table>

## Description of Development

<table>
<thead>
<tr>
<th>DESCRIPTION OF DEVELOPMENT</th>
<th>Erection of up to 3 no. Dwellings (Outline)</th>
</tr>
</thead>
</table>

## Case Officer

<table>
<thead>
<tr>
<th>CASE OFFICER</th>
<th>Mr Chris Whitmore</th>
</tr>
</thead>
</table>

## Applicant

<table>
<thead>
<tr>
<th>APPLICANT</th>
<th>Mr Andrew Johnston</th>
</tr>
</thead>
</table>

## Parish

<table>
<thead>
<tr>
<th>PARISH</th>
<th>Doveridge</th>
</tr>
</thead>
</table>

## Agent

<table>
<thead>
<tr>
<th>AGENT</th>
<th>Mr Jonathan Sargeant</th>
</tr>
</thead>
</table>

## Ward Member(S)

<table>
<thead>
<tr>
<th>WARD MEMBER(S)</th>
<th>Cllr. Catt</th>
</tr>
</thead>
</table>

## Determination Target

<table>
<thead>
<tr>
<th>DETERMINATION TARGET</th>
<th>31st January 2017</th>
</tr>
</thead>
</table>

## Reason for Determination by Committee

<table>
<thead>
<tr>
<th>REASON FOR DETERMINATION BY COMMITTEE</th>
<th>It is proposed to erect up to 3 dwellings outside of the settlements of Matlock, Wirksworth and Ashbourne</th>
</tr>
</thead>
</table>

## Reason for Site Visit (If Applicable)

<table>
<thead>
<tr>
<th>REASON FOR SITE VISIT (IF APPLICABLE)</th>
<th>At the request of Officers to allow Member’s to fully assess the impact of the development on the local environment</th>
</tr>
</thead>
</table>

## Material Planning Issues

- The scale of the development and sustainability of location in terms of access to existing services and facilities and employment opportunities
- Impact on local landscape character / the character and appearance of the locality
- Impact on the local environment / ecology
- Whether there would be any highway safety implications, and
- Residential amenity impacts for existing and proposed residents and impact of noise from the A50

## Recommendation

<table>
<thead>
<tr>
<th>RECOMMENDATION</th>
<th>Refusal</th>
</tr>
</thead>
</table>

38
16/00875/OUT

The Woodyard, 2 Old Marston Lane, Doveridge
1.0 THE SITE AND SURROUNDINGS

1.1 The site comprises an area of grassland / paddock at the northern end of Doveridge, off Old Marston Lane (see figure 1). It is approximately 0.5km from the village centre by road (400m by foot following Marston Lane). The site extends to 0.62ha and is bound on all sides by field boundary and roadside hedgerows with some hedgerow trees. The land falls within the ownership of The Woodyard and Kamloops and is divided / separated by a post and rail fence and hedge. At the southern end of the site are a series of storage buildings (see figure 2) and to the north of Kamloops is a stable / field shelter (see figure 3) and a pond.

1.2 Access to the site is off Old Marston Lane, through the Woodyard. This is a narrow country road (see figure 4) which once extended out into the countryside to the north east but is now blocked at its eastern end by a newer road (Marston Lane) which links the village with the A50 dual carriageway. The only remaining route through to the site is from Derby Road which runs to the south.
2.0 DETAILS OF THE APPLICATION

2.1 This application seeks outline planning permission to erect up to 3 dwellings on the site, with all matters reserved for subsequent approval. The application is accompanied by an ecology report by JT ecology dated October 2016 and a Design and Access Statement which discusses matters of noise and flood risk. The ecology report advises that with the exception of hedgerows, which include a small number of hedgerow trees the site is a limited ecological value and diversity. The pond was found to provide negligible potential to support Great Crested Newts. Within the Design and Access Statement the following comments about the application are made:

- The aim of the development is to provide low density (3no), residential larger housing of similar style and character, sitting sympathetic to their surroundings and style related to the houses on Old Marston Lane.

- The access road is positioned between The Woodyard and the new dwellings to:
  a. Keep the dwellings away from the existing properties
  b. To ensure the road is not placed over tree roots fronting the Western boundary
  c. To ensure the dwellings are positioned away from tree roots and hedging

- A layout plan has been produced to identify that 3no dwellings can be comfortably located on site without overcrowding.

- The new access will be formed off Old Marston Lane approx.. 5m wide with sight lines of 2.4m x 70m appropriate for the 30mph speed limit and an internal radius of 6m which is suitable for a standard entry to a residential access way or road or junction between access ways and roads.

- The front property will be two storeys to match The Woodyard and Kamloops and the remainder will be single storey bungalows enabling them to be of a 'lifetime homes' category.

- Porous paving will be installed for all hard landscaped areas. All surface water run-off from roofs etc. will be dealt with by soakaways positioned in the gardens of the 3 no. dwellings. They will be designed and implemented using the porosity test method for the soil type on site.

2.2 An indicative masterplan accompanies the application which shows 3 dwellings set within substantial private gardens located in the south western, north western and north eastern extremities of the site. Boundary hedges are shown to remain except at the newly made entrance off Old Marston Lane where the roadside hedge will be removed to allow access and be cut back to maintain required sight lines. Additional screen planting is shown along the eastern and northern boundaries.

3 PLANNING POLICY AND LEGISLATIVE FRAMEWORK

3.1 The Development Plan

The Development Plan consists of the Derbyshire Dales Local Plan (Adopted November 2005). Relevant policies include:

SF4: Development in the Countryside
SF5: Design and Appearance of Development
SF6: Protection of the Best Agricultural Land
SF7: Waste Management and Recycling
3.2 Deposit Draft Derbyshire Dales Local Plan (August 2016)
   o Policy S3: Settlement Hierarchy
   o Policy HC4: Affordable Housing
   o Policy HC1: Location of Housing Development
   o Policy HC11: Housing Mix and Type

3.3 Other
   National Planning Practice Guidance
   Wildlife and Countryside Act 1981
   EC Birds and Habitats Directive (92/43/EEC)
   The Conservation (Natural Habitats etc) Regulations 1994
   Derbyshire Dales District Council Supplementary Planning Documents
   • Landscape Character and Design

4 RELEVANT PLANNING HISTORY

4.1 16/00208/FUL Erection of 17 new dwellings (outline) - Refused at committee on the 9th August 2016 for the following reasons:

1. Residential development of up to 17 dwellings on the site would be out of scale and context with the rural character of the northern side of Old Marston Lane and would represent a prominent encroachment into the countryside, harmful to local landscape and the rural setting of the village contrary to Policies SF5 and NBE8 of the Adopted Derbyshire Dales Local Plan (2005) and guidance contained within the National Planning Policy Framework (2012).

2. Without any assessment of the likely implications of traffic noise from the A50 and consideration of any mitigation measures the Local Planning Authority cannot be satisfied that the development would not adversely impact on the living conditions of the future occupants of the proposed dwellings by way of noise nuisance contrary to the aims of guidance contained within the National Planning Policy Framework (2012) and Practice Guide (2014).

3. The application as submitted is not accompanied by sufficient information to demonstrate that the level of development can be accommodated on site and
appropriate drainage put in place to prevent surface water flooding on the site and in the local area contrary to guidance contained within the National Planning Policy Framework (2012) and Practice Guide (2014).

4. The application as submitted is not accompanied by appropriate survey information to demonstrate that protected species or their habitat will not be adversely affected by the proposed development. In the absence of sufficient information to demonstrate that protected species and their habitat can be appropriately safeguarded the Local Planning Authority is unable to discharge its duties in respect of regulation 9(5) of the Habitats Regulations 2010. As such, the application is contrary to the aims of Policy NBE5 of the Adopted Derbyshire Dales Local Plan (2005) and guidance contained within the National Planning Policy Framework (2012).

10/00184/FUL Modification and repositioning of two agricultural sheds – Granted

01/09/0658 Two storey rear, single storey side/rear extensions, front porch and change of use of agricultural land to form enlarged garden – Granted

5.0 CONSULTATION RESPONSES

5.1 Doveridge Parish Council:

The Parish Council objects to this proposal for the following reasons:

- The proposal would constitute inappropriate development outside a defined settlement boundary in the countryside contrary to saved Policy SF4 of the Derbyshire Dales Local Plan 2005 and the policies of the National Planning Policy Framework.

- The proposal would constitute inappropriate development outside a defined settlement boundary in the countryside contrary to saved Policy H4 of the Derbyshire Dales Local Plan 2005 and the policies of the National Planning Policy Framework.

- Evidence has not been provided to demonstrate that the site and any future occupiers would not be adversely affected by noise pollution from the A50 to the north. In the absence of such evidence it is considered that the development would be contrary to the National Planning Policy Framework and National Planning Practice Guidance.

- The Parish Council feels that the proposal is contrary to the advice given at Paragraph 66 of NPPF as no pre application consultation has been undertaken to ascertain the views of the local residents.

The Parish Council considers that whilst there may be benefits from the proposed development in terms of providing extra housing, these benefits must be considered against identified adverse impacts and it requests that the above criteria are given appropriate consideration and the planning application should be refused.

5.2 Derbyshire County Council (Highways):

In raising no objections make the following comments:

This application is proposing the same vehicular access as that which was proposed in respect of an earlier application for 17 dwellings in 2016 (which is adequate) and sufficient space is being provided within the site to enable residents vehicles to enter the site, turn and exit in a forward gear.
The applicant is proposing to create 3 passing places on Old Marston Road, presumably due to the Highway Authority previously requesting a passing place scheme to be submitted as part of the previous 17 dwelling application. Whilst these passing places are welcomed, the passing place to the east of the site should be removed as it is not required. Instead, a passing place should be constructed on the opposite side of the road and approximately 30m south of the passing place outside Lyndene.

As this application is outline with all matters reserved, the Highway Authority can accept the application on an as submitted basis subject to conditions.

5.3 Derbyshire County Council (Land Drainage)

Refer the District Council to their standing advice.

5.4 Landscape Design Officer (Derbyshire Dales)

The current proposals are likely to have less adverse impact than those submitted as part of the previous application. The settlement pattern here, on the edge of the village, is characterised by more fragmented residential development - typified by detached properties set within large gardens - interspersed with agricultural fields. The proposals, generally, reflect this. The space surrounding each dwelling provides opportunities for the replacement of former, and the planting of new, native species hedgerows between plots 2 and 3, along the boundary of plot 1 (against the access road) and along the southern boundary of plot 3. These will help to successfully accommodate new development within its surroundings while the planting of new trees on the eastern and northern boundaries will help to substantially screen the properties in any views from the wider landscape on these sides.

The development will result in the loss of some open land between existing dispersed residential properties and farmsteads but the effects on local landscape character, visual amenity and settlement pattern will, probably, not be significant in the current context particularly once mitigation measures (described above) are established.

The effects of additional traffic movements on the character of Old Marston Lane are likely to be substantially less than those of the former scheme though it is essential that the roadside hedge is retained.

The position of proposed passing places should be carefully chosen:
- I do not see any need of the passing place shown east of the proposed access road as there will be no (or very little) reason for additional traffic to use the road here.
- Hedgerow planting should be extended along the back of the passing place shown at the site of the existing entrance otherwise it seems logical to include one here.
- It would seem to be easier to accommodate additional passing places on the northern and western sides of the lane.

5.5 Derbyshire Wildlife Trust

Initial Response:

*It is unclear within the ecology report with regards to the water body on site. The report discusses that a duck pond is present, which would be unsuitable for great crested newts however, the pond has not been assessed nor discussed on the loss of the pond itself within the proposals. The pond could meet the definition of a UK BAP Priority Habitat which has not been addressed nor considered.*
The ecology report informs 89% of the hedgerow and trees will be retained. It is unclear from the proposed plans if these trees to be removed have potential for roosting bats and mitigation to compensate for the loss of UK BAP Hedgerows. Further details and clarification on removal of trees will be required prior to determination of the application. The hedgerow habitats meet the definition of UK BAP priority habitats and, as such, we would expect the retention of the hedgerows wherever possible, with any removal compensated for by replacement planting to ensure there is no net loss of priority habitat as a result of the proposed development.

The proposed layout plan has the potential to result in a direct loss of biodiversity through loss of ponds, tree and hedgerow habitats potentially causing a net loss to biodiversity without appropriate assessment, mitigation and enhancements.

Clarification, prior to determination, on the ponds potential as a UK BAP Priority Habitat, the exact loss of UK BAP Priority habitats (hedgerows) and trees, as well as gains for the proposals are all required prior to determination.

It is recommended that any trees that are scheduled to be removed or affected by the proposed works are subject to more detailed bat surveys to assess their potential and to determine the presence or absence of bat roosts. This should include tree climbing inspection (if safe to do so) and bat nocturnal (emergence/dawn re-entry) surveys. Following the recommended survey work, if trees are scheduled for removal, a mitigation strategy should be prepared that demonstrates how the loss of any bat roosts or other impacts on bats will be mitigated, how potential lighting impacts will be minimised and what habitat retention/creation proposals will be implemented.

Following receipt of the above comments the applicant, through their agent advised that the pond in question is an artificial decorative small garden pond approx. 4 sq. m which does not form part of the Habitats directive as sites hosting a priority natural habitat type or priority species protected in accordance with the Habitats Directive, areas classified under the Wild Birds Directives, and all sites which have been proposed to the European Commission as sites eligible for identification as of community importance until such time as they have been placed on the list or a decision has been taken not placed them on the list.

They also advise that the ecology report states that one tree has evidence of supporting bats and no others. No trees are being removed only a hedge between the properties and as such constitutes no harm to the bats. They suggest that hedges can be planted between the dwellings but this would form part of the reserved matters application.

Second Response:

The Trust would expect the retention of the hedgerows wherever possible, with any removal compensated for by replacement planting to ensure there is no net loss of priority habitat as a result of the proposed development. It is recommended that any existing gaps in the hedgerows should be used as access roads, if possible. We would therefore expect the planting of new native species-rich hedgerow as part of the scheme to compensate for this loss. This should be included within any subsequent landscaping scheme. While we acknowledge the outline nature of the proposal we do not support the layout as shown on the Masterplan in relation to the use of the existing and proposed hedgerows to form the garden boundaries to the new residential plots. By taking this approach, the long-term retention and uniform appropriate management of the hedgerows as a contiguous feature cannot be safeguarded or guaranteed with the result that their wildlife value will be diminished.
Although the pond does not meet the criteria for UK BAP Priority Habitat and is unsuitable for GCN, the loss of the pond would result in a net loss of habitat. It would be welcomed, if the pond could be reinstated within either the proposed development or applicants land to ensure there is no net loss.

Notwithstanding the above, it is considered that overall the proposed development, if suitable landscaping and replacement habitats are incorporated would unlikely result in a significant ecological impact. If the Local Planning Authority are minded to grant permission a series of conditions are recommended.

6.0 REPRESENTATIONS RECEIVED

6.1 Two letters of representation have been received from nearby residents. In objecting to the proposed development, the following concerns are raised.

- The development would intrude into a local green space and would be located outside of the settlement framework boundary of the village.
- The development restricts the wildlife corridor between the site and the A50 and interrupts the landscape alongside an attractive circular walking route around the village.
- Doveridge has already received more than its fair share of housing.
- Doveridge already has a large proportion of larger houses and the proportion in these new developments (referring to other larger housing sites that have been allowed in the locality) are even higher. We once had a good social mix in our community, with younger people being able to stay in the village and older residents able to downsize (this is a requirement in the emerging neighbourhood plan).
- Future residents will suffer excessive noise from the A50.
- The removal of hedging and formation of a new access will change the character of the narrow country lane, which defines the visual character of Doveridge that the community and visitors value and are trying to preserve.
- 9+ extra vehicles will double the traffic usage which will be a hazard to this non-footpath walking route that has valuable amenity and ecological value.

7.0 OFFICER APPRAISAL

Planning Policy Context

7.1 Before assessing the planning merits of this particular application, it is important to set out the policy context (local and national) and the weight to be given to the different components of the development plan.

7.2 The Derbyshire Dales Local Plan, adopted in 2005 comprises the development plan for the area. Its policies have been saved and continue to be relevant where they are consistent with guidance contained within the National Planning Policy Framework (2012). The National Planning Policy Framework (NPPF) was published in March 2012. Whilst the Framework does not change the statutory status of the development plan as the starting point for decision-making, policies contained within the Framework are material considerations which must be taken into account.

7.3 Based on up to date analysis of development that will come forward in the next five years the Council can identify a rolling five year supply of housing land. It is also the case that policies and strategic allocations within the emerging local plan will also provide for enough housing land throughout the plan period to meet the District Councils objectively assessed housing needs. Whilst helpful in setting out the District Councils position with regard to meeting its strategic housing objectives, it is acknowledged that the deposit draft
local plan is, however yet to be scrutinised at examination and policies and strategic land allocations contained within it can only be afforded limited weight at this time.

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

7.5 The remainder of this report will analyse the scheme against this guidance. In making a balanced judgement the decision taker is effectively asked to weigh the economic, social and environmental benefits and disbenefits against one another and only where those disbenefits significantly and demonstrably outweigh the benefits reject the scheme.

7.6 Having regard to the policies of the development plan, which can be afforded weight, guidance contained within the National Planning Policy Framework (NPPF) and consultation responses received the main issues to assess are:

- The scale of the development and sustainability of location in terms of access to existing services and facilities and employment opportunities;
- Impact on local landscape character / the character and appearance of the locality;
- Impact on the local environment / ecology;
- Whether there would be any highway safety implications, and;
- Residential amenity impacts for existing and proposed residents and impact of noise from the A50

The scale of the development and sustainability of location in terms of access to existing services and facilities and employment opportunities

7.7 The site lies to the north of Doveridge, approximately 0.5km from the village centre by road. Reference is made to the lack of pedestrian footways along Old Marston Lane. Being sited at the northern end of the Old Marston Lane, close to where the road terminates it is possible to walk to the village centre (some 400m away following the route of Marston Lane), walking only a short distance on the single carriageway road. The site is therefore within reach of the village centre and facilities it has to offer, including a shop, village hall / working men’s club, recreation ground, pub and primary school. The location of the site is therefore considered to be reasonably sustainable, insofar as access to services and facilities within Doveridge village is concerned.

7.8 Reference is made in the public comments received to the amount of new housing development that has already come forward in the village. The Deposit Draft Local Plan envisages that most new housing development will be brought forward in the main market towns, local service centres and accessible settlements with limited facilities, such as Doveridge (a third tier settlement in the emerging local plan). It is recognised that ‘accessible settlements’ possess a limited level of facilities and services that, together with improved local employment, provide the best opportunities outside the first and second tier settlements for greater self-containment. It is acknowledged that they will provide for reduced levels of development in comparison to higher order settlements in order to safeguard their role consistent with maintaining or enhancing key environmental attributes. Doveridge is a substantial village of some 600 houses. It has good access to the A50 and benefits from its proximity to Uttoxeter. Although most people would need to travel to access employment and services such as doctors and dentists, other existing village
amenities would benefit from a modest increase in population. The erection of 3 dwellings on the site would be in addition, however, to the sites allocated within the emerging local plan. Whilst the additional development in itself would not undermine the villages role as an accessible settlement, there are some concerns with regard to the cumulative effect of new sporadic development on the fringes of Doveridge in terms of maintaining its rural setting, which is a key environmental attribute of the settlement, particularly as there is no requirement for the development in terms of meeting the Districts objectively assessment housing needs and the council are able to demonstrate a rolling five year housing land supply.

Impact on local landscape character / the character and appearance of the locality

7.9 Of significant concern is the impact of any new residential development on the character and appearance of this part of the countryside / the local landscape. Landscape sensitivity to housing development within Derbyshire Dales has been independently assessed (Derbyshire Dales District Council Landscape Sensitivity Study – Wardell Armstrong August 2015). Within this assessment it is recognised that Doveridge is quite rural in character, despite its proximity to the A50 and landscape features within the fields enclosed by Upwoods Road, Old Marston Lane and the A50 contribute to the rural character of the settlement. The site is assessed as being of medium sensitivity to housing development.

7.10 Paragraph 61 of the NPPF advises that securing high quality and inclusive design goes beyond aesthetic considerations and that planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment. Paragraph 58 advises that decisions should aim to ensure that developments respond to local character and history and reflect the identity of local surroundings. Policies SF5 of the Adopted Derbyshire Dales Local Plan (2005) aligns with this guidance.

7.11 Policy NBE8 seeks to protect the character of local landscapes. Planning Inspectors have in recent appeal decisions concluded that it should only be afforded limited weight as it is at odds with the Frameworks more balanced approach to determining planning applications. Notwithstanding this the Ministerial Statement made by Brandon Lewis MP on 27th March 2015 recognises the importance of fully considering the impact of development on landscape character, which he recognises as an important material consideration in decision-making, even outside areas with statutory protection.

7.12 The area sits within the ‘Settled Farmlands landscape type’ of the Needwood and South Derbyshire Claylands landscape character area (Derbyshire Dales District Council Landscape Character and Design Supplementary Planning Document) and is typical of the type in the following respects:

- Gently undulating to rolling lowland dissected by minor stream valleys with localised steep slopes
- Dairy farming on permanent pasture with localised arable cropping
- Scattered oak and ash trees along hedgerows
- Dense lines of trees along streams
- Small to medium size semi-regular and strip fields enclosed by hedgerows
- Extensive ridge and furrow
- Network of winding lanes often sunken on steeper slopes

7.13 The character of the landscape has been altered by the construction of the A50 dual carriageway to the north. However, its impact is mitigated by high embankments to either side and associated tree and shrub planting. As a result the site and its surroundings continue to contribute to the rural setting and character of the village.
The District Councils Landscape Officer advises that the current proposal is likely to have less adverse impact on the local landscape than the scheme submitted as part of the previous application, subject to appropriate landscaping. However, it has to be recognised that in this location the settlement pattern is characterised by more fragmented residential development, typified by detached properties set within large gardens interspersed with agricultural fields. In this context, it is considered that infill between the pockets of existing housing development in this area, would begin to urbanise the character of this part of the village and undermine its rural setting which is a key environmental attribute of the settlement. On the basis that the District Council can demonstrate a rolling five year housing land supply at this time and strategic allocations and policies in the deposit draft local plan will provide enough housing to meet the District's objectively assessed housing needs this harm to the setting of the village would be unwarranted and is a significant disbenefit of the development.

Impact on the local environment / ecology

Guidance at paragraph 118 of the National Planning Policy Framework aligns with Policy NBE5 of the Adopted Derbyshire Dales Local Plan (2005) and advises that when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity and advises that if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.

The National Planning Policy Framework advises at paragraph 119 that the presumption in favour of sustainable development (paragraph 14) does not apply where development requiring appropriate assessment under the Birds or Habitats Directives is being considered, planned or determined.

The application seeks outline consent for the erection of up to 3 dwellings and is accompanied by sufficient information to demonstrate that this level of development can be accommodated on site without having any adverse impact on wildlife habitat and protected species.

Subject to conditions to secure new hedgerow and tree planting and a detailed landscape and ecological mitigation plan (LEMP) and conditions in relation to construction and to control any external lighting the Local Planning Authority would be able to discharge its duties in respect of regulation 9(5) of the Habitats Regulations and the development would satisfy the requirements of Policy NBE5 of the Adopted Derbyshire Dales Local Plan (2005) and national guidance.

Whether there would be any highway safety implications

Despite some concern being raised by a local resident regarding additional traffic, the Local Highway Authority do not raise any issue with regard to the capacity of the highway network to accommodate the development. They advise that the access is sufficient and that adequate space is being provided within the site to enable resident’s vehicles to enter the site, turn and exit in a forward gear. The Local Highway Authority also welcomes the formation of passing places, although advise that their position along Marston Lane would need to be agreed by condition.

Residential amenity impacts for existing and proposed residents and impact of noise from the A50
Paragraph 123 of the NPPF advises that planning policies and decisions should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development and should mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions.

Concerns over noise levels have been raised by a local resident. The site sits to the north of an approved scheme at Cavendish Cottage, which proposed an acoustic fence to mitigate noise from the A50. The site, subject of this application, sits closer to the A50 and although the section of road closest to the site sits within a cutting, background noise emanating from the A50 is audible.

A number of mitigation measures are set out in the Design and Access Statement to mitigate any adverse impacts on health and quality of life arising from noise from the new development, including sound reduction methods to the construction of the facades facing the A50, appropriate glazing and ventilation to windows and solid boundary barriers.

Subject to such measures being introduced and detailed as part of any reserved matters application and conditioned, the Local Planning Authority are satisfied that the development would not adversely impact on the living conditions of the future occupants of the dwellings, by way of noise nuisance to an unacceptable degree such that a reason for refusal on such grounds could be sustained at appeal.

Other matters

The applicant advises surface water run-off from roofs etc. will be dealt with by soakaways positioned in the gardens of the 3 no. dwellings and that they will be designed and implemented using the porosity test method for the soil type on site. The Local Planning Authority are satisfied that such an approach would not result in any issues of flooding on the site or in the immediate vicinity of the site.

Whilst the applicant indicates that two of the dwellings would be bungalows aimed at the elderly, it is indicated that these properties will be dormer bungalows. Whilst the layout, scale and appearance of the dwellings will need to be agreed the size and nature of these dwellings and lack of control with regard to any future occupants is such that only limited weight can be attributed to the delivery of homes which may assist the District Council in meeting the needs of the elderly and disabled.

The Planning Balance

Housing policies and land allocations in the deposit local plan can only be attributed limited weight at this time as they are yet to be scrutinised by an Inspector at examination and Housing Policies contained within the Adopted Derbyshire Dales Local Plan (2005) are considered to be out of date. Paragraph 14 of the NPPF advises that where the development plan is absent, silent or relevant policies are out-of-date permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.

On the basis that the District Council can demonstrate a rolling five year housing land supply at this time and strategic allocations and policies in the deposit draft local plan will provide for enough housing to meet the Districts objectively assessed housing needs the benefits of delivering a modest number of new homes, in addition to existing commitments and strategic allocations in Doveridge, can only be attributed limited weight in this case.
7.28 In social terms the development may provide two dormer bungalows, however, the size and nature of these dwellings and lack of control with regard to any future occupants is such that it cannot be claimed that they are targeted at the elderly and disabled.

7.29 The economic benefits are limited to employment generated during construction, which can be said of any new housing development and the benefit to businesses within village from additional resident spend.

7.30 In environmental terms noise is a constraint, however, can be appropriately mitigated so as to not result in a nuisance to the future occupants of the dwellings. The development would, however, result in unwarranted encroachment into the countryside and would urbanise the character of this part of the village and undermine its rural setting, which is a key environmental attribute of the settlement, contrary to Policies SF5 and NBE8 of the Adopted Derbyshire Dales Local Plan (2005) and guidance contained within the National Planning Policy Framework (2012).

7.31 When all of the above matters are weighed in the balance and having due regard to all the elements of the NPPF and the ability of the District Council to demonstrate a five year housing land supply, it is considered that the level of environmental harm identified above is such as to significantly and demonstrably outweigh the benefits, thereby failing the test of Paragraph 14 of the NPPF.

OFFICER RECOMMENDATION:
To refuse planning permission for the following reason:

1. The development would result in unwarranted encroachment into the countryside and would urbanise the character of this part of the village and undermine its rural setting contrary to Policies SF5 and NBE8 of the Adopted Derbyshire Dales Local Plan (2005) and guidance contained within the National Planning Policy Framework (2012).

Footnotes:

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.

This Decision Notice relates to the following documents:
1:1250 Scale Existing Site Location Plan numbered C22-01B;
1:500 Scale Proposed Block Plan numbered C22-06 and 07;
Document Titled Design and Access Statement by Anthony Short and Partners LLP, and;
### Agenda Item 4.4

<table>
<thead>
<tr>
<th>APPLICATION NUMBER</th>
<th>16/00633/FUL</th>
</tr>
</thead>
<tbody>
<tr>
<td>SITE ADDRESS:</td>
<td>Yeldersley Hall, Derby Road, Yeldersley</td>
</tr>
<tr>
<td>DESCRIPTION OF DEVELOPMENT</td>
<td>Erection of Freestanding Marquee for Use Class D2 (Assembly and Leisure)</td>
</tr>
<tr>
<td>CASE OFFICER</td>
<td>Mr Chris Whitmore</td>
</tr>
<tr>
<td>APPLICANT</td>
<td>Mr Andrew Bailey</td>
</tr>
<tr>
<td>PARISH/TOWN</td>
<td>Yeldersley</td>
</tr>
<tr>
<td>AGENT</td>
<td>Mr Jon Powrie</td>
</tr>
<tr>
<td>WARD MEMBER(S)</td>
<td>Cllr. Shirley</td>
</tr>
<tr>
<td>DETERMINATION TARGET</td>
<td>30th December 2016</td>
</tr>
<tr>
<td>REASON FOR DETERMINATION BY COMMITTEE</td>
<td>The Development Manager considers the application to be sensitive</td>
</tr>
<tr>
<td>REASON FOR SITE VISIT (IF APPLICABLE)</td>
<td>Requested by Officers to enable members to assess the impact of the development on the setting of Yeldersley Hall</td>
</tr>
</tbody>
</table>

**MATERIAL PLANNING ISSUES**

- The appropriateness of the proposed use of the marquee in this countryside location;
- The impact of the marquee on the setting of Yeldersley Hall, a grade II listed building, and;
- The public benefit to be derived.

**RECOMMENDATION**

Refusal
16/00633/FUL

Yeldersley Hall, Derby Road, Yeldersley

Derbyshire Dales DC

Date: 10/02/2017

100019785
1. THE SITE AND SURROUNDINGS

1.0 Yeldersley Hall is a Grade II Listed Georgian House built circa 1800, set within 12 acres of
gassland and manicured gardens. The main building is mainly cement rendered with
stone dressings and incorporates a Welsh slate roof with brick ridge and lateral stacks.
Attached to this country house is a grade II listed stable block of brick and tile construction,
dating from the late 19th century. On the north eastern side of the stables is a kennels
building, also listed grade II.

1.1 Access is from the A52 Painters Lane via a splayed entrance, where a lodge building, in
separate ownership/occupancy, is located. This is also listed grade II. A surfaced
driveway leads to the hall’s main entrance where parking and a circular section of
driveway has a spur leading to other parts of the premises. Two further properties in
separate ownership are close to the hall which shares the existing access.

1.2 The application site relates specifically to a self-supporting, free-standing marque, which
was granted permission in 2013 for a temporary period of five years expiring March 2018
to be used in association with the use of the Hall as a wedding venue for nine months of
the year. Renovation and repair works are undertaken in the three months the marquee is
removed from the site. It is a white polymer structure with access via solid doors on all four
sides and has a low pitched roof, with a ridge height of 3.95m (2.4m to eaves) (see photo
1). It sits very close to the end of the north-east wing of the Hall and occupies a 93 square
metre stone flagged area. The marquee is attached to the main hall by a small rain flap
(see photo 2). Access from the hall is through a pair of existing doors from the main
function room (see photo 3).

(Photo 1)                  (Photo 2)

(Photo 3)
2. **THE APPLICATION**

2.1 Full planning permission is sought for the marquee to be erected on the site for 11 months of the year (9 if preferred) to be used in association with the hall as a wedding venue. The applicant advises that the marquee allows the venue to function more effectively as a wedding venue and supports the ongoing upkeep and maintenance of the Hall. Permanent permission is sought to allow future planning of the business as weddings are booked two to three years in advance.

2.2 The application is accompanied by a Settings Impact Assessment by Pre Construct Archaeological Services Ltd which contains a description of the site and surroundings taken from the previous officer’s report to committee and concludes that there will be only slight impact on the setting of Yeldersley Hall and Stable Block, from the result of partial visual obtrusion. It is stated, however, that the visual obtrusions do not impinge on any intended vistas and the marquee is screened from the majority of the hall itself and the other buildings and gardens making up the complex at Yeldersley Hall. It is considered that the slight impact on the setting of these buildings is mitigated by the fact that the marquee provides the applicant with the ability to continue to maintain wedding bookings, which in turn fund the repair and maintenance of the hall. It is also considered that the temporary nature of the structures is such that it can be removed any time.

2.3 A financial justification statement also accompanies the application and sets out the repair works carried out by the applicant to date and future works and considers the benefits to the local economy and jobs. This is expanded on in a supplementary sheet in response to concerns raised by officers that the programme of future works scheduled could be covered by the income generated by the wedding venue within the timeframe of the temporary permission already granted for the marquee.

3. **PLANNING POLICY AND LEGISLATIVE FRAMEWORK**

3.1 Adopted Derbyshire Dales District Council Local Plan (2005)
   - SF4: Development in the Countryside
   - SF5: Design and Appearance of Development
   - NBE16: Development Affecting a Listed Building
   - NBE17: Alterations and Extensions to a Listed Building
   - NBE18: Conversion and Changes of Use of a Listed Building
   - TR1: Access Requirements and the Impact of New Development
   - TR8: Parking Requirements for New Development

3.2 Deposit Draft Derbyshire Dales Local Plan (2016)
   - PD2: Protecting the Historic Environment

3.3 Other:
   - The National Planning Policy Framework (2012) – Part 12 - Conserving and Enhancing the Historic Environment

4. **RELEVANT PLANNING HISTORY**

4.1 12/00773/TEMP Erection of freestanding marquee for a temporary period of 5 years – Granted

   11/00360/FUL Change of use and conversion of residential accommodation into
assembly and leisure use (D2) – Granted

11/00187/LBALT Internal alterations (Listed Building Consent) – Granted

11/00112/FUL Change of use and conversion of residential accommodation into assembly and leisure use (D2) – Withdrawn

5. CONSULTATIONS

5.1 Parish Council:

Raise no objections. Comment that the hall employs local people and holding wedding venues at the hall enables the owners to maintain the building and land. The Parish Council state they would prefer it if the marquee was only up for 9 months, but would accept the 11 months applied for.

5.2 Local Highway Authority:

No comments sought.

5.3 District Councils Landscape Officer:

The marquee has no significant adverse impact on local landscape character or visual amenity being very closely related to the building and screened from wider public view by roadside hedgerows and planting within the grounds of the Hall.

There are no objections to the application, notwithstanding any comments the Conservation Officer might wish to make.

5.4 District Councils Design and Conservation Officer:

The Hall is a grade II listed building. The marquee is a white polymer plastic tent which sits very close to the end of the north-east wing of the Hall. The application has been accompanied by a ‘Settings Impact Assessment’ produced by Pre-Construct Archaeological Services Ltd. Their conclusion is that, in connection with the marquee in the location proposed - “there would be a slight adverse impact to the setting of Yeldersley Hall and Stable block”. The conclusion goes on to record a number of mitigating circumstances.

Of primary interest is the conclusion that the marquee will have a slight adverse impact on the designated heritage assets. The degree of harm is not discussed, however, this is likely to constitute less than substantial harm. Whilst there is a clear finding of harm, the degree of harm will need to be considered in terms of any public benefits which may outweigh it.

The application quotes Historic England’s guidance on temporary structures in historic places – “there should not be a presumption against temporary structures simply because they are visible in the historic environment”. However, the guidance also states that “very short term, genuinely temporary and wholly reversible changes are unlikely to have unacceptable impact on setting. Longer term or re-current changes, even if notionally temporary, may have a more serious impact”. The Historic England guidance relates to ‘temporary’ structures/changes, not permanent structures or changes.

The visual constituent of harm is considered to be the permanent residence of a structure, of significant size & form (immediately adjacent to the listed building) which is of an ephemeral appearance and fabric. Such elements can generally be accepted on a
temporary basis and in locations within the grounds of a house for a one-off or short series of events. Permanency is a very different matter, coupled, in this particular case by its very close proximity to the listed building. Such a type of structure is designed & intended so as not to take the place of a permanent addition or extension to a property – they are, by their nature, temporary structures. In that regard the permanency of such a type of structure, in its close relationship to the listed building cannot be said to be an enhancement to the setting of the listed building and whilst the submitted assessment has found ‘slight harm’, harm, nevertheless has been established.

6. REPRESENTATIONS

6.1 None.

7. OFFICER APPRAISAL

7.1 As can be seen from the relevant history section of this report planning permission and a related listed building consent have previously been granted for a change of use and conversion of residential accommodation into assembly and leisure use (D2) to allow functions to be held at the premises. The submitted application to erect a marquee for 11 months of the year (9 months if preferred) on a permanent basis is to enable separation of the functions associated with the wedding ceremony. The marquee houses tables for the wedding breakfast and allow the main function room to be used for the wedding ceremony and dancing. The use of the marquee for purposes ancillary to the principal use of the main building as a wedding venue is therefore considered to be acceptable in principle. The Local Planning Authority remain of the opinion, despite the applicants comments (in response to the comments made by the District Councils Conservation Officer) that the marquee is not fixed to the building and ground and is not a permanent structure, that its retention in the same position on site for at least 9 months of the year is such that it constitutes development requiring formal planning permission.

7.2 Of concern is the impact of the marquee on the setting of Yeldersley Hall. Yeldersley Hall is part of a ‘designed’ setting, which comprises the hall, associated structures and the wider garden setting. Attached to the hall to the north is the stable block which is also dated early 19th century and is again listed grade II. Detached and to the north-east are the dog kennels which are early 20th century and are noted as listed grade II for group value. Overall, the site has retained its historic elements, which has been recognised by the listing of the individual structures within the premises. Alongside these are the wider gardens, a mixture of formal lawns to the south and east, which the most impressive southern elevation looks out upon and the informality of the wider environs. Clearly, the Hall, its outbuildings and grounds provide a historically sensitive setting.

7.3 Whilst not physically attached to the building other than by a flap, the marquee has an impact on the setting of the Hall. The conclusion in the ‘Settings Impact Assessment’ which accompanies this application that the marquee will have a slight adverse impact on the designated heritage assets recognises that there will be harm to the setting of Hall. Whilst the degree of harm is not discussed, it is gauged by the Local Planning Authority as falling within the less than substantial category due to the location of the structure and the findings in the Settings Impact Assessment that it does not impinge on any intended vistas. Nonetheless harm to the setting of this designated heritage asset has been identified. Paragraph 134 of the National Planning Policy Framework advises that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.

7.4 In granting planning permission to site the marquee in its current location for a temporary 5 year period, significant weight was attributed to the acts of repair and renovation works
that the additional accommodation to the existing wedding venue use would facilitate and the fact that the marquee was a temporary solution and would be removed from the site at the end of this period. The public benefits to be derived were considered to outweigh the level of short term harm to the setting of the Hall.

7.5 Planning permission is now being sought to retain the marquee in its current location on a permanent basis for 11 months of the year. As a long term solution to meet the accommodation needs of the use of the Hall as a wedding venue this is not considered to be appropriate having regard to its special character and appearance and setting. The character and appearance of the hall is one of a classically inspired design of regular window pattern, parapeted roofs (with hips) and is relatively robust in its general appearance. The marquee comprises a lightweight plastic structure which although not physically attached, nevertheless closely abuts the hall and therefore visually becomes an apparent extension to the Hall in terms of its location, siting and its form and appearance. With regard to the impact of the marquee on the wider setting (the garden and associated listed structures) it presents an alien structure which does not sit comfortably with the existing elements of the grouping. The proposed marquee would be erected immediately adjacent to the Halls east wing which has a full width feature of multiple paned twin central doors and symmetrical windows to each side. Local plan policy NBE16 advises that planning permission for development will only be granted where it does not have an adverse impact upon the special character or setting of a listed building. Policy NBE17 deals with alterations and extensions to a listed building and whilst the marquee will not be attached to the listed building it will be only centimetres away, thus having the impact of an extension. One of three provisos of the Policy (NBE17(c)) states that ‘the proposed design, materials, scale and detailing does not have an adverse impact upon the character and appearance of the listed building. Clearly, the existing marquee has an adverse impact upon the setting of this group of listed buildings.

7.6 The case put forward by the applicant is that the permanent siting of a marquee will enable them to continue and enhance a programme of substantial repairs and renovation and plan for weddings 2 - 3 years in advance. They advise that some £30,000 a year has been spent on renovations and repairs to the Hall by the applicant since the existing wedding venue has been in operation. The appellant also points to repair works and maintenance costs since 1996 amounting to £16,625 and the annual cost of £14,400 to maintain the gardens. A programme of ongoing works totalling £65,910 has been set out in the financial justification statement. Based on the level of investment in the renovation and repair of the Hall since the operation of the wedding venue it would appear that such works could be carried out within the lifetime of the existing temporary permission. In a supplementary sheet the applicant advises that the net profit from the wedding business for the year ending 5th April 2016 was £13,088 and that a further two years of trading (beyond 2018) will be necessary to carry out the scheduled works. They also point out that renovation and repair works will be needed on an ongoing and cyclical basis. The Local Planning Authority would point out that a) this level of investment is below the level made over recent years and is solely from the profits of the wedding venue and b) the majority of the works carried out to date are significant projects that would not form part of a rolling, short term cyclical programme of works. Taking the above into consideration the Local Planning Authority do not consider that the siting of a structure, which results in harm to the setting of the hall on a permanent basis is justified in this case. Public benefit has already been derived from the works that have been carried out to the Hall and it would appear that retention of the marquee for the existing temporary period would enable the programme of on-going works to be carried out, without needing to be a permanent feature of the site. Although in the Settings Impact Assessment reference is made to the marquee being of a temporary nature, approval of the application would effectively be giving consent for a marquee to be permanently erected on the site for 11 months of the year. The guidance in English Heritage’s ‘Temporary Structures in Historic Places’ has been considered. It appears that the guidance is concerned primarily with temporary structures for events, be they one-off
or recurring, and in the short-term (i.e. for a period of days or weeks), and for other events of slightly longer duration i.e. a period of months (para 3.1). A marquee that stands temporarily within the grounds of a listed building, away from the heritage asset is likely to have far less adverse impact on ‘setting’ than one that reads and functions as an extension, as with the development under consideration, which will remain in place virtually all year. The applicant makes reference the marquee allowed at Osmaston Park and considers that the precedent has already been set. As no listed building exists which the marquee sits next to or is attached to in this case no parallels can be drawn with this development.

7.7 In summary it is considered that harm to the setting of the Hall from the permanent siting of the marquee would far outweigh the limited public benefit to be derived in this case. The Hall has planning permission to be used as a wedding venue and its continued use for such purpose will continue to benefit local businesses. If additional accommodation is required the permanent erection of a marquee is not considered to be a suitable long term solution in terms of preserving the setting of the hall. It is recommended that the application be refused on this basis.

OFFICER RECOMMENDATION:
That planning permission be refused for the following reason: -

1. The permanent siting of the marquee for 11 out of 12 months of a calendar year would, by reason of its close proximity to the grade II listed Yeldersley Hall’s east wing, design and materials appear as an incongruous addition to the hall that would result in harm to its setting. Without any overriding public benefit the proposal would be contrary to the aims of Policies SF5 and NBE16 of the Adopted Derbyshire Dales Local Plan (2005) and the advice at Part 12 of the National Planning Policy Framework (2012).

Footnote:

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.

This decision notice relates to the following documents:
1:1250 Scale location plan numbered SS035/2
Settings Impact Assessment by Pre Construct Archaeological Services Ltd;
Document Titled ‘Financial Justification for the Proposal and Consideration of Other Indirect Benefits: Enabling Ongoing Maintenance Works at Yeldersley Hall’ and supporting information;
Design and Access Statement by Powrie-Smith Architects – dated 29th July 2016;
1:500 Scale block plan numbered SS035/1;
1:100 Scale proposed elevations drawing numbered SS035B/7 Rev B;
1:100 Scale existing ground floor layout plan drawing numbered SS035B/3;
Rain Flap Drawing;
1:100 Scale proposed floor layout plan drawing numbered SS035B/6 Rev A, and;
1:100 Scale south elevation including existing landscaping plan numbered SS035B/8 received by the District Council on the 30th August, 1st September and 4th November 2016, and;
The supplementary comments received from the applicants’ agent on the 9th February 2017.
# Active Enforcement Investigations

13 February 2017
11:46:47

## Ashbourne North

<table>
<thead>
<tr>
<th>Reference</th>
<th>Description</th>
<th>Location</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>ENF/12/00110</td>
<td>Unauthorised extension to dwelling - side and rear extension fronting the highway. 112 Park Avenue, Ashbourne, DE6 1GB</td>
<td>112 Park Avenue Ashbourne Derbyshire DE6 1GB</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/13/00095</td>
<td>Unauthorised alterations to listed buildings - 15 - 17 Church St, Ashbourne, Derbyshire DE6 1AE</td>
<td>Bagshaw Agricultural Vine House 15 Church Street Ashbourne Derbyshire DE6 1AE</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/14/00071</td>
<td>Unauthorised building works to facilitate a Biomass Boiler and affecting the setting of a listed building.</td>
<td>Sturston Hall Farm Mill Lane Sturston Derbyshire DE6 1LN</td>
<td>Notice Issued</td>
</tr>
<tr>
<td>ENF/15/00014</td>
<td>Unauthorised alterations to listed building. Installation of 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/15/00035</td>
<td>Unauthorised signage and paintwork</td>
<td>Drink Zone Plus Ground Floor 5B St John Street Ashbourne Derbyshire DE6 1GP</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/15/00072</td>
<td>Unauthorised change of use of ancillary residential accommodation to self contained holiday cottage and change of use of agricultural land to domestic curtilage</td>
<td>Parkfield House Farm Kniveton Lane Offcote Derbyshire DE6 1JQ</td>
<td>Notice Issued</td>
</tr>
<tr>
<td>ENF/15/00085</td>
<td>Unauthorised alterations to a listed building comprising of the alterations to the shop front, painting, signage and lighting.</td>
<td>Abode Unit 1 1 Market Place Ashbourne Derbyshire DE6 1GP</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/17/00005</td>
<td>Unauthorised extension to dwelling - side and rear extension fronting the highway. 112 Park Avenue, Ashbourne, DE6 1GB</td>
<td>112 Park Avenue Ashbourne Derbyshire DE6 1GB</td>
<td>Pending Consideration</td>
</tr>
</tbody>
</table>

## Ashbourne South

<table>
<thead>
<tr>
<th>Reference</th>
<th>Description</th>
<th>Location</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>ENF/14/00070</td>
<td>Unauthorised internally illuminated signage above front of restaurant - 25 Dig Street, Ashbourne, DE6 1GF</td>
<td>25 Dig Street Ashbourne Derbyshire DE6 1GF</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/16/00031</td>
<td>Breach of condition 9 relating to planning permission 14/00722/FUL - specifically the environmental and construction management plan and hours of site work.</td>
<td>Land Formerly Hillside Farm Wyaston Road Ashbourne Derbyshire DE6 1NB</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/16/00103</td>
<td>Alleged replacing of timber windows for plastic, within a conservation area.</td>
<td>The White Hart Public House 8 - 10 Church Street Ashbourne Derbyshire DE6 1AE</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>Case Reference</td>
<td>Description</td>
<td>Location</td>
<td>Status</td>
</tr>
<tr>
<td>----------------</td>
<td>-------------</td>
<td>----------</td>
<td>--------</td>
</tr>
<tr>
<td>ENF/17/00008</td>
<td>Unauthorised development - Breach of conditions relating to planning permission 09/00207/REM. Erection of 5 two storey dwellings and associated car parking (approval of reserved matters), Olivers Mount Works, South St, Ashbourne.</td>
<td>39 South Street Ashbourne Derbyshire DE6 1DP</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/15/00021</td>
<td>Unauthorised change of use of land from agricultural to domestic. Engineering works to remove trees and hedging to facilitate hardstanding area including the erection of a boundary fence in excess of 1m high adjacent to a classified vehicular highway.</td>
<td>Orchard Cottage Longford Lane Longford Derbyshire DE6 3DT</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/16/00087</td>
<td>Failure to provide pre commencement details as per conditions 2 and 6 of planning permission 16/00400/PDA - Change of use of agricultural building to dwelling house.</td>
<td>The Old Drifthouse Park Stiles Farm Park Lane Rodsley Derbyshire DE6 3AJ</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/16/00106</td>
<td>Unauthorised change of use of agricultural land to use for the storage of a shipping container on land known as &quot;Rick Yard Orchard&quot;, Church Lane, Brailsford.</td>
<td>Rick Yard Orchard Church Lane Brailsford Derbyshire</td>
<td>Notice Issued</td>
</tr>
<tr>
<td>ENF/17/00009</td>
<td>Unauthorised building works - Building does not accord with approved plans 15/00407/FUL (Part) for the erection of the freestanding garage/studio.</td>
<td>Burton Shutts Farm Cuscas Lane Brailsford Derbyshire DE6 3BG</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/15/00108</td>
<td>Non compliance with approved plans &quot;Erection of two dwellings&quot; at Peakland View, Darley Dale, office code 14/00300/FUL</td>
<td>Robinsons Limited Longcliffe Works Longcliffe Brassington Derbyshire DE4 4HN</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/16/00034</td>
<td>Unauthorised erection of Dog kennels</td>
<td>Four Lane Ends Farm Gibfield Lane Hulland Ward Derbyshire DE6 3EJ</td>
<td>DC Application Submitted</td>
</tr>
<tr>
<td>ENF/16/00073</td>
<td>Unauthorised change of use and conversion of outbuildings on land at Rock Cottage, Brassington, Matlock, Derbyshire, DE4 4HA</td>
<td>Rock Cottage Hillside Lane Brassington Derbyshire DE4 4HA</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/17/00010</td>
<td>Unauthorised building/demolition works</td>
<td>Palm Tree Cottage Hillside Lane Brassington Derbyshire DE4 4HL</td>
<td>DC Application Submitted</td>
</tr>
<tr>
<td>Clifton And Bradley</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>ENF/15/00106</td>
<td>Unauthorised signs on land at Riverside Retail Park and Ashbourne Golf Club.</td>
<td>Waterside Park Waterside Road Ashbourne Derbyshire</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>Reference</td>
<td>Description</td>
<td>Address</td>
<td>Status</td>
</tr>
<tr>
<td>-----------</td>
<td>-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
<td>------------------------------------------------------------------------</td>
<td>----------------------</td>
</tr>
<tr>
<td>ENF/17/00012</td>
<td>Unauthorised engineering works to facilitate an access and roadway across an agricultural field, in addition to an approved access and driveway, and a breach of condition 8 relating to planning permission 16/00662/FUL - Creation of new driveway.</td>
<td>Westwood Clifton Road Clifton Derbyshire DE6 2DH</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/17/00013</td>
<td>Unauthorised change of use of land from agricultural to domestic curtilage, and engineering works to create new access drive/parking area to dwelling.</td>
<td>Laurel Cottage Clifton Road Clifton Derbyshire DE6 2DH</td>
<td>Pending Consideration</td>
</tr>
</tbody>
</table>

**Darley Dale**

<table>
<thead>
<tr>
<th>Reference</th>
<th>Description</th>
<th>Address</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/13/00022</td>
<td>Expiration of temporary planning permission. Erection of mobile home/chalet for agricultural worker for a temporary period of 3 years and retention of existing amenity building/office.</td>
<td>Woodside Farm Buildings Back Lane Darley Moor Matlock Derbyshire DE4 5LP</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/15/00034</td>
<td>Stationing of a caravan on land for suspected residential purposes and the use of an agricultural building for the keeping of horses.</td>
<td>Land At The Junction Of Back Lane And Flash Lane, Darley Moor, Matlock.</td>
<td>Notice Issued</td>
</tr>
<tr>
<td>ENF/16/00055</td>
<td>Unauthorised engineering works to facilitate caravan hardstanding pitches</td>
<td>Tax Farm Farley Lane Farley Derbyshire DE4 5LQ</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/16/00071</td>
<td>Unauthorised engineering operations</td>
<td>The Beeches Hallmoor Road Darley Dale Derbyshire DE4 2HF</td>
<td>Pending Consideration</td>
</tr>
</tbody>
</table>

**Dovedale And Parwich**

<table>
<thead>
<tr>
<th>Reference</th>
<th>Description</th>
<th>Address</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>ENF/15/00065</td>
<td>Alleged change of use of pub car park to use for the stationing of vehicular mobile homes.</td>
<td>Okeover Arms Mapleton Road Mapleton Derbyshire DE6 2AB</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/15/00092</td>
<td>The unauthorised erection of a timber cabin for the purposes of human habitation. The Cabin, Laburnham Cottage, Mapleton.</td>
<td>Laburnum Cottage Mapleton Road Mapleton Derbyshire DE6 2AB</td>
<td>Pending Consideration</td>
</tr>
</tbody>
</table>

**Doveridge And Sudbury**

<table>
<thead>
<tr>
<th>Reference</th>
<th>Description</th>
<th>Address</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>ENF/15/00001</td>
<td>Unauthorised breach of condition 11 of planning permission 08/00520/FUL - Conversion of barn to holiday let.</td>
<td>Somersal House Bowling Alley Lane Somersal Herbert Derbyshire DE6 5PD</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/15/00039</td>
<td>Unauthorised change of use of agricultural outbuildings to office/business use.</td>
<td>Hunters Croft Upwoods Road Doveridge Derbyshire DE6 5LL</td>
<td>Pending Consideration</td>
</tr>
</tbody>
</table>
### Hulland

<table>
<thead>
<tr>
<th>Reference</th>
<th>Description</th>
<th>Address</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>ENF/14/00041</td>
<td>Breach of condition 2 relating to planning permission</td>
<td>Redmire Gap Intakes Lane Turnditch Derbyshire DE6 2LU</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/15/00004</td>
<td>Unauthorised engineering works including substantive excavation on land at Common Farm.</td>
<td>Common Farm Mugginton Lane End Weston Underwood Ashbourne Derbyshire DE6 4PP</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/15/00024</td>
<td>Unauthorised change of use of holiday cabins to dwelling.</td>
<td>Blackbrook Lodge Farm Intakes Lane Turnditch Derbyshire DE6 2LU</td>
<td>Pending Consideration</td>
</tr>
</tbody>
</table>

### Masson

<table>
<thead>
<tr>
<th>Reference</th>
<th>Description</th>
<th>Address</th>
<th>Status</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>Notice Issued</td>
</tr>
<tr>
<td>ENF/13/00108</td>
<td>Unauthorised works to Grade II Listed Building</td>
<td>Corn Mill Cottage Water Lane Cromford Derbyshire DE4 3QH</td>
<td>Notice Issued</td>
</tr>
<tr>
<td>ENF/15/00054</td>
<td>Unauthorised alterations to a Grade II Listed Building.</td>
<td>Rita's Fish Bar 182 South Parade Matlock Bath Derbyshire DE4 3NR</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/15/00060</td>
<td>Unauthorised installation of two roof-lights and flue on the rear roof slope.</td>
<td>Swifts Cottage 15 The Hill Cromford Derbyshire DE4 3RF</td>
<td>Notice Issued</td>
</tr>
<tr>
<td>ENF/15/00104</td>
<td>Unauthorised internal works and demolition of external boundary wall.</td>
<td>Mill Managers House Cromford Mill Mill Road Cromford Derbyshire DE4 3RQ</td>
<td>Notice Issued</td>
</tr>
<tr>
<td>ENF/15/00105</td>
<td>Unauthorised engineering operations to create extra parking/turning area.</td>
<td>G P Produce The Hill Cromford Derbyshire DE4 3QL</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/16/00024</td>
<td>Unauthorised occupation of holiday let as residential dwelling.</td>
<td>The Farrow's Chestnut Farm Abel Lane Bonsall Derbyshire</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/16/00028</td>
<td>Unauthorised erection of fence within the curtilage, at the rear, of a Grade II Listed Building.</td>
<td>86 The Hill Cromford Derbyshire DE4 3QU</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/16/00037</td>
<td>Unauthorised extension to property.</td>
<td>1 Water Lane Cromford Derbyshire DE4 3QH</td>
<td>Notice Issued</td>
</tr>
<tr>
<td>ENF/16/00041</td>
<td>Unauthorised installation of plastic windows and door.</td>
<td>2,4,6 North Parade Matlock Bath Derbyshire DE4 3NS</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>Case Number</td>
<td>Description</td>
<td>Location</td>
<td>Status</td>
</tr>
<tr>
<td>--------------</td>
<td>-------------------------------------------------------------------------------------------------</td>
<td>-------------------------------------------------------------------------------------------------</td>
<td>--------------------</td>
</tr>
<tr>
<td>ENF/16/00063</td>
<td>Change of Use of premises to Cafe</td>
<td>Restoration Cafe Former Tourist Information Centre Grand Pavilion South Parade Matlock Bath Derbyshire DE4 3NR</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/16/00066</td>
<td>Alleged unauthorised building works to rear of property. - 138-142 North Parade, Matlock Bath, Derbyshire, DE4 3NS</td>
<td>Kostas Restaurant 138 North Parade Matlock Bath Derbyshire DE4 3NS</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/16/00076</td>
<td>Unauthorised &quot;mini fish, chips &amp; peas&quot; banner on railings.</td>
<td>Halls Merry Go Round 200 South Parade Matlock Bath Derbyshire DE4 3NR</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/16/00078</td>
<td>Works to clad a bus stop in stone.</td>
<td>Bus Stop Near To The Fountain. Bonsall.</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/16/00090</td>
<td>Erection of a shed, decking and fence.</td>
<td>2 Primrose Cottages St Johns Road Matlock Bath Derbyshire DE4 3PQ</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/16/00097</td>
<td>Unauthorised engineering operations and the creation of concrete retaining wall.</td>
<td>UK Slipform Ltd Dunsley Mill Via Gellia Road Bonsall Derbyshire DE4 2AJ</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/16/00107</td>
<td>Unauthorised erection of &quot;carving&quot; building.</td>
<td>1 Black Rock Cottages Bakers Lane Cromford Derbyshire DE4 3QW</td>
<td>Pending Consideration</td>
</tr>
</tbody>
</table>

### Matlock All Saints

<table>
<thead>
<tr>
<th>Case Number</th>
<th>Description</th>
<th>Location</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>ENF/14/00006</td>
<td>Unauthorised change of use from domestic curtilage to use as commercial car park relating to Parkside Fitness</td>
<td>5 Olde Englishe Road Matlock Derbyshire DE4 3RR</td>
<td>Notice Issued</td>
</tr>
<tr>
<td>ENF/15/00030</td>
<td>Unauthorised &quot;PELI&quot; advertisement</td>
<td>Peli Deli 6 Crown Square Matlock Derbyshire DE4 3AT</td>
<td>Notice Issued</td>
</tr>
<tr>
<td>ENF/15/00087</td>
<td>Breach of conditions on planning application number 14/00493/FUL</td>
<td>10 Imperial Road Matlock Derbyshire DE4 3NL</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/16/00014</td>
<td>Unauthorised fencing/decking to the side and rear with associated engineering operations.</td>
<td>38 Megdale Matlock Derbyshire DE4 3JW</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/16/00015</td>
<td>Breach of condition 2 on planning permission (office code) 13/00005/FUL</td>
<td>19 Dale Road Matlock Derbyshire DE4 3LT</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/16/00038</td>
<td>Unauthorised erection of fences and alleged car sales business.</td>
<td>2 Bentley Close Matlock Derbyshire DE4 3GF</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/16/00101</td>
<td>Unauthorised erection of sheds, chicken enclosures and a &quot;shepherds hut&quot;.</td>
<td>High Croft Salters Lane Matlock Derbyshire DE4 2PA</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/17/00006</td>
<td>Unauthorised erection satellite dish.</td>
<td>12 Snitterton Road Matlock Derbyshire DE4 3LZ</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/17/00011</td>
<td>Erection of retaining wall at the bottom of the garden adjacent to a footpath.</td>
<td>64 Wellington Street Matlock Derbyshire DE4 3GS</td>
<td>Pending Consideration</td>
</tr>
</tbody>
</table>

### Matlock St Giles
| ENF/13/00084 | Unauthorised erection of workshop | Phillips Woodware Smuse Lane Matlock Derbyshire DE4 5EY | Notice Issued |
| ENF/15/00083 | Non compliance with pre-commencement conditions attached to planning permission (15/00453/FUL) | Gate Inn The Knoll Tansley Derbyshire DE4 5FN | Pending Consideration |
| ENF/16/00025 | 1/ Unauthorised engineering operations to create an earth bund and storage of materials behind it. 2/ Rearrangement of existing bund. | Land Off Alders Lane, Tansley. | Pending Consideration |
| ENF/16/00046 | Alleged that the stone used for the extension is not in keeping with the rest of the property as conditioned by the planning permission 14/00360/FUL | Hurst Cottage 14 Bull Lane Matlock Derbyshire DE4 5LX | Pending Consideration |
| ENF/16/00053 | Unauthorised access off Riber Road. | Brookdale Riber Road Lea Derbyshire DE4 5JQ | Pending Consideration |
| ENF/16/00056 | Change of use of agricultural land to the rear of 70 - 80 Starkholmes Road Matlock, to incorporate within the domestic curtilage of 72 Starkholmes Road, Matlock, DE4 3DD. | 72 Starkholmes Road Matlock Derbyshire DE4 3DD | Pending Consideration |
| ENF/16/00057 | Change of use of agricultural land to the rear of 76 - 78 Starkholmes Road Matlock, to incorporate within the domestic curtilage of 78 Starkholmes Road, Matlock, DE4 3DD. | 78 Starkholmes Road Matlock Derbyshire DE4 3DD | Pending Consideration |
| ENF/16/00089 | Breaches of Planning Control | ALS Scaffolding Services Limited Sunnyside Farm Whitelea Lane Tansley Derbyshire DE4 5FL | Pending Consideration |
| ENF/16/00102 | Unauthorised excavation of front garden and tipping of excavated material in the rear garden. | 157 Hurst Rise Matlock Derbyshire DE4 3EU | Pending Consideration |

**Norbury**

| ENF/11/00091 | Untidy site - storage of scrap materials (Timber, metal, pipes, bricks, slates, gravel etc), old vehicles and caravans in a state of disrepair. Land at Marston House Farm and Home Farm, Thurvaston Road, Marston Montgomery, Ashbourne, Derbyshire, DE6 2FF | 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 Airports Darley Moor Airfield Darley Moor Ashbourne Derbyshire DE6 2ET | Pending Consideration |
| ENF/17/00015 | Unauthorised engineering works to facilitate roadway onto agricultural field. | Meadow View Alkmonton Road Boylestone Derbyshire DE6 5AD | Pending Consideration |

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

ENF/15/00068  Unauthorised change of use of land for the stationing of a caravan for residential purposes, the erection of a small timber building and the erection of a polly tunnel and portaloo.  
Peak View Caravan Site Brassington Lane Wirksworth Derbyshire  Notice Issued

ENF/15/00079  Works to a Listed Building  
14 Market Place Wirksworth Derbyshire DE4 4ET  Pending Consideration

ENF/15/00082  Unauthorised engineering operations.  
Land Off Oakerthorpe Road Bolehill Derbyshire  Pending Consideration

ENF/16/00040  Unauthorised satellite dish.  
21 North End Wirksworth Derbyshire DE4 4FG  Pending Consideration

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

ENF/16/00064  Installation of plastic windows.  
45 North End Wirksworth Derbyshire DE4 4FG  Pending Consideration

ENF/16/00079  Erection of timber fence over 1 metre in height adjacent a highway.  
20 Willowbath Lane Wirksworth Derbyshire DE4 4AY  Pending Consideration

ENF/16/00080  Engineering operations in a field to create a pond.  
2 Little Bolehill Bolehill Derbyshire DE4 4GR  Pending Consideration

ENF/17/00001  Unauthorised occupation of The Chalet  
The Chalet Millers Green Wirksworth Derbyshire DE4 4BL  Pending Consideration

ENF/17/00002  Unauthorised engineering operations to create a raised area  
11 New Road Bolehill Derbyshire DE4 4GL  Pending Consideration

**Total Open Cases** 86
## Enforcement Investigations Closed

### In the 6 Months Prior to 13/02/2017

<table>
<thead>
<tr>
<th>Location</th>
<th>Case Reference</th>
<th>Description</th>
<th>Location Details</th>
<th>Status</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Ashbourne South</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>ENF/16/00062</td>
<td>Breach of condition 26 of planning permission 13/00854/REM - erection of 38 dwellings and associated public open space and infrastructure (approval of reserved matters), Land off Lodge Farm Chase, Ashbourne, Derbyshire</td>
<td>4 Bower Close Ashbourne Derbyshire DE6 1TA</td>
<td>Complied Voluntarily</td>
<td>29/09/2016</td>
<td></td>
</tr>
<tr>
<td><strong>Brailsford</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>ENF/15/00097</td>
<td>Unauthorised construction of timber cabin and subsequent occupation as a dwelling house with associated use of land as domestic curtilage.</td>
<td>Aragorn Cabin Mercaston Lane Mercaston Derbyshire</td>
<td>Appeal Allowed</td>
<td>21/12/2016</td>
<td></td>
</tr>
<tr>
<td>ENF/16/00033</td>
<td>Breach of condition 16 (hours of work) of planning permission 13/00826/FUL - Land off Luke Lane Brailsford</td>
<td>Land Off Luke Lane Luke Lane Brailsford Derbyshire</td>
<td>Complaint Unfounded</td>
<td>02/02/2017</td>
<td></td>
</tr>
<tr>
<td><strong>Carsington Water</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>ENF/16/00074</td>
<td>Alleged unauthorised timber building to front of property known as Dragons End, Town Street, Brassington</td>
<td>Dragons End Town Street Brassington Derbyshire DE4 4HB</td>
<td>Complied Voluntarily</td>
<td>11/10/2016</td>
<td></td>
</tr>
<tr>
<td>ENF/16/00099</td>
<td>Unauthorised erection of external flu pipe on building fronting a highway and within the conservation area of Hopton.</td>
<td>Henmore Grange Main Street Hopton Derbyshire DE4 4DF</td>
<td>Complied Voluntarily</td>
<td>11/01/2017</td>
<td></td>
</tr>
<tr>
<td><strong>Clifton And Bradley</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>ENF/16/00072</td>
<td>Alleged unauthorised building works on Mill Lane at Shirley.</td>
<td>Thatch Lodge Mill Lane Shirley Derbyshire DE6 3AR</td>
<td>Complaint Unfounded</td>
<td>27/09/2016</td>
<td></td>
</tr>
<tr>
<td>ENF/16/00091</td>
<td>Unauthorised change of use of land from Agricultural to domestic curtilage, to the rear of property known as 2 Yew Tree Lane, Bradley.</td>
<td>2 Yew Tree Lane Bradley Derbyshire DE6 1PG</td>
<td>Complied Voluntarily</td>
<td>18/11/2016</td>
<td></td>
</tr>
<tr>
<td>ENF/16/00095</td>
<td>Unauthorised building works for the conversion of outbuildings to living accomodation.</td>
<td>Charity Farm Orchard Lane Wyaston Derbyshire DE6 2DR</td>
<td>Planning Application Received</td>
<td>02/02/2017</td>
<td></td>
</tr>
<tr>
<td>ENF/16/00096</td>
<td>Breach of condition relating to site storage and off road parking.</td>
<td>Rose Cottage Snapes Lane Snelston Derbyshire DE6 2DL</td>
<td>Complied Voluntarily</td>
<td>18/11/2016</td>
<td></td>
</tr>
<tr>
<td><strong>Darley Dale</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>ENF/16/00005</td>
<td>Use of a domestic garage/premises to run a chemical paint stripping business.</td>
<td>6 Sunnyside Terrace Farley Hill Matlock Derbyshire DE4 5LT</td>
<td>Complaint Unfounded</td>
<td>16/08/2016</td>
<td></td>
</tr>
<tr>
<td>----------------</td>
<td>-------------------------------------------------------------------------------------------------</td>
<td>----------------------------------------------------------------</td>
<td>-------------------------------------</td>
<td>---------------</td>
<td></td>
</tr>
<tr>
<td>ENF/16/00042</td>
<td>Unauthorised internally illuminated advertisement.</td>
<td>Valley Lodge Nursing Home Bakewell Road Matlock Derbyshire DE4 3BN</td>
<td>Planning Application Received</td>
<td>14/11/2016</td>
<td></td>
</tr>
<tr>
<td>ENF/16/00052</td>
<td>Creation of earth bund in a field to the south of Bent Farm.</td>
<td>Ameycroft Farm Farley Hill Matlock Derbyshire DE4 5LR</td>
<td>Complied Voluntarily</td>
<td>20/12/2016</td>
<td></td>
</tr>
<tr>
<td>ENF/16/00069</td>
<td>Unauthorised erection of wooden carport structure</td>
<td>Slayleigh 1 Rotherwood Villas Dale Road South Darley Dale Derbyshire DE4 2EU</td>
<td>Planning Application Received</td>
<td>21/11/2016</td>
<td></td>
</tr>
<tr>
<td>ENF/16/00075</td>
<td>Alleged unauthorised garage.</td>
<td>Whitworth House Dale Road North Darley Dale Derbyshire DE4 2FS</td>
<td>Complaint Unfounded</td>
<td>04/10/2016</td>
<td></td>
</tr>
<tr>
<td>ENF/16/00082</td>
<td>Alleged unauthorised engineering operations.</td>
<td>Oker House Moor Lane Darley Dale Derbyshire DE4 2HG</td>
<td>Complied Voluntarily</td>
<td>19/10/2016</td>
<td></td>
</tr>
<tr>
<td>ENF/16/00092</td>
<td>Engineering operations to create a car park.</td>
<td>Milners Off Road Limited Old Road Darley Dale Derbyshire DE4 2ER</td>
<td>Planning Application Received</td>
<td>23/01/2017</td>
<td></td>
</tr>
</tbody>
</table>

**Dovedale And Parwich**

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

**Doveridge And Sudbury**

| ENF/13/00019 | Unlawful siting of caravan for human habitation in agricultural field adjacent to Marston Lane at Doveridge. | Land North East Of Holmelea Farm Bungalow Marston Lane Doveridge Derbyshire | Notice complied with | 30/01/2017 |
| ENF/16/00081 | alleged breach of condition 4 of planning permission 16/00419/FUL - cond'n 4 states, No development shall commence on site until a scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority. | Abbotsholme Stud Marston Bank Rocester Derbyshire ST14 5BP | Complied Voluntarily | 03/11/2016 |

**Hulland**

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

**Masson**

| ENF/15/00052 | Installation of plastic windows in a listed building. | 101 The Hill Cromford Derbyshire DE4 3QU | Notice complied with | 10/01/2017 |
| ENF/16/00039 | Problem beginning to cause damage and staining to the historic fabric of a Listed Building | Greyhound Hotel Market Place Cromford Derbyshire DE4 3QE | Complied Voluntarily | 17/08/2016 |
| ENF/16/00058 | Unauthorised facia advertisement. | F Coffee 6 North Parade Matlock Bath Derbyshire DE4 3NS | Complied Voluntarily | 22/11/2016 |
| ENF/16/00070 | Alleged engineering operations | Land To The South Of Yeats Lane, Cromford. | Complaint Unfounded | 21/09/2016 |
| ENF/16/00077 | Untidy site | Promenade Fish And Chip Shop 128 - 132 North Parade Matlock Bath Derbyshire DE4 3NS | Complied Voluntarily | 05/10/2016 |
| ENF/16/00083 | Alleged change of use for selling tea and coffee. | Simon Dunn Chocolatiers S2 - 54 North Parade Matlock Bath Derbyshire DE4 3NS | Complaint Unfounded | 12/10/2016 |
| ENF/16/00084 | Unauthorised banner advertisements. | RIVA 124 - 126 North Parade Matlock Bath Derbyshire DE4 3NS | Complied Voluntarily | 01/02/2017 |
| ENF/16/00085 | Alleged unauthorised alterations to a Listed Building. | Greyhound Hotel Market Place Cromford Derbyshire DE4 3QE | Complaint Unfounded | 18/10/2016 |

### Matlock All Saints

| ENF/16/00054 | Engineering operations on land the East side of 80 Jackson Road. | 80 Jackson Road Matlock Derbyshire DE4 3JQ | Complaint Unfounded | 16/08/2016 |
| ENF/16/00060 | Condition 4 on Planning Permission office code 08/00087/FUL "Erection of Conservatory" | 15 Bank Gardens Matlock Derbyshire DE4 3WA | Complied Voluntarily | 17/08/2016 |
| ENF/16/00093 | Breach of condition relating to Tree protection on land off Bakewell Road at Matlock | McDonald's 43 Bakewell Road Matlock Derbyshire DE4 3AU | Not in the Public interest to pursue | 10/01/2017 |
| ENF/16/00094 | Alleged unauthorised advertisements. | 8 Snitterton Road Matlock Derbyshire DE4 3LZ | Complaint Unfounded | 14/11/2016 |
| ENF/16/00098 | Unauthorised side extension. | 21 Imperial Road Matlock Derbyshire DE4 3NL | Planning Application Received | 23/01/2017 |

### Matlock St Giles

<p>| ENF/15/00088 | Unauthorised play equipment at The Gate Inn, Tansley. | Gate Inn The Knoll Tansley Derbyshire DE4 5FN | Appeal Allowed | 07/11/2016 |
| ENF/15/00098 | Unauthorised engineering operations on fields to the South West of Derwent Treescapes. | Derwent Treescapes Limited Deep Carr Lane Matlock Derbyshire DE4 3NQ | Planning Application Received | 16/08/2016 |</p>
<table>
<thead>
<tr>
<th>Case Reference</th>
<th>Issue Description</th>
<th>Location</th>
<th>Status</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>ENF/16/00002</td>
<td>Erection of wooden structure building and untidy site consisting of the storage of pipes, pipe fittings, buckets, plastic containers, burnt materials, old car parts, old toilet seat, steel frames, bags of waste and discarded household materials.</td>
<td>55 Church Street Matlock Derbyshire DE4 3BY</td>
<td>Complied Voluntarily</td>
<td>26/08/2016</td>
</tr>
<tr>
<td>ENF/16/00018</td>
<td>Unauthorised extensions to existing stables and field shelter.</td>
<td>Land To The West Of Three Lanes End Whitelea Lane Tansley Derbyshire</td>
<td>Planning Application Received</td>
<td>22/11/2016</td>
</tr>
<tr>
<td>ENF/17/00014</td>
<td>Breach of condition relating to builders parking outside the site on planning permission 15/00200/FUL</td>
<td>1 Hawleys Close Matlock Derbyshire DE4 5LY</td>
<td>Complied Voluntarily</td>
<td>08/02/2017</td>
</tr>
</tbody>
</table>

**Norbury**

<table>
<thead>
<tr>
<th>Case Reference</th>
<th>Issue Description</th>
<th>Location</th>
<th>Status</th>
<th>Date</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>
<td>Land To The South Of West View Shields Lane Roston Derbyshire</td>
<td>Complaint Unfounded</td>
<td>20/09/2016</td>
</tr>
</tbody>
</table>

**Stanton**

<table>
<thead>
<tr>
<th>Case Reference</th>
<th>Issue Description</th>
<th>Location</th>
<th>Status</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>ENF/16/00067</td>
<td>Unauthorised erection of a timber fence adjacent to a highway.</td>
<td>2 River View Dale Road North Darley Dale Derbyshire DE4 2HX</td>
<td>Not in the Public interest to pursue</td>
<td>11/01/2017</td>
</tr>
<tr>
<td>ENF/16/00086</td>
<td>Unauthorised erection of an oversized fence adjacent to a highway.</td>
<td>1 River View Dale Road North Darley Dale Derbyshire DE4 2HX</td>
<td>Not in the Public interest to pursue</td>
<td>11/01/2017</td>
</tr>
</tbody>
</table>

**Wirksworth**

<table>
<thead>
<tr>
<th>Case Reference</th>
<th>Issue Description</th>
<th>Location</th>
<th>Status</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>ENF/16/00059</td>
<td>Unauthorised alterations to a Listed Building.</td>
<td>The Old Manse Coldwell Street Wirksworth Derbyshire DE4 4FB</td>
<td>Not in the Public interest to pursue</td>
<td>04/01/2017</td>
</tr>
<tr>
<td>ENF/16/00088</td>
<td>Alleged unauthorised extension to an existing building.</td>
<td>Ecclesbourne Valley Railway Wirksworth Station Station Road Wirksworth Derbyshire DE4 4FB</td>
<td>Complaint Unfounded</td>
<td>31/10/2016</td>
</tr>
<tr>
<td>ENF/16/00104</td>
<td>Alleged unauthorised smoking shelter</td>
<td>Red Lion Hotel Market Place Wirksworth Derbyshire DE4 4ET</td>
<td>Complaint Unfounded</td>
<td>14/12/2016</td>
</tr>
</tbody>
</table>

**Total Closed Cases** 44
### 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>
</tr>
</thead>
<tbody>
<tr>
<td>15/00842/FUL</td>
<td>The Old Cottage, Main Street, Kirk Ireton</td>
<td>WR</td>
<td>Appeal being processed</td>
</tr>
<tr>
<td>16/00095/OUT</td>
<td>Babbs Lane, Doveridge</td>
<td>PI</td>
<td>Appeal being processed</td>
</tr>
<tr>
<td>16/00307/FUL</td>
<td>The Old Cottage, Main Street, Kirk Ireton</td>
<td>WR</td>
<td>Appeal being processed</td>
</tr>
<tr>
<td>16/00066/FUL</td>
<td>Ley Hill House, Brocksford, Doveridge</td>
<td>WR</td>
<td>Appeal being processed</td>
</tr>
<tr>
<td>16/00262/FUL</td>
<td>The Barn opposite Haven House Farm, Waldley</td>
<td>WR</td>
<td>Appeal being processed</td>
</tr>
<tr>
<td>16/00097/FUL</td>
<td>Mayfield Road, Ashbourne</td>
<td>WR</td>
<td>Appeal being processed</td>
</tr>
<tr>
<td>16/00411/FUL</td>
<td>37 Windmill Lane, Ashbourne</td>
<td>WR</td>
<td>Appeal being processed</td>
</tr>
<tr>
<td>16/00429/S106M</td>
<td>37 Windmill Lane, Ashbourne</td>
<td>WR</td>
<td>Appeal being processed</td>
</tr>
<tr>
<td>16/00476/FUL</td>
<td>Land east of Glebe Farm, Lower Street, Doveridge</td>
<td>WR</td>
<td>Appeal being processed</td>
</tr>
<tr>
<td>16/00220/FUL</td>
<td>The Ostrich, Longford</td>
<td>HEAR</td>
<td>Appeal being processed</td>
</tr>
<tr>
<td>Reference</td>
<td>Location</td>
<td>Type</td>
<td>Status</td>
</tr>
<tr>
<td>---------------</td>
<td>-----------------------------------------------</td>
<td>------</td>
<td>-----------------------------</td>
</tr>
<tr>
<td>T/16/00066/TPO</td>
<td>Garnsgate, 42 Summer Lane, Wirksworth</td>
<td>WR</td>
<td>Appeal being processed</td>
</tr>
<tr>
<td>T/16/00086/TPO</td>
<td>The Sycamores, 2 Wishingstone Way, Matlock</td>
<td>WR</td>
<td>Appeal being processed</td>
</tr>
<tr>
<td>ENF/16/00041</td>
<td>2, 4 and 6 North Parade, Matlock Bath</td>
<td>WR</td>
<td>Appeal being processed</td>
</tr>
<tr>
<td>16/00041/OUT</td>
<td>Land off Old Road, Darley Dale</td>
<td>HEAR</td>
<td>Appeal being processed</td>
</tr>
<tr>
<td>16/00151/FUL</td>
<td>Barn &amp; Land, Brick Kiln Lane, Wash Green, Wirksworth</td>
<td>WR</td>
<td>Appeal being processed</td>
</tr>
<tr>
<td>16/00385/FUL</td>
<td>Land opposite 30 Bedehouse Lane, Cromford</td>
<td>WR</td>
<td>Appeal being processed</td>
</tr>
<tr>
<td>16/00564/FUL</td>
<td>Land off Alders Lane, Tansley</td>
<td>WR</td>
<td>Appeal being processed</td>
</tr>
</tbody>
</table>

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

**OFFICER RECOMMENDATION:**

That the report be noted.
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.