14 May 2018

To: All Councillors

As a Member or Substitute of the Planning Committee, please treat this as your summons to attend a meeting on Tuesday 22 May 2018 at 6.00pm at The Venue, Wyaston Road, Ashbourne DE6 1NB.

Yours sincerely

Sandra Lamb
Head of Corporate Services

AGENDA

SITE VISITS: The Committee is advised a coach will leave The Venue, Ashbourne at 3.20pm 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 – 17 April 2018

3. INTERESTS

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

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

PUBLIC PARTICIPATION

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

4.1 APPLICATION NO. 17/01248/REM (Site Visit)
Approval of reserved matters for the erection of 35 dwellings and associated works at Land North-East of Lathkill Drive, Ashbourne. 7 – 24

4.2 APPLICATION NO. 18/00182/FUL (Site Visit)
Proposed siting of a holiday cabin and formation of an access track at Upper Boothay Farm, Long Lane, Alkmonton. 25 – 31

4.3 APPLICATION NO. 18/00332/FUL (Site Visit)
Formation of vehicular access and parking area at Southleigh, 6 Rodsley Lane, Yeaveley. 32 – 37

4.4 APPLICATION NO. 17/00778/FUL
Two storey side extension at 31 Chapel Lane, Middleton. 38 – 42

4.5 APPLICATION NO. 18/00215/REM
 Modifications to approval of Reserved Matters application 18/00215/REM to substitute house types on 20 no. plots at Leys Farm, Wyaston Road, Ashbourne. 43 – 51

4.6 APPLICATION NO. 18/00223/FUL
Substitution of house types on plots 19-20, 74-93, 110-113, 117-120, 154-156 and 158 permitted under 16/00450/REM and 17/00337/FUL at Land South of Old Derby Road, Ashbourne. 52 – 61

4.7 APPLICATION NO. 18/00267/FUL
Demolition of existing sports pavilion and erection of new sports pavilion at Memorial Pavilion, Ashbourne Recreation Ground and Playing Fields, Cokayne Avenue, Ashbourne. 62 – 69
4.8 APPLICATION NO. 18/00331/VCOND

Variation of Condition 32 of planning permission 17/00003/FUL to allow for the removal of trees as part of recommended contamination remediation works at Land North-West of Megdale, Matlock.

5. INFORMATION ON ACTIVE AND CLOSED ENFORCEMENT INVESTIGATIONS

6. APPEALS PROGRESS REPORT

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

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

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

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

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

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

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

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

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

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

<table>
<thead>
<tr>
<th>Role</th>
<th>Time Limit</th>
</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 **3.20pm prompt** for the following site visits:

<table>
<thead>
<tr>
<th>Time</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>3.30pm</td>
<td><strong>APPLICATION NO. 17/01248/REM</strong> LAND NORTH-EAST OF LATHKILL DRIVE, ASHBOURNE. At the request of Officers to allow Member to appreciate the proposal in the context of its surroundings.</td>
</tr>
<tr>
<td>4.00pm</td>
<td><strong>APPLICATION NO. 18/00182/FUL</strong> UPPER BOOTHAY FARM, LONG LANE, ALKMONTON. At the request of Officers to allow Member to appreciate the proposal in the context of its surroundings.</td>
</tr>
<tr>
<td>4.35pm</td>
<td><strong>APPLICATION NO. 18/00332/FUL</strong> SOUTHLEIGH, 6 RODSLEY LANE, YEAVELEY. At the request of Officers to allow Members to view the impact on the surrounding area.</td>
</tr>
<tr>
<td>5.00pm</td>
<td>RETURN TO THE VENUE, ASHBOURNE</td>
</tr>
</tbody>
</table>
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>17/01248/REM</th>
</tr>
</thead>
<tbody>
<tr>
<td>SITE ADDRESS:</td>
<td>Land north east of Lathkill Drive, Ashbourne</td>
</tr>
<tr>
<td>DESCRIPTION OF DEVELOPMENT</td>
<td>Approval of reserved matters for the erection of 35 dwellings and associated works</td>
</tr>
<tr>
<td>CASE OFFICER</td>
<td>Mr. Andrew Stock</td>
</tr>
<tr>
<td>APPLICANT</td>
<td>Mr Dan Stack</td>
</tr>
<tr>
<td>PARISH/TOWN</td>
<td>Ashbourne</td>
</tr>
<tr>
<td>AGENT</td>
<td>n/a</td>
</tr>
<tr>
<td>WARD MEMBER(S)</td>
<td>Cllr. T Donnelly, Cllr. J Murphy</td>
</tr>
<tr>
<td>DETERMINATION TARGET</td>
<td>11th April 2018</td>
</tr>
<tr>
<td>REASON FOR DETERMINATION BY COMMITTEE</td>
<td>Major application</td>
</tr>
<tr>
<td>REASON FOR SITE VISIT (IF APPLICABLE)</td>
<td>To appreciate the proposal in the context of its surroundings</td>
</tr>
</tbody>
</table>

**MATERIAL PLANNING ISSUES**

- General layout and design
- Landscape and visual impact
- Ecology
- Housing mix and level of affordable housing
- Highway safety
- Impact on residential amenity

**RECOMMENDATION**

Approval
17/01248/REM

Land North East Of Lathkill Drive, Ashbourne

Derbyshire Dales DC

Date: 10/05/2018

100019785
1. **THE SITE AND SURROUNDINGS**

1.1 The site is located to the south east of Ashbourne and accessed via an existing housing estate and in close proximity to the Ashbourne Airfield Industrial Estate. The land previously formed part of the Ashbourne Airfield and is close to an extended local ridgeline elevated above and overlooking the valley of the Henmore Brook to the north west.

1.2 The land is characterised by rough grassland and groups of self-set trees and developing scrub. The site is of ecological importance being the habitat of the Dingy Skipper Butterfly which is a UK priority butterfly species. On the north eastern boundary scrub is becoming established extending from a substantial belt of woodland which occupies sloping ground beyond. To the south east is a high fence separating the site from the industrial estate. To the north west a thick blackthorn hedge extends a short way from the neighbouring housing site and screens existing development from the wider landscape views. Generally the land is open with a wide ranging panoramic view over the valley. The landscape character type is settled plateau farmlands type although the land has been modified by previous development in the locality. The site is well contained on three sides by existing development and vegetation.

![Image 1](image1.jpg) ![Image 2](image2.jpg) ![Image 3](image3.jpg) ![Image 4](image4.jpg)

2. **DETAILS OF THE APPLICATION**

2.1 The application seeks approval of all matters which were reserved in respect of outline application 15/00060/OUT including appearance, landscaping, layout and scale. A total of 35 dwellings are proposed with associated works, as illustrated on submitted revised plans date stamped 10th May 2018. It is proposed that the development would be accessed from both Lathkill Drive and Cavendish Drive.

2.2 A mix of 6 house types, including 2 bungalow variations have been submitted including Errwood, Fernlee, Hawksmoor, Wessenden, Broadstone, Meadowgate and Errwood corner plot. Red brick is proposed throughout with the use of a dark interlocking tile finish for the roof planes.
2.3 The applicants supporting information describes the development as two primary residential areas with a pedestrian link, namely;

**The Cul-De-Sac** - The site is approached from two locations, firstly via Lathkill Drive. Moving North along Lathkill Drive, the existing highway termination now extends through a minor curve, flanked by new dwellings to both sides, to a new extended turning head which terminates with the sets of Semi-detached dwellings; Plots 10 to 15. Plots 12 & 13 act as a node point to end the new highway and indicate that vehicular visitors need to turn (within the appropriately sized turning head) and exit back into the original development.

**The Driveway** - The second site access is achieved from Cavendish Drive and leads towards the Northwestern edge of the proposed site and into an area of single-storey development that is orientated to provide views across the countryside to the North. A private driveway extends off the main highway to the North East and provides access to two 2-storey dwellings that immediately visually abut the Lathkill Drive turning head, albeit maintained remote in terms of fencing and secure lines.

**The Link** - To The South of the proposed site are a series of larger 2-storey dwellings that have their public faces orientated to the South. Sat across the opposite side of the new highway to the site red line boundary, this planning ensures that they achieve significant separation to the existing dwellings to the South, and are orientated at 90 degrees to them, to ensure adequate amenity separation.

2.4 The housing comprises of the following mix: -

<table>
<thead>
<tr>
<th>House Type</th>
<th>Number</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Two bed houses</td>
<td>10</td>
<td>40%</td>
</tr>
<tr>
<td>Two bed bungalows</td>
<td>4</td>
<td></td>
</tr>
<tr>
<td>Three bed houses</td>
<td>11</td>
<td>37.1%</td>
</tr>
<tr>
<td>Three bed bungalows</td>
<td>2</td>
<td></td>
</tr>
<tr>
<td>Four bed houses</td>
<td>8</td>
<td>22.8%</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>35</strong></td>
<td></td>
</tr>
</tbody>
</table>

3. **PLANNING POLICY AND LEGISLATIVE FRAMEWORK**

3.1 Adopted Derbyshire Dales Local Plan (2017):
- S1 Sustainable Development Principles
- S2 Settlement Hierarchy
- S3 Development With Defined Settlement Boundaries
- S5 Strategic Housing Development
- PD1 Design and Place Making
- PD3 Biodiversity and the Natural Environment
- PD5 Landscape Character
- PD8 Flood Risk Management and Water Quality
- PD9 Pollution Control and Unstable Land
- HC1 Location of Housing Development
- HC2 Housing Land Allocations
- HC4 Affordable Housing
- HC11 Housing Mix and Types
- HC14 Open Space, Sport and Recreation Facilities
- HC19 Accessibility and Transport
- HC21 Car Parking Standards
4. RELEVANT PLANNING HISTORY

15/00060/OUT Residential development of up to 35 dwellings with associated access and open space GRANTED

WED/1081/730 Residential Development, Extension of Industrial Estate and new commercial area including Shops and a Public House (outline) REFUSED

5. CONSULTATION RESPONSES

5.1 Town Council
Members feel this will have a negative impact on ancient Woodland, which will also affect the bat population, wildlife, flora and fauna. Members feel this is a very compact area for the number of proposed houses.

5.2 Derbyshire County Council (Highways)

Initial response:
The extent of internal road the applicant is proposing for adoption isn’t entirely in accordance with current design guidance.

In accordance with the 6 C’s Design Guide, in order for the road layout to be adopted, the internal corridor width should be at least 7.5m Whilst the access route from Cavendish Drive achieves this minimum width, it is reduced to 7m where it passes down the side of plot No 27. This section of road should be amended and laid out as a turning head, with the remainder of the road serving Plots 28, 29, 33, 34 and 35 being private. The recommended turning head should be in accordance with current guidance.

The access road leading into the site from Lathkill Drive should be amended so the section of road serving Plots 21 and 22 is a private section of road, leaving only the straight section and turning head being adopted.

Whilst the submitted drawings have included swept path analysis for a refuse vehicle, the size of the refuse vehicle is the DB32 refuse vehicle and not the full sized refuse vehicle available. It would therefore be prudent to carry out a further swept path analysis on the proposed internal roads to illustrate a larger refuse vehicle being able to manoeuvre within the site.

Please inform the applicant of the Highway Authority’s comments so the minor amendments can be made. The revised swept path drawing for the manoeuvring of the large refuse vehicle should also be forwarded to the refuse collection team for their comments.

Second response:
No objection, subject to conditions.

5.3 Landscape Officer

Initial response:
I refer to proposed landscaping drawings numbered A3583/01/A, 02/A and 03/A as well as a “Landscape Maintenance and Management Plan” all submitted by ENCON Associates as part of the application. There are aspects of the drawings with which I am concerned:
1. It is important that this planting is not in private ownership to ensure that it becomes successfully established and is retained in the long term. Unfortunately the layout is not sufficiently offset from the site boundary at plot 35 to accommodate a planting belt sufficient for the purpose.

2. Proposed boundary hedgerows are welcome. Chosen species are generally satisfactory though Viburnum lantana and Euonymus europaeus are not characteristic of the landscape type and should be replaced with Viburnum opulus and Ilex aquifolium. Please avoid placing trees at regular spacings. Using the same numbers specified, the trees should be grouped in twos and threes and moved away from close proximity to neighbouring properties on the western boundary. The native hedgerow with trees should be extended along the boundary (verge) with the Dingy Skipper habitat opposite plots 26 – 29, Pyrus calleryana Chanticleer should not be included in this section.

3. Use of the same evergreen ground cover/ small shrub mix throughout the development is dull in the extreme. I would also question the extension of the mix (any mix) right up to the front windows of many of the properties. This is a domestic landscape where variety in street/ front garden planting helps to distinguish individual properties and creates attractive street scenes. Other solutions must be found.

4. The same, general point, applies to the use of Pyrus calleryana Chanticleer (nice though it is) throughout.

5. Planting should be extended into the area between plot 21 and the site boundary in the south west to reduce the impact of the panel fence here.

6. Trees, of appropriate species, should be included in back gardens where space allows particularly where they can have an effect on the street scene (plots 20 and 30) and at plots 28,29,17,16,19,22,23,21,25,26. Also include at plot 28 north west of the parking.

7. There is a vast area of driveway between plots 33 – 35 and the area of habitat of principle importance. This should be re-configured to create space for additional planting along the site boundary which would create a better interface with the landscape beyond and “break up” the area of hard space.

The Landscape Maintenance and Management Plan is satisfactory.

5.4 Derbyshire Conservation Officer, Butterfly Conservation East Midlands

We note the intention to safeguard land for nature conservation to the North of the intended housing development and recognise the effort that has been made in this regard.

In particular, we note the small section of this retained land specially allocated for the expressed purposes of conserving the Dingy Skipper butterfly, a species of conservation concern and for which this site is particularly important given the paucity of colonies of this species in the local area, and the lack of dedicated management that typically prevails at such occupied sites.

We would make the following comments and request that these be given full consideration:

We note the intention to protect the nature conservation area from damage and utilisation in the construction phase of the development and applaud this. However, experience has shown that such protection can be difficult to enforce in practice and damage is easily sustained by vehicles, equipment or storage on land adjacent to the development site that appears to be available and of a ‘wasteland’ character. The position of the Dingy
Skipper Area, being contiguous with the development site, makes it particularly vulnerable. We suggest that special measures will need to be taken to ensure the area is not damaged, especially during the preliminary ground works phase of the development.

We note the intention for a ‘Management Company’ to appoint a Contractor to manage the nature conservation area in perpetuity. It is important that this is done with care and that such a Company and Contractor have the requisite knowledge, expertise and commitment to carry out the appropriate management over the longer term, particularly if appointments and key personnel change as is often the case. A detailed Management Plan will need to be produced based upon the prescriptions contained within the ‘Landscape and Ecological Management Plan’, and for this management to commence as soon as possible in order to sustain the habitat conditions for the butterfly populations. The Management Plan should be reviewed and its effectiveness assessed on an ongoing basis. It is suggested that the maintenance of the Dingy Skipper Area, whilst not being too onerous, will probably require more detailed management than that which has been suggested in order to ensure the optimum habitat for this species.

We are concerned that there may be shading of the Dingy Skipper Area by the intended development dwellings, particularly in early May when the butterfly emerges and requires direct sunlight. It might be possible for the effective Dingy Skipper Area to be slightly extended Northwards subject to consultation with the Derbyshire Wildlife Trust given the botanical importance of the grassland.

The intention to protect the nature conservation area from casual use and possible damage by local people is laudable, but equally there may be an excellent opportunity to involve these same people in the appreciation and management of the area by suitable arrangement – this may provide for additional security and protection of the site given the subsequent investment of the community and a sense of ownership.

Butterfly Conservation remains available to advise on all matters relating to the conservation of butterflies at this important site, with particular regard to the Dingy Skipper and also for the Small Heath and the Common Blue. We would welcome the opportunity to contribute our expertise in partnership with the Derbyshire Wildlife Trust and the Management Company to ensure the key butterfly species prosper at the site. An opportunity to work together is apparent.

5.5 Environmental Health Officer
No objection.

5.6 Natural England
No objection.

5.7 Derbyshire Wildlife Trust
No objection following revisions, subject to conditions.

5.8 Derbyshire County Council (Archaeologist)
No objection.

5.9 Derbyshire County Council (Flood Risk Management Team)
No objection.

5.10 Environment Agency
No objection.

5.11 Designing Out Crime Officer
I would recommend the following minor amendments. The shared rear garden access between plots 2 and 3 looks too narrow to be practical. To be widened. The garden gate for plot 8 to be moved level with the side boundary of plot 9 to be more visible. Garden boundaries which are exposed to open space and not in view to be raised in height 2m, using trellis if an outlook is desired. This would include the plots backing on to the adjacent industrial estate (to include some acoustic properties?) The plots affected are 1-9, 10-15, 32, 33, 34 and 35. Otherwise I see the application as acceptable as proposed.

6. REPRESENTATIONS RECEIVED

6.1 A single letter of representation has been received from the occupants of 49 Cavendish Drive, Ashbourne who objects to the planning application on the grounds of lack of housing demand survey carried out, increase pressure on local facilities and environmental health issues.

7. OFFICER APPRAISAL

7.1 This application follows the grant of outline planning permission (application ref: 15/00060/OUT) for residential development of up to 35 dwellings on Land of Lathkill Drive at Planning Committee in May 2016. A decision notice was issued on the 31st October 2016 following the completion of a S106 legal agreement, dated 21st October 2016 which secured a contribution towards affordable housing. It was agreed that an off-site affordable housing contribution equivalent to 45% of the total housing provision should be made.

7.2 As the principle of new residential development of up to 35 dwellings has already been established the arguments put forward relating to the appropriateness of the amount of development coming forward in the area and impacts on existing infrastructure are of limited relevance in respect of this application which seeks approval of the matters that were reserved in respect of application ref. 15/00060/OUT.

7.3 Having regard to the policies of the recently Adopted Derbyshire Dales Local Plan the main issues to assess are:

- General layout and design
- Landscape and visual impact
- Ecology
- Housing mix and level of affordable housing
- Highway safety
- Impact on residential amenity

General layout and design

7.4 Policy S3 of the Adopted Derbyshire Dales Local Plan advises that within defined settlement boundaries planning permission will be granted for development where it is of a scale, density, layout and design that is compatible with the character, appearance and amenity of the part of the settlement in which it would be located.

7.5 Policy PD1 of the Adopted Derbyshire Dales Local Plan relates to design and place making which requires development proposals to achieve a satisfactory relationship with adjacent development and does not cause unacceptable effects by reason of visual intrusion, overlooking, shadowing, overbearing effect, noise, light pollution or other adverse impacts on local character and amenity.
7.6 As detailed above, the applicant in their supporting information describes the development as having two primary residential areas with a pedestrian link connection. The residential areas include the “Cul-De-Sac” and “Driveway”. Within the “Cul-De-Sac” it is proposed to erect predominantly larger detached two storey dwellings along the south west corner and a mix of semi-detached and detached bungalows to the north west corner. The “Driveway” will comprise a series of smaller semi-detached units and terrace units either side of a central access, directly off Lathkill Drive. The two areas will be connected by a single track public right of way along the southern edge boundary.

7.7 Whilst the principle of the two residential zones is considered to be acceptable there were concerns with regards to the initial layout and the design of the dwellings. Officers have engaged with the applicant in seeking improvements.

7.8 Concerns relating to layout include the lack of sufficient landscape buffer to the north west of the application site, garden sizes for the bungalow plots, excessive areas of hardstanding, contrived formation of the bungalows cul-de-sac and orientation of dwellings when viewed from the entrance of Lathkill Drive. In terms of design, officers were of the opinion the amount of house types was excessive and with regards to specific design elements of concern are the linearity of the units with overly wide gable ends, timber boarding detail, gablet detail, offset chimney stacks and sporadic pockets of render throughout.

7.9 A full set of revised drawings have been submitted, date stamped 10th May 2018. The omission of house types Filburn and Filburn Corner House, revised layout of the north west corner bungalow units (including landscape buffer), removal of unnecessary decorative detail such as timber boarding and gablets render is supported. Officers consider the revised house designs and layout have significantly improved the scheme.

7.10 The proposed development is considered to follow the character of the immediate area which has changed significantly following the completion of planning approvals 05/00868/FUL for 79 residential dwellings and 08/00704/FUL for 65 residential dwellings. The area has an urban context, with a mix of new build residential units within the immediate area, specifically along Lathkill Drive and Cavendish Drive. The proposed development is considered to sit comfortably with its surroundings.

7.11 In conclusion, the layout, scale and appearance of the development would satisfy the relevant provisions of the development plan and national guidance.

**Landscape and visual impact**

7.12 Policy PD5 of the Adopted Derbyshire Dales Local Plan seeks to resist development, which would harm or be detrimental to the character of the local and wider landscape or the setting of a settlement as identified in the Landscape Impact Assessment.

7.13 It is most important that the development is well contained/screened along its northernmost edge. Here the site is, potentially, at its most conspicuous within wide ranging views from the north across the Henmore Valley and development in this area is likely to have an adverse impact on both landscape character and visual amenity in this regard.

7.14 Following discussions with the applicant a revised layout and landscape plan have been submitted for consideration, date stamped 10th May 2018. Amendments include further planting to the north west corner of the site and revised planting scheme along the eastern and south western boundaries and a complete revision of the north west corner housing layout including revised location of the residential units, access, garden sizes and parking arrangements. A much more substantial landscape buffer wrapping around...
plot 35 is considered to substantially mitigate any potential impact on the ridgeline which overlooks the valley of the Henmore Brook to the north west.

7.15 The site is well contained on three sides by existing development and vegetation. The development, subject to the appropriate landscape buffer being implemented in accordance with the Landscape Master Plan is considered not to affect the prevailing character of the wider landscape when viewed from the north. It is considered that the extent of landscaping retention and addition, as illustrated on submitted plan date stamped 10th May 2018 is adequate, subject to a number of specific conditions relating to the protection of the Dingy Skipper Butterfly habitat.

**Ecology**

7.16 Significant concerns were raised at outline stage with regards to an important habitat for the Dingy Skipper Butterfly, which is a UK BAP priority species. It was concluded that development of the whole site, as initially proposed, would have led to significant harm to this important habitat.

7.17 Following consultation with Derbyshire Wildlife Trust and East Midlands Butterfly Conservation and ongoing negotiations a revised plan has been submitted that restricts the developable area of the site to the western part of the site only leaving the area to the far north and the east free from development and thereby protecting the habitat. Further amendments include an uninterrupted green corridor around the north-western boundary to, increase of amenity of gardens for plots 10 to 15 and inclusion of a linear belt of scrub to be retained providing shelter to the dingy skipper habitat.

7.18 In their initial consultation responses Derbyshire Wildlife Trust and East Midlands Butterfly Conservation did consider the application has not fully considered the potential harm to the identified ecology constraints or provided sufficient information to fully address conditions 3 & 4 of outline application 15/00060/OUT.

7.19 However, following the submission of an amended Layout Plan, Landscape Master Plan and further clarification from the applicants ecologist Derbyshire Wildlife Trust conclude that there does not appear to be any significant ecological constraints to development, subject to appropriate conditions relating to access retained for management of the meadow area, no encroachment into the retained area during construction, planting of a native hedgerow along the south-western boundary and the removal of garden and domestic waste from the retained area should be included within the future maintenance for the site.

7.20 Subject to stringent conditions regarding the protection of the area throughout construction and a long term management plan the ecological concerns regarding the proposal have been addressed.

**Housing mix and the level of affordable housing to be provided**

7.21 Policy HC4 of the Adopted Derbyshire Dales Local Plan seeks to maximise the delivery of affordable housing across the plan area by working in partnership with the Homes and Community Agency, Registered Providers, Developers and Local Communities.

7.22 When the application was considered at planning committee on the 24th May 2016 the Head of Housing considered the affordable housing need in Ashbourne, at that time, would be met through the delivery of other housing sites that were due to and have subsequently come forward. It was accepted that an off-site affordable housing contribution equivalent to 45% of the total housing provision should be made. A S106
legal agreement, dated 21st October 2016 secured an off-site contribution towards affordable housing was agreed.

7.23 This continues to be the case following consultation with Head of Housing who conclude that they wish to continue with the agreed off-site financial contribution.

7.24 With regards to the housing mix, it is worth noting that the principle of development was established following the approval of planning permission on the 31st October 2016, prior to the adoption the current Local Plan (2017). Therefore Policy HC11 of the recently Adopted Derbyshire Dales Local Plan which advises all new residential developments (both market and affordable and whether general needs or specialised) will be required to contribute towards the creation of sustainable, balanced and inclusive communities by meeting identified local and District housing needs in terms of housing mix, size and tenure cannot be fully applied

7.25 Notwithstanding this, the housing mix proposed comprises 14 two bed units (4 of which are bungalows), 13 three bed units (2 of which are bungalows) and 8 four bed units are proposed. Whilst this is at variance with Policy HC11 having a larger percentage of 4 bed units, when the off-site provision of 45% affordable housing is factored in the proposed housing mix is considered to be acceptable.

Highway Safety

7.26 As part of the approved outline planning application for this site (application ref: 15/00060/OUT) the Highway Authority raised no objections to the principle of developing this site for residential use.

7.27 Access to the site has now been split into 2, as per the Local Highway Authority’s recommendation, with some development being accessed via Lathkill Drive and some off Cavendish Drive, as illustrated on submitted revised plan date stamped 10th May 2018.

7.28 Following consultation with the Local Highway Authority it was considered the extent of internal road the applicant is proposing for adoption isn’t entirely in accordance with current design guidance. It is suggested that the recommended turning head should be in accordance with current guidance. In addition, the access road leading into the site from Lathkill Drive should be amended so the section of road serving Plots 21 and 22 is a private section of road, leaving only the straight section and turning head being adopted

7.29 A revised drawing has now been submitted, drawing number 1069-PE-00-XX-DR-A-9000 REV P01.7 date stamped 10th May 2018. Following re-consultation with the Local Highway Authority the plan is in accordance with current design guidance. The proposed estate streets for adoption have been modified in accordance with previous advice. The corridor width of the proposed estate street off Cavendish Drive has been increased where it passes Plot 27 and the extent of road to be adopted has been reduced to a standard turning head. The proposed estate street off Lathkill Drive has been amended by removing the access road serving Plots 21 and 21 from the adopted layout.

7.30 The Local Highway Authority raise no objections to the application, subject to appropriate conditions.

Impact upon Residential Amenity

7.31 The residential layout has been carefully considered to reduce any potential amenity impact upon the occupants of existing neighbouring residential dwellings, specifically the dwellings located along the southern boundary of the site, Cavendish Drive and Lathkill Drive.
7.32 The proposed dwellings would be of a similar scale (2 storey) to the existing dwellings off Cavendish Drive and Lathkill Drive. It is acknowledged that the views from existing dwellings to the south, namely Cavendish Drive and Lathkill Drive would be significantly altered as a result of the proposal but with sufficient boundary treatments this would be mitigated. Their siting, scale and design would not, it is considered, to have any overbearing/overshadowing impact between the proposed and existing dwellings. With regards to the layout of the new dwellings, it is considered that the orientation and distances of the dwelling, as set out on the latest site layout plan would provide adequate privacy and outlook.

7.33 Inevitably the erection of 35 dwellings on Greenfield land will create some level of visual impact within the area. However, it is considered that careful consideration of the size, scale and design of the dwellings has been given not to result in a significant loss of privacy or amenity of the occupants of neighbouring dwellings.

7.34 The site falls within close proximity of Ashbourne Airfield Industrial Estate which includes numerous types of commercial buildings within its confines, ranging from large modern storage / production units to company offices. CPJ Environmental Services lies adjacent to the application site, along the eastern boundary. They occupy a large yard area with a fleet of commercial vehicles, workshop and office facilities enclosed by chain-link fencing.

7.35 The closest residential units, namely plots 1 to 11 lie approximately 8 metres from the Industrial Estate boundary. The site will be screened by a substantial landscape buffer along the eastern boundary with close boarded timber fencing for amenity gardens creating a further barrier from the industrial site.

7.36 Whilst the site lies within close proximity of Ashbourne Airfield Industrial Estate it is considered that the type of business closest to the residential units is such not have any environmental health impacts upon future occupations. There are no records of contaminated land within the vicinity of the site and as such there appears to be no potential contamination risks to future occupants of the building.

7.37 The District Councils Environmental Health Officer raised no objection to the application.

Conclusion

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

8. RECOMMENDATION
That the Approval of Reserved Matters application be granted subject to the following conditions:

1. The development shall be carried out in accordance with the additional information and plans and amended plans received on 10th May 2018 except insofar as may otherwise be required by other conditions to which this permission is subject.

Reason:

To define the permission for the avoidance of doubt and to ensure the satisfactory appearance of the development to comply with Policies S3, S5, HC1 and HC2 of the Adopted Derbyshire Dales Local Plan (2017).
2. Samples of all materials to be used for the facing materials of the dwellings and garages and the hard surfacing of the site shall be submitted to and approved in writing by the Local Planning Authority before the commencement of development. The development shall be constructed in accordance with the approved details.

Reason:

To ensure the use of appropriate materials and a satisfactory external appearance of the development in accordance with the aims of Policies S3, PD1 and PD5 of the Adopted Derbyshire Dales Local Plan (2017).

3. Before the development commences, details of the type and positioning of street lighting, to include the spread of luminance, shall be submitted to and approved in writing by the Local Planning Authority and shall thereafter be provided in accordance with the approved details and maintained as such.

Reason:

To ensure the satisfactory appearance of the development and to safeguard the amenity of local residents in accordance with the aims of Policies S3, PD1 and PD5 of the Adopted Derbyshire Dales Local Plan (2017).

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

Reason:

To preserve the appearance of the dwelling and to protect the amenity of neighbouring properties in accordance with Policies S3, PD1 and PD5 of the Adopted Derbyshire Dales Local Plan (2017).

5. All soft and hard landscaping comprised in the approved details of landscaping (Plan A3583-01-B date stamped 10th May 2018 & Landscape Maintenance & Management Plan (Econ Associates, date stamped 10th January 2018) shall be carried out in the first planting and seeding season following the first occupation of the building(s) or the completion of the development whichever is the sooner; All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the Local Planning Authority. All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority.

Reason:

In the interests of preserving the character and appearance of the area in accordance with Policies S3, PD1 and PD5 of the Adopted Derbyshire Dales Local Plan (2017).
6. Prior to installation, details of verges, eaves, chimneys (including specification of which properties will have chimneys as well as the detail of the chimney and its relationship with the gable end of the property) and meter box shall be submitted to and approved in writing by the Local Planning Authority before the commencement of development. The development shall be constructed in accordance with the approved details.

Reason:

To preserve the appearance of the dwelling and to protect the amenity of neighbouring properties in accordance with Policies S3, PD1 and PD5 of the Adopted Derbyshire Dales Local Plan (2017).

7. The Landscape & Ecological Management Plan (RannSanderson, date stamped 10th January 2018) and Landscape Maintenance & Management Plan (Econ Associates, date stamped 10th January 2018) shall be carried out in accordance with the approved details.

Reason:

To ensure the proper management of the landscaped areas in the interests of amenity and that nature conservation interest of the site is protected. So as to comply with Policies S3, PD1, PD3 and PD5 of Atoped Derbyshire Dales Local Plan (2017).

8. Notwithstanding the approved soft landscaping scheme details of all boundary treatments to the site shall be submitted to and approved in writing by the Local Planning Authority before the commencement of development. The development shall be constructed in accordance with the approved details.

Reason:

To ensure the satisfactory appearance of the development in accordance with the aims of Policies S1, S3, PD1 and PD5 of the Adopted Derbyshire Dales Local Plan (2017).

9. Notwithstanding the submitted drawings, prior to installation details of brick heads and cills to all properties shall be submitted to and approved in writing by the Local Planning Authority. The heads and cills shall then be installed in accordance with the approved details and so retained.

Reason:

To ensure the satisfactory appearance of the development to comply with Policies S3 and PD1 of the Adopted Derbyshire Dales Local Plan (2017).

10. Notwithstanding the submitted details properties shall be constructed without feature string courses in contrasting brick. Amended plans which take the above into consideration shall be submitted to and approved in writing by the Local Planning Authority before the commencement of development. The development shall be constructed in accordance with the approved details.

Reason:

To ensure a satisfactory external appearance of the development in accordance with Policies S3 and PD1 of the Adopted Derbyshire Dales Local Plan (2017).

11. No development shall take place including any works of demolition until a construction management plan or construction method statement has been submitted to and been approved in writing by the Local Planning Authority. The approved plan/statement shall be adhered to throughout the construction period. The statement shall provide for:
- Parking of vehicles of site operatives and visitors
- routes for construction traffic
- hours of operation
- method of prevention of debris being carried onto highway
- proposed temporary traffic restrictions
- arrangements for turning vehicles

Reason:

In the interest of highway safety in accordance with Policies S3 and HC19 of the Adopted Derbyshire Dales Local Plan (2017).

12. Before any other operations are commenced Cavendish Drive or Lathkill Drive shall be extended into the site for a distance of 20m in order to provide a temporary access for construction purposes. The access shall be laid out at least 5.5m wide, constructed in a solid bound material and maintained to the satisfaction of the Local Planning Authority until the permanent access and estate streets are constructed.

Reason:

In the interest of highway safety in accordance with Policies S3 and HC19 of the Adopted Derbyshire Dales Local Plan (2017).

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

Reason:

In the interest of highway safety in accordance with Policies S3 and HC19 of the Adopted Derbyshire Dales Local Plan (2017).

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

Reason:

In the interest of highway safety in accordance with Policies S3 and HC19 of the Adopted Derbyshire Dales Local Plan (2017).

15. The premises, the subject of the application, shall not be occupied until the proposed new estate streets between each respective plot and the existing public highway have been laid out in accordance with the approved application drawings. The carriageways and footways shall be constructed up to and including base course to ensure that each dwelling prior to occupation has a properly consolidated and surfaced carriageway and footway, between the dwelling and Church Street. Until final surfacing is completed, the footway base course shall be provided in a manner to avoid any upstands to gullies, covers, kerbs or other such obstructions within or abutting the footway. The carriageways, footways and footpaths in front of each dwelling shall be completed with final surface course within twelve months (or three months in the case of a shared surface road) from the occupation of such dwelling, unless otherwise agreed in writing by the Local Planning Authority.
Reason:

In the interest of highway safety in accordance with Policies S3 and HC19 of the Adopted Derbyshire Dales Local Plan (2017).

16. Internal estate street junctions shall be provided with 2.4m x 25m visibility sightlines in each direction, measured up to 1m into the carriageway at the extremity of the sightline. The area in advance of the sightlines being levelled, constructed as footway and not being included in any plot or sub-division of the site.

Reason:

In the interest of highway safety in accordance with Policies S3 and HC19 of the Adopted Derbyshire Dales Local Plan (2017).

17. The premises, the subject of the application, shall not be occupied until space has been provided within the site in accordance with drawing No 1069-PE-00-XX-DR-A-9000 REV P01.7 for the parking and manoeuvring of residents, visitors, service and delivery vehicles. These facilities shall thereafter be retained for use at all times.

Reason:

In the interest of highway safety in accordance with Policies S3 and HC19 of the Adopted Derbyshire Dales Local Plan (2017).

18. The premises, the subject of the application, shall not be occupied until its vehicular access has been created to the new estate street, laid out, constructed and provided with 2.4m x 25m visibility sightlines in each direction measured up to 1m into the carriageway at the extremity of the splay, the area in advance of the sightlines being maintained throughout the life of the development clear of any obstructions over 1m in height (0.6m in the case of vegetation) relative to the adjoining nearside carriageway channel level.

Reason:

In the interest of highway safety in accordance with Policies S3 and HC19 of the Adopted Derbyshire Dales Local Plan (2017).

19. The proposed access driveways / parking spaces to the new estate street, shall be no steeper than 1 in 14 for the first 5m from the nearside highway boundary and 1 in 10 thereafter.

Reason:

In the interest of highway safety in accordance with Policies S3 and HC19 of the Adopted Derbyshire Dales Local Plan (2017).

20. The garages and parking spaces hereby permitted shall be kept available for the parking of motor vehicles at all times. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and/or re-enacting that Order) the garage/car parking spaces shall be retained as such and shall not be used for any purpose other than the garaging or parking of private motor vehicles associated with the residential occupation of the property without the grant of further specific planning permission from the Local Planning Authority.
In the interest of highway safety in accordance with Policies S3 and HC19 of the Adopted Derbyshire Dales Local Plan (2017).

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

In the interest of highway safety in accordance with Policies S3 and HC19 of the Adopted Derbyshire Dales Local Plan (2017).

NOTES TO APPLICANT:

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

2. The Town and Country Planning (Fees for Applications, Deemed Applications and Site Visits) (England) Regulations 2012 as amended stipulate that a fee will henceforth be payable where a written request is received in accordance with Article 27 of the Development Management Procedure Order 2015 for the discharge of conditions attached to any planning permission. Where written confirmation is required that one or more conditions imposed on the same permission have been complied with, the fee chargeable by the Authority is £34 per householder request and £116 per request in any other case. The fee must be paid when the request is made and cannot be required retrospectively.

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

4. 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 (tel: 01629 533190). The applicant is advised to allow approximately 12 weeks in any programme of works to obtain a Section 38 Agreement.

5. Highway surface water shall be disposed of via a positive, gravity fed system (ie; not pumped) discharging to an approved point of outfall (eg; existing public sewer, highway drain or watercourse) to be sanctioned by the Water Authority (or their agent), Highway Authority or Environment Agency respectively. The use of soak-aways for highway purposes is generally not sanctioned.

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

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

8. Construction works are likely to require Traffic Management and advice regarding procedures should be sought from Dave Bailey, Traffic Management - telephone 01629 538686.

9. Pursuant to Section 50 (Schedule 3) of the New Roads and Streetworks 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 Environment Department at County Hall, Matlock (tel: 01629 533190 and ask for the New Roads and Streetworks Section).

10. This decision notice relates to the following documents:
   Combined Phase I & Phase II Exploratory Investigation prepared by GeoDyne
   Landscape and Ecological Management Plan prepared by RammSanderson
   Landscape Maintenance & Management Plan prepared by Encon Associates
   Plan - Site Constraints - dated 10th May 2018
   Plan - Proposed Landscaping Master Plan - dated 10th May 2018
   Plan - House Type 2a Hawkesmoor - 2 Bed Terraced - dated 10th May 2018
   Plan - House Types 3B Errwood 3 Bed Corner House - dated 10th May 2018
   Plan - House Type 4B Broadstone - dated 10th May 2018
   Plan - House Type 2BB Wesseden - dated 10th May 2018
   Plan - House Type 2BBa Meadowgate 3 Bed Bungalow - dated 10th May 2018
   Plan - House Types 3B Errwood-Corner Clock Variation - dated 10th May 2018
   Plan - House Types 4A Fernlee 3 Bed Corner House - dated 10th May 2018
   Plan - Plot Garages Double & Single - date stamped 10th January 2018
   Plan - Double Garage - date stamped 10th January 2018
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<thead>
<tr>
<th><strong>APPLICATION NUMBER</strong></th>
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<tr>
<td><strong>SITE ADDRESS:</strong></td>
<td>Upper Boothay Farm, Long Lane, Alkmanton</td>
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<tr>
<td><strong>DESCRIPTION OF DEVELOPMENT</strong></td>
<td>Proposed siting of a holiday cabin and formation of an access track</td>
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<tr>
<td><strong>CASE OFFICER</strong></td>
<td>Mr. Andrew Stock</td>
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<tr>
<td><strong>PARISH/TOWN</strong></td>
<td>Hungry Bentley</td>
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<tr>
<td><strong>APPLICANT</strong></td>
<td>Mr &amp; Mrs Ede</td>
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<tr>
<td><strong>AGENT</strong></td>
<td>JMI Planning</td>
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<tr>
<td><strong>WARD MEMBER(S)</strong></td>
<td>Cllr. A Morley</td>
</tr>
<tr>
<td><strong>DETERMINATION TARGET</strong></td>
<td>11th April 2018</td>
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<tr>
<td><strong>REASON FOR DETERMINATION BY COMMITTEE</strong></td>
<td>Requested by Ward Member and Parish Council</td>
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<tr>
<td><strong>REASON FOR SITE VISIT (IF APPLICABLE)</strong></td>
<td>To appreciate the proposal in the context of its surroundings</td>
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**MATERIAL PLANNING ISSUES**
- Principle of the development;
- Impact on character and appearance of this part of the countryside / local landscape

**RECOMMENDATION**
Refusal
18/00182/FUL

Upper Boothay Farm, Long Lane, Alkmonton

Derbyshire Dales DC

Date: 10/05/2018
100019785

Crown Copyright and database rights (2018) Ordnance Survey (100019785)
Derbyshire Dales District Council,
Town Hall, Bank Road, Matlock, Derbyshire DE4 3NN.
Telephone: (01629) 761100.
website: www.derbyshiredales.gov.uk
1. THE SITE AND SURROUNDINGS

1.1 The site forms part of Upper Boothay Farm, which is located along Long Lane at Alkmonton to the east of the villages staggered crossroads. An existing track, along which runs a public bridleway, leads in a northerly direction to a large livestock shed beyond which is an open yard area screened by hedgerow with sporadic trees.

1.2 The application site relates specifically to an open parcel of pasture land, approximately 100 metres north west of the main farmstead.

2. DETAILS OF THE APPLICATION

2.1 Planning permission is sought for the erection of a single holiday cabin and formation of an access track, as illustrated on submitted plans date stamped 14th February 2018. The holiday cabin would be of timber frame construction measuring approximately 8.6m (L) x 6.1m (W) x 3.2m (H).

2.2 It is stated within the accompanying planning statement that the holiday accommodation will form part of a new farm diversification scheme supplementing the established beef and pedigree sheep agricultural enterprise at Upper Boothay Farm. At present the farming operation comprises 325 beef cattle, 161 sheep and 12 horses on land totalling 52 hectares.

3. PLANNING POLICY AND LEGISLATIVE FRAMEWORK

3.1 Adopted Derbyshire Dales Local Plan (2017):
   S1 Sustainable Development Principles
   S4 Development in the Countryside
   PD1 Design and Place Making
   PD5 Landscape Character
   EC9 Holiday Chalets, Caravan and Campsite Developments
   EC10 Farm Enterprise and Diversification
   HC19 Accessibility and Transport
4. RELEVANT PLANNING HISTORY

17/01037/FUL Proposed siting of a holiday cabin and formation of an access track REFUSED

5. CONSULTATION RESPONSES

5.1 Parish Council
No objection.

5.2 Landscape Officer
It is unlikely that the development will have any significant adverse impact on local visual amenity however, there is likely to be adverse impact on local landscape character as a result of the development.

5.3 Derbyshire County Council (Highways)
The Highway Authority was consulted on a previous similar planning application at this site under application reference 17/01037/FUL - consultation response dated 27 November 2017 refers. The previous highway comments are still considered appropriate/applicable to the current planning application.

17/01037/FUL - No objection, subject to conditions.

5.4 Derbyshire Dale Group of Ramblers
As in the previous application 17/01037/FUL the Derbyshire Dales have no objection to this application namely 18/00182/FUL for a holiday cabin and access track near Upper Boothay Farm Long Lane Alkmonton Derbys DE6 3DL providing that Hungry Bentley Bridleway 9 which runs on the access track as far as Upper Boothay Farm is treated in such a way as not to affect walkers and horse riders.

5.5 Peak & Northern Footpath Society
The access to the holiday cabin would be partly over Bridleway 9 Hungry Bentley. The use of this route with vehicles will be an offence unless the sub-soil is owned by the applicants or they have a private right to drive along it. I have no objection to this application provided that the full width of the bridleway remains open and unobstructed at all times. Any improvements to the bridleway to make it more suitable for private cars to access the cabin must be approved by the county council as the highway authority.

5.6 Environmental Health Officer
No objection.

6. REPRESENTATIONS RECEIVED

6.1 None received.

7. OFFICER APPRAISAL

7.1 Having regard to the policies of the development plan the main issues to assess are:

- Principle of the development;

- Impact on character and appearance of this part of the countryside/local landscape
7.2 Upper Boothay Farm is located within the open countryside, east of Alkmonton. Policy S4 of the Adopted Derbyshire Dales Local Plan deals with development in the countryside and supports development in such locations if it represents the sustainable growth of tourism or other rural based enterprises where identified needs are not met by existing facilities. The policy also allows for proposals for agriculture and related development which helps sustain existing agricultural and other rural based enterprises, including complementary farm diversification proposals.

7.3 Policy S1 of the Adopted Derbyshire Dales Local Plan advises that development should make a positive contribution to achieving sustainable development. This includes meeting most needs within or adjacent to the defined settlement hierarchy, making efficient use of land, conserving and where possible enhancing the landscape, supporting the local economy and businesses, minimising the need to travel and reducing reliance on the private car.

7.4 Policy EC10 of the Adopted Derbyshire Dales Local Plan deals specifically with farm enterprise and diversification developments and states farm diversification schemes will be permitted where a proposal can demonstrate the viability of farming through helping to support, rather than replace or prejudice, farming activities on the rest of the farm. In addition, the following criteria must be complied with;

a) the proposed development will stimulate economic activity with a use compatible with its location, which maintains the relative sustainability of a rural area;

b) any new buildings are appropriate in scale, form, impact, character and siting to their rural location;

c) wherever possible new or replacement buildings should be located within or adjoining an existing group of buildings;

d) the proposed development will not generate traffic of a type or amount inappropriate for the rural roads affected by the proposal, or require improvements or alterations to these roads which could be detrimental to their character;

e) wherever possible the proposed development makes full and effective use of existing buildings in preference to the construction of new buildings.

7.5 The site is isolated within the open countryside detached from the nearest villages, namely Alkmonton which lies to the west and Longford to the south east. However, the nearest Town with any services/facilities is Ashbourne some 7 miles from the site. Two public rights of way (Bridleway 9 & Footpath 24) runs close to the application site, however given the isolated location of the site all visitors to the site are likely to be by private motor vehicle, given the lack of infrastructure necessary to make the fullest possible use of public transport, walking and cycling.

7.6 The site is not within, or in close proximity to existing settlements with good connections to the main highway network, and the public rights of way network and/or cycle ways, and is neither served by public transport or within a reasonable walk of regular public transport services.

7.7 It is therefore concluded that the proposal does not maintain the relative sustainability of the rural area or constitute a sustainable form of rural tourism, with only very limited economic benefit derived from creation of single holiday let within this rural location.
Impact on character and appearance of this part of the countryside / local landscape;

7.8 Notwithstanding the above, consideration must be had with the potential harm to the character and appearance of the immediate and wider landscape.

7.9 The application site relates specifically to an open parcel of pasture land which is characterised as settled farmlands landscape type of the Needwood and South Derbyshire Claylands landscape character area. The site and surrounding landscape is typical of the type in the following respects:

- Gently undulating to rolling lowland dissected by minor streams.
- Dairy farming on permanent pasture with localised arable cropping
- Small woodland blocks and copses associated with steeper slopes
- 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

7.10 Policy EC10 of the Adopted Derbyshire Dales Local Plan supports farm diversification proposal that are appropriate in scale, form, impact, character and siting to their rural location, with new or replacement buildings located within or adjoining an existing group of buildings.

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

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

7.13 The field in question is bounded by hedgerows on its eastern and southern sides with a belt of trees associated with a brook on its northern edge and a fragmented line of densely scattered hedgerow shrubs and trees to the west with a public right of way routed along the farm access track. The public right of way (Bridleway 9) continues directly northwards from the farmstead alongside a hedgerow on the eastern boundary of the field immediately adjacent to the one in which the application site is located.

7.14 The Councils Landscape Officer has advised that the proposed timber holiday cabin in the south eastern corner of the field is fairly well contained by existing hedgerows and mature hedgerow trees which are likely to substantially screen the cabin in public views from the road and the footpath. Therefore, it is unlikely that the development will have any significant adverse impact on local visual amenity.

7.15 However, its impact on landscape character is considered far greater. The site is in an isolated location, in open countryside and separated from the existing farmstead. The requirement of Policy EC9 necessitates wherever possible that new buildings should be located within or adjoining an existing group of buildings and are appropriate in scale, form, impact, character and siting to their rural location.

7.16 The farmstead at Boothay Farm is set some way back from the road with the application site further removed still being set approximately 100 metres north west of the farmstead. In addition, the log cabin style building is not one which is locally characteristic and will be an alien feature within the landscape. In these respects there is likely to be both
unwarranted encroachment into the countryside and adverse impact on local landscape character as a result of the development.

7.17 In conclusion, it is considered that the holiday cabin and associated engineering works would have an adverse impact on the character and appearance of the immediate and wider landscape given the openness of the site, resulting in an intrusive form of development that would be intrinsically encroaching and harmful to the character and appearance of this part of the countryside contrary to policies S4, PD1, PD5, EC9, EC10 and HC19 the Adopted Derbyshire Dales Local Plan (2017).

Conclusion

7.18 In the assessment of farm diversification the Local Planning Authority do not dispute that the holiday accommodation would likely generate more income to the applicant and thus to some degree ensure the ongoing viability of the holding. However, when considered as a whole in terms sustainability and landscape impact it is concluded that the proposal would constitute an unsustainable and encroaching form of development that would be intrinsically harmful to the character and appearance of this part of the countryside contrary to policies S4, PD1, PD5, EC9, EC10 and HC19 the Adopted Derbyshire Dales Local Plan (2017).

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

1. The holiday cabin and associated engineering works would have an adverse impact on the character and appearance of the immediate and wider landscape given the openness of the site, resulting in an intrusive form of development that would be intrinsically encroaching and harmful to the character and appearance of this part of the countryside contrary to policies S4, PD1, PD5, EC9, EC10 and HC19 the Adopted Derbyshire Dales Local Plan (2017).

2. The proposal is in a remote rural location not served by public transport such that visitors would be wholly reliant on the private car to access the facility. The proposal as such is an unsustainable form of rural tourism contrary to Policies S1, S4, EC9 and EC10 of the Adopted Derbyshire Dales Local Plan (2017).

NOTES TO APPLICANT:

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

2. This decision notice relates to the following documents:
Submitted plans date stamped 14th February 2018.
### APPLICATION NUMBER
18/00332/FUL

### SITE ADDRESS:
Southleigh, 6 Rodsley Lane, Yeaveley.

### DESCRIPTION OF DEVELOPMENT
Formation of vehicular access and parking area.

### CASE OFFICER
Mr. Ecclestone.

### APPLICANT
Mr. & Mrs. Hannant.

### PARISH/TOWN
Yeaveley

### AGENT
Mr. Wright.

### WARD MEMBER(S)
Cllr. Morley.

### DETERMINATION TARGET
17th May 2018

### REASON FOR DETERMINATION
Requested by Ward Member.

### REASON FOR SITE VISIT (IF APPLICABLE)
To allow Members to view the impact on the surrounding area.

### MATERIAL PLANNING ISSUES
Providing off-street parking spaces and the impact of the development on the character and appearance of this part of the settlement / countryside.

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

1.1 The application property is the end house in a small row of four. It is stepped back and up from the lane which runs through the village in a predominantly east-west direction. This part of the village is characterised by a continuous roadside boundary hedge, occasionally punctuated with small, pedestrian access gates. In the wider locality, some of the houses have vehicular access, whereas others do not.
2. DETAILS OF THE APPLICATION
2.1 This is a re-submission of two previously refused planning applications (17/00909/FUL and 18/00007/FUL) for the formation of a new vehicular access and parking area for two vehicles in the front garden. The rear of the parking area will be enclosed with a timber-clad retaining wall. The current proposal will require the removal of over 50% of the front lawn and a 6m wide section of the roadside boundary hedge. A small, 2.5m section of the roadside boundary hedge, off-set to the side, has been shown to be retained. Some planting has also been indicated on the timber-clad retaining wall.

3.0 PLANNING POLICY AND LEGISLATIVE FRAMEWORK
3.1 Adopted Derbyshire Dales Local Plan (2017)
   S4: Development in the Countryside
   PD1: Design and Place Making

3.2 National Planning Policy Framework (NPPF)
3.3 National Planning Practice Guide

4. RELEVANT PLANNING HISTORY
18/00007/FUL  Formation of vehicular access and parking area. Refused
17/00909/FUL  Formation of vehicular access and parking area. Refused

5. CONSULTATION RESPONSES
5.1 Local Highway Authority
Not received, however raised no objection to the previous applications.

5.2 Parish Council
No objection.

6. REPRESENTATIONS RECEIVED
6.1 A representation of support has been received from the occupier of a neighbouring house, which can be summarised as follows:
   • Support the application. No parking provision was considered necessary when these Council Houses were built, but times change. The previous occupants did not have a car, but the current occupants have two vehicles. The only place for them to park is on the road outside their house, as the other spaces are taken up by neighbour’s vehicles. This lack of parking creates great competition between neighbours for the small amount of on-road parking available to them.
   • Adjacent to the application site is a bus stop and the car park entrance which serves the flats. Vehicles parked on the road, block the view of the bus stop and the line of sight from the car park. This hazard could be alleviated by the application. It seems unreasonable that previous applications have been refused.

7. OFFICER APPRAISAL
7.1 This is a re-submission of two previously refused planning applications (17/00909/FUL and 18/00007/FUL) which all relate to the same scheme, namely, the removal of the roadside boundary hedge and the formation of a vehicular access and parking area in the front garden area.
7.2 The previous planning applications were refused on the grounds that the roadside boundary hedge was considered to be an important component of this part of Rodsley Lane, which contributed to the local character of the area, its sense of place and visual amenity of the streetscape. Its removal, simply to facilitate the formation of the vehicular access and parking area, was considered to have a harmful, urbanising effect, that would be detrimental to the rural character and appearance of this part of the village, contrary to Local Plan Policies.

7.3 The current proposal indicates that a small area of planting will be retained at either side of the newly formed access. However, this limited planting does not overcome the harm that would be caused. The additional planting will take time to establish and even then, it will not ameliorate significantly the harm caused to amenity by the 6m wide gap created in the frontage.

7.4 The application documents refer to the applicant’s ability to remove this section of hedge without the need to apply for permission. However, this is often the case with soft landscaping that does not receive protection under the planning legislation. Notwithstanding this, the creation of a vehicular access onto a classified road does require planning permission and it is entirely reasonable for the Local Planning Authority to have regard to the benefit of the continuous hedge to public amenity in reaching a balanced decision.

7.5 Whilst the Local Highway Authority have raised no objection to the application, subject to conditions and footnotes, highway safety is only one element of the overall consideration of this application.

7.6 Policy PD1 of the Adopted Derbyshire Dales Local Plan (2017) requires development to be well designed and to respect the character, identity and context of townscapes and landscapes and to contribute positively to an area’s character, history and identity, particularly in relation to landscape features.

7.7 The application property and the other houses in the row, are set back and up from the lane and do not have vehicular accesses. The occupiers of these properties will be aware of the parking situation when they move in and so subsequently, park their vehicles on the street, or within an adjacent parking area to the east. The narrow grass verge and roadside boundary hedge continues along the row, punctuated by pedestrian entrance gates and is an important landscape feature along this part of Rodsley Lane, which contributes positively to character and appearance of this part of the village.

7.8 Conclusion
The removal of the roadside hedge fronting the application property and significant excavation of the front garden to accommodate two car parking spaces, would have a detrimental, urbanising effect that would be detrimental to the rural character of this part of the Rodsley Lane and to the character and appearance of this part of the village. Although the applicant’s desire for in-curtilage parking is recognised, in the absence of any highway safety concerns and given the availability of locally available on-street parking, there is not a sufficiently compelling parking justification to outweigh this harm to amenity. It is recommended that the application be refused for this reason.
8. **RECOMMENDATION**  
Planning Permission be refused for the following reason:

The development involves the removal of a substantial length of the roadside boundary hedge, which is an important component of this part of Rodsley Lane, fronting the application property and significant excavation of its front garden to accommodate two car parking spaces. Such works would have a harmful, urbanising effect, that would be detrimental to the rural character and appearance of this part of the village, contrary to Policies S4 and PD1 of the Adopted Derbyshire Dales Local Plan (2017).

**NOTE TO APPLICANT**  
This Decision Notice relates to the following documents:  
Drawings numbered 1, 2 and 3, received by the Council on 22\(^{nd}\) March 2018.

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.
<table>
<thead>
<tr>
<th><strong>APPLICATION NUMBER</strong></th>
<th>17/00778/FUL</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>SITE ADDRESS:</strong></td>
<td>31 Chapel Lane, Middleton</td>
</tr>
<tr>
<td><strong>DESCRIPTION OF DEVELOPMENT</strong></td>
<td>Two Storey Side Extension</td>
</tr>
<tr>
<td><strong>CASE OFFICER</strong></td>
<td>H Frith</td>
</tr>
<tr>
<td><strong>APPLICANT</strong></td>
<td>Mr Peter Slack</td>
</tr>
<tr>
<td><strong>PARISH/TOWN</strong></td>
<td>Middleton</td>
</tr>
<tr>
<td><strong>AGENT</strong></td>
<td></td>
</tr>
<tr>
<td><strong>WARD MEMBER(S)</strong></td>
<td>Councillor P Slack, Councillor I Ratcliffe, Councillor I Ratcliffe</td>
</tr>
<tr>
<td><strong>DETERMINATION TARGET</strong></td>
<td>11.05.18</td>
</tr>
<tr>
<td><strong>REASON FOR DETERMINATION BY COMMITTEE</strong></td>
<td>As the applicant is an elected Councillor.</td>
</tr>
<tr>
<td><strong>REASON FOR SITE VISIT (IF APPLICABLE)</strong></td>
<td></td>
</tr>
</tbody>
</table>

**MATERIAL PLANNING ISSUES**

- Visual impact of the proposal
- Impact upon residential amenity

**RECOMMENDATION**

Approval with conditions
1.0 THE SITE AND SURROUNDINGS

1.1 The application relates to an existing detached dwelling situated on the edge of the village of Middleton. The existing dwelling is of stone construction and is set back from the highway with garden to the front and rear and with parking provided on the driveway.

2.0 DETAILS OF THE APPLICATION

2.1 Planning permission is sought for a two storey extension to the side of the dwelling. The extension would be stepped back from the front elevation of the existing dwelling and from the rear elevation by 0.2m with a reduction in the ridge and eaves height from the main dwelling of 0.2m. It is intended that the facing materials and window and door details will match the existing dwelling. To the front elevation a door is proposed alongside the window and patio doors are proposed to the rear elevation.

3.0 PLANNING POLICY AND LEGISLATIVE FRAMEWORK

1. Adopted Derbyshire Dales Local Plan (2017)
   - Policy S1: Sustainable Development Principles
   - Policy S2: Settlement Heirarchy
   - Policy S3: Development Within Defined Settlement Boundaries
   - Policy PD1: Design and Place Making
   - Policy HC10: Extensions To Dwellings

2. National Planning Policy Framework
   - National Planning Practice Guidance

4.0 RELEVANT PLANNING HISTORY:

02/05/0407 Single storey rear extension – Permitted with conditions

5.0 CONSULTATION RESPONSES

Parish Council

5.1 Recommend approval on the grounds of design and appearance

6.0 REPRESENTATIONS RECEIVED

6.1 None

7.0 OFFICER APPRAISAL

The following material planning issues are relevant to this application:
- Visual impact of the proposal
- Impact upon residential amenity

Visual impact of the proposal

7.1 The proposed extension being set back to a slight degree from the front elevation of the main dwelling will present a sufficiently subservient appearance to the main dwelling. The adjacent property at no. 29 has had a two storey side extension added which projects with
a forward gable from the principle elevation of the original dwelling. The impact of this proposal in respect to the adjacent altered dwelling requires consideration in terms of the overall street scene. It is considered that given the detached nature of the dwellings in this case and as there are only a few dwellings of the same original form within this part of Chapel Lane that the overall design concept of the two storey extension in this case is acceptable.

7.2 The extension as submitted includes a door to the front of the extended element. This would result in a dwelling design that has two front doors and can therefore be viewed as two dwellings within the street scene. It is therefore considered that this element should be removed for the proposal and that a window to match the existing ground floor front elevation window who should be inserted in its place. This alteration to remove the proposed external door can be secured via condition.

7.3 Subject to a condition to secure the change to the detail as noted above and to ensure materials match the existing building, the proposal is considered to be acceptable in accordance with policies S3, PD1 and HC10 of the Adopted Local Plan 2017.

Impact upon residential amenity

7.4 The proposed extension will bring a large area of built form in close proximity to the site boundary to the north and the neighbouring property. The neighbouring property no. 33 is set forward of the application property and it is considered that in view of the juxtaposition of the two dwellings and the relationship between these, the impact of the proposed extension on the neighbouring property will be minimal. In this respect it is considered that the impact of the development upon the neighbouring residents is acceptable in accordance with policies PD1 and HC10 of the Adopted Local Plan 2017.

7.5 Given the proximity of the proposed extension to the boundary of the neighbour it is considered reasonable to restrict any new windows to the upper floor of the extension in order to protect the amenity of the neighbours in the future.

Conclusion

7.6 Subject to conditions the proposed extension is considered to be acceptable in accordance with the relevant policies of the Adopted Local Plan 2017.

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

1. Condition ST02a: Time Limit On Full

   Reason

   Reason ST02a

2. Notwithstanding the submitted plans there shall be no external door into the extension from the ground floor front elevation. The front elevation shall incorporate a window (without the door detail) to match the window to the ground floor, front elevation of the main dwelling.

   Reason:

   To ensure an appropriate external appearance to extension to the building in accordance with policies S3, PD1 and HC10 of the Adopted Local Plan 2017.
3. Condition DM13: Matching materials

Reason:


4. Notwithstanding the provisions of the Town and Country Planning (General permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order with or without modification) no windows (other than those expressly authorised by this permission) shall be constructed or inserted into the northern elevation of the side extension the subject of this permission.

Reason:

To preserve the amenity of nearby residential properties in accordance with policy PD1 of the Adopted Local Plan 2017.

9.0 NOTES TO APPLICANT:

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

9.2. The Town and Country Planning (Fees for Applications, Deemed Applications and Site Visits) (England) Regulations 2012 as amended stipulate that a fee will henceforth be payable where a written request is received in accordance with Article 27 of the Development Management Procedure Order 2015 for the discharge of conditions attached to any planning permission. Where written confirmation is required that one or more conditions imposed on the same permission have been complied with, the fee chargeable by the Authority is £34 per householder request and £116 per request in any other case. The fee must be paid when the request is made and cannot be required retrospectively.

9.3 This decision notice relates to the following documents:
Location plan received 23.02.18
Block plan received 23.02.18
Existing and proposed elevations plan received 23.02.18
Site/ground plan received 23.02.18
Supporting statement received 08.08.17
<table>
<thead>
<tr>
<th>APPLICATION NUMBER</th>
<th>18/00215/REM</th>
</tr>
</thead>
<tbody>
<tr>
<td>SITE ADDRESS:</td>
<td>Leys Farm, Wyaston Road, Ashbourne</td>
</tr>
<tr>
<td>DESCRIPTION OF DEVELOPMENT</td>
<td>Modifications to Approval of Reserved Matters application 18/00215/REM to substitute house types on 20 no. plots</td>
</tr>
<tr>
<td>CASE OFFICER</td>
<td>Mr Chris Whitmore</td>
</tr>
<tr>
<td>APPLICANT</td>
<td>Mr Mark Sweet</td>
</tr>
<tr>
<td>PARISH</td>
<td>Ashbourne</td>
</tr>
<tr>
<td>AGENT</td>
<td>None</td>
</tr>
<tr>
<td>WARD MEMBER(S)</td>
<td>Cllrs. Donnelly and Murphy</td>
</tr>
<tr>
<td>DETERMINATION TARGET</td>
<td>29th May 2018</td>
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<tr>
<td>REASON FOR DETERMINATION BY COMMITTEE</td>
<td>Major application</td>
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<tr>
<td>REASON FOR SITE VISIT (IF APPLICABLE)</td>
<td>Not applicable. Members visited the site on 11 July 2017 to assess application code ref. 17/00250/REM</td>
</tr>
</tbody>
</table>

**MATERIAL PLANNING ISSUES**

- Site history and relationship to previous approvals for housing development on the site, and;
- The impact of substituting the house types on the 20 no. plots on the character and appearance of the area, housing mix and the impact on the amenity of the occupants of nearby dwellings.

**RECOMMENDATION**

Approval with conditions.
18/00215/REM

Leys Farm, Wyaston Road, Ashbourne

Derbyshire Dales DC

Date: 14/05/2018

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1:3,500

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

1.1 The application site relates to 20 no. plots on an approved development of 113 dwellings being built out on the southern urban edge of Ashbourne, off Wyaston Road. The wider site extends to 7 hectares of open fields bound by hedgerows and containing sporadic trees (see photograph 1). Irregular in shape, the wider site is bordered by Wyaston Road to the east, housing to the north and west (see photograph 2) beyond two groups of trees (Ash and Oak) that are subject to Tree Preservation Order protection, Leys Farm buildings to the north-east and open land to the south which drops down to the A52 Ashbourne bypass. On the opposite side of Wyaston Road are well established houses at Oak Crescent off Willow Meadow Road (see photograph 3) and a new housing estate at Saxon Fields (see photograph 4).

1.2 The 20 no. plots affected by this application are pepper potted across the site.

2. **DETAILS OF THE APPLICATION**

2.1 This application seeks modifications to approval of reserved matters application code ref. 17/00250/REM for the construction of 113 dwellings and relates specifically to plots 1, 2, 10, 20, 21, 26, 30, 77, 78, 80, 85, 93, 94, 96, 97, 99, 100, 105, 106 and 108. It seeks to replace the Worcester and Sherborne house types with a mixture of Oxford Lifestyle, Oxford, Cambridge and a new Amberley house type and to reduce the number of Warwick, Cambridge and Fairford house types in lieu of a greater number of Oxford and Henley house types.
2.2 The application had proposed a re-plan of 29 no. plots. However, following concerns that the number of bungalows to be delivered on site had reduced and the introduction of different house types either side of the main access would undermine the symmetry and cohesive appearance of the dwellings facing Wyaston Road, plots 24 and 81 have been taken out of the application. The applicant has also deleted the plots where it was proposed to replace the Sherborne house type with the Oxford Lifestyle house type, as there was no material difference in the appearance of these dwellings that required a separate grant of planning permission.

2.3 The new house type to be introduced follows the same inter-war architecture adopted across the site. The materials distribution plan submitted as part of the application has been amended to show just one roof tile, to correspond with the scheme approved under application code ref. 17/00250/REM. The applicant had shown three roof tiles that resulted in a less cohesive development and could not be agreed as part of this application, which just concerns the 20 no. plots mentioned above.

Should this application be approved the mix of housing to be delivered will comprise:

**Open Market Dwellings**

<table>
<thead>
<tr>
<th>No. of bedrooms</th>
<th>Quantity</th>
</tr>
</thead>
<tbody>
<tr>
<td>3</td>
<td>38</td>
</tr>
<tr>
<td>4</td>
<td>38</td>
</tr>
<tr>
<td>5</td>
<td>9</td>
</tr>
</tbody>
</table>

**Affordable Dwellings**

<table>
<thead>
<tr>
<th>No. of bedrooms</th>
<th>Quantity</th>
</tr>
</thead>
<tbody>
<tr>
<td>2</td>
<td>20</td>
</tr>
<tr>
<td>3</td>
<td>8</td>
</tr>
</tbody>
</table>

This would result in a net loss of 5 no. 3 bedroomed dwellings and increase in 5 no. 4 bedroomed dwellings, compared with the consented scheme approved under application code ref. 17/00250/REM. The changes would not affect the mix / type of affordable housing to be delivered on site.

3. PLANNING POLICY AND LEGISLATIVE FRAMEWORK

3.1 The Development Plan

*Adopted Derbyshire Dales Local Plan (2017)*

<table>
<thead>
<tr>
<th>Code</th>
<th>Title</th>
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</thead>
<tbody>
<tr>
<td>S1</td>
<td>Sustainable Development Principles</td>
</tr>
<tr>
<td>S2</td>
<td>Settlement Hierarchy</td>
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<tr>
<td>S3</td>
<td>Development within Defined Settlement Boundaries</td>
</tr>
<tr>
<td>S8</td>
<td>Ashbourne Development Strategy</td>
</tr>
<tr>
<td>PD1</td>
<td>Design and Place Making</td>
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<tr>
<td>PD5</td>
<td>Landscape Character</td>
</tr>
<tr>
<td>PD6</td>
<td>Trees, Hedgerows and Woodland</td>
</tr>
<tr>
<td>PD7</td>
<td>Climate Change</td>
</tr>
<tr>
<td>PD8</td>
<td>Flood Risk Management and Water Quality</td>
</tr>
</tbody>
</table>
3.2 Other Material Considerations:

National Planning Practice Guidance

4. RELEVANT PLANNING HISTORY

17/00250/REM - Approval of Reserved Matters - Erection of 113 dwellings (Outline permission 15/00319/OUT) - Granted

16/00309/REM - Residential development - reserved matters application for the erection of 103 dwellings (outline permission 15/00319/OUT) - Granted

15/00319/OUT - Residential development of up to 115 dwellings with associated public open space (Outline) – Granted

14/00354/OUT - Residential development of up to 145 dwellings with associated public open space (outline) – Refused

14/00183/OUT - Residential development of up to 145 dwellings with associated public open space (outline) – Withdrawn

5. CONSULTATION RESPONSES:

5.1 Ashbourne Town Council:
No objections.

5.2 Derbyshire County Council (Highways):
No objections to the substitution of house types as submitted.

5.3 Derbyshire County Council (Land Drainage):
Due to the nature of the proposals and the site parameters the LLFA have not comments to make.

5.4 Natural England:
Do not wish to comment.

5.5 Derbyshire Wildlife Trust
As application only relates to a change in house types and not the actual scheme layout, the Trust do not anticipate any ecological implications.

5.6 Force Designing Out Crime Officer
For the portions of the site which are subject of the application the revised house types form a stronger outlook at key points, a matter which the Designing Out Crime Officer saw to be in need of improvement and amendments were recommended during determination of the initial reserved matters application. The application is therefore supported.

5.7 Environmental Health (DDDC)
No objections.
6. REPRESENTATIONS RECEIVED

6.1 Representations have been received from the occupants of 21 Oak Crescent and 15 Premier Avenue, objecting to the proposed development.

Before its deletion, the new house type to plot 24 was considered to incorporate a first floor window which directly looked into a bedroom window of 21 Oak Crescent. It was suggested that without this window the property would have better thermal performance and would not be as severely affected by noise from Wyaston Road.

An occupant of 15 Premier Avenue raises concern with building two storey houses instead of bungalows at the rear of their property. It is considered that such development would be intrusive so close to the boundary.

7. OFFICER APPRAISAL

Site history and relationship to previous approvals for housing development on the site

7.1 This application follows the approval of outline planning application 15/00319/OUT for the erection of up to 115 dwellings and associated open space and subsequent approval of reserved matters application 17/00250/REM for the erection of 113 dwellings; a scheme which is currently being built out. It seeks modifications and is limited to 20 no. plots and will sit alongside approval of reserved matters application 17/00250/REM, which secures the layout, appearance and scale of the majority of the dwellings on site and all associated access arrangements and landscaping works, including the retention of important trees and a significant amount of new tree and hedge planting along the southern boundary to help contain the new development and create a strong settlement edge.

The impact of substituting the house types on the 20 no. plots on the character and appearance of the area, housing mix and impact on the amenity of the occupants of nearby dwellings

7.2 Having regard to the nature of the modifications to application code ref. 17/00250/REM proposed as part of this application, which affect just 20 no. plots the main issues to consider are the implications of the changes on the character and appearance of the area, housing mix and the amenity of the occupants of nearby dwellings. All drainage, access, landscaping and ecological enhancement and mitigation works on land outside of the application site area (which is limited to the 20 no. plots) have been secured on the back of the original outline and approval of reserved matters applications, which have and need to be implemented to carry out the development proposed as part of this application. This application does not affect the delivery of affordable housing on the site or any other planning obligation that has been secured on the back of the original outline application.

7.3 Policy PD1 of the Adopted Derbyshire Local Plan 2017 deals with design and place making and requires development to be of high quality design that respects the character, identity and context of the Derbyshire Dales townscapes and contribute positively to an area’s character, history and identity in terms of scale, height, density, layout, appearance, materials, and the relationship to adjacent buildings and landscape features. It is proposed to utilise approved house types to more than half of the plots. The distribution of just 11 house types across the site, of similar design detailing will maintain a strong cohesive appearance. The interwar design and facing materials will reflect the architecture / appearance of dwellings found within the centre of Ashbourne. In this respect it is considered that the development will respect the character and identity of the town. Development will remain more compact / dense where it sits next to existing housing development and be looser on the boundaries with open countryside. The new Amberley
house type will be used at key focal points and will better address corners / public open space, creating interest and improving surveillance to help minimise opportunities for anti-social and criminal behaviour (an objective of policy PD1). It is however considered that the render to the rendered version should wrap around the side and rear elevations by no more than 0.5m to ensure an equal return / appropriate balance of materials, having regard to the orientation and use of this house type at prominent locations across the site. A condition will be necessary to secure this alteration to ensure a satisfactory appearance. The house types to be used on the 20 plots affected will utilise the same limited palette of materials adopted across the site to maintain a strong cohesive appearance / sense of place.

7.4 Although the Housing and Economic Development Needs Assessment which fed into Policy HC11 of the recently Adopted Derbyshire Dales Local Plan is referenced in a footnote attached to the original outline consent, which sets out an aspirational housing mix, no mix was prescribed in the conditions attached to this permission. Taking the above into consideration and having regard to the nature of this application, which seeks to approve matters reserved by this original outline consent, the Local Planning Authority can only seek to secure a mix of both affordable and open market housing that is appropriate to the site and its context in terms of layout, scale and appearance. For reasons set out above it is considered that the layout, scale and appearance of the development would respect the character, identity and context of this part of the settlement.

7.5 Notwithstanding the above 40% of the total number of units will comprise three bedroomed dwellings complying with Policy HC11 of the Adopted Derbyshire Dales Local Plan. An affordable housing contribution will also be provided on the back of this development, which is likely to be geared towards the delivery of smaller units, to offset the slightly higher number of four bedroomed dwellings proposed.

7.6 The application in its amended form seeks the loss of 1 no. as opposed to 2 no. bungalows. The overall provision would represent an increase in the number of bungalows to be delivered on site compared with the original approval of reserved matters application 16/00309/REM and reduction when compared with application code ref. 17/00250/REM. Having regard to the above permissions (which are material considerations in respect of this application), it is considered that an acceptable range of dwelling types and sizes will be delivered on site to satisfy the requirements of Policy HC11.

7.7 Policy PD1 of the Adopted Derbyshire Dales Local Plan (2017) requires that development achieves a satisfactory relationship to adjacent development and does not cause unacceptable effects by reason of visual intrusion, overlooking, shadowing, overbearing effect, noise, light pollution or other adverse impacts on local character and amenity. Notwithstanding that the Warwick house type to plot no. 24 has windows facing in the direction of no. 21 Oak Crescent, it is no longer proposed to substitute this house type with the Amberley house type. In any event, the distance between this property and the dwellings on the opposite side of Wyaston Road is such that there would be no significant loss of privacy. The applicant no longer wishes to substitute the Fairford bungalow on plot 81 for a two storey house, thereby improving the outlook from no. 15 Premier Avenue. The siting, scale and design of the two bungalows on plots 81 and 82 have already been approved and would not be visually intrusive / overbearing or result in any overlooking or shadowing of the existing dwellings beyond the northern boundary. The two storey Henley house type to plot no. 80, would sit side on to the dwellings along Premier Avenue at a lower level and would be sited some 30m from the northern boundary. It would not therefore result in any adverse overshadowing impacts, appear overbearing or result in overlooking / any significant loss of privacy.
7.8 In conclusion it is considered that substituting the approved dwellings on the 20 no. plots affected by this application with the house types proposed would be acceptable in terms of the impacts on the character and appearance of the area, housing mix and impact on the amenity of the occupants of nearby dwellings and a recommendation of approval is put forward on this basis. Given that the application site is tightly drawn around these plots and will not affect the rest of the development in terms of the siting, scale and appearance of other dwellings, access arrangements, drainage and landscaping it will not be necessary to repeat all of the conditions attached to approval of reserved matters application 17/00250/REM. Only matters of clarification / detail relating to the plots affected by this application need to be controlled by condition.

OFFICER RECOMMENDATION:
That the application be granted subject to the following conditions:

1. This permission relates solely to the application as amended by the revised plan(s) received by the Local Planning Authority on the 23rd April 2018, 10th and 11th May 2018 numbered 5736-100-01 Rev E, J088/100/05 Rev H and Location Plan 01.

Reason:
For the avoidance of doubt.

2. The render to ‘The Amberley’ EF Series Render (A1) house type shall wrap around the side and rear elevations by no more than 0.5m to ensure an equal return, unless otherwise agreed in writing by the Local Planning Authority.

Reason:
To ensure a satisfactory external appearance of the development in accordance with the aims of Policy PD1 of the Adopted Derbyshire Dales Local Plan (2017).

3. The carriageways and footways up to each dwelling hereby approved shall be carried out to at least the binder course surface in accordance with outline application 15/00319/OUT and approval of reserved matters application 17/00250/REM and surface water drainage to serve each dwelling carried out in full prior to first occupation. 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.

Reason:
For the avoidance of doubt and to ensure that each dwelling has a properly consolidated and surfaced carriageway and footway up to the existing highway and appropriate drainage is put in place to deal with surface water run-off in accordance with the aims of Policies S3, PD8 and HC19 of the Adopted Derbyshire Dales Local Plan (2017).

4. 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.
Reason:

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

Footnotes:

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

This Decision Notice relates to the following documents:

1:2500 Scale Site Location Plan referenced Location Plan 01 received by the District Council on the 11th May 2018;
1:500 Scale Site Layout Plan numbered 5736-100-01 Rev E received by the District Council on the 10th May 2018;
1:500 Scale Materials Plan numbered J088/100/05 Rev H received by the District Council on the 23rd April 2018, and;
Design Statement by Redrow Homes dated February 2018, and;
1:100 Scale Proposed House Type and Garage Elevations and Floor Layout Drawings numbered EF_OXFOQ_DM.1 Brick (B1) and Render (A1), EF_HENL_DM.4, EF_CAMB_DM.5 Brick (B1) and Render (A1), EF_OXFD_DM.4 Brick (B1) and Render (A1), 2014 Release Single Garage Type 1 and EF_AMBY_DM.6 Brick (B1) and Render (A1) received by the District Council on the 21st February 2018.
<table>
<thead>
<tr>
<th>APPLICATION NUMBER</th>
<th>18/00223/FUL</th>
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</thead>
<tbody>
<tr>
<td>SITE ADDRESS:</td>
<td>Land South Of Old Derby Road, Ashbourne</td>
</tr>
<tr>
<td>DESCRIPTION OF DEVELOPMENT</td>
<td>Substitution of house types on plots 19-20, 74-93, 110-113, 117-120, 154-156 and 158 permitted under 16/00450/REM and 17/00337/FUL</td>
</tr>
<tr>
<td>CASE OFFICER</td>
<td>Mr. C. Whitmore</td>
</tr>
<tr>
<td>APPLICANT</td>
<td>Mr David Prowse, David Wilson Homes</td>
</tr>
<tr>
<td>PARISH/TOWN</td>
<td>Ashbourne</td>
</tr>
<tr>
<td>AGENT</td>
<td>None</td>
</tr>
<tr>
<td>WARD MEMBER(S)</td>
<td>Cllrs. Donnelly and Murphy</td>
</tr>
<tr>
<td>DETERMINATION TARGET</td>
<td>1st June 2018</td>
</tr>
<tr>
<td>REASON FOR DETERMINATION BY COMMITTEE</td>
<td>Major application</td>
</tr>
<tr>
<td>REASON FOR SITE VISIT (IF APPLICABLE)</td>
<td>Not applicable. Members visited the site on 17 January 2017 to assess application code ref. 16/00450/REM</td>
</tr>
</tbody>
</table>

**MATERIAL PLANNING ISSUES**

- Site history and relationship to previous approvals for housing development on the site, and;
- The impact of substituting the house types to the various plots on the character and appearance of the area, housing mix and the relationship of the proposed dwellings to adjacent development.

**RECOMMENDATION**

Approval subject to receipt of amended plans which address officer concerns with regard to the impact of the development on the amenity of the future occupants of the dwellings to plots 109 and 114, the applicant entering into a linking agreement and conditions.
18/00223/FUL

Land South of Old Derby Road, Ashbourne

Derbyshire Dales DC

Date: 10/05/2018

100019785

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

1:2,500
1. THE SITE AND SURROUNDINGS

1.1. The site comprises land to the south east of Ashbourne, off Old Derby Road which is being developed by David Wilson Homes for housing (see photographs 1 and 2). To the north west of the site is the recently completed housing development at Willow Meadow Farm (now known as Saxon Fields) which adjoins an existing suburban estate forming the remainder of the northern boundary. A stream marks a fold in the landscape between the site and existing housing and runs down from north east to south west. The line of this brook is tree lined with the tree cover increasing in amount generally as you move down from north east to south west.

1.2. The site borders the curtilage of the Hill Top Farm (see photograph 3) and the Grade II Listed Old Toll House to the north east. The application site relates specifically to 34 plots in five separate areas across the site covering 0.87ha.

2. DETAILS OF THE APPLICATION

2.1. This full application involves the re-plan of 34 of 213 housing plots. It crosses over the recent permission granted for 151 dwellings approved under application code ref. 17/00337/FUL and the original outline and approval of reserved matters applications for the erection of 200 dwellings.

2.2. The application proposes to introduce two new house types as part of the affordable housing provision on site only; SF11 and SF12, which comprise a two storey block of 4 no. 
1 bedroomed flats. Although the distribution will change, no new open market house types will be introduced.

2.3 The changes to plots 19 and 20 comprise the introduction of a freestanding garage block and the replacement of a 3 bedroomed house type with a four bedroomed property. The changes to plots 74-93 involve the loss of a dwelling and the reconfiguration and introduction of two new affordable units, so that they are more closely grouped and the replacement of three pairs of semis with a terrace of dwellings and individual houses. The changes to 110-113 and 117-120 comprise the replacement of two pairs of semis fronting the main spine road and cranked houses behind with two terraces of three dwellings with parking at the front / set a greater distance back from the road and a new detached dwelling. Finally the changes to plots 156-157 and 158 involve the substitution of a house type and the replacement of a pair of 3 bedroomed semi-detached dwellings with a single four bedroomed detached property.

2.4 Should this application be approved the mix of housing to be delivered will comprise:

**Open Market Dwellings**

<table>
<thead>
<tr>
<th>No. of bedrooms</th>
<th>Quantity</th>
</tr>
</thead>
<tbody>
<tr>
<td>2</td>
<td>32</td>
</tr>
<tr>
<td>3</td>
<td>56</td>
</tr>
<tr>
<td>4</td>
<td>49</td>
</tr>
<tr>
<td>5</td>
<td>28</td>
</tr>
</tbody>
</table>

**Affordable Dwellings**

<table>
<thead>
<tr>
<th>No. of bedrooms</th>
<th>Quantity</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>6</td>
</tr>
<tr>
<td>2</td>
<td>27</td>
</tr>
<tr>
<td>3</td>
<td>15</td>
</tr>
</tbody>
</table>

2.5 This would result in a net loss of 2 no. 4 bedroomed open market dwellings and increase in 2 no. 5 bedroomed dwellings, compared with the scheme as currently approved. The changes would not affect the mix / type of affordable housing to be delivered on site.

2.6 Revised landscaping (relating to the plots affected only), materials distribution and drainage plans accompany the application, addressing the changes to the 34 no. plots.

3. **PLANNING POLICY AND LEGISLATIVE FRAMEWORK**

3.1 **Adopted Derbyshire Dales Local Plan (2017)**

S1 Sustainable Development Principles  
S2 Settlement Hierarchy  
S3 Development within Defined Settlement Boundaries  
S8 Ashbourne Development Strategy  
PD1 Design and Place Making  
PD5 Landscape Character  
PD6 Trees, Hedgerows and Woodland  
PD7 Climate Change
3.2 Other Material Considerations:

National Planning Practice Guidance

4. RELEVANT PLANNING HISTORY:

17/00337/FUL Residential development of 151, dwellings, access and associated works - Granted

16/00450/REM Residential development - reserved matters application for the erection of 200 dwellings and associated works (Outline permission 13/00911/OUT) - Granted

13/00911/OUT Residential Development of up to 200 dwellings, with public open space, highway improvements and landscaping – Refused – Allowed at Appeal

5. CONSULTATION RESPONSES

5.1 Ashbourne Town Council:

No objections.

5.2 Local Highway Authority:

No objections to the substitution of house types on the basis the highway arrangements previously approved remain unchanged.

6. REPRESENTATIONS RECEIVED

6.1 Representations from one local resident have been received. They object if the proposals result in the delivery of fewer affordable homes. They also advise that changing the design of the dwellings should not give betterment for one by taking from another.

7. OFFICER APPRAISAL

Site history and relationship to previous approvals for housing development on the site

7.1 This application follows the commencement of development of the eastern most quarter (approximately) of the site for housing approved under outline application code ref. 13/00911/OUT and subsequent approval of reserved matters application 16/00450/REM. Members will recall a recent application for full permission for 151 dwellings on the remainder of the site which was considered at planning committee on the 7th September 2017. This increased the overall density of development by 13. This application seeks to substitute house types on plots covered by the original outline and approval of reserved...
matters applications and subsequent full application. Whilst the application is presented as a separate stand-alone full application, the site area is tightly drawn around the plots affected so as to not affect the delivery of the approved infrastructure (road layout, public open space, ecological enhancement and mitigation etc.) secured by the aforementioned applications.

7.2 The effect of granting this further separate full application for effectively the erection of 34 dwellings would, however, take the development outside of the scope of the original outline consent and recent full application for 151 dwellings, which was linked to the planning obligations secured on the back of this application. Should it be resolved that planning permission be approved, it will be necessary to link this further stand-alone application to the planning obligations secured on the back of outline consent 13/00911/OUT, which include pro rata financial contributions towards education, affordable housing and the monitoring of a travel plan.

The impact of substituting the house types to the various plots on the character and appearance of the area, housing mix and the relationship of the proposed dwellings to adjacent development

7.3 Policy PD1 of the Adopted Derbyshire Local Plan 2017 deals with design and place making and requires development to be of high quality design that respects the character, identity and context of the Derbyshire Dales townscapes and contribute positively to an area’s character, history and identity in terms of scale, height, density, layout, appearance, materials, and the relationship to adjacent buildings and landscape features. This application proposes changes to house types and the layout / siting of dwellings to the plots identified. The grouping of the affordable dwellings at the south western corner of the site and modifications to the design of the one bedroomed apartments, in the form of a pair of two storey houses with separate accesses and reconfiguration of the open market housing in this area would have a negligible impact on the character and identity of this part of the site / settlement. The Registered Social Landlord that has expressed an interest in taking on the affordable apartments has raised no issues with the changes. The substitution of the open market dwellings with other approved house types utilised across the site to the other plots are generally considered to be acceptable in terms of the impact on the character and appearance of the development. Although 2 no. additional 2 ½ storey dwellings will be introduced, the affected plots occupy a central position within the site and would represent a modest increase in the 53 no. 2 ½ storey dwellings already approved across the site. There are, however, concerns with regard to the position of the two pairs of terraces proposed to plots 110-113, 118 and 156. These dwellings replace two pairs of semis, which had parking down the side. The introduction of additional housing in this area has meant that these dwellings have had to be set further back from the main spine road to accommodate parking at the front. Being set close to and a significant distance behind the two cranked houses (plots 109 and 114) either side and opposite housing with parking at the front, it is considered that such a change would have a negative impact on the streetscene / cohesiveness of the development in this location. This change would also have significant implications on the residential amenity of the occupants of the dwellings to plots 109 and 114, which are considered at paragraph 7.5.

7.4 No significant change to the mix of housing is proposed as part of this application. The provision of affordable housing on site will not change and the number of 2 and 3 bedroomed open market dwellings will remain the same. The provision of a financial contribution towards affordable housing, which is likely to be geared towards the delivery of smaller residential units, will offset the already high number (in terms of the requirements of Policy HC11 of the Adopted Derbyshire Dales Local Plan 2017) of 4+ open market dwellings to be delivered on site.
7.5 An important issue to assess in the consideration of this application is the relationship of the proposed dwellings to adjacent development. Policy PD1 of the Adopted Derbyshire Dales Local Plan (2017) requires that development achieves a satisfactory relationship to adjacent development and does not cause unacceptable effects by reason of visual intrusion, overlooking, shadowing, overbearing effect, noise, light pollution or other adverse impacts on local character and amenity. As previously discussed the siting of the dwellings to plots 110-113, 118 and 156 is a concern in terms of the impact on local character. Of greater concern, however, is the impact of those dwellings on the residential amenity of the future occupants of the dwellings to plots 109 and 114. The proposal to introduce two storey houses extending the majority of the length of the tapering and constrained gardens to these dwellings would result in significant overbearing and overshadowing impacts that, in the opinion of Officers, would conflict with Policy PD1 of the Adopted Derbyshire Dales Local Plan. The applicant has, however, advised verbally that amended plans to address these impacts will be submitted to Officers ahead of consideration at planning committee on the 22nd May 2018. Officers are satisfied that the above concerns can be suitably addressed by reconfiguring the housing in the south western areas of the site.

7.6 A recommendation of approval is only put forward on the basis that amended plans which address the above concerns are received and the applicant enters into a linking agreement to tie the development, the subject of this application, to the planning obligations secured on the back of outline application 13/00911/OUT. Given that the application site is tightly drawn around the plots affected it will not be necessary to repeat all of the conditions attached to the original outline and approval of reserved matters and separate full applications, relating to drainage, landscaping, public open space and the provision of roads / footpaths as these applications will need to be implemented to carry out the development the subject of this application. It will however be appropriate to impose conditions which relate to the delivery of this key infrastructure ahead of occupation of any dwelling, receipt of amended plans and construction noise given that the application is presented as a separate full application.

8. RECOMMENDATION

Approval subject to receipt of amended plans which address officer concerns with regard to the impact of the development on the amenity of the future occupants of the dwellings to plots 109 and 114, the applicant entering into a linking agreement and the following conditions:

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

   Reason:

   This is a statutory period which is specified in Section 91 of the Town and Country Planning Act 1990.

2. This permission relates solely to the application as amended by the revised plan(s) received by the Local Planning Authority on the ........... numbered ..........

   Reason:

   For the avoidance of doubt.

3. The external surfaces and boundary treatments to the dwellings and garages hereby approved shall be constructed in accordance with ‘External Materials’ and ‘Boundary
Treatment’ layout plans numbered...received by the District Council on the... unless otherwise agreed in writing by the Local Planning Authority.

Reason:

To ensure a satisfactory external appearance of the development in accordance with the aims of Policy PD1 of the Adopted Derbyshire Dales Local Plan (2017).

4 In conjunction with outline and approval of reserved matters applications 13/00911/OUT and 16/00450/REM and full planning application 17/00337/FUL no more than 30 dwellings shall be occupied until a scheme for the improvement of the Derby Road/Sturston Road junction or other traffic alleviation measure has been secured in accordance with details which shall have been previously submitted to and approved in writing by the Local Planning Authority.

Reason:

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

5. The carriageways and footways up to each dwelling hereby approved shall be carried out to at least the binder course surface in accordance with approval of reserved matters application 16/00450/REM and full application 17/00337/FUL prior to first occupation. 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.

Reason:

For the avoidance of doubt and to ensure that each dwelling has a properly consolidated and surfaced carriageway and footway up to the existing highway and appropriate drainage is put in place to deal with surface water run-off in accordance with the aims of Policies S3, PD8 and HC19 of the Adopted Derbyshire Dales Local Plan (2017).

6. 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.

Reason:

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

7. No dwelling shall be occupied until the Travel Plan by Bancroft Consulting which accompanied application code ref. 17/00337/FUL dated March 2017 has been brought into effect, in accordance with a timetable to be submitted to the Local Planning Authority and approved in writing. The Travel Plan shall thereafter be implemented in accordance with the approved details.

Reason:
To promote sustainable travel in accordance with the aims of Policy HC20 of the Adopted Derbyshire Dales Local Plan (2017).

8. A scheme for the provision of open space and play areas to serve the plots affected by this application and a timetable for the delivery of such infrastructure shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

Reason:
To ensure the provision of appropriate play and open space in accordance with the aims of Policy HC14 of the Adopted Derbyshire Dales Local Plan (2017).

9. No dwelling shall be occupied until surface / storm water and foul drainage connections have been made to the main drainage network in accordance with drawings numbered H7240-500-02 Rev E and H7240-500-02 Rev E unless otherwise agreed in writing by the Local Planning Authority.

Reason:
To ensure that appropriate drainage is put in place to deal with surface water run-off in accordance with the aims of Policies S3, PD8 and HC19 of the Adopted Derbyshire Dales Local Plan (2017).

10. 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.

Reason:
To safeguard the residential amenity of the occupants of nearby dwellings in accordance with the aims of Policy PD1 and PD9 of the Adopted Derbyshire Dales Local Plan (2017).

Footnotes:

1. The Local Planning Authority have during the consideration of this application engaged in a positive and proactive dialogue with the applicant which has resulted in revised proposals which overcame initial problems with the application relating to the impact of the dwellings to plots 110-113, 118 and 156 on adjacent development.

2. A number of the above conditions of the Approval are condition precedent. This means that a valid commencement of the approved development cannot be made within the lifetime of the permission until the particular requirements of the conditions precedent have been met. Failure to discharge conditions precedent may leave the development liable to the Council initiating formal enforcement proceedings.

3. The Town and Country Planning (Fees for Applications, Deemed Applications and Site Visits) (England) Regulations 2012 as amended stipulate that a fee will henceforth be payable where a written request is received in accordance with Article 27 of the Development Management Procedure Order 2015 for the discharge of conditions attached to any planning permission. Where written confirmation is required that one or more conditions imposed on the same permission have been complied with, the fee chargeable by the Authority is £34 per householder request and £116 per request in any other
case. The fee must be paid when the request is made and cannot be required retrospectively.

4. This decision should be read in conjunction with the accompanying legal agreement under Section 106 of the Town and Country Planning Act dated…

This Decision Notice relates to the following documents:

- Site Location Plan Drawing Numbered S7240/100/06 (showing the plots affected edged red)
- Storm Water and Foul Drainage Plans Numbered H7240-500-02 Rev E and H7240-500-02 Rev E;
- Addendum to Design and Access Statement by David Wilson Homes dated March 2018 received by the Local Planning Authority on the 2nd March 2018, and;
- A list of revised drawings to address the impacts of the development on plots 109 and 114 including a revised site layout plan and drawings which show the distribution of materials across the affected plots, boundary treatments and proposed house types.
<table>
<thead>
<tr>
<th>APPLICATION NUMBER</th>
<th>18/00267/FUL</th>
</tr>
</thead>
<tbody>
<tr>
<td>SITE ADDRESS:</td>
<td>Memorial Pavilion Ashbourne Recreation Ground And Playing Fields Cokayne Avenue, Ashbourne</td>
</tr>
<tr>
<td>DESCRIPTION OF DEVELOPMENT</td>
<td>Demolish Existing Sports Pavilion And Erection Of New Sports Pavilion.</td>
</tr>
<tr>
<td>CASE OFFICER</td>
<td>H Frith</td>
</tr>
<tr>
<td>APPLICANT</td>
<td>Mr D Wood</td>
</tr>
<tr>
<td>PARISH/TOWN</td>
<td>Ashbourne</td>
</tr>
<tr>
<td>AGENT</td>
<td>Mr J Dacre of FPCR Environment and Design Ltd</td>
</tr>
<tr>
<td>WARD MEMBER(S)</td>
<td>Councillor A Millward and Councillor S Bull</td>
</tr>
<tr>
<td>DETERMINATION TARGET</td>
<td>18/05/18</td>
</tr>
<tr>
<td>REASON FOR DETERMINATION BY COMMITTEE</td>
<td>Derbyshire Dales District Council is landowner</td>
</tr>
<tr>
<td>REASON FOR SITE VISIT (IF APPLICABLE)</td>
<td></td>
</tr>
</tbody>
</table>

**MATERIAL PLANNING ISSUES**

- Principle of Development
- Visual Impact
- Highway Safety

**RECOMMENDATION**

Approval subject to conditions
Ashbourne Recreation Ground

Derbyshire Dales DC

Date: 10/05/2018

100019785
1.0 THE SITE AND SURROUNDINGS

1.1 The application site relates to the existing memorial Pavilion building located close to the centre of Ashbourne adjoining the recreation ground which slopes slightly away to the southeast of the building. A large parking area is situated to the north west of the building accessed via Cokayne Avenue.

2.0 DETAILS OF THE APPLICATION

2.1 Planning permission is sought to demolish the existing Pavilion building and erect a new Pavilion building directly in front of the existing building. The proposed building will provide changing facilities for 4 teams with toilet facilities, umpire changing, disabled WC, store, kitchen and clubroom. A large terrace will wrap around the building providing a terraced area to the western side of the front elevation and to the western side elevation. The terrace will have stainless steel balustrading with safety glass. The building will have a butterfly roof of aluminium standing seam and overhang feature over the extended terrace area. The fenestration is proposed to be in dark grey with cream render colour to the exterior with red brick walling to the changing room side of the building.

2.2 Along with the application a bat survey has been submitted which concludes that there is limited scope for bat roosts and recommends that in the unlikely event that evidence of bat occupation arises or live bats are discovered during construction all works shall stop immediately and further advice shall be sought from FPCR who employ a licenced bat worker.

2.3 A supporting statement has also been submitted which raises the following pertinent points:

- The application is supported by planning policy.
- 10 cycle parking spaces and 13 car parking spaces will be provided along with 2 spaces being provided for disabled persons.
- The changing rooms have been designed to meet the England and Wales Cricket Board’s Technical Guidance for Pavilions which can accommodate a 12 person cricket team and a 16 person football team.
- The external materials proposed are ‘buttermilk’ render colour and ‘Etruria Mixture’ red brick with a grey engineering brick to the base of the building.
- The existing building is in a state of disrepair and has an asbestos roof which is a public health and safety concerns.
- Whilst options for conversion of the existing building have been considered the footprint of the building does not allow ease of compliance with modern Pavilion guidance and is not an effective cost solution.
- The proposed building will provide much needed and improved facilities to serve the town.

3.0 PLANNING POLICY AND LEGISLATIVE FRAMEWORK

1. Adopted Derbyshire Dales Local Plan (2017)
   Policy S1 : Sustainable Development Principles
   Policy S2 : Settlement Heirarchy
   Policy S3 : Development Within Defined Settlement Boundaries
   Policy S8 : Ashbourne Development Strategy
   Policy PD1 : Design and Place Making
Policy PD3: Biodiversity and the Natural Environment
Policy HC14: Open Space and Outdoor Recreation Facilities
Policy HC17: Promoting Sport, Leisure and Recreation
Policy HC19: Accessibility and Transport
Policy HC21: Car Parking Standards

2. National Planning Policy Framework
   National Planning Practice Guidance

4.0 RELEVANT PLANNING HISTORY:
   15/00827/FUL Extension and alteration to Sports Pavilion – Granted with conditions
   WED/1188/0857 Sports Pavilion – Granted
   ASH/755/1 Erect war memorial Pavilion – Granted

5.0 CONSULTATION RESPONSES

Town Council
5.1 No objection although members raised concern regarding the limited community use it is
    aimed for and that the bar facilities are in a family friendly sports facility.

Derbyshire County Council (Highways)
5.2 The Highway Authority raised no objections to the application to extend the existing sports
    Pavilion in 2015 (application ref 15/00827). This extension would have increased the total
    floorspace by approx. 130sqm.

Whilst this current application proposes to demolish the existing sports Pavilion and erect a
larger Pavilion, the total floor space of the new Pavilion is only approx. 50sqm more than
the permitted extension. Also, the applicant is now proposing to create an additional 13 car
parking spaces and 10 cycle parking bays. Therefore, any increase in parking demand the
proposed Pavilion may generate is likely to be accommodated within the existing and
proposed parking spaces both on site and in the surrounding available parking areas.

However, it is not clear from the submitted details how the proposed parking spaces will be
accessed. At the moment, the existing car park is directly behind the Pavilion to be
demolished. Although the footprint of the existing Pavilion will form part of the proposed
parking area, it seems spaces will be lost from the existing car park to access the new
spaces. Clarification of this is required. Once clarified conditions should be imposed.

An additional plan was submitted by the applicant’s agent showing that 6 parking spaces
will be lost to provide the additional 13 new spaces including 2 disabled spaces. Therefore
giving an increase of 7 spaces with 10 new cycle parking spaces. An amended site plan was
also submitted demonstrating access to the public highway.

Community Development and Wellbeing Officer (Derbyshire Dales)
5.3 Sports development fully support the proposals. The scheme is of strategic importance and
as such is recognised within the recently adopted Derbyshire Dales Built Sports Facilities,
Playing Pitch and Open Space Strategy. The scheme will help maintain and grow
participation in sport, improve community wellbeing and provide a venue for a variety of
community activities by replacing a facility which is in a poor condition.

6.0 REPRESENTATIONS RECEIVED

6.1 None
7.0 OFFICER APPRAISAL

The following material planning issues are relevant to this application:
- Principle of development
- Visual impact
- Highway safety

Principle

7.1 Planning permission has previously been granted to extend the existing Pavilion building. Following on from this permission further consideration has been given to the proposal and it has been determined that the best way forward to improve the facilities on the site is to provide a new building. The new building would be forward of the existing building allowing additional car parking to be provided within the footprint of the existing Pavilion.

7.2 Policies S8, HC14 and HC17 are supportive of providing improved leisure facilities for the benefit of the community. As such it is considered that the proposal to replace the existing Pavilion building which is in need of upgrading to meet the required sporting standards is acceptable in accordance with these policies.

Visual Impact

7.3 The existing Pavilion is of its time and it is intended that the design for the new Pavilion should also be of a contemporary appearance. The butterfly roof structure reflects the adjacent Derbyshire County Council building and is considered appropriate for this type of Pavilion building. The selected materials of cream render and red brick are considered appropriate in this context with the metal roofing and fenestration complementing the contemporary approach. Whilst the proposed Pavilion will be larger than the existing it is only marginally larger than the permission granted for the extended Pavilion and is considered appropriate in this context. Therefore in terms of visual impact the proposal is considered to be acceptable in accordance with Policies S3 and PD1 of the Adopted Local Plan 2017.

Highway Safety

7.4 Through amended plans and additional information submitted through the application process it is clear that the proposal will result in an additional 7 parking spaces and 10 cycle parking spaces, which is considered appropriate to serve the new Pavilion. Access will be via the existing access to Cokayne Avenue which is acceptable in highway safety terms. Subject to the conditions recommended by the Local Highway Authority the proposal is acceptable in accordance with policies S3 and HC19 of the Adopted Local Plan 2017.

Other Matters

7.5 In terms of residential amenity this is the replacement of an existing building under the same use. The building will be sited slightly further away from neighbouring dwellings than the existing. Therefore the impacts upon residential amenity are considered no different to the existing where the existing building has no restriction on the hours of operation or the extent of use. In this respect it is not considered necessary to impose conditions on the hours of operation or the extent of the use.

7.6 The proposed floor plans of the building ensure appropriate disabled access into and within the building and disabled toilet facilities. Both male and female changing facilities are also provided, ensuring the premises are suitable for all users.
7.7 A bat survey has been submitted with the application which concludes that after investigation it is considered unlikely that bats will utilise the building to roost. The building is well sealed with access points concealed along the eaves of building and from investigating these access points it is clear these had not recently been in use. The survey recommends that in the unlikely event that evidence of bat occupation or a live bat is discovered during any stage of operations all works must stop immediately and further advice sought from the applicant’s ecologist. It is considered reasonable to impose a condition to ensure this advice is followed in accordance with policy PD3 of the Adopted Local Plan 2017.

Conclusion

7.8 The proposed Pavilion building will be an asset for the community of Ashbourne and its provision is supported in terms of planning policy. In this respect it is considered that permission should be granted subject to conditions.

8.0 RECOMMENDATION

That planning permission be granted subject to the following conditions.

1. Condition ST02a: Time Limit On Full

   Reason:

   Reason ST02a

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

   Reason:

   In the interests of highway safety and parking provision in accordance with policies S3 and HC19 of the Adopted Local Plan 2017.

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

   Reason:

   In the interests of highway safety and parking provision in accordance with policies S3 and HC19 of the Adopted Local Plan 2017.

4. The proposed Pavilion shall not be taken into use until details of the proposed access, parking and manoeuvring areas within the site have been submitted to, and approved in writing, by the Local Planning Authority. These facilities shall thereafter be retained for use at all times.

   Reason:

   In the interests of highway safety and parking provision in accordance with policies S3 and HC19 of the Adopted Local Plan 2017.
5. Prior to the commencement of development a scheme for the removal and re-installation of the Memorial or the installation of a new Memorial shall be submitted to and agreed in writing by the Local Planning Authority. Works shall be completed in full accordance with the agreed scheme.

Reason:

To ensure the memorial plaque is retained or appropriately replaced.

6. The facing, roofing and fenestration materials and pattern for the development and shall be as detailed on plans 7857-P-04 and 05 Rev C received 23.03.18

Reason:

To ensure an appropriate finished form of development in accordance with policies S3 and PD1 of the Adopted Local Plan 2017.

7. This permission relates to the application as amended by the revised plan received by the Local Planning Authority on the 10.05.18 numbered 7857-P-01 Rev D and additional plan received 09.05.18 numbered 7857-P-07.

Reason:

For the avoidance of doubt.

8. The demolition of the existing building shall take place in accordance with the recommendations of the bat survey received 23.03.18.

Reason:

To ensure there is no harm to protected species or their habitat in accordance with policy PD3 of the Adopted Local Plan 2017.

9. The existing Pavilion building shall be demolished in its entirety and the parking as detailed on plan 7857-P-07 received 09.05.18 provided prior to the new Pavilion being brought into use, unless otherwise agreed in writing by the Local Planning Authority.

Reason:

To ensure the existing building is demolished and the additional parking provided to serve the new and enlarged building in accordance with policies S3, PD1 and HC19 of the Adopted Local Plan 2017.

9.0 NOTES TO APPLICANT:

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

9.2. The Town and Country Planning (Fees for Applications, Deemed Applications and Site Visits) (England) Regulations 2012 as amended stipulate that a fee will henceforth be payable where a written request is received in accordance with Article 27 of the Development Management Procedure Order 2015 for the discharge of conditions attached to any planning permission. Where written confirmation is required that one or more conditions imposed on the same permission have been complied with, the fee chargeable
by the Authority is £34 per householder request and £116 per request in any other case. The fee must be paid when the request is made and cannot be required retrospectively.

9.3 This decision notice relates to the following documents:
Amended location plan 7857-P-01 Rev D received 10.05.18
Proposed elevation plan 7857-P-04 rev C received 23.03.18
Proposed elevation plan 7857-P-05 rev C received 23.03.18
Car park layout plan 7857-P-07 received 09.05.18
Roof plan 7857-P-03 rev C received 23.03.18
Ground floor plan 7857-P-02 Rev C received 23.03.18
Sections AA and BB 7857-P-06 Rev C received 23.03.18
Design and access statement received 23.03.18
Bat survey report dated November 2017 received 23.03.18
### APPLICATION NUMBER
18/00331/VCOND

### SITE ADDRESS:
Land North West of Megdale, Matlock

### DESCRIPTION OF DEVELOPMENT
Variation of Condition 32 of Planning Permission 17/00003/FUL to Allow for the Removal of Trees as part of Recommended Contamination Remediation Works.

### CASE OFFICER
H Frith

### APPLICANT
Mr M Willett of Westleigh Partnerships Ltd.

### PARISH/TOWN
Matlock Town

### AGENT
Mr A Hardwick of R G and P Ltd.

### WARD MEMBER(S)
Councillor A Elliott, Councillor S Burfoot, Councillor M Burfoot.

### DETERMINATION TARGET
06.07.18

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

### MATERIAL PLANNING ISSUES
- Whether the variation of the condition is reasonable.

### RECOMMENDATION
Approval subject to conditions.
1.0 THE SITE AND SURROUNDINGS
1.1 The application site is the former plant nursery of Derbyshire Dales District Council. The site is currently under construction following the grant of planning permission to erect 12 affordable dwellings on the site. The site is within a residential area close to the centre of Matlock. To the north of the site there is an access road to the playing fields which are situated to the west of the site. Beyond the access road are a group of grade II listed buildings; Dimple Farmhouse, Pillar Box Cottage, South Barn and West Barn. Dimple Farmhouse is one of the oldest buildings within this part of Matlock. Residential development is located to the south and east of the site with a belt of trees and a footpath to the immediate south of the site.

2.0 DETAILS OF THE APPLICATION
2.1 Condition 32 of permission 17/00003/FUL states that:

*The retention of trees and hedges and root protection areas shall be in accordance with plan 40470/002S received 04.08.17.*

*Reason:*

*For clarification and to ensure the retention of the trees/hedges.*

2.2 This application seeks to vary this condition to remove trees along the western boundary of the site in order to adequately decontaminate the land. It is then proposed that replacement tree species will be planted as part of the wider landscaping of the site.

2.3 The 17 no. trees to be removed are of the following species:
- Silver Birch
- Common Oak
- Bird Cherry
- Common Lime
- Common Ash
- One unknown species

2.4 The 8 no. replacement trees are of the following mix:
- Acer campestre ‘Streetwise’ (Field Maple)
- Acer campestre (Field Maple)
Sorbus Lutescens (Common Whitebeam)
Sorbus Cardinal Royal (Rowan)
Prunus Albertii (Flowering Bird Cherry)

2.5 Supporting statements have been submitted, the pertinent points of which are summarised:

Supporting statement:
In carrying out borehole investigations on the western bund to the above site it has been identified that the land is contaminated. The samples found evidence of asbestos and elevated levels of lead, PAHs (Polycyclic aromatic hydrocarbons) and Benzo(a)pyrene. The contamination remediation works with specific regard to the rear gardens require the removal of contaminated soil, which given the location of the existing trees will require the removal of trees to enable appropriate removal of contaminated soil and provision of a suitable capping layer. Given the impacts on human health the remediation works are appropriate to secure the occupation of the approved dwellings. The trees out of the site boundary are capable of retention and will be maintained in situ in accordance with the updated tree report as submitted. The variation of condition will ensure compliance with ground contamination remediation works, for the safety of future residents.

2.6 The applicant’s agent has also advised in writing that as the material is in a raised bund in which there are trees it will not be possible to cap the bund, also a capping layer will not work from a levels viewpoint. The only solution is to remove the bund and therefore the trees in order to place a suitable capping layer across the garden areas. The submitted soil report provides detail of the contaminants found.

2.7 Arboricultural Survey:
All trees to be removed are categorised there are no significant individual trees within the 17, which are all categorised as C2. The trees included in the report are all of a similar age of around 20 years. They have been planted close together and have never been thinned this has resulted in the suppression of many individuals negatively affecting their structure. This has been compounded by more mature trees located within the planting field to the western end restricting the available growing space. Many trees are so heavily suppressed that remedial management would not be realistically possible to improve their structure. Removal of the raised bund close to the Norway Maples should be carried out by hand.

3.0 PLANNING POLICY AND LEGISLATIVE FRAMEWORK

1. Adopted Derbyshire Dales Local Plan (2017)
   - Policy S1: Sustainable Development Principles
   - Policy S2: Settlement Hierarchy
   - Policy S3: Development Within Defined Settlement Boundaries
   - Policy PD1: Design and Place Making
   - Policy PD2: Protecting the Historic Environment
   - Policy PD3: Biodiversity and the Natural Environment
   - Policy PD4: Green Infrastructure
   - Policy PD6: Trees, Hedgerows and Woodlands
   - Policy PD8: Flood Risk Management and Water Quality
   - Policy PD9: Pollution Control and Unstable Land
   - Policy HC1: Location of Housing Development
   - Policy HC4: Affordable Housing
   - Policy HC11: Housing Mix and Type
   - Policy HC19: Accessibility and Transport
   - Policy HC21: Car Parking Standards
2. National Planning Policy Framework  
National Planning Practice Guidance

4.0 RELEVANT PLANNING HISTORY:  
17/00003/FUL Erection of 12 affordable dwellings – Permitted with conditions

5.0 CONSULTATION RESPONSES

Town Council
5.1 The application was granted on condition that the established trees were kept as a screen between the site and the playing fields. The Town Council strongly objects to the developer’s attempt to now remove that correct and important protection. Taking away the trees will also adversely affect the street scene of an historic site and permission should be denied.

Derbyshire County Council (Flood team)
5.2 Due to the nature and extent of the application the LLFA has no comments to make.

Derbyshire Wildlife Trust
5.3 The initial proposals for the development of the site included the retention of the boundary trees and the initial arboricultural report did not make any recommendations for tree removal. Whilst the trees do not support features with bat roost potential they do form a distinct green linear corridor in the local landscape that should be used by foraging and commuting bats and birds. They also buffer the habitats within the playing fields to the west from the proposed development. The current proposals to remove the trees will diminish this green feature and result in a net loss of biodiversity contradictory to the aims of the NPPF and local plan policies PD4 and PD6. The Trust encourage the retention of trees wherever possible and advise that the development should be designed to retain the trees and linear features. Alternative solutions should be investigated to enable their retention.

6.0 REPRESENTATIONS RECEIVED

6.1 3 letters of objection have been received from local residents, the comments raised are summarised below:

- The fact that this was contaminated land was known by the developer and the Council at the time of the original application.
- This matter should have been taken into account at that time.
- The developer should be made to work within the bounds of the original consent.
- The applicant must be made to save the trees by putting up a retaining wall.
- If not the developer must replace the trees.
- The District Council may have to donate/sell a strip of land to plant the trees on. There is a large area of land available.
- Given this was an old refuse site the contamination must have been known about and should have been checked thoroughly at the time of the original application.
- I thought that the building work would not protrude into the old tip which has been securely sealed.
- By cutting into the tip toxic substances are being released which can get into the ground water, causing greater pollution.
- I am opposed to extending the site and removing the bund and trees.
- A retaining wall should be built to seal in the content of the tip securely, this would result in smaller rear gardens.
- Whilst the trees individually are not of a high quality collectively they make a significant positive contribution to the area. With some selected removal and management the remaining trees would benefit.
The loss of the trees will adversely affect the setting of the listed buildings, the green surrounding of which is part of the appeal and character of this location.

The NPPF advises that the planning system should contribute to the natural environment by minimising impact on biodiversity and providing net gains in biodiversity where possible. The removal of the trees will be a net loss to biodiversity, weakening the network of green corridors in this area.

The original decision recognised that the adverse impact upon the listed buildings was less than substantial harm but outweighed by the benefits of the affordable housing. Had the harm to the visual amenity of the area caused by the loss of the trees been known this and the ecological impacts as well as the harm to listed buildings may have weighed against the scheme. Permission may have been refused due to the cumulative negative impacts.

There should be an appropriate scheme of replanting equal to or exceeding the number of trees to be removed and should be large planting sizes.

The developer has shown a lack of due diligence.

6.2 Comments received from Councillor Martin Burfoot:
As a ward member and local resident, but not personally affected by the proposal, I am concerned about the adverse landscape effect on the playing fields and local visual amenity as well as a detrimental impact on the setting of a listed building of the wholesale removal of 17 semi-mature trees, including oaks and limes, along the west boundary of the site.

I am not convinced that the trees were accurately surveyed and assessed prior to their proposed removal, in order to help mitigate the obviously serious contamination problem on the west side of the site. However, I do wonder why Westleigh (or indeed Council officers) did not anticipate this issue, given the well-known toxic tipping history of the Dimple site, and therefore undertake adequate site investigation, prior to submitting their latest full application for 12 houses. I seem to recall pointing out at the time of the housing applications that a mainly desktop exercise in this respect was inadequate.

In view of the fact that there is already a retaining wall proposed as part of the approved scheme, I would presume that this could be constructed to adequately seal any contaminated material and then a further, second tier of rear gardens created by means of an upper level gabion type retaining wall, laid against the excavated embankment, as close as possible to the trees in question, but without significantly undermining the root spread of those trees. Given the close proximity of the playing fields, I would not have thought that smaller rear gardens would be a particular disadvantage for future residents.

After inspecting the trees which have been marked for removal I find it difficult to differentiate between those trees and those just outside the proposed site boundary, within the Dimple playing fields, which are not proposed for removal. It appears that it was always likely to be difficult to erect a boundary fence in a straight line, between all these trees, so it may be more practical for the Council to sell an additional strip of land to the developers and include all the existing trees, augmented by an adequate number i.e. a total of 17 replacement trees. This would then constitute part of a revised application, thereby passing liability for future management to Westleigh, but with a condition to ensure future retention of the trees in perpetuity.

I do seriously suspect that there may be an ulterior motive here, i.e. that Westleigh and Waterloo really wish to see the 17 trees removed in order to minimise their future liability.

Whatever the outcome of this contentious application, at the very least the 17 trees proposed to be felled must be replaced by an equivalent number of similar trees i.e. a combination of native forest trees and amenity species, in order to maintain and if possible enhance the existing biodiversity. All that is proposed, belatedly, in the submitted landscape scheme are a mere 8 no. small non-native amenity trees. In addition, little of the remainder of the
scheme, comprising shrubs and herbaceous plants elsewhere on the site, appears to be sufficiently robust to survive for long on a housing scheme of this type.

In conclusion, might it not be preferable for Westleigh and Waterloo Housing to amend their approved housing layout, by reducing the housing density proposed? Such a revision could provide more spacious gardens, while addressing the contamination issue, but with the benefit of more space for an enclosed buffer zone outside the individual property curtilages. This fenced enclosure would in effect comprise a landscape buffer, but provided and maintained in perpetuity by the applicants.

I trust the above comments and suggested range of alternative solutions outlined above will be taken into account during deliberations about this planning application.

7.0 OFFICER APPRAISAL

The following material planning issues are relevant to this application:
– Whether the removal of the trees is reasonable and necessary in order to appropriately decontaminate the land.

7.1 Prior to the determination of the planning application 17/00003/FUL it was known that there would be likely contaminants on the site given the former uses. In this respect detailed conditions were added to the permission to ensure that appropriate investigation and mitigation of the contaminated land was carried out. In this respect it is not considered that the developer has displayed a lack of due diligence, this is normal practice in such cases.

7.2 Through carrying out investigations of the contaminants it has become apparent that the bund to the rear of the site contains levels of asbestos and elevated levels of Lead, PAHs (Polycyclic Aromatic Hydrocarbons) and Benzo(a)pyrene, all of which are potentially harmful to human health. As this land will be garden land to some of the proposed affordable units it is essential to ensure that the contamination is appropriately dealt with. In this respect whilst this will lead to the loss of 17 trees to the western side of the site, this is considered necessary and reasonable in these circumstances.

7.3 It is acknowledged that the loss of the trees will cause some harm to the appearance of the area and to biodiversity through the loss of a linear green corridor in the short term. The planting to the southern end of the site which provides a substantial buffer of trees between the development and the footpath will remain as will the hedge to the northern boundary, these features will continue to soften the visual impact of the development from the surrounding area. From views across the recreation ground the pavilion building will remain present in the foreground and the existing planting noted above will continue to soften the development in this wider context.

7.4 The applicants have provided a revised landscaping plan which shows that 8 trees of 12-14 cm girth and 3.5 – 4 m in height will be planted to this western boundary following the mitigation works and in order to replace the 17 to be removed. The number and size of trees to be planted, which will have adequate space to grow, are considered to be acceptable given the crowding of the existing 17 trees demonstrated in the submitted Arboricultural Survey. Whilst the species is a slight change to those currently on site the species mix is considered appropriate in this urban context at the edge of the recreation ground. The replacement planting will adequately compensate for the immediate loss of the linear green corridors, in time replicating the biodiversity benefits of the trees and as they mature this will result in a neutral visual impact. Given the risks of not appropriately decontaminating the land it is considered that the minor visual impact caused in the short term is outweighed by the need to ensure safety of future occupants.
7.5 It has been noted that the loss of the trees will adversely affect the setting of the adjacent listed buildings. However it is considered that given that the trees have only been planted within the last 20 years or so and they form only a small component part of how the buildings are appreciated, they do not meaningfully contribute to the historic setting of these buildings. Furthermore the replacement trees will grow to replace the screening currently provided by the trees to be removed, thereby having a neutral impact on the character and appearance of the area.

7.6 To conclude it is considered that the removal of the trees is necessary and the replacement planting of high standard trees is acceptable and over time will help to assimilate the development into this context and replicate the existing habitat. The variation of condition is considered to accord with policies S3, PD1, PD2, PD3, PD4, PD6 and PD9 of the Adopted Local Plan 2017. As the development is not complete it is necessary to impose and where necessary alter many of the conditions still pertinent to the development as set out in the original permission and in accordance with the ongoing discharge of the original conditions.

8.0 RECOMMENDATION

That planning permission be granted subject to the following conditions:

1. The temporary access for construction purposes shall be provided in accordance with plan no. WD/313/06A received 30.08.17 as submitted in accordance with permission 17/00003/FUL, unless otherwise agreed in writing by the Local Planning Authority, the access shall free from any impediment to its designated use.
   
   Reason:
   
   In the interests of highway safety in accordance with policies S3 and HC19 of the Adopted Derbyshire Dales Local Plan 2017.

2. Space shall be provided within the site for storage of plant and materials, site accommodation, loading, unloading and manoeuvring of goods vehicles, parking and manoeuvring of employees and visitors vehicles, laid out and constructed in accordance with plan WD/313/20 received 30.08.17 in accordance with permission 17/00003/FUL, unless otherwise agreed in writing by the Local Planning Authority. Once implemented the facilities shall be retained free from any impediment to their designated use throughout the construction period.
   
   Reason:
   
   In the interests of highway safety in accordance with policies S3 and HC19 of the Adopted Derbyshire Dales Local Plan 2017.

3. Throughout the period of development vehicle wheel cleaning facilities shall be provided and retained within the site. All construction vehicles shall have their wheels cleaned before leaving the site in order to prevent the deposition of mud and other extraneous material on the public highway.
   
   Reason:
   
   In the interests of highway safety in accordance with policies S3 and HC19 of the Adopted Derbyshire Dales Local Plan 2017.

4. The construction of the residential estate road and footways (including layout, levels, gradients, surfacing and means of surface water drainage) shall be completed in accordance with plan WD/313/08A, 11A and 14A received 30.08.17 in accordance with permission 17/00003/FUL, unless otherwise agreed in writing by the Local Planning Authority.
Reason:

In the interests of highway safety in accordance with policies S3 and HC19 of the Adopted Derbyshire Dales Local Plan 2017.

5. The proposed carriageway of the estate road to serve the development shall be laid out in accordance with submitted drawing number 40471/002Q submitted under permission 17/00003/FUL and constructed in accordance with Condition No 5 above up to and including at least road base level, prior to the commencement of the erection of any dwelling intended to take access from that road. The carriageways and footways shall be constructed up to and including base course to ensure that each dwelling prior to occupation has a properly consolidated and surfaced carriageway and footway, between the dwelling and Megdale. Until final surfacing is completed, the footway base course shall be provided in a manner to avoid any upstands to gullies, covers, kerbs or other such obstructions within or abutting the footway. The carriageways and footways 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.

Reason:

In the interests of highway safety in accordance with policies S3 and HC19 of the Adopted Derbyshire Dales Local Plan 2017.

6. Prior to occupation of any dwelling the proposed junction to Megdale shall be laid out and constructed in accordance with the drawing No 40470/002Q submitted under permission 17/00003/FUL, and provided with visibility sightlines extending from a point 2.4 metres from the carriageway edge, measured along the centreline of the access, for a distance of 43 metres in each direction measured along the nearside carriageway edge. The land in advance of the visibility sightlines forming part of the estate street and not part of any adjoining plot or other sub-division of the site.

Reason:

In the interests of highway safety in accordance with policies S3 and HC19 of the Adopted Derbyshire Dales Local Plan 2017.

7. No dwelling shall be occupied until space has been laid out within the site for the parking and manoeuvring of residents vehicles associated with that dwelling in accordance with drawing No 40470/002Q submitted under permission 17/00003/FUL. These facilities shall thereafter be retained for use at all times.

Reason:

In the interests of highway safety in accordance with policies S3 and HC19 of the Adopted Derbyshire Dales Local Plan 2017.

8. No building hereby permitted shall be occupied until surface water drainage works have been implemented in accordance with plan no’s WD/313/06A, 07A, 11A and 13 received 30.08.17 in accordance with permission 17/00003/FUL, unless otherwise agreed in writing by the Local Planning Authority.
In the interests of highway safety in accordance with policies S3, PD8 and HC19 of the Adopted Derbyshire Dales Local Plan 2017.

9. No part of the adopted estate street leading from Megdale to the end of the turning head shall exceed a gradient of 1:20.

Reason:

In the interests of highway safety in accordance with policies S3 and HC19 of the Adopted Derbyshire Dales Local Plan 2017.

10. Prior to the commencement of development a scheme for the long term management of the affordable dwellings hereby approved shall be submitted to and agreed in writing by the Local Planning Authority. The scheme shall be completed in accordance with the agreed details.

Reason:

To ensure the accommodation defined as such remains affordable in the long term in accordance with guidance contained within the National Planning Policy Framework.

11. Measures to control Japanese Knotweed shall be carried out in strict accordance with the invasive species protocol submitted 30.08.17 in accordance with application 17/00003/FUL entitled 'Japanese Knotweed Treatment', unless otherwise agreed in writing by the Local Planning Authority.

Reason:

In the interest of ecology in accordance with policy PD3 of the Adopted Derbyshire Dales Local Plan 2017.

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

Reason:

In the interest of ecology in accordance with policy PD3 of the Adopted Derbyshire Dales Local Plan 2017.

13. The measures recommended within the submitted ecological report received 12.01.17 in accordance with application 17/00003/FUL shall be fully followed and implemented on site.

Reason:

In the interest of ecology in accordance with policy PD3 of the Adopted Derbyshire Dales Local Plan 2017.

Reason:

Reason SD12: in accordance with Policy PD9 of the Adopted Local Plan 2017 and guidance contained within the National Planning Policy Framework

15. Condition SD13: Land affected by contamination – prior to commencement
Reason:

Reason SD13: in accordance with Policy PD9 of the Adopted Local Plan 2017 and guidance contained within the National Planning Policy Framework

16. Prior to each phase of development approved by this planning permission no development approved by this planning permission shall commence until a remediation strategy to deal with the risk associated with contamination of the site has been submitted to, and approved in writing by, the Local Planning Authority. This strategy will include the following components:
   • all previous uses;
   • potential contaminants associated with those uses;
   • a conceptual model of the site indicating sources, pathways and receptors; and
   • potentially unacceptable risks arising from contamination at the site,
     1. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
     2. The results of the site investigation and the detailed risk assessment referred to in (2) and based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
     3. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.
   Any changes to these components require the written consent of the Local Planning Authority. The scheme shall be implemented as approved.

Reason:

To ensure that the development is not put at unacceptable risk from, or adversely affected by, unacceptable levels water pollution in line with policy PD9 of the Adopted Local Plan 2017 and paragraph 109 of the National Planning Policy Framework.

17. Prior to each phase of development being occupied a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

Reason:

To ensure that the site does not pose any further risk to human health or the water been met and that remediation of the site is complete. This is in line with policy PD9 of the Adopted Local Plan 2017 and paragraph 109 of the National Planning Policy Framework.

18. If, during development contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be implemented as approved.
Reason:

To ensure that the development is not put at unacceptable risk from, or adversely affected by, unacceptable levels water pollution from previously unidentified contamination sources at the development site in line with policy PD9 of the Adopted Local Plan 2017 and paragraph 109 of the National Planning Policy Framework.

19. Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to ground water. The development shall be carried out in accordance with the approved details.

Reason:

To ensure that the development is not put at unacceptable risk from, or adversely affected by, unacceptable levels water pollution from previously unidentified contamination sources at the development site in line with policy PD9 of the Adopted Local Plan 2017 and paragraph 109 of the National Planning Policy Framework.

20. The development hereby permitted shall not commence until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

Reason:

To ensure that the development is provided with a satisfactory means of drainage as well as reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution in accordance with policies PD8 and PD9 of the Adopted Local Plan 2017.

21. 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 (March 2015), 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 the use of the building commencing.

Reason:

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 policies PD8 and PD9 of the Adopted Local Plan 2017.

22. Notwithstanding the submitted details, a detailed plan including detailed finishes, along with samples/sample panels of all boundary treatments, shall be submitted to and agreed in writing by the Local Planning Authority prior to any boundary being installed on site. Works shall be completed in accordance with the agreed details and prior to the occupation of the first unit.

Reason:

To ensure an appropriate finished form of development in accordance with policies S3, PD1 and PD2 of the Adopted Local Plan 2017 and guidance contained within the National Planning Policy Framework.
23. The facing materials of the development shall be the Ibstock Anglian Beacon Sahara brick, with the Ibstock Staffordshire Slate Blue Smooth as a feature brick and the Cembrit Westerland grey roof tile. Unless otherwise agreed in writing by the Local Planning Authority. Works shall be completed in accordance with the agreed details.

Reason:

To ensure an appropriate finished form of development in accordance with policies S3, PD1 and PD2 of the Adopted Local Plan 2017.

24. In accordance with the materials agreed under condition 24 above, the detail of the blue brick feature and its junction with the surrounding brick work shall be carried out in strict accordance with the detail on plan 40470/39D submitted in accordance with permission 17/00003/FUL, unless otherwise agreed in writing by the Local Planning Authority.

Reason:

To ensure an appropriate finished form of development in accordance with policies S3, PD1 and PD2 of the Adopted Local Plan 2017.

25. The following details of the development are agreed in accordance with plan 40470/013B received 22.06.17 submitted in accordance with permission 17/00003/FUL:
   - Items 4 to 8
   - Item 10
   - Item 14 - with the utility boxes inset
   - Item 15 - on the basis that all windows and patio doors to the rear of plots 10, 11 and 12 are grey to match those to the frontage, with white UPVC used on the rear of plots 1 to 7. All unless otherwise agreed in writing by the Local Planning Authority. Work shall be completed in accordance with the agreed details.

Reason:

To ensure an appropriate finished form of development in accordance with policies S3, PD1 and PD2 of the Adopted Local Plan 2017.

26. Condition IC19: restrict operating hours (0800 to 1800)

Reason:

Reason IC19: guidance contained within the National Planning Policy Framework.

27. Condition IC23: external lighting

Reason:


28. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order with or without modification) no external alterations or additions shall be made to any dwelling hereby approved and no buildings, extensions, gates, fences or walls (other than those expressly authorised by this permission) shall be carried out within the curtilages of plots 1, 2, 7, 10, 11 and 12 without the prior written approval of the Local Planning Authority upon an application submitted to it.
Reason:


29. The hard surfacing of the site shall be carried out in accordance with plan WD/313/10A received 31.10.17 in accordance with permission 17/00003/FUL, unless otherwise agreed in writing by the Local Planning Authority.

Reason:

To ensure an appropriate finished form of development in accordance with policies S3, PD1 and PD2 of the Adopted Local Plan 2017.

30. The soft landscaping of the site shall be carried out in accordance with plan 17.1329.001 Rev D received 24.04.18 with the exception of the hedge to the northern boundary which shall be extended to the end of plot 1, unless otherwise agreed in writing by the Local Planning Authority.

Reason:

To ensure an appropriate finished form of development in accordance with policies S3, PD1 and PD2 of the Adopted Local Plan 2017.

31. No development shall commence on site until the finished site levels and contours of the site are submitted to and approved in writing by the Local Planning Authority, works shall be completed in accordance with the agreed details.

Reason:

To ensure an appropriate finished form of development in accordance with policies S3, PD1 and PD2 of the Adopted Local Plan 2017.

32. Notwithstanding condition 34 the boundary treatments of the site shall be as detailed on plan 40470/200A received 13.10.17 in accordance with permission 17/00003/FUL with the exception of the fence to the northern boundary of plot 1, where there shall be a continuous hedge in accordance with condition 31 above and TF3 type fencing. Prior to work commencing on the stone frontage wall as detailed on plan 40470/38 received 13.10.17 in accordance with permission 17/00003/FUL a 1 m square sample panel of the natural stone wall, to be constructed as a dry stone wall, shall be available for inspection on site and agreed in writing by the Local Planning Authority. All works shall be completed in accordance with the agreed details.

Reason:

To ensure an appropriate finished form of development in accordance with policies S3, PD1 and PD2 of the Adopted Local Plan 2017.

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

Reason:


34. The replacement of trees along the western boundary shall be in strict accordance with plan 17.1329.001 rev D received 24.04.18, unless otherwise agreed in writing by the Local Planning Authority.

Reason:

For clarification and to ensure the appropriate replacement of the trees species in accordance with policies S3, PD1, PD3, PD4, PD6 and PD9 of the Adopted Local Plan 2017

9.0 NOTES TO APPLICANT:

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

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

9.3 Severn Trent Water advise that although our statutory sewer records do not show any public sewers within the area you have specified, there may be sewers that have been recently adopted under The Transfer Of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and you are advised to contact Severn Trent Water to discuss your proposals. Severn Trent will seek to assist you obtaining a solution which protects both the public sewer and the building.

9.4 Derbyshire County Council do not adopt any private SuDS schemes. As such, it should be confirmed prior to commencement of works which organisation will be responsible for SuDS maintenance once the development is completed.

9.5 Highway Footnotes A to F:

A. Pursuant to Section 38 and the Advance Payments Code of the Highways Act 1980, the proposed new estate roads should be laid out and constructed to adoptable standards and financially secured. Advice regarding the technical, financial, legal and administrative processes involved in achieving adoption of new residential roads may be obtained from the Strategic Director of the Economy, Transport and Environment Department at County Hall, Matlock (tel: 01629 533190). The applicant is advised to allow approximately 12 weeks in any programme of works to obtain a Section 38 Agreement.

B. Highway surface water shall be disposed of via a positive, gravity fed system (ie; not pumped) discharging to an approved point of outfall (eg; existing public sewer, highway drain or watercourse) to be sanctioned by the Water Authority (or their agent), Highway Authority or Environment Agency respectively. The use of soak-aways for highway purposes is generally not sanctioned.
C. Pursuant to Sections 149 and 151 of the Highways Act 1980, the applicant must take all necessary steps to ensure that mud or other extraneous material is not carried out of the site and deposited on the public highway. Should such deposits occur, it is the applicant’s responsibility to ensure that all reasonable steps (e.g., street sweeping) are taken to maintain the roads in the vicinity of the site to a satisfactory level of cleanliness.

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

E. The proposed access will require the removal or relocation of an existing street lighting column on Megdale. The applicant must seek the prior written approval of my Council’s Street Lighting Services for any such works. The applicant should contact Street Lighting Services on 01629 531946 for advice and procedure for the column. Additionally, the applicant must secure the service of Derbyshire County Council for the works in the absence of any Agreement under the Highways Act 1980. The applicant is liable for all costs arising.

F. The application site is affected by a public Right of Way, Footpath No 95 on the Derbyshire Definitive Map. The route must remain unobstructed on its legal alignment at all times and the safety of the public using it must not be prejudiced either during or after development works take place. Further advice can be obtained by calling 01629 533190 and asking for the Rights of Way Duty Officer. Please note that:

- The granting of planning permission is not consent to divert or obstruct a public right of way.
- If it is necessary to temporarily obstruct a right of way to undertake development works then a temporary closure is obtainable from the County Council. Please contact 01629 533190 for further information and an application form.
- If a right of way is required to be permanently diverted then the Council that determines the planning application (The Planning Authority) has the necessary powers to make a diversion order.
- Any development insofar as it will permanently affect a public right of way must not commence until a diversion order (obtainable from the planning authority) has been confirmed. A temporary closure of the public right of way to facilitate public safety during the works may then be granted by the County Council.
- To avoid delays, where there is reasonable expectation that planning permission will be forthcoming, the proposals for any permanent stopping up or diversion of a public right of way can be considered concurrently with the application for the proposed development rather than await the granting of permission.

9.6 The developer should make separate enquiries with broadband providers and ensure that future occupants have access to sustainable communications infrastructure, giving appropriate thought to the choice and availability of providers which can offer high speed connections. The following link may be helpful in this regard:
9.7 This decision notice relates to the following documents:
Landscape proposals 17.1329.001 Rev D received 24.04.18
External works plan 40470/200 D received 22.03.18
Chemtest report received 06.04.18
Arboricultural survey received 06.04.18
Email dated 10.01.18 received 06.04.18
Supporting statement received 06.04.18
Documents referred to in the conditions above relating to the discharge of conditions associated with 17/00003/FUL.
## Ashbourne North

<table>
<thead>
<tr>
<th>Case Ref</th>
<th>Reason</th>
<th>Location</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>ENF/14/00071</td>
<td>Unauthorised building works to facilitate a Biomass Boiler and affecting the setting of a listed building.</td>
<td>Sturston Hall Farm Mill Lane Sturston Derbyshire DE6 1LN</td>
<td>Notice Issued</td>
</tr>
<tr>
<td>ENF/15/00014</td>
<td>Unauthorised alterations to listed building. Installation of photo voltaic panels on roof slope - Sturston Hall Farm, Ashbourne, DE6 1LN</td>
<td>Sturston Hall Farm Mill Lane Sturston Derbyshire DE6 1LN</td>
<td>Notice Issued</td>
</tr>
<tr>
<td>ENF/17/00046</td>
<td>Unauthorised engineering comprising of excavations and leveling of land to the rear of 71 Park Avenue.</td>
<td>71 Park Avenue Ashbourne Derbyshire DE6 1GB</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/17/00094</td>
<td>Unauthorised facia signs at 1 Shawcroft Centre, Dig Street, Ashbourne, DE6 1GF</td>
<td>1 Shawcroft Centre Dig Street Ashbourne Derbyshire DE6 1GD</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/18/00011</td>
<td>Works to roof not done in accordance with approved plans (Planning permission reference number. 17/00045/FUL)</td>
<td>Blacks Cottage Coopers Close Ashbourne Derbyshire DE6 1EQ</td>
<td>Pending Consideration</td>
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<tr>
<td>ENF/18/00020</td>
<td>Change of use to hot food takeaway (A5) and works to a listed building (Grade II) - Shopfront changes, additional side entry and removal of bricks</td>
<td>3 Church Street Ashbourne Derbyshire DE6 1AE</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/18/00038</td>
<td>Breach of Conditions 6, 16, 17, 18, 21 and 22 of Planning Permission 09/00496/FUL (Allowed on appeal)</td>
<td>The Mount 4 North Avenue Ashbourne Derbyshire DE6 1EZ</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/18/00066</td>
<td>Erection of gazebo style structure being used as a garage</td>
<td>52 St Oswald Crescent Ashbourne Derbyshire DE6 1FS</td>
<td>Pending Consideration</td>
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## Ashbourne South

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<tr>
<td>ENF/14/00070</td>
<td>Unauthorised internally illuminated signage above front of restaurant - 25 Dig Street, Ashbourne, DE6 1GF</td>
<td>25 Dig Street Ashbourne Derbyshire DE6 1GF</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/17/00038</td>
<td>Unauthorised works to listed building</td>
<td>Avanti Jewellers 2 - 4 Church Street Ashbourne Derbyshire DE6 1AE</td>
<td>Pending Consideration</td>
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<tr>
<td>ENF/17/00067</td>
<td>Unauthorised erection of two buildings to the rear of factory and north side of Derby Road, Ashbourne.</td>
<td>Homelux Nenplas Limited Blenheim Road Airfield Industrial Estate Ashbourne Derbyshire DE6 1HA</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>Reference</td>
<td>Breach Description</td>
<td>Location</td>
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<tr>
<td>ENF/18/00018</td>
<td>Breach of Condition 1 of Planning Application Reference No. 17/00828/FUL</td>
<td>47 South Street Ashbourne Derbyshire DE6 1DP</td>
<td>Pending Consideration</td>
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<tr>
<td>ENF/18/00051</td>
<td>Breach of condition 18 of planning application 17/00337/FUL - Working outside of permitted hours</td>
<td>Land South Of Old Derby Road Ashbourne Derbyshire</td>
<td>Pending Consideration</td>
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<tr>
<td>ENF/18/00052</td>
<td>Breach of Condition 24 (Tree Protection) of planning application reference no. 17/00250/REM</td>
<td>Land South Of Leys Farm Wyaston Road Ashbourne Derbyshire</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/18/00059</td>
<td>Alleged unauthorised timber building adjacent to 6 Weaver Close, Ashbourne</td>
<td>7 Weaver Close Ashbourne Derbyshire DE6 1BS</td>
<td>Pending Consideration</td>
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<tr>
<td><strong>Brailsford</strong></td>
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<tr>
<td>ENF/17/00058</td>
<td>Unauthorised erection of replacement fencing around boundary of South Lodge, Long Lane, Longford, Derbyshire</td>
<td>South Lodge Long Lane Longford Derbyshire DE6 3DS</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/17/00125</td>
<td>Installation of Flue to Serve Biomass Generator</td>
<td>Marsh Hollow Farm Shirley Lane Hollington Derbyshire DE6 3GD</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/18/00009</td>
<td>Unauthorised building works to barn at West Mammerton Farm, Sutton Lane, Longford</td>
<td>Buildings At West Mammerton Farm Sutton Lane Longford Derbyshire</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/18/00062</td>
<td>Breach of pre - commencement condition 2 of listed building consent 18/00070/LBALT - Prior to commencement of works, details of the glazing and timber frames to the proposed doors shall be submitted to, and approved in writing by, the Local Planning Authority. The window and doors shall then be installed in accordance with the approved details and so retained.</td>
<td>Cornerstone Cottage The Green Brailsford Derbyshire DE6 3BX</td>
<td>Pending Consideration</td>
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<tr>
<td><strong>Carsington Water</strong></td>
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<tr>
<td>ENF/16/00034</td>
<td>Unauthorised erection of Dog kennels</td>
<td>Four Lane Ends Farm Gibfield Lane Hulland Ward Derbyshire DE6 3EJ</td>
<td>Pending Consideration</td>
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<tr>
<td>ENF/17/00041</td>
<td>Unauthorised change of use of land for the stationing of a static caravan for the purpose of human habitation</td>
<td>Barn At Arm Lees Farm Ryder Point Road Wirksworth Derbyshire</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/17/00082</td>
<td>Unauthorised erection of raised platform on land within the conservation area and to the rear of Barnwood, Hopton, Wirksworth, Matlock, Derbyshire DE4 4DF</td>
<td>Barnwood Main Street Hopton Derbyshire DE4 4DF</td>
<td>Pending Consideration</td>
</tr>
</tbody>
</table>
ENF/17/00095  Unauthorised building works to create a roof over an existing muck store and unauthorised minor enlargement of approved building, 15/00493/FUL.  Turlow Fields Farm Turlowfields Lane Hognaston Derbyshire DE6 1PW Pending Consideration

ENF/17/00141  Tipping of Materials on Land  The Ketch Ashbourne Road Kniveton Derbyshire DE6 1JF Pending Consideration

ENF/18/00013  Building not built in accordance with approved plans  Mulino Lodge Agnes Meadow Lane Kniveton Derbyshire DE6 1JR Pending Consideration

ENF/18/00016  Unauthorised demolition/conversion of barn.  Barn At Arm Lees Farm Ryder Point Road Wirksworth Derbyshire Pending Consideration

ENF/18/00057  Erection of fence to front of property in excess of 2 metres in height  Barney’s Cottage Main Street Hognaston Derbyshire DE6 1PR Pending Consideration

ENF/18/00065  Works started on an extant permission (00/07/0521) granted in September 2000  Foxholes Foxholes Lane Kniveton Derbyshire DE6 1JN Pending Consideration

**Clifton And Bradley**

ENF/18/00015  Unauthorised use of land for wood processing facility  Duke Of York Filling Station Mayfield Road Mayfield Ashbourne Derbyshire DE6 2BN Pending Consideration

ENF/18/00047  Use of agricultural building as a lorry shed and creation of hardstanding  Wyaston House Farm Orchard Lane Wyaston Derbyshire DE6 2DR Pending Consideration

ENF/18/00053  Erection of garage, in excess of 2.5m in height adjacent to a boundary and the creation of a boundary wall  The Cottage Mill Lane Shirley Derbyshire DE6 3AR Pending Consideration

ENF/18/00055  Unauthorised erection of summer house, on land at Cloud Barn, Clifton Road (A515), Clifton, Derbyshire and Untidy Land  Cloud Barn Clifton Road Clifton Derbyshire DE6 2DH Pending Consideration

ENF/18/00072  Installation of external lighting  Snelston House Sides Lane Snelston Derbyshire DE6 2EN Pending Consideration

**Darley Dale**

ENF/12/00034  Unauthorised demolition of a Listed wall and unauthorised access off the A6 at Dale Road North Darley Dale.  Stancliffe Quarry, Darley Dale, Matlock. Notice Issued

ENF/17/00016  Breach of pre commencement conditions on planning permission 15/00718/FUL Demolition of existing dwelling and barn and erection of replacement dwelling and swimming pool building.  Former Bent Farm Farley Hill Matlock Derbyshire DE4 5LT Pending Consideration
ENF/17/00100 Alleged - Unauthorised Use of Site and Building for the Holding of Weddings Peak Village Ltd Darwin Lake Holiday Village Jaggers Lane Darley Moor Matlock Derbyshire DE4 5LJ Pending Consideration

ENF/17/00139 Unauthorised erection of a steel framed building, erection of a concrete retaining wall and unauthorised office building Bent Farm / Ameycroft Farm Farley Hill Matlock Derbyshire DE4 5LR Pending Consideration

ENF/17/00142 The unauthorised erection of an agricultural building contrary to planning permission 13/00378/FUL - Erection of agricultural/fodder and equipment building St Elphins Cottage Blind Lane Hackney Derbyshire DE4 2QE Notice Issued

ENF/17/00158 The unauthorised change of use of land for the storage of domestic and commercial vehicles, building materials and heras fencing Notice Issued

ENF/17/00159 Partial change of use of agricultural building for ancillary domestic purposes, on land at St Elphins Cottage, Hackney Notice Issued

ENF/18/00035 Erection of Double Garage and engineering works in association with Landscaping to front of property. Lilac Cottage Holt Road Hackney Derbyshire DE4 2QD Pending Consideration

ENF/18/00043 Breach of conditions 22 and 23 of planning permission 16/00789/FUL Land South West Of Old Hackney Lane Hackney Derbyshire Pending Consideration

ENF/18/00067 Unauthorised works to widen access Former Bent Farm Farley Hill Farley Derbyshire DE4 5LT Pending Consideration

ENF/18/00070 Breach of condition 14 (hard and soft landscaping) of planning permission 10/00069/FUL - Failure of new trees Land Off Morledge Bakewell Road Matlock Derbyshire Pending Consideration

**Dovedale And Parwich**

ENF/15/00065 Alleged change of use of pub car park to use for the stationing of vehicular mobile homes. Okeover Arms Mapleton Road Mapleton Derbyshire DE6 2AB Notice Issued

ENF/18/00076 Unauthorised erection of smoking shelter and adjacent timber fencing Pending Consideration

**Doveridge And Sudbury**

ENF/18/00029 Erection of Porches 17 West Drive Doveridge Derbyshire DE6 5NG Pending Consideration

ENF/18/00037 Change of Use to a Childcare Business The Old School 22 High Street Doveridge Derbyshire DE6 5NA Pending Consideration

**Hulland**
ENF/14/00041 Breach of condition 2 relating to planning permission 10/00812/TEMP - Provision of temporary access for a period of 2 years - Redmire Gap, Intakes Lane, Turnditch, Derbyshire DE56 2LU

ENF/15/00004 Unauthorised engineering works including substantive excavation on land at Common Farm.

ENF/15/00024 The unlawful use of the buildings, shown in green on the attached plan, as a dwellinghouse (Use Class C3).

ENF/17/00064 Unauthorised change of use of land to create a horse riding Manege' on land West side of Broadway, Kirk Ireton

ENF/17/00109 Use as a collection point for County Council vehicles

ENF/18/00045 Subdivision of property to create an additional dwelling and a holiday let

Masson

ENF/13/00108 Unauthorised works to Grade II Listed Building

ENF/15/00054 Unauthorised alterations to a Grade II Listed Building.

ENF/15/00104 Unauthorised internal works and demolition of external boundary wall.

ENF/16/00041 Unauthorised installation of plastic windows and door.

ENF/16/00090 Erection of a shed, decking and fence.

ENF/16/00097 Unauthorised engineering operations and the creation of concrete retaining wall.

ENF/17/00022 Erection of two wooden sheds.

ENF/17/00061 Unauthorised works to a Listed Building

Redmire Gap Intakes Lane Turnditch Derbyshire DE56 2LU

Common Farm Mugginton Lane End Weston Underwood Ashbourne Derbyshire DE6 4PP

Blackbrook Lodge Farm Intakes Lane Turnditch Derbyshire DE56 2LU

Caravan At Valley View Broad Way Kirk Ireton Derbyshire

Wheel Plant Ltd Winney Hill Farm Hob Lane Kirk Ireton Derbyshire DE6 3LG

Addcrofts Farm Hob Lane Kirk Ireton Derbyshire DE6 3LG

Corn Mill Cottage Water Lane Cromford Derbyshire DE4 3QH

Rita’s Fish Bar 182 South Parade Matlock Bath Derbyshire DE4 3NR

Mill Managers House Cromford Mill Mill Road Cromford Derbyshire DE4 3RQ

2,4,6 North Parade Matlock Bath Derbyshire DE4 3NS

2 Primrose Cottages St Johns Road Matlock Bath Derbyshire DE4 3PQ

UK Slipform Ltd Dunsley Mill Via Gellia Road Bonsall Derbyshire DE4 2AJ

The Cottage Puddle Hill Bonsall Derbyshire DE4 2BA

RIVA Rose Cottage 124 - 126 North Parade Matlock Bath Derbyshire DE4 3NS
<table>
<thead>
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<td>ENF/17/00102</td>
<td>Erection of Four Sheds</td>
<td>Land Adj. The Allotments Between North Street And Bedehouse Lane Cromford Derbyshire DE4 3QZ</td>
<td>Pending Consideration</td>
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<tr>
<td>ENF/17/00145</td>
<td>Unauthorised works to ground floor concrete floor slab, contrary to condition 8 of 15/00329/LBALT</td>
<td>1 High Street Bonsall Derbyshire DE4 2AS</td>
<td>Pending Consideration</td>
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<tr>
<td>ENF/17/00147</td>
<td>Breach of Conditions of Planning Permission Reference 11/00504/FUL</td>
<td>Cromford Hill Hand Car Wash 161 The Hill Cromford Derbyshire DE4 3QU</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/17/00150</td>
<td>Breach of condition 2 relating to planning permission 17/00104/FUL - Single storey extension, 1 Water Lane, Cromford, Derbyshire, DE4 3QH.</td>
<td>1 Water Lane Cromford Derbyshire DE4 3QH</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/18/00003</td>
<td>Untidy site - Land at Gullivers Kingdom, Adjacent to the upper car park, Matlock Bath, Derbyshire</td>
<td>Gullivers Kingdom Temple Road Matlock Bath Derbyshire DE4 3PG</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/18/00017</td>
<td>Unauthorised works to a listed building - Insertion of 3no. UPVC window frames</td>
<td>98 North Parade Matlock Bath Derbyshire DE4 3NS</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/18/00028</td>
<td>Alleged changed of use of hotel building, Temple Hotel, Matlock Bath.</td>
<td>Temple Hotel Temple Walk Matlock Bath Derbyshire DE4 3PG</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/18/00032</td>
<td>External alterations - Doorway replaced with a window and window covered up</td>
<td>County And Station Hotel 258 Dale Road Matlock Bath Derbyshire DE4 3NT</td>
<td>Notice Issued</td>
</tr>
<tr>
<td>ENF/18/00033</td>
<td>Alleged works to change use of building</td>
<td>Temple Hotel Temple Walk Matlock Bath Derbyshire DE4 3PG</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/18/00039</td>
<td>Unauthorised Internal and External Alterations to a Listed Building</td>
<td>21 The Hill Cromford Derbyshire DE4 3RF</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/18/00069</td>
<td>Unauthorised engineering works including excavation of stone to land at the rear of the Mill Managers House in Cromford.</td>
<td>Mill Managers House Cromford Mill Mill Road Cromford Derbyshire DE4 3RQ</td>
<td>Notice Issued</td>
</tr>
<tr>
<td>ENF/18/00071</td>
<td>Unauthorised works to provide walls and doors to atrium</td>
<td>Cromford Court Derby Road Matlock Bath Derbyshire DE4 3PY</td>
<td>Pending Consideration</td>
</tr>
</tbody>
</table>

**Matlock All Saints**

<table>
<thead>
<tr>
<th>Reference</th>
<th>Description</th>
<th>Location</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>ENF/16/00101</td>
<td>Unauthorised erection of sheds, chicken enclosures and a &quot;shepherds hut&quot;.</td>
<td>High Croft Salters Lane Matlock Derbyshire DE4 2PA</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/17/00043</td>
<td>Engineering operations to create a raised patio area.</td>
<td>161 Smedley Street Matlock Derbyshire DE4 3JG</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/17/00110</td>
<td>Development not being built in accordance with approved plans (Doors in Gable End)</td>
<td>The Lawns Cavendish Road Matlock Derbyshire DE4 3GZ</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/18/00001</td>
<td>Breach of conditions 2 and 3 of planning permission 17/00660/TEMP. Retain change of use to car park for a further temporary period of 10 years</td>
<td>The Garden House Derwent Avenue Matlock Derbyshire DE4 3LX</td>
<td>Notice Issued</td>
</tr>
<tr>
<td>ENF/18/00042</td>
<td>Unauthorised alteration of shop frontage</td>
<td>Turkish Delight 57 Dale Road Matlock Derbyshire DE4 3LT</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/18/00048</td>
<td>Breach of condition of planning permission 16/00776/FUL - Appearance of front boundary wall</td>
<td>Land Adjacent Matlock Golf Club Chesterfield Road Matlock Derbyshire</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/18/00058</td>
<td>Untidy site and breach of condition 12 of planning permission 13/00908/FUL</td>
<td>Land Off The Close Matlock Derbyshire DE4 3LE</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/18/00064</td>
<td>Erection of fencing more than 1 metre in height adjacent the highway</td>
<td>29 Wolds Rise Matlock Derbyshire DE4 3HJ</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/18/00073</td>
<td>Unauthorised signage and alterations to retail premises</td>
<td>Iceland 1 Firs Parade Matlock Derbyshire DE4 3AS</td>
<td>Pending Consideration</td>
</tr>
</tbody>
</table>

### Matlock St Giles

<p>| ENF/13/00084 | Unauthorised erection of workshop | Phillips Woodware Smuse Lane Matlock Derbyshire DE4 5EY | Notice Issued |
| ENF/16/00053 | Unauthorised access off Riber Road. | Brookdale Riber Road Lea Derbyshire DE4 5JQ | Notice Issued |
| ENF/16/00089 | Breaches of Planning Control | ALS Scaffolding Services Limited Sunnyside Farm Whitelea Lane Tansley Derbyshire DE4 5FL | Notice Issued |
| ENF/17/00020 | Unauthorised use of land for the storage and stationing of caravans. | Duke William Hotel 91 Church Street Matlock Derbyshire DE4 3BZ | Notice Issued |
| ENF/17/00117 | Unauthorised engineering works and formation of access | Land And Track Opposite Willersley Lane Plantation Matlock Derbyshire DE4 5JE | Notice Issued |
| ENF/18/00031 | Erection of signage and second access | Gate Inn The Knoll Tansley Derbyshire DE4 5FN | Pending Consideration |
| ENF/18/00044 | Breach of condition 7 of planning permission 15/00566/FUL | Hilltops View Garage Courtyard Hazel Grove Matlock Derbyshire | Pending Consideration |
| ENF/18/00063 | Unauthorised banner sign | Matlock Cricket Club Causeway Lane Matlock Derbyshire DE4 3AR | Pending Consideration |</p>
<table>
<thead>
<tr>
<th>Reference</th>
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<th>Location</th>
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<tbody>
<tr>
<td>ENF/18/00074</td>
<td>Engineering operations to create hardstanding for cars and associated removal and disposal of materials on private land</td>
<td>The Croft Green Lane Tansley Derbyshire DE4 5FJ</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>Norbury</td>
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<tr>
<td>ENF/14/00030</td>
<td>Change of use of land from use for Microlight flying to use for the flying of Biplane aircraft.</td>
<td>Airways Airways Darley Moor Airfield Darley Moor Ashbourne Derbyshire DE6 2ET</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/16/00068</td>
<td>Alleged breach of condition 9 relating to the slurry pit on land at Four Oaks Farm, Shields Lane, Roston.10/00580/FUL - condition 9 &quot;The slurry lagoon hereby approved shall only be used for the storage of slurry arising from the keeping of livestock on the site and livestock kept at Pear Tree Farm, Stubwood. It shall not be used for the storage of slurry or any other waste material imported from elsewhere&quot;.</td>
<td>Land To The South Of West View Shields Lane Roston Derbyshire</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/17/00056</td>
<td>Unauthorised engineering works to facilitate access at Old House Farm, Can Alley, Roston, Derbyshire</td>
<td>Old House Farm Can Alley Roston Derbyshire DE6 2EF</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/17/00113</td>
<td>Unauthorised engineering works to facilitate what appears to be a hard standing area for the base of a garage.</td>
<td>Old Barn Riggs Lane Marston Montgomery Derbyshire DE6 2FD</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/17/00137</td>
<td>Change of use of agricultural land for the siting of 2 caravans for human habitation</td>
<td>Shaw Lane Farm Shaw Lane Marston Montgomery Derbyshire DE6 2FJ</td>
<td>Notice Issued</td>
</tr>
<tr>
<td>ENF/17/00156</td>
<td>Unauthorised engineering works to create a vehicular access to the holiday lets from the Roston Inn car park</td>
<td>Roston Inn Mill Lane Roston Derbyshire DE6 2EE</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/18/00007</td>
<td>Breach of Condition 1 of 15/00691/FUL - Removal of Mobile Home from site by 8th September 2017</td>
<td>Honeysuckle Farm Shirley Lane Rodsley Derbyshire DE6 3AL</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>Stanton</td>
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</tr>
<tr>
<td>ENF/18/00075</td>
<td>Engineering works next to Grade II listed building - possibly part of curtilage</td>
<td>Midland Cottages 1 - 2 Dale Road North Rowsley Derbyshire DE4 2EL</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>Winster And South Darley</td>
<td></td>
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<tr>
<td>ENF/17/00053</td>
<td>Unauthorised rear extension</td>
<td>72 Eversleigh Rise Darley Bridge Derbyshire DE4 2JW</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>Wirksouth</td>
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<tr>
<td>Registration No.</td>
<td>Description</td>
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<tr>
<td>ENF/16/00079</td>
<td>Erection of timber fence over 1 metre in height adjacent a highway.</td>
<td>20 Willowbath Lane Wirksworth Derbyshire DE4 4AY</td>
<td>Notice Issued</td>
</tr>
<tr>
<td>ENF/17/00002</td>
<td>Unauthorised engineering operations to create a raised area.</td>
<td>11 New Road Bolehill Derbyshire DE4 4GL</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/17/00018</td>
<td>Unauthorised works to remove a fire surround in a Grade II Listed Building.</td>
<td>Red Lion Hotel Market Place Wirksworth Derbyshire DE4 4ET</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/17/00023</td>
<td>Breach of conditions on planning permission 14/00891/FUL</td>
<td>Mount Cook Adventure Centre Porter Lane Middleton By Wirksworth Derbyshire DE4 4LS</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/17/00051</td>
<td>Unauthorised change of use of garage/store to beauty studio.</td>
<td>The Mews 3 Wirksworth Hall Farm Wash Green Wirksworth Derbyshire DE4 4FD</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/17/00104</td>
<td>Non compliance with planting condition</td>
<td>Land Adjacent To 11A Little Bolehill Bolehill Derbyshire DE4 4GR</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/17/00106</td>
<td>Erection of High Fence Posts</td>
<td>2 New Road Bolehill Derbyshire DE4 4GL</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/17/00127</td>
<td>Engineering operations</td>
<td>11A Little Bolehill Bolehill Derbyshire DE4 4GR</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/17/00136</td>
<td>Artist's studio building not built in accordance with approved details</td>
<td>Walkers Cottage 31 - 33 The Dale Wirksworth Derbyshire DE4 4EJ</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/17/00140</td>
<td>Unauthorised building works to raise the height of building approved under 16/00536/FUL</td>
<td>5 Cromford Road Wirksworth Derbyshire DE4 4FH</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/17/00153</td>
<td>Unauthorised change of use of agricultural land for the siting of a mobile home and two shipping containers.</td>
<td>Longway Bank Wood Longway Bank Whatstandwell Derbyshire</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/17/00154</td>
<td>Unauthorised change of use of land and buildings</td>
<td>Sleepy Hollow Farm Hopton Lane Wirksworth Derbyshire DE4 4DF</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/18/00002</td>
<td>Unauthorised erection of raised platform, above 0.3m from ground level.</td>
<td>14 Main Street Middleton By Wirksworth Derbyshire DE4 4LQ</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/18/00010</td>
<td>Camping Pods not erected in the approved location</td>
<td>Mount Cook Adventure Centre Porter Lane Middleton By Wirksworth Derbyshire DE4 4LS</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/18/00014</td>
<td>New Shop Signage</td>
<td>26 - 27 Market Place Wirksworth Derbyshire DE4 4ET</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/18/00023</td>
<td>Unauthorised erection of fence</td>
<td>Land At Cromford Road Wirksworth Derbyshire</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>Total Open Cases</td>
<td>119</td>
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ENF/18/00049  Breach of condition of 16/00420/FUL - Colour of fascia boards on dwellings

Land East Of Derby Road Wirksworth Derbyshire

Pending Consideration
## Ashbourne North

<table>
<thead>
<tr>
<th>Reference</th>
<th>Description</th>
<th>Location</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>ENF/17/00054</td>
<td>Breach of pre-commencement condition 4 of planning permission 17/00169/FUL - erection of garage and swimming pool building and external alterations to barn.</td>
<td>Grange Barn Kniveton Derbyshire DE6 1JQ</td>
<td>Complied Voluntarily</td>
</tr>
<tr>
<td>ENF/18/00040</td>
<td>Untidy Site (Former Public Toilets)</td>
<td>1 Union Street Ashbourne Derbyshire DE6 1FG</td>
<td>Complaint Unfounded</td>
</tr>
<tr>
<td>ENF/18/00060</td>
<td>Issues regarding facia's throughout the exterior of the building</td>
<td>Land Off Horse And Jockey Yard St John Street Ashbourne Derbyshire DE6 1GH</td>
<td>Not in the Public interest to pursue</td>
</tr>
<tr>
<td>ENF/18/00061</td>
<td>Alleged unauthorised creation of raised patio in rear garden of 15 Spire Close</td>
<td>15 Spire Close Ashbourne Derbyshire DE6 1DB</td>
<td>Complaint Unfounded</td>
</tr>
</tbody>
</table>

## Brailsford

<table>
<thead>
<tr>
<th>Reference</th>
<th>Description</th>
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</thead>
<tbody>
<tr>
<td>ENF/17/00073</td>
<td>Alleged breach of condition 9 relating to planning permission DDD/0299/0100 - CHANGE OF USE OF PART OF CHEESE FACTORY TO DWELLING WITH COMMERCIAL STUDIO AND SEPARATE OFFICE - for Mr S Webb</td>
<td>The Cheese Factory Longford Lane Longford Derbyshire DE6 3DT</td>
<td>Complaint Unfounded</td>
</tr>
<tr>
<td>ENF/17/00093</td>
<td>Alleged unauthorised use of parking area to serve food and provide outdoor seating, use of first floor as living accommodation and siting of log burner</td>
<td>Blueberry Tea Room 13A Main Road Brailsford Derbyshire DE6 3DA</td>
<td>Complaint Unfounded</td>
</tr>
<tr>
<td>ENF/17/00120</td>
<td>Are the relevant permissions in place for weddings to be held at this site</td>
<td>Lakeside Ednaston Business Centre Hollington Lane Ednaston Derbyshire DE6 3AE</td>
<td>Justification from Officer</td>
</tr>
<tr>
<td>ENF/17/00126</td>
<td>Siting of a static caravan</td>
<td>Daisy Bank Farm Longford Lane Longford Derbyshire DE6 3DT</td>
<td>Justification from Officer</td>
</tr>
<tr>
<td>ENF/17/00143</td>
<td>Change of use of agricultural land into garden land with the creation of new vehicular accesses and creation of vehicle hardstanding</td>
<td>Ivy Cottage Longford Lane Longford Derbyshire DE6 3DT</td>
<td>Complaint Unfounded</td>
</tr>
</tbody>
</table>

## Carsington Water

<table>
<thead>
<tr>
<th>Reference</th>
<th>Description</th>
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<th>Status</th>
</tr>
</thead>
<tbody>
<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>Not in the Public interest to pursue</td>
</tr>
<tr>
<td>ENF/17/00052</td>
<td>Unauthorised engineering works to install septic tank on land at the Manor House, Church St, Brassington, Derbyshire.</td>
<td>Manor House Church Street Brassington Derbyshire DE4 4HJ</td>
<td>Complied Voluntarily</td>
</tr>
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</tr>
<tr>
<td>ENF/17/00085</td>
<td>Unauthorised building works comprising a change of structure on a building approved under PDA change of use</td>
<td>Former Wallands Farmhouse Ashbourne Road Brassington Derbyshire DE4 4DB</td>
<td>Planning Application Received</td>
</tr>
<tr>
<td>ENF/17/00132</td>
<td>Unauthorised installation of gas cylinder, forward of a principal elevation.</td>
<td>Barnwood Main Street Hopton Derbyshire DE4 4DF</td>
<td>Planning Application Received</td>
</tr>
<tr>
<td>ENF/18/00050</td>
<td>Trellising in excess of 1m in height, adjacent to a highway used by vehicular traffic</td>
<td>Barney's Cottage Main Street Hognaston Derbyshire DE6 1PR</td>
<td>Complied Voluntarily</td>
</tr>
</tbody>
</table>

### Clifton And Bradley

| ENF/17/00122 | Addition of lean to building and slabbled area | Woodways 6 Yew Tree Lane Bradley Derbyshire DE6 1PG | Justification from Officer | 12/01/2018 |
| ENF/17/00155 | Unauthorised engineering works to create a new spillway on land near Osmaston Saw Mill | Saw Mill Osmaston Derbyshire | Planning Application Received | 19/03/2018 |

### Darley Dale

| ENF/17/00048 | Alleged unauthorised lamp posts. | St Elphins St Elphins Park Darley Dale Derbyshire DE4 2RL | Planning Application Received | 13/02/2018 |
| ENF/17/00098 | Erection of an outbuilding | 11 Hillside Gardens Matlock Derbyshire DE4 3SH | Complied Voluntarily | 04/12/2017 |
| ENF/17/00114 | Breach of pre-commencement conditions relating to planning permission 15/00629/FUL - two storey extension. | 1 Church Road Churchtown Darley Dale Derbyshire DE4 2GG | No Code | 26/03/2018 |
| ENF/17/00119 | Access Modifications/ Modifications to Public Footpath | Former Bent Farm/ Ameycroft Farm Farley Hill Matlock Derbyshire DE4 5LT | Complaint Unfounded | 13/02/2018 |

### Doveridge And Sudbury

| ENF/18/00025 | Alleged unauthorised building works on land at The Woodyard, Pump Lane, Doveridge | The Woodyard Pump Lane Doveridge Derbyshire DE6 5LX | Complaint Unfounded | 21/02/2018 |

### Hulland

<p>| ENF/17/00065 | Unauthorised engineering works to create field access with gate onto Hobs Lane, Kirk Ireton. | Winney Hill Farm Hob Lane Kirk Ireton Derbyshire DE6 3LG | Complied Voluntarily | 25/01/2018 |
| ENF/17/00138 | Unauthorised works to listed building - External alterations including repointing works | Northfield Farmhouse Main Street Kirk Ireton Derbyshire DE6 3LD | Justification from Officer | 28/11/2017 |</p>
<table>
<thead>
<tr>
<th>Reference</th>
<th>Description</th>
<th>Location</th>
<th>Decision</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>ENF/17/00133</td>
<td>Engineering works being undertaken on site</td>
<td>Four Trees 109 Derby Road Cromford Derbyshire DE4 3RN</td>
<td>Complaint Unfounded</td>
<td>10/11/2017</td>
</tr>
<tr>
<td>ENF/17/00135</td>
<td>Erection of Fence Panels</td>
<td>Brae Mount Waterloo Road Matlock Bath Derbyshire DE4 3PH</td>
<td>Complied Voluntarily</td>
<td>20/12/2017</td>
</tr>
<tr>
<td>ENF/17/00148</td>
<td>Alleged display of a sign to frontage advertising the opening of a beauty salon at the property</td>
<td>40 The Hill Cromford Derbyshire DE4 3QR</td>
<td>Complaint Unfounded</td>
<td>28/11/2017</td>
</tr>
</tbody>
</table>

**Matlock All Saints**

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<tr>
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<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>Planning Application Received</td>
<td>02/01/2018</td>
</tr>
<tr>
<td>ENF/17/00090</td>
<td>Breach of condition regarding opening hours.</td>
<td>McDonald's 43 Bakewell Road Matlock Derbyshire DE4 3AU</td>
<td>Planning Application Received</td>
<td>15/12/2017</td>
</tr>
<tr>
<td>ENF/17/00108</td>
<td>Works undertaken to extension and spiral staircase not in accordance with the approved plans</td>
<td>Herd Steakhouse Limited 5 Dale Road Matlock Derbyshire DE4 3LT</td>
<td>Planning Application Received</td>
<td>24/01/2018</td>
</tr>
<tr>
<td>ENF/17/00123</td>
<td>Erection of 2.5m high Fence between properties</td>
<td>131 Smedley Street Matlock Derbyshire DE4 3JG</td>
<td>Complied Voluntarily</td>
<td>24/01/2018</td>
</tr>
<tr>
<td>ENF/17/00129</td>
<td>Erection of fence around property</td>
<td>179 Smedley Street Matlock Derbyshire DE4 3JA</td>
<td>Justification from Officer</td>
<td>04/12/2017</td>
</tr>
<tr>
<td>ENF/17/00146</td>
<td>Development not being built in accordance with the approved plans (Application Reference 17/00567/FUL)</td>
<td>10 Crook Stile Matlock Derbyshire DE4 3LJ</td>
<td>Justification from Officer</td>
<td>05/03/2018</td>
</tr>
<tr>
<td>ENF/18/00034</td>
<td>Replacement Shop Front</td>
<td>Turkish Delight 57 Dale Road Matlock Derbyshire DE4 3LT</td>
<td>No Code []</td>
<td>12/04/2018</td>
</tr>
<tr>
<td>ENF/18/00036</td>
<td>Land clearance and potential use of land as an off road motorcycle track</td>
<td>Land At Masson Hill Salters Lane Matlock Bath Derbyshire</td>
<td>Justification from Officer</td>
<td>23/03/2018</td>
</tr>
<tr>
<td>ENF/18/00054</td>
<td>Pre-commencement conditions 4, 5 and 6 of planning permission 17/00482/FUL not discharged prior to planned start on site</td>
<td>55A Wellington Street Matlock Derbyshire DE4 3GS</td>
<td>Justification from Officer</td>
<td>10/04/2018</td>
</tr>
</tbody>
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**Matlock St Giles**

<table>
<thead>
<tr>
<th>Reference</th>
<th>Description</th>
<th>Location</th>
<th>Decision</th>
<th>Date</th>
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<tbody>
<tr>
<td>ENF/16/00046</td>
<td>Alleged that the stone used for the extension is not in keeping with the rest of the property as conditioned by the planning permission 14/00360/FUL</td>
<td>Hurst Cottage 14 Bull Lane Matlock Derbyshire DE4 5LX</td>
<td>Justification from Officer</td>
<td>21/02/2018</td>
</tr>
<tr>
<td>Case Number</td>
<td>Description</td>
<td>Location</td>
<td>Status/Time</td>
<td></td>
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<tr>
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<tr>
<td>ENF/16/00056</td>
<td>Change of use of agricultural land to the rear of 70 - 80 Starkholmes Road Matlock, to incorporate within the domestic curtilage of 72 Starkholmes Road, Matlock, DE4 3DD.</td>
<td>72 Starkholmes Road Matlock Derbyshire DE4 3DD</td>
<td>Complaint Unfounded</td>
<td>24/04/2018</td>
</tr>
<tr>
<td>ENF/17/00079</td>
<td>Breach of condition 5 on planning permission 16/00889/FUL</td>
<td>ALS Scaffolding Services Limited Sunnyside Farm Whitelea Lane Tansley Derbyshire DE4 5FL</td>
<td>Justification from Officer</td>
<td>12/02/2018</td>
</tr>
<tr>
<td>ENF/17/00088</td>
<td>Unauthorised creation of pond</td>
<td>Mount Pleasant Nottingham Road Tansley Derbyshire DE4 5GA</td>
<td>Planning Application Received</td>
<td>24/01/2018</td>
</tr>
<tr>
<td>ENF/18/00024</td>
<td>Erection of industrial buildings, sheds and the siting of a chalet/caravan</td>
<td>Ox Close Farm Carr Lane Riber Matlock Derbyshire DE4 5JT</td>
<td>Complaint Unfounded</td>
<td>15/02/2018</td>
</tr>
<tr>
<td>ENF/18/00026</td>
<td>Erection of Breeze Block Wall and Parking of Caravan</td>
<td>44 The Knoll Tansley Derbyshire DE4 5FN</td>
<td>Complaint Unfounded</td>
<td>20/02/2018</td>
</tr>
<tr>
<td>ENF/18/00030</td>
<td>Unauthorised tipping of materials</td>
<td>Land Adjacent To 9 Oak Tree Gardens Tansley Derbyshire</td>
<td>Justification from Officer</td>
<td>12/03/2018</td>
</tr>
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**Norbury**

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<tr>
<th>Case Number</th>
<th>Description</th>
<th>Location</th>
<th>Status/Time</th>
</tr>
</thead>
<tbody>
<tr>
<td>ENF/11/00091</td>
<td>Untidy site - storage of scrap materials (Timber, metal, pipes, bricks, slates, gravel etc), old vehicles and caravans in a state of disrepair. Land at Marston House Farm and Home Farm, Thurvaston Road, Marston Montgomery, Ashbourne, Derbyshire, DE6 2FF</td>
<td>Home Farm Thurvaston Road Marston Montgomery Derbyshire DE6 2FF</td>
<td>Notice complied with</td>
</tr>
<tr>
<td>ENF/13/00050</td>
<td>Unauthorised building works to an agricultural building. (Increasing the height).</td>
<td>Barn Opposite Field Cottage Finny Lane Rodsley Derbyshire</td>
<td>Not in the Public interest to pursue</td>
</tr>
<tr>
<td>ENF/17/00029</td>
<td>Unauthorised building works, in the burial grounds at the former Methodist Church, Somersal Herbert, to facilitate a kitchen area/summerhouse and tractor shed</td>
<td>WELLIES HQ, Chapel O The Hill Somersal Herbert Derbyshire DE6 5PE</td>
<td>Planning Application Received</td>
</tr>
<tr>
<td>ENF/18/00046</td>
<td>Breach of condition 6 of planning permission 13/00417/FUL - Hardstanding for parking free from impediment to it’s use</td>
<td>Spring Cottage Rodsley Lane Rodsley Derbyshire DE6 3AL</td>
<td>Complaint Unfounded</td>
</tr>
</tbody>
</table>

**Stanton**

<table>
<thead>
<tr>
<th>Case Number</th>
<th>Description</th>
<th>Location</th>
<th>Status/Time</th>
</tr>
</thead>
<tbody>
<tr>
<td>ENF/17/00149</td>
<td>Groundworks and the storage and burning of materials</td>
<td>Land Between Northwood Depot And Ashbrook Roofing And Supplies Limited Harrison Way Darley Dale Derbyshire DE4 2LF</td>
<td>Complaint Unfounded</td>
</tr>
<tr>
<td>ENF/17/00151</td>
<td>Illuminated Signage, totem pole signage and banner advert</td>
<td>UK Tyres Direct Auto Centre Unit 10 Unity Complex Dale Road North Darley Dale Derbyshire DE4 2HX</td>
<td>Justification from Officer</td>
</tr>
<tr>
<td>ENF/18/00005</td>
<td>Removal of boundary fence and extension of lorry hardstanding into neighbouring field</td>
<td>Matlock Transport Northwood Lane Darley Dale Derbyshire DE4 2HQ</td>
<td>Complaint Unfounded</td>
</tr>
<tr>
<td>ENF/18/00012</td>
<td>Unauthorised commencement of development relating to land at North Park Farm subject of planning application 17/00995/OUT for Mr G Lowe.</td>
<td>North Park Farm Whitworth Road Darley Dale Derbyshire DE4 2HJ</td>
<td>Justification from Officer</td>
</tr>
<tr>
<td>ENF/18/00027</td>
<td>Occupied flat built inside barn</td>
<td>New Fallinge Farm Chesterfield Road Rowsley Derbyshire DE4 2NN</td>
<td>Complaint Unfounded</td>
</tr>
<tr>
<td>ENF/18/00056</td>
<td>Alleged unlawful erection of a raised signal box</td>
<td>Peak Rail Rowsley South Station Harrison Way Darley Dale Derbyshire DE4 2LF</td>
<td>Complaint Unfounded</td>
</tr>
</tbody>
</table>

### Wirksworth

| ENF/15/00068 | Unauthorised change of use of land for the stationing of a caravan for residential purposes, the erection of a small timber building and the erection of a poly tunnel and portaloo. | Peak View Caravan Site Brassington Lane Wirksworth Derbyshire | Complied Voluntarily | 13/02/2018 |
| ENF/17/00031 | Unauthorised installation of a white plastic door and window. | 1 Cavendish Cottages Cromford Road Wirksworth Derbyshire DE4 4FP | Complied Voluntarily | 02/03/2018 |
| ENF/17/00092 | Failure to correctly discharge pre-commencement planning conditions relating to planning permission 16/00229/PDA - change of use of agricultural building to dwelling house(use class C3) and associated building operations. | Arm Lees Farm Ryder Point Road Wirksworth Derbyshire DE4 4HE | Justification from Officer | 08/02/2018 |
| ENF/17/00105 | Finished detail on apartment bay windows not in accordance with the approved design | Land At Cromford Road Wirksworth Derbyshire | Justification from Officer | 15/02/2018 |
| ENF/17/00124 | Erection of New Railway Building | Ecclesbourne Valley Railway Wirksworth Station Station Road Wirksworth Derbyshire DE4 4FB | Planning Application Received | 24/01/2018 |
| ENF/17/00144 | Engineering Works | Barn, The Pingle Summer Lane Wirksworth Derbyshire | Complaint Unfounded | 21/11/2017 |
| ENF/18/00006 | Breach of Condition 7 of 14/00462/FUL - Tree Planting | Bailey Croft Car Sales Harrison Drive Wirksworth Derbyshire | Planning Application Received | 10/04/2018 |
| ENF/18/00019 | Erection of building and temporary screen | Lant Close Farm Bolehill Road Bolehill Derbyshire DE4 4GQ | Complaint Unfounded | 04/04/2018 |
| ENF/18/00022 | Work activities being carried out from the site | Ashleigh House Cromford Road Wirksworth Derbyshire DE4 4FR | Complaint Unfounded | 16/04/2018 |
### PLANNING APPEAL – PROGRESS REPORT

Report of the Corporate Director

<table>
<thead>
<tr>
<th>REFERENCE</th>
<th>SITE/DESCRIPTION</th>
<th>TYPE</th>
<th>DECISION/COMMENT</th>
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<tbody>
<tr>
<td><strong>Southern</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>17/00896/FUL</td>
<td>1 and 2 Beresford Avenue, Ashbourne</td>
<td>WR</td>
<td>Appeal dismissed – copy of appeal decision attached</td>
</tr>
<tr>
<td>17/00951/FUL</td>
<td>Walnut Cottage, Marston Montgomery</td>
<td>WR</td>
<td>Appeal being processed</td>
</tr>
<tr>
<td>17/00752/FUL</td>
<td>The Manor House, Church Street, Brassington</td>
<td>WR</td>
<td>Appeal being processed</td>
</tr>
<tr>
<td>17/01079/FUL</td>
<td>Meadow Hurst, 87 Belper Road, Ashbourne</td>
<td>HOUSE</td>
<td>Appeal allowed – copy of appeal decision attached</td>
</tr>
<tr>
<td>18/00037/FUL</td>
<td>Ivy Cottage, Twisses Bank, Boylestone</td>
<td>HOUSE</td>
<td>Appeal being processed</td>
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<tr>
<td><strong>Central</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>ENF/16/00090</td>
<td>2 Primrose Cottages, St Johns Road, Matlock Bath</td>
<td>WR</td>
<td>Appeal dismissed – copy of appeal decision attached</td>
</tr>
<tr>
<td>17/00093/PDA</td>
<td>The Racecourse, Hey Lane, Wirksworth</td>
<td>WR</td>
<td>Appeal being processed</td>
</tr>
</tbody>
</table>

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

**OFFICER RECOMMENDATION:**

That the report be noted.
Appeal Decision

Site visit made on 27 March 2018

by W Johnson  BA (Hons) DipTP DipUDR MRTPI
an Inspector appointed by the Secretary of State

Decision date: 9 May 2018

Appeal Ref: APP/P1045/W/17/3191082
Between 1 and 2 Beresford Avenue, Ashbourne DE6 1FW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Ms Jill Tomlinson against the decision of Derbyshire Dales District Council.
- The application Ref 17/00896/FUL, dated 8 September 2017, was refused by notice dated 8 November 2017.
- The development proposed is a dwellinghouse.

Decision

1. The appeal is dismissed.

Procedural Matters

2. The policies from Derbyshire Dales Local Plan (2005) referred to by the Council in its decision notice have been superseded by policies from the new Derbyshire Dales Local Plan 2017 (DDLP) that was adopted after the decision was issued. It is acknowledged that Policy S4 in the emerging Local Plan, which was cited in the Officer Report and Decision Notice, is now listed in DDLP as Policy S3 ‘Development within Defined Settlement Framework Boundaries’.

3. The DDLP was adopted on 7 December 2017, which was the same date that the appeal was submitted. However, as the appellant has had notice of this matter during the appeal process and that the amenity protection aims of both sets of policies are similar neither party has been prejudiced by this change in policy circumstances. Therefore, I have taken this document into account in my reasoning below.

4. The Council in its report make reference to unauthorised works being undertaken on site. I have dealt with the appeal on the basis of the application as submitted.

Main Issues

5. The main issues in this appeal are the effect of the proposed development
   - on the character and appearance of the area; and,
   - on the living conditions of neighbours at 69 Park Avenue and 2 Beresford Avenue in terms of overbearing and overshadowing.
Reasons

6. The appeal site is located within a defined settlement boundary of Ashbourne and so has good access to the range of services and facilities the town has to offer. As a result, I agree with the parties that it is in an accessible location and in principle is suitable for residential development.

Character and appearance

7. The appeal site is located at the head of a residential cul-de-sac and is open land that once formed part of the rear garden of 71 Park Avenue. Development on the street is characterised by two storey houses in the form of terraces and semi-detached properties. All of the dwellings are similar in form and appearance and are of brick construction with tiled roofs and gable ends. These properties are all situated in generous wide plots and are set back appreciably from the road giving a sense of spaciousness to the streetscape. The simple design of the dwellings and their generous plot sizes, result in a regular rhythm of development attractively addressing the wider street scene, making a positive contribution to it.

8. The proposed house would be set away from the edge of the carriageway and facing the head of the cul-de-sac. Its plot size would appear smaller than those of surrounding properties. The scheme would provide spaces either side of the dwelling, which along with it being set away from the road would provide some relief when viewed from the front. However, the smaller plot size, including its frontage and depth contribute to a cramped appearance in this location. The appellant has drawn my attention to the similar eaves height present at No 1 and 3 Beresford Avenue and the difference in ridge height of 1.2 metres. However, this will only apply to part of the dwelling as there is a subordinate element. During my visit, I noticed that No 2 has an equally prominent role in the street, and in this instance the difference in eaves levels is 1.1 metres and 2.3 metres in ridge height.

9. I consider that ridge heights in the context of this appeal do play an important role in the relationship between dwellings and would be which would be visually significant. The shortened roof plane on the front elevation of the scheme is a contributing factor in giving the scheme a squat appearance when compared against the neighbouring properties. Additionally, the fenestration, in particular the low window over the front door accentuates this effect through its strong horizontal emphasis. It is recognised that the proposal echoes features present in the design of 5 Beresford Avenue, but this is on a much reduced scale. In the context of the area surrounding the appeal site, the proposal would be distinctly at odds with the character and appearance of neighbouring dwellings. It would result in an incongruous dwelling that would have a significant adverse impact on the character and appearance of the wider street scene.

10. For all of these reasons, I therefore conclude that the proposed development would unacceptably harm the character and appearance of the area. As a consequence, it would be contrary to Policy S3 and Policy PD1 of the DDLP that seek development to be compatible with the character, appearance and amenity of the part of the settlement in which it would be located and create well designed new development. Furthermore, the proposal would not comply with paragraph 60 of the National Planning Policy Framework, which amongst other things seeks to promote or reinforce local distinctiveness.
**Living conditions**

11. 2 Beresford Avenue is situated to the east and has tall mature trees and vegetation its boundary with the appeal site. Whilst the Council has raised concerns that these trees are not in control of the appellant they are nevertheless in the control of 2 Beresford Avenue, which would ensure that they have the ability to be retained. Due to the lower level of the site, the mature vegetation on the boundary and the overall distance between the proposal and 2 Beresford Avenue, I do not consider that the proposal would have a harmful effect on the living conditions on the occupiers of 2 Beresford Avenue.

12. 69 Park Avenue, is located to the west of the appeal site. The Council has clarified in its report and statement that its concern is in relation to the area of garden that would be adjacent to the proposal. I note that only a small section of the rear garden adjoins the appeal site and that it is located in the bottom part of the garden furthest away from the dwelling. The appeal site is again at a lower level in comparison to the garden of 69 Park Avenue and the proposed dwelling is modest in size and sited away from the boundary with 69 Park Avenue. In addition, the orientation of this neighbouring property and the length of its garden would still result in majority of the garden receiving a substantial amount of sunlight throughout the day if the proposal was to be constructed.

13. For all of these reasons the proposal would not create any harmful effects to the living conditions of neighbouring properties with particular regard to overbearing and overshadowing and therefore accords with the overall amenity protection and design aims of Policy PD1 from the DDLP. Additionally, the proposal is consistent with the core planning principle of the Framework that seeks a good standard of amenity for all existing and future occupants of land and buildings (paragraph 17).

**Other Matters**

14. In addition to those matters considered above neighbouring occupiers have raised concerns relating to highway safety, but I note that the Highway Authority raise no objections, subject to conditions and I consider the proposal acceptable in this respect. I have had regard to a range of issues raised by the neighbouring occupiers including ground stability, loss of wildlife, damage to trees, noise and disturbance from construction works and loss of privacy, but in the absence of substantive evidence, these do not alter my conclusions on the main issues.

**Conclusion**

15. For these reasons, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

*Wayne Johnson*

INSPECTOR
Appeal Decision

Site visit made on 16 April 2018

by Sarah Colebourne MA, MRTPI
an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 27th April 2018

Appeal Ref: APP/P1045/D/18/3194507
Meadow Hurst, 87 Belper Road, Ashbourne, Derbyshire, DE6 1LL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr and Mrs Wallwork against the decision of Derbyshire Dales District Council.
- The application Ref 17/01079/FUL, dated 27 October 2017, was refused by notice dated 15 December 2017.
- The development proposed is refurbishment and extension of existing dwelling.

Decision

1. The appeal is allowed and planning permission is granted for the refurbishment and extension of the existing dwelling at Meadow Hurst, 87 Belper Road, Ashbourne, Derbyshire, DE6 1LL in accordance with the terms of the application, Ref 17/01079/FUL, dated 27 October 2017, and the plans submitted with it, subject to the following conditions:
   1) The development hereby permitted shall begin not later than three years from the date of this decision.
   2) The development hereby permitted shall be carried out in accordance with the following approved plans: PA05 Rev A, PA06 Rev A, PA07 Rev A, PA08 Rev A, PA09 Rev A, PA11, PA12 Rev A.

Main Issue

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

Reasons

3. The development plan includes policies PD1 and HC10 in the Adopted Derbyshire Dales Local Plan (LP) (2017) which seek to ensure that all development is of a high quality design that respects its context and that the height, scale, form and design of extensions is in keeping with the dwelling and the setting. They accord with the National Planning Policy Framework (‘the Framework’) which seeks to ensure that development is visually attractive and adds to the overall quality of the area.

4. Belper Road is a residential road which leads out from Ashbourne towards the countryside. The appeal dwelling lies towards the edge of the town and is a modestly sized two storey dwelling with a half hipped and gabled roof, of brick and render walling materials, typical of many from the mid C20th and not of particularly high quality. It is sited on a large plot and is set back on lower
ground and behind a hedge from the road, from which it has its own individual access. The site is bounded to the west by a modestly sized 1960’s chalet style dwelling with a gabled roof and a lighter coloured brick, one of several 1960’s dwellings accessed from a cul-de-sac and sited at a much lower ground level. To the east it is bounded a large 1980’s dwelling of red brick with a pitched roof, one of two sited on large plots and accessed from a shared private drive. Given the variety of dwelling styles, materials and siting positions, the generous separation distances, different ground levels and types of access, the appeal dwelling is not seen as one in a uniform row of dwellings but rather in an individual context.

5. The proposal would replace an existing single storey side extension and comprises a large two storey side and rear extension. It has an individual, contemporary style. From the front elevation, the extension would sit at an angle with a gabled roof, in contrast to the hipped roof of the existing dwelling. Its ridge height would sit below that of the main roof and its set back from the front elevation would ensure that it did not unduly dominate. On the rear elevation it would have three gables of two different sizes with the taller hipped roof of the main dwelling behind. The first floor would overhang the ground floor and this, together with the three gables, would create a series of folds and angles, in contrast to the more traditional form of the original house. Despite the contrast in form, materials at ground floor level would be render to tie in with the retained elements of the renovated house and at first floor would be vertical timber cladding with the visible parts of the roof over the side extension finished in red clay brindle tiles to match the existing roofscape. Window openings and finishes would co-ordinate with the resized openings and new windows in the existing house. Thus, the proposed materials and windows would create unity between the old and the new elements.

6. The Framework does not seek to impose architectural styles or stifle innovation but accepts that it is proper to seek to promote or reinforce local distinctiveness. In this case, the existing and surrounding dwellings, whilst not unattractive, are unremarkable and do not make a strong contribution to local distinctiveness. Whilst the design would be striking and unusual, in this context, the proposal represents a high quality, contemporary addition which would add some distinctiveness and make a positive contribution to the character and appearance of the area, in accordance with policies PD1 and HC10. The proposal includes alterations to the terrace in the rear garden but the Council has not raised any objection to that and on the basis of what I have seen and the separation distances between the property and its neighbours, this would be acceptable. As full details of materials have been specified in the application, no conditions are necessary other than the standard time limit and for certainty, compliance with the plans conditions.

Conclusion

7. For the reasons given above, I conclude that the proposed development would positively enhance the character and appearance of the area, in accordance with the development plan as a whole and there are no material considerations that justify determining the appeal otherwise. The appeal should be allowed.

Sarah Colebourne
Inspector

https://www.gov.uk/planning-inspectorate
Appeal Decision

Site visit made on 11 April 2018

by Daniel Hartley  BA Hons MTP MBA MRTPi
an Inspector appointed by the Secretary of State

Decision date: 23 April 2018

Appeal A: APP/P1045/C/17/3178158
Land at 2 Primrose Cottages, St Johns Road, Matlock DE4 3PQ

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Mr Paul Thornhill against an enforcement notice issued by Derbyshire Dales District Council.
- The enforcement notice, numbered PLS/AJ/032.21, was issued on 8 May 2017.
- The breach of planning control as alleged in the notice is the unauthorised construction of a raised decking area marked in yellow on the plan attached to the notice and a roadside fence marked in blue on the plan attached to the notice.
- The requirements of the notice are to remove the unauthorised raised decking and fence in their entirety.
- The period for compliance with the requirements is 2 months.
- The appeal was made on grounds set out in section 174(2) (a) of the Town and Country Planning Act 1990 as amended (the Act).

Decision

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

Application for costs

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

Procedural Matters

3. As part of the appellant’s appeal, he has indicated in plan form that he owns more land than is shown on the red edged plan attached to the notice. He considered that the plan attached to the notice should include all of the land to which is owns. The appeal fence and the raised decking are shown within the red edged area and are respectively depicted in blue and yellow colours. I am satisfied that the plan attached to the notice does clearly show all of the development which constitutes a breach of planning control. It is not necessary for the plan attached to the notice to reflect all of the land in the appellant’s ownership and it is clear that the parties are aware of the location of the fence and the raised decking. For these reasons, I am satisfied that I do not need to consider correcting the plan attached to the notice.

4. In section 4 of the notice (reasons for issuing the notice) the Council has made reference to a number of development plan policies contained within the adopted Derbyshire Dales Local Plan 2005 (LP). However, the Council has
confirmed in its appeal statement that the identified policies in the LP have now been replaced with policies in the adopted Derbyshire Dales Local Plan, December 2017 (Ddlp). The LP policies referred to in the reasons for issuing the notice are no longer relevant for the purposes of determining this appeal. The relevant policies in the Ddlp are S1 (Sustainable Development Principles), S3 (Development Within Defined Settlement Boundaries), PD1 (Design and Place Making) and PD2 (Protecting the Historic Environment). The National Planning Policy Framework (the Framework) remains as a material planning consideration.

5. The appeal is made on ground (a) of Section 174(2) of the Act which is that planning permission ought to be granted in respect of the breach of planning control alleged in the enforcement notice. Whilst there is no formal ground (f) appeal, the appellant’s appeal statement makes specific reference to it under the sub heading “standard grounds for appeal”. The Council’s appeal statement specifically addresses an appeal made under ground (f). I will therefore deal with this appeal on the basis that the appellant has appealed under both ground (a) and (f) of Section 174(2) of the Act. I am satisfied that there would be no injustice caused in dealing with the appeal in this way. An appeal made on ground (f) makes the claim that the steps required by the notice to be taken exceed what is necessary to remedy any breach of planning control which may be constituted by those matters or, as the case may be, to remedy any injury to amenity which has been caused by such a breach.

Main Issue

6. The main issue is whether or not the raised decking and fence preserves or enhances the character or appearance of the Matlock Dale Conservation Area.

Ground (a) and the deemed planning application and ground (f)

7. The appeal site falls within a part of the Matlock Dale Conservation Area (CA) which is characterised by relatively low density development with a number of the buildings positioned on higher ground and where the existence of trees and vegetation along the main roads and steep rising land is an attractive and prevalent feature of the environmental setting. Whilst there are some exceptions in the CA, the predominant form of boundary treatment is that of natural stone walls and this is particularly noticeable on Dale Road which marks the southern boundary of the appeal site. The use of mainly natural stone as a boundary treatment on main road corridors, coupled with the overall verdant character of the area, are positive attributes which add positively to the distinctive character and appearance of the CA as a whole.

The fence

8. The appeal property is semi-detached. Unlike some of the other properties which face immediately onto Dale Road, both the building and its garden are well screened from this highway given the existence of a number of evergreen boundary trees. However, a green coloured timber fence has been erected in a gap in the trees and this is conspicuous to passers-by as well as by those that use the car park opposite. Taking into account the position, height, design and material of the fence, I consider that it unacceptably detracts from the uniformity afforded to the boundary treatment in this part of Dale Road which is characterised by dry stone walling with evergreen planting above. The fence appears incongruous and out of keeping in this very public setting and is

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conspicuous when viewed from Dale Road and the pay and display car park opposite. Consequently, I cannot conclude that the fence preserves or enhances the character or appearance of the CA.

9. I recognise that the fence may function as a useful safety barrier for children between the garden and Dale Road which is at a lower level. However, there may be more sensitive options available to the appellant to deal with this issue including the provision of additional vegetation in this area.

**Raised decking**

10. The raised decking covers a large part of the garden area and on my site visit I was able to see that it was a very bulky, wide and dominant structure when viewed against the house. The structure is not visible when viewed from St Johns Road owing to the essentially permanent screening effect of the appeal dwelling. Furthermore, the evergreen planting on Dale Road means that in the main it is not very conspicuous from this highway. However, I noticed on my site visit that parts of it were quite noticeable when viewed from the pavement and the pay and display car park opposite (including views over the appeal fence) and from areas where adjacent trees were without leaf.

11. I have considered the appellant’s arboricultural report and in considering this matter do not doubt that some of the evergreen planting would have the potential to survive for a long time. Furthermore, there would be a need for separate consent to fell or undertake works to such trees given that the site falls within a CA. The aforementioned report indicates that the existing trees in the garden have not been adversely affected by this development, although I do not consider that this is a determinative issue.

12. Notwithstanding the above, I agree with the Council that at some point in time the trees will die or indeed will need to be removed because they become diseased. The decking is likely to endure for a significant amount of time (subject to proper maintenance), but the same cannot reasonably be said for all trees. There is nothing to stop a future and separate application being made by an existing or future occupier of the property to remove or undertake works to the trees on the land. Such an application would involve a direct consideration of the contribution made by the tree(s) to the amenity of the area rather than what affect the tree(s) had in terms of screening a raised decked area. This may or may not result in the making of a Tree Preservation Order on the site. It cannot therefore be said that all trees would forever more be protected on the land.

13. Any one of the scenarios above would have the potential to make the decking appear even more conspicuous to passers-by on Dale Road. I note that the appellant has suggested additional planting in order to further screen the development, but any such planting would take some time to reach maturity. Again, there is a very real potential that any such planting could be removed in the future. Consequently, I afford very limited weight to the existing and proposed screening effect of vegetation along the boundaries of the site.

14. Aside from the issue of the screening effect of trees, I consider that the raised decked area significantly detracts from what was a previously simple and relatively open terraced garden area. The development does not appear subservient in scale to the main house and appears bulky and dominant in this garden setting. Even if I had found that it were possible to permanently screen
this harmful development from public areas, I would have still concluded that the development was unacceptable. The character of the CA derives from the buildings, layout and surrounding spaces as a whole, regardless of whether particular elements are open to public view. Its significance does not therefore rely only on the elements that can readily be seen. In this case, the raised deck is of a scale and design whereby it significantly detracts from the former green, open and more naturally stepped character of the garden area. It is seen as an incongruous addition when judged against the simplicity of the appeal dwelling. Therefore, the development is unacceptable and harmful in both design and conservation terms.

**Overall Conclusion – fence and raised decking**

15. Although in the context of Paragraphs 133 and 134 of the National Planning Policy Framework (the Framework), the harm to the significance of the CA would be less than substantial, for the collective reasons outlined above, I do not consider that the raised decking and fence preserve or enhance the character or appearance of the CA. The appellant has commented that the raised decked area has been built in order to retain a stone wall and to offer some stability to the terraces. However, any stone wall could be rebuilt if this was necessary following removal of the raised deck. Furthermore, the appellant could explore other and more sympathetic options which would remedy any alleged land stability issues. I do not consider that there are any identified public benefits sufficient to outweigh the harm caused as a result of the erection of the fence and the raised decking. Any potential safety issues for users of the garden could possibly be capable of being addressed by other means and, in any event, this is not a matter that would outweigh the identified harm that would be caused to the CA.

16. I have taken into account the supportive comments made by the occupiers of 1 Primrose Cottages and 134 Dale Road and do not doubt that the raised decking provides a useful outside space for occupiers of the appeal property. Furthermore, I have taken into account the other structures (including decked areas) referred to by the appellant which fall within the wider area. I acknowledge that there are some structures in the area which are similar to the appeal development and I note that some have been granted planning permission. However, I am not bound by previous decisions and any such decisions should not be used to provide justification for allowing what I consider to be harmful development in this part of the CA. I have determined this appeal on its individual planning merits.

17. Under the ground (f) appeal, the appellant states that the steps required by the notice are excessive. He contends that lesser steps would be to replace the fence with a tree; to plant additional trees in gaps; to plant additional trees at the Matlock Town end of the garden; to plant a mixture of evergreen trees at the Matlock Bath end of the garden; to permanently keep the raised decking stained green and that the dry stone wall as outlined by Mr Trevor Wragg (appointed by the appellant to comment on structural issues) should be maintained in its current position. However, for the reasons outlined above, I do not consider that any of these steps would overcome the significant harm that has been caused to the CA as a result of the erection of the fence and the raised decking. The lesser steps suggested by the appellant would not remedy the breach of planning control or injury to amenity which has been caused by the breach.
18. I conclude that the development does not preserve or enhance the character or appearance of the CA and fails to accord with the design and conservation aims of Policies S1, S3, PD1 and PD2 of the DDLP and the Framework. None of the other matters raised outweigh or alter my conclusion on this main issue.

Other Matters

19. The appellant contends that if the decking is removed it would affect a stone wall as well as the stability of the garden terracing. The appellant has provided some evidence about this matter, but I do not have enough structural detail to be absolutely certain whether the removal of the decking would have such consequences. The appellant has not submitted an appeal under ground (g). Therefore, it does not fall to me to determine whether two months is long enough to comply with the requirements of the notice. If it transpires that it can be justified that a longer period is needed to deal with the requirements of the notice then under Section 173A (1) (b) of the Act the local planning authority can "waive or relax any requirement of such a notice and, in particular, may extend any period specified in accordance with section 173(9)"

Overall conclusion on grounds (a) and (f)

20. For the reasons given above, I conclude that the appeal on grounds (a) and (f) should fail. I shall uphold the enforcement notice and refuse to grant planning permission on the deemed application.

Daniel Hartley
INSPECTOR

https://www.gov.uk/planning-inspectorate
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.