05 December 2016

To: All Councillors

As a Member or Substitute of the Planning Committee, please treat this as your summons to attend a meeting on Tuesday 13 December 2016 at 6.00pm in the Council Chamber, Town Hall, Matlock DE4 3NN

Yours sincerely

Sandra Lamb
Head of Corporate Services

AGENDA

SITE VISITS: The Committee is advised they are to convene at the first site visit at 11:20am prompt. Arrangements for the remaining site visits are detailed in the Development Manager’s email.

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 – 15 November 2016

3. INTERESTS

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

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

PUBLIC PARTICIPATION

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

4.1 APPLICATION NO. 16/00704/OUT (Site Visit) 6 - 26
Outline application for residential development of up to 50 dwellings at Land West of Millers Green, Wirksworth.

4.2 APPLICATION NO. 16/00636/FUL (Site Visit) 27 - 32
Creation of a new driveway at 14 Vale Rise, Matlock.

4.3 APPLICATION NO. 16/00598/FUL (Site Visit) 33 – 46
Erection of replacement dwelling and garage and retention of existing dwelling as ancillary accommodation at Pinetrees, Upper Lumsdale, Matlock.

4.4 APPLICATION NO. 16/00397/FUL (Site Visit) 47 - 74
Residential development of 49 dwellings with associated garages and infrastructure at Land at Tansley House Gardens, Tansley.

4.5 APPLICATION NO. 16/00362/FUL (Site Visit) 75 - 79
Proposed rear flat roof/terrace, patio doors and 4No roof-lights to rear elevation at 12 Market Place, Cromford.

4.6 APPLICATION NO. 16/00526/FUL 80 - 88
Change of use of agricultural buildings to Class B8 (storage and distribution) and external alterations at Birch House Farm, Derby Lane, Ednaston.

4.7 APPLICATION NO. 16/00649/ADV 89 - 93
Erection of sign at Matlock Cricket Club, Causeway Lane, Matlock.

4.8 APPLICATION NO. 16/00775/OUT 94 - 113
Residential development of up to 41 dwellings and access (outline) at Stancliffe Hall, Whitworth Road, Darley Dale.

5. INFORMATION ON ACTIVE AND CLOSED ENFORCEMENT INVESTIGATIONS 114 - 124
6. APPEALS PROGRESS REPORT

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

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

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

PUBLIC PARTICIPATION

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

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

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

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

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

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

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

- Town and Parish Councils: 3 minutes
- Objectors: 3 minutes
- Ward Members: 5 minutes
- Supporters: 3 minutes
- Agent or Applicant: 5 minutes

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 and Officers to convene at the first site visit at **11:20am prompt**.

**11.20am**  APPLICATION NO. 16/00704/OUT  6 - 26  
**MILLERS GREEN, WIRKSWORTH.**  
To allow Members to appreciate the site and context.

**Lunch Break**

**1:55pm**  APPLICATION NO. 16/00636/FUL  27 - 32  
**14 VALE RISE, MATLOCK.**  
To allow Members to appreciate the site and context.

**2.15pm**  APPLICATION NO. 16/00598/FUL  33 - 46  
**PINETREES, UPPER LUMSDALE, MATLOCK.**  
Deferred by Members at the October Planning Committee meeting to require a site visit to appreciate the impact upon the character and appearance of the conservation area.

**3.20pm**  APPLICATION NO. 16/00397/FUL  47 - 74  
**TANSLEY HOUSE GARDENS, TANSLEY.**  
To allow Members to appreciate the site and context.

**3.45pm**  APPLICATION NO. 16/00632/FUL  75 - 79  
**12 MARKET PLACE, CROMFORD.**  
Requested by Ward Members to allow Members to appreciate the site and context and amenity impact.

**4.20pm**  RETURN TO COLLECT MEMBER’S VEHICLES.  
**4.30pm**  RETURN TO TOWN HALL, MATLOCK
COMMITTEE SITE MEETING PROCEDURE

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

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

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

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

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

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

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

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

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

9. All persons attending are requested to refrain from smoking during site visits.
<table>
<thead>
<tr>
<th><strong>APPLICATION NUMBER</strong></th>
<th>16/00704/OUT</th>
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<tbody>
<tr>
<td><strong>SITE ADDRESS:</strong></td>
<td>LAND WEST OF MILLERS GREEN, WIRKSWORTH</td>
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<tr>
<td><strong>DESCRIPTION OF DEVELOPMENT</strong></td>
<td>OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT OF UP TO 50 DWELLINGS</td>
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<tr>
<td><strong>CASE OFFICER</strong></td>
<td>Mr. G. A. Griffiths</td>
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<tr>
<td><strong>APPLICANT</strong></td>
<td>Scott Ashall</td>
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<tr>
<td><strong>TOWN</strong></td>
<td>Wirksworth</td>
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<tr>
<td><strong>AGENT</strong></td>
<td>Crowley Associates</td>
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<td><strong>WARD MEMBER(S)</strong></td>
<td>Cllr. Mrs I. Ratcliffe, Cllr. M. Ratcliffe, Cllr. P. Slack</td>
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<td><strong>DETERMINATION TARGET</strong></td>
<td>21st December 2016</td>
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<tr>
<td><strong>REASON FOR DETERMINATION BY COMMITTEE</strong></td>
<td>Major application/ departure from development plan</td>
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<tr>
<td><strong>REASON FOR SITE VISIT (IF APPLICABLE)</strong></td>
<td>To assess the impact of the development on the character and appearance of the area</td>
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**MATERIAL PLANNING ISSUES**

- Principle/planning policy context;
- Impact of the development on the character and appearance of the landscape and the setting of heritage assets;
- Housing mix and requirement for affordable housing provision;
- Impact on amenity of residents in the locality;
- Highway matters;
- Public rights of way;
- Impact of development on archaeology;
- Impact of the development on protected species;
- Impact on trees and landscape features;
- Drainage and flood risk;
- Provision of community infrastructure through developer contributions;
- Open space provision;
- Crime prevention.

**RECOMMENDATION**

Refuse
16/00704/OUT

Land West of Millers Green, Wirksworth

Derbyshire Dales DC

Date: 05/12/2016

100019785
1. THE SITE AND SURROUNDINGS

1.1 Miller’s Green is a small 19th century industrial enclave located, at the time of its development, in the open countryside and comprises Speedwell Mill, cottages and ancillary industrial buildings. Twentieth century development to the south of Wirksworth has spread in its direction such that it is now connected to the town.

1.2 The application site comprises two district components. A former works site (now demolished) which has an extant planning permission for residential development; this has an area of approximately 0.5ha. and is within the 2005 Local Plan Settlement Framework Boundary for Wirksworth. The other and main part of the site comprises pastoral fields in the open countryside to the west of Millers Green and to the south west of Wirksworth; this has an area of approximately 1.755ha and is outside of the Settlement Framework boundary. The fields are defined by well vegetated boundaries and the whole site is separated from Wirksworth to the north by additional fields and the recreation ground.

1.3 Current access to the site is gained via a track from Millers Green, to the north of Ohio Farmhouse, and via the access through the development adjacent to Speedwell Mill at Cornmill Close. The site is identified as being within a Flood Zone 1 location.
2. DETAILS OF THE APPLICATION

2.1 Outline planning permission, with all matters reserved, is sought for the construction of up to 50 dwellings with associated public open space and infrastructure. The applicant has submitted a number of supporting documents to promote the development and address the constraints of the site as follows:

- Design and Access Statement (including Site Waste Management Plan)
- Planning Statement
- Transport Assessment
- Response to Local Highway Authority comments
- Site Investigation (Phase 2)
- Flood Risk Assessment and Drainage Statement
- Response to Flood Risk comments
- Planning Statement (including Affordable Housing Statement and Statement of Community Consultation)
- Landscape and Visual Impact Assessment
- Geo-Environmental investigation
- Coal Mining Risk Assessment (including Coal Authority response)
- Ecological Appraisal

2.2 The applicant has submitted an indicative layout plan detailing access to the site being directly off Millers Green. Whilst the layout is indicative, the applicant advises in their Design and Access Statement that:

….. The layout seeks to provide a development that allows limited expansion between the existing dwellings on Corn Mill Close and the existing dense settlements of the south of Wirksworth, while at the same time being sensitive to the character of this existing edge of the Wirksworth settlement to the countryside. It aims to provide subtle and screened views into the development from the surrounding areas…..

2.3 The applicant advises that the development will include a mix of house types and that these would include 35 open market and 15 affordable dwellinghouses. It is suggested that the buildings would be set to the north and south of an east/west axis road taking into account the contours of the site, the historic landscape and important views.

2.4 It is proposed that the buildings would be constructed with a subtle palette of local brick and slate roofs more reminiscent of the town centre and early buildings surrounding the site rather than the later, adjacent 20th century housing. It is proposed that boundary treatments fronting the open space should be agricultural in nature and reflective of the existing context to include stone walls or mixed hedgerows. Existing boundary trees/hedgerows are detailed to be retained. The applicant identifies a 1,500 sqm. area of public open space being planned into the development.
2.5 In terms of planning policy, the applicant initially considered that, in their belief of the absence of a five year housing supply, Policies SF4, H4 and NBE8 of the Adopted Derbyshire Dales Local Plan (2005) are not up to date in the context of Paragraph 49 of the National Planning Policy Framework (NPPF) and that this is backed up with appeal decisions in the District. Therefore, the applicant considered that they carried little weight in the decision making process. However, the applicant has since been advised that the District Council now has a 5 year housing land supply.

2.6 In a subsequent submission, the applicant has advised that the site was promoted through the District Council’s call for sites in 2014 (SHLAA200). It passed the Stage A assessment but failed Stage B due to the matter of access, with the assessment concluding:

“unless the District Council receives further information from the landowner to indicate they have an option to provide access off third party land the site is currently assessed as undevelopable”.

2.7 The applicant finds this conclusion strange not least because, in the statement (at paragraph 1.34) prepared in support of their call for sites submission (and submitted to the Local Planning Authority in connection with site SHLAA200, they stated:

“On the matter of access, we would confirm that access to the public highway can be taken through land within the ownership of the Client”

2.8 The applicant understood that sites which had passed Stage A but failed Stage B, were revisited to see whether any of the constraints identified could be overcome. And particularly note that at page 9 of the SHELAA the Local Planning Authority states:

“in some instances, sites [that had passed Stage A] were identified as having constraints, the extent of which was considered could have a limited impact upon its development potential. In these cases additional information was sought from the advocating landowners/developers to determine the extent of the significance of these constraints. Where provided, the additional information was reviewed before the final site assessment was completed”.

2.9 The applicant states that the Planning Policy Section of the Local Planning Authority did not contact either the landowner or their agent to determine whether the matter of access could be resolved and, had any Officer done so, the applicant would have been able to put their mind at rest accordingly. In addition, the applicant considers that the Planning Policy Section failed to take into consideration the fact that the planning permission, which had been granted at the front of the site (allocated in the five year housing supply as site SHLAA83), included the provision of a new point of vehicular access to the larger site (SHLAA200) and that, at the same time as the applicant was promoting SHLAA200, they were in negotiations with the Development Management Section of the Local Planning Authority on amendments to the development site boundary at the front of the site.

2.10 In this respect, the applicant considers that the Local Planning Authority has failed entirely in its assessment of the site through the call for sites process and, except for the concerns raised about access, they consider that it appears that the site would have been considered developable and deliverable. On this basis, the applicant considers that, even if the Local Planning Authority feels it has a robust assessment of five year supply, there is still scope ahead of the adoption of the Local Plan to grant planning permission for the development of Millers Green.
3. PLANNING POLICY AND LEGISLATIVE FRAMEWORK

3.1 Adopted Derbyshire Dales Local Plan (2005)
- SF1 Development Within Settlement Frameworks
- SF4 Development in the Countryside
- SF5 Design and Appearance of Development
- SF7 Waste Management and Recycling
- SF8 Catering for the Needs of People with Disabilities in Development and Redevelopment
- H4 Housing Development Outside Settlement Frameworks
- H9 Design and Appearance of New Housing
- H10 Affordable Housing Within the Settlement Framework of Market Towns
- H12 Alternative Provision for Affordable Housing Outside Settlement Frameworks
- H14 Meeting the Needs of the Elderly and People with Disabilities
- NBE4 Protecting Features or Areas of Importance to Wild Flora and Fauna
- NBE5 Development Affecting Species Protected by Law or are Nationally Rare
- NBE6 Trees and Woodlands
- NBE7 Features Important in the Landscape
- NBE8 Landscape Character
- NBE12 Foul Sewage
- NBE16 Development Affecting A Listed Building
- NBE26 Landscape Design in Association with New Development

3.2 Wirksworth Neighbourhood Development Plan (2015-2028)
- NP1 Setting and Shape of Settlement
- NP2 Quality and Character of Development within the Settlement
- NP3 Sites with Concept Statement
- NP4 Size of New Homes and Space Standards
- NP5 Principle Residence Homes
- NP6 Quality of Residential Development
- NP7 Energy-Saving Standards for New Dwellings
- NP19 Provision for Pedestrians And Cyclists

3.3 National Planning Policy Framework (2012)
Paragraphs 7, 12, 14, 17, 47, 49, 50, 56, 73, 109, 118, 120, 129, 131, 132, 134, 135, 139, Annex 1: Implementation Paragraphs 210, 214, and 215

3.4 National Planning Practice Guidance

3.5 Draft Derbyshire Dales Local Plan (2016)
- S3: Settlement Hierarchy (Wirksworth is a first tier settlement)
- HC4: Affordable Housing
- HC11: Housing Mix and Type

3.6 Other
- The ‘Setting Of Heritage Assets’ document 2015 (Historic England)
  - Derbyshire Dales District Council Supplementary Planning Document
    - Affordable Housing
    - Landscape Character and Design
4. RELEVANT PLANNING HISTORY

14/00725/FUL Agricultural building for storage and livestock – Granted
11/00229/EXF Extension of Time Limit - Redevelopment of site to provide 5 no. detached dwellings, 5 no. residential apartments, associated access and landscaping – Granted
08/00286/FUL Redevelopment of site to provide 5 no. detached dwellings, 5 no. residential apartments, associated access and landscaping – Granted
03/02/0120 Residential development (Outline) – Granted
02/03/0224 Residential development (outline) – Refused
0185/0060 Tipping of non-toxic waste – Granted
0185/0059 Engineering operations prior to formation of lake - Granted

5. CONSULTATION RESPONSES

Town Council
5.1 - have received numerous letters of representation
- vast proportion of the site is designated as Greenfield, is outside the settlement boundary and is not identified with the Neighbourhood Plan
- whilst the site may be designated low flood risk, it will significantly increase the risk of flooding to adjacent existing properties (there have been several instances of flooding in the past years)
- a number of the adjacent properties are sited below the level of the proposed development exacerbating the effect of run off and natural drainage
- access to the development is via a narrow and restricted lane with poor visibility/sight lines. This lane is unsuitable for both the heavy construction equipment needed to develop the site, but also the volume of residential vehicles which would access the site
- the ecological report has not identified the significant population of bats/owls as well as kestrel and woodpeckers and a further in depth study is required
- portions of the site have previously been used for commercial/industrial purposes with probable implication of contamination
- application makes cursory mention of the Neighbourhood Plan which was adopted in 2015 as the development plan for Wirksworth
- scheme fails to comply with the Neighbourhood Plan Policy NP6 'Building For Life'
- have concerns that some residents have not be consulted/contacted as part of the statutory consultation process

Environment Agency
5.2 - no detailed comments to make

Land Drainage Authority (DCC)
5.3 - no objection given further information that has been submitted
- do not consider the utilisation of below ground storage as sustainable drainage and would encourage above ground storage as this can provide improvement in water quality and biodiversity
- need for the LPA to obtain all the relevant information pertaining to the proposed discharge in land that is not within the control of the applicant which is fundamental to allow the drainage of the proposed development site
- recommend conditions.

Local Highway Authority (DCC)
5.4 - no objection
- additional information considered acceptable - does not identify any common causation of small number of accidents in the study area which would warrant further investigation
- difficult for the LHA to demonstrate a severe impact on the Cinder Lane/Derby Road junction – will be subject to a condition on visibility splays
- pedestrian infrastructure and crossing facilities appear acceptable
- will be an increase in traffic but does not constitute sufficient grounds alone to recommend refusal
- would not encourage large vehicles accessing farm land from residential streets and alternatives may need to be considered
- desirable that the site frontage and access could be widened to a minimum of 5.5m to improve manoeuvres for turning traffic to and from the development
- recommend a footway is provided across roadside frontage with crossing facilities and secured by condition recommended that a Travel Plan is secured and costs of monitoring included in a S106 agreement
- public right of way crossing the site will need to be maintained on its lawful alignment unless formally diverted
- site put forward as a part of the SHLAA process but not taken forward - additional information appears to have addressed previous highways issues
- would be difficult for the LHA to demonstrate the residual cumulative impacts would be severe sufficient to recommend and sustain an objection on highway safety grounds.

Strategic Planning (DCC)
5.5 - normal area infant and secondary schools are expected to have sufficient capacity in terms of school place provision to accommodate the additional pupils that would arise
- request a financial contribution of £68,394.06 towards the provision of six junior spaces at Wirksworth Junior School
- reference is made to the provision of high speed broadband and sprinkler systems to the dwellings.

Southern Derbyshire CCG
5.6 - request financial contribution of £19,020 towards upgrading the capacity of Hannage Brook Medical Centre.

Environmental Health (DDDC)
5.7 - recommend land contamination remediation conditions.

Derbyshire Wildlife Trust
5.8 - no objection
- surveys carried out to an acceptable standard
- proposals appear to show retention of trees with bat potential
- recommend retention of all hedgerows and that these be outside of domestic curtilages
- conditions required with regard to safeguarding protected species and submission of a landscape and ecological management plan (LEMP)protection.

Design and Conservation Officer (DDDC)
5.9 - will have an impact on the current scale of the Miller’s Green enclave
- potential impact on designated heritage assets will be limited in terms of proximity and topography/planting
- with regard to the non-designated heritage assets, development of the scale and extent as proposed will impact on Speedwell Mill and the associated historic cottages, etc. inevitably alter this existing character.

Conservation Advisory Forum
5.10 - considered and discussed the designated heritage assets within the vicinity
- assets closest to the development site are Pittywood Farm and Haarlem Mill
- Speedwell Mill is not listed but should be considered as a non-designated heritage asset
- considered that the development would have limited impact on their respective settings.
- noted the countryside character of the area on the fringe of the town and were of the opinion that the scale of the development would appear as an unwanted extension or
intrusion into this open countryside around the Miller’s Green hamlet and its former historic mill and mill buildings
- noted the ‘sketch’ layout as submitted and concluded that it was overtly urban in character (not countryside) and repeated in many ways the sub-urban development of the town to the north and felt strongly should not be repeated
- considered a more sympathetic and site specific/context layout within the landscape setting be considered which would have a more subtle and sympathetic impact on the site and its setting/context.

Landscape Design Officer (DDDC)
5.11 - no objection
- site slightly larger than the SHLAA proposal which concluded that there is capacity for development of the site
- appears to be no reason to revise the SHLAA assessment
- important to retain and enhance landscape elements, establish a strong and effective boundary to the south, enhance the visual screen on the western boundary
- mitigate adverse impact on existing residential development on the south east boundary
- create a strong and easily accessible green infrastructure including public open space and links to the existing footpath network
- promote the creation of well vegetated neighbourhood and attractive street scene as part of high quality design.

Peak and Northern Footpaths Society
5.12 - no objection provided the treatment of the public footpath which crosses the site is carried out as indicated on the outline layout
- the two new links from the site to definitive footpaths and open countryside should be dedicated as public rights of way to ensure residents have access in perpetuity.

Derbyshire Dales Group of Ramblers
5.13 - no objection provided footpath 59 is not obstructed or affected in any way during or after construction
- ask that the Right Of Way dept. at DCC approve screening, etc. to make the development as unobtrusive as possible.

Crime Prevention Design Advisor (DCC)
5.14 - no objection to the principle of residential development of this site but would ask that the consideration is given to footpaths and community safety

6. REPRESENTATIONS RECEIVED

6.1 A total of 23 letters of representation have been received and are summarised as follows:
- would totally change the nature of the environment
- site is 70% greenbelt
- large number of houses would completely alter the semi-rural character/community of Millers Green
- not part of the neighbourhood plan
- overcrowded development
- far more suitable brownfield sites within settlement boundary
- permissions have been granted to build 33 affordable homes off Derby Road and 27 dwellings at Haarlem Mill which are brownfield sites – see no justification for developing greenfields in the area
- do not object to the development of the brownfield element of the application site with a high quality, low density development providing a mix of new development in the area
- planning permission on the brownfield element has expired
- loss of privacy with overlooking
- disturbance with noise and light pollution
- loss of view over open countryside
- local residents reasonably expected unspoilt views and tranquil setting when buying their houses as land is greenfield and outside of the settlement boundary
- access will be on a very narrow part of Millers Green and some major improvements to the road will be essential
- access unsuitable for the volume of traffic
- number of near misses when existing Speedwell Mill onto Millers Green – will only increase if development goes ahead
- access would create unacceptable hazard in context of the access to the bowling green
- land used by walkers and children play in the fields and woodland
- sewerage and drainage infrastructure currently inadequate for any extra demands
- surface water problems
- land currently floods annually
- water table already affected by building of Corn Mill Close and natural spring pop up
- existing culvert/stream cannot cope with more water
- significant flooding issues in the area – known to have flooded the lower lying mills and cottages regularly
- Speedwell Mill geographically the lowest part of Wirksworth
- Blobber Sough Lead Mine which lies under much of the site has caused and could cause drainage problems
- complex issues of the Carsington aqueduct that runs underground joining the Derwent to the reservoir
- the bowling green would be at risk from drainage problems
- adequate sewage disposal required other than the existing sewer
- the site is contaminated with spoil from digging out Carsington Water and with machinery, building materials, plastics, oils, unspecified refuse and materials from demolished buildings on the site, which includes asbestos,
- there were two fuel tanks and a fuel pump on the site
- field not used for grazing as contaminated
- removal of hedgerow
- impact on wildlife
- inadequate ecological appraisal
- as Millers Cottage, along with Ohio Farmhouse, was built circa 1720, any development should be visually subservient to it
- planning agreement (17/09/03) and its amendment between the landowner and DDDC states the land on the back half of the field behind Millers Cottage shall never be used for anything other than agriculture
- cricket balls have needed to be retrieved from the field and the cricket club is concerned with the proximity of new houses – would wish for a high chain link fence to be provided and maintained
- cricket club request that consideration be given to the imposition of a financial contribution to improve facilities for cricket club, football, bowls and play area (the access from Derby Road is in need of resurfacing)
- most local residents were unaware of the public consultation prior to the application
- criticism of consultation process

Wirksworth Civic Society – object:
- harm to the setting of Millers Green hamlet
- flood risk
- partially a greenfield site outside of the settlement framework boundary
- no provision for housing development on the site in either the Draft Local Plan or the Wirksworth Neighbourhood Development Plan
• site accessed off a narrow lane and impact on traffic to and from 50 houses would be hazardous
• the quality of housing sought as set out in the Wirksworth Neighbourhood Development Plan could be hard to achieve given the potentially difficult and expensive ground works required to alleviate possible contamination and poor ground conditions as a result of waste tipping by the previous owners.

7. OFFICER APPRAISAL

Introduction

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

7.2 The Derbyshire Dales Local Plan, adopted in 2005, comprises the development plan for the area. The majority of its policies have been saved and continue to be relevant where they are consistent with guidance contained within the National Planning Policy Framework (NPPF). The Wirksworth Neighbourhood Development Plan (WNDP) forms an intrinsic part of, and is the most up-to-date element of, the Development Plan. The NPPF was published in March 2012 and whilst this does not change the statutory status of the Development Plan as the starting point for decision-making, policies contained within the Framework are material considerations which must be taken into account.

7.3 Based on new analysis of development that will come forward in the next five years, and notwithstanding the applicant’s contention, it is considered that the District Council can identify a rolling five year supply of housing land even without development coming forward on the application site. It is also the case that policies and strategic allocations within the emerging Local Plan will provide enough housing land throughout the plan period to meet the District Council’s objectively assessed housing needs. Whilst helpful in setting out the District Council’s position with regard to meeting its strategic housing objectives, it is acknowledged that the emerging Local Plan is at an early stage in the plan making process and therefore attracts only limited weight.

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

7.5 In making a balanced judgement the decision taker is effectively asked to weigh the economic, social and environmental benefits and disbenefits against one another and only where those disbenefits significantly and demonstrably outweigh the benefits reject the scheme. Having regard to the policies of the Development Plan, which can be afforded weight, guidance contained within the NPPF and consultation and public comment responses received, the main issues to assess are:

- Principle/planning policy context
- Impact of the development on the character and appearance of the landscape
- Impact of the development on the setting of heritage assets and Millers Green
- Housing mix and requirement for affordable housing provision
- Impact on amenity of residents in the locality
• Highway matters
• Public rights of way
• Impact of the development on protected species
• Impact on trees and landscape features
• Drainage and flood risk
• Provision of community infrastructure through developer contributions
• Open space provision
• Crime prevention
• Other matters
• Planning Balance.

Principle/planning policy context

7.6 Policies SF4 and H4 of the Adopted Local (2005) deal with settlement frameworks and development in the countryside. It is important to reflect on how these sit with the NPPF, what conclusions Planning Inspectors have reached on their applicability and how this impacts on the planning balance. The Council received the decision on a housing appeal at Asker Lane, Matlock at the start of July 2015. The Planning Inspector concluded that, having regard to paragraph 49 of the NPPF, and in the absence of a 5 year supply, both policies H4 and SF4 had to be viewed as out of date and should be disregarded in the planning balance which instead should focus on the wording of Paragraph 14. Whilst the Council can now demonstrate a 5 year supply the policies remain out of date in the context of needing to accommodate substantial housing growth outside settlements. The other Local Plan policies quoted above remain largely in tune with the aims of the NPPF and as such can continue to carry weight in decision making.

7.7 The Wirksworth Neighbourhood Development Plan (WNDP) was adopted last year and is therefore the most recent adopted planning policy document of the District Council and therefore has significant weight in the decision making process. There are a number of policies within the WNDP relating to new residential development in terms of the sustainability of development, principle homes restriction, internal size and mix of units and design/character requirements. This proposal will require assessment against these policies and such assessment is considered later in this report.

7.8 The NPPF directs decision making on planning applications to the guidance in Paragraph 14. It states:

For decision taking this means:
• Approving development proposals that accord with the development plan without delay and
• Where the development plan is absent, silent or relevant policies are out-of-date granting permission unless:
  - Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in this Framework taken as a whole; or
  - Specific policies of the Framework indicate that the development should be restricted.

In this context, the decision taker is effectively asked to weigh the economic, social and environmental benefits and disbenefits of a development proposal against one another. Only where those disbenefits significantly and demonstrably outweigh the benefits should a scheme be rejected. However, this is a weighted balance. Footnote 9 to Paragraph 14 explains those circumstances where specific policies may mean the development should be resisted. This can apply in relation to heritage assets where they experience adverse impact on their significance. Where such a scenario exists, a planning balance, rather than a weighted balance, should be undertaken. The Officers have concluded in this case that the weighted balance should apply (see paragraph 7.17 for analysis of heritage issues).
7.9 In current circumstances the benefits of providing additional new housing to meet the District's housing needs outside of settlements, and on land not benefiting from a draft housing allocation, can only be attributed limited weight. This is on the basis that the District Council has allocated enough housing land as part of its emerging Local Plan to meet objectively assessed needs and can identify a rolling 5 year housing land supply. However, it is important to balance this against the other social, economic and environmental benefits and disbenefits of the scheme in reaching a balanced judgement on the sustainability of the proposal as required by Paragraph 14 of the NPPF.

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

7.11 The applicant has set out in their submission why they consider the site should have been allocated through the emerging Local Plan process. It is accepted by Officers that, in general terms, the site and its development potential is relatively sustainable in environmental, economic and social terms given the proximity of the site to Wirksworth town centre and the employment opportunities, community facilities and infrastructure associated with the town. There are public transport links to other towns within the District and beyond that could lead to less reliance on the private car. The development of the site would be socially sustainable in the opportunity to provide much needed affordable housing to meet one of the key objectives of the District although the applicant has not fully met the District Council’s requirement in this regard. There are economic benefits associated with the level of employment during construction and the potential spend in the local economy generated in developing the site.

7.12 Notwithstanding the case made by the applicant, the planning application has to be assessed on its merits at this moment in time. Things have moved on since earlier discussions with the applicant and the District Council can now demonstrate a 5 year housing land supply and has allocated sites in the emerging Local Plan which it considers will meet the District Council’s objectively assessed need for housing land supply going forward. In this respect, the balancing of whether the application site is a more appropriate site than those put forward in the emerging Local Plan is not an exercise that the Development Management Committee should undertake. The application site must now be considered on its stand-alone merits. In this respect, whilst the Local Planning Authority can grant planning permission for development over and beyond the allocations in the emerging Local Plan, the fact that the majority of the site is a greenfield site in the open countryside must now be given significant weight.

7.13 Therefore, whilst there would be environmentally sustainable benefits of locating residential development on the fringe of Tier 1 settlement, there are also environmental impacts that need to be assessed.

Impact of the development on the character and appearance of the landscape

7.14 The letter from Brandon Lewis MP to the Chief Executive of the Planning Inspectorate, dated March 2015 highlighted national policy on matters of landscape character referring to a number of appeal cases in which “harm to landscape character... was... an important consideration in the appeal being dismissed” to remind practitioners/decision takers that “one of the twelve core principles at Paragraph 17 of the National Planning Policy Framework [is] that plans and decisions should take into account the different roles and
character of different areas, and recognise the intrinsic character and beauty of the countryside – to ensure that development is suitable for the local context”. The letter went on to state that the appeal “cases [in question] also reflect[ed] the wider emphasis on delivering sustainable outcomes at the heart of the Framework, which means taking full account of the environmental as well as the economic and social dimensions of development proposals.” In this respect, it is necessary to consider the impact of development within its surrounding landscape.

7.15 The site is set low in its surroundings with higher ground to the north east, west and south east. Middle and distant views of the site are obscured by landform, intervening hedgerows and lines of trees. Views from the recreation ground are substantially screened by trees on the north eastern boundary. Local views are generally screened by vegetation on the south eastern boundary with residential properties. In addition, whilst there is considered to be a potential for intrusion into the countryside, key landscape features are shown to be retained and further mitigation measures could be introduced to soften the impact of the development in the open countryside.

7.16 Nevertheless, a development of up to 50 dwellings, 32 of which are indicated on the illustrative layout plan to be detached dwellings (with attached or detached garages) will inevitably have an impact on the current scale of the Miller’s Green enclave and its landscape setting. The principle matter for concern is the element of residential development proposed on the greenfield element of the site given that it is considered no longer necessary for unallocated sites to be developed to meet with the housing land supply requirements of the District. This component of the scheme represents unwarranted encroachment into the countryside, detrimental to its character and appearance.

Impact of the development on the setting of heritage assets and Millers Green

7.17 There are a number of heritage assets within the locality, principally Pittywood Farm (grade II), Haarlem Mill (grade II* and grade II), Adam Bede Cottage (grade II) and Round Meadow Farm (grade II). In considering the potential impact of the development on the designated heritage assets, it is considered that this will be limited in terms of proximity and topography/planting, etc..

7.18 With regard to the non-designated heritage assets, Speedwell Mill, adjacent to south eastern part of the site, and an area of historic lead mining activity and some ridge and furrow to the west of the site, are on the Historic Environment Record. Speedwell Mill and the associated historic cottages, etc. form the historic core of the former industrial enclave and, whilst some 20th century development has encroached it remains a sub-hamlet of Wirksworth town proper. This is reinforced, to a degree, by the remaining volume/extent of open landscape character which envelopes it. Development of the scale and extent as proposed will inevitably alter this existing character. Therefore, there will be harm caused by the development on this rural enclave to the south of Wirksworth but it is not considered that this harm is directly specific to the non-designated historic assets or their setting that would otherwise engage Footnote 9 of Paragraph 14 and Paragraph 134 of the NPPF.

Housing mix and requirement for affordable housing provision

7.19 The District Council’s Head of Housing has, with respect to major residential developments, considered a 25% on-site contribution and 20% off-site contribution to be appropriate as being in line with Policy H10 of the Adopted Local Plan (2005). This is on the basis that off-site contributions can play a significant role in helping to meet specific housing needs on other sites which would otherwise prove more problematic on the application sites and previous planning permissions have been issued on such consideration.
7.20 The emerging Local Plan Policy HC4 requires a minimum of 30% of a residential development to be affordable housing on site but is also on the basis of there being a Community Infrastructure Levy in place, which is not currently the case. In addition, this Policy is yet to be adopted. Therefore, the requirements for developments being in accordance with the aims of Policy H10 of the Adopted Local Plan (2005) are considered to still be appropriate. In this respect, the applicant’s proposal for 15 affordable dwellings to be provided on the site, 30% of the total, does not meet with the Policy requirement to meet the 45% provision.

7.21 In terms of housing mix and type, Policy HC11 of the emerging Local Plan advocates 90% provision of dwellinghouses being 2 or 3 bedroomed properties. However, the indicative layout plan suggests a significant number of larger, detached dwellinghouses are proposed. This could therefore be contrary to this emerging Local Plan Policy which advises the following:

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7.22 However, there are significant considerations in the light of the above. Dwellinghouses still need to be considered in their context, as referred to in the emerging Policy, and in terms of the criteria for securing good design advocated in the NPPF. It has to be appreciated that the site is not in a town centre location, where the expectations would certainly be more towards the types of dwellinghouse advocated by the emerging Local Plan Policy HC11. The application site is a suburban one and the scheme is for a lower density character and appearance. This also reflects the aims of Policy NP4 of the Wirksworth Neighbourhood Development Plan. This advises that residential developments should include a high proportion of family homes with at least 65% having three or more bedrooms.

7.23 Paragraph 50 of the NPPF advises there is a need for a housing mix, based on current and future demographic trends and, if outline planning permission were to be granted, it is considered that the weight attributed to Policy HC11 in the emerging Local Plan could increase during the consideration of the reserved matters application. Nevertheless, the density of the site development is considered acceptable in principle in this fringe of settlement (suburban) location.

Impact on amenity of residents in the locality

7.24 The site can contain the number of dwellinghouses proposed without significantly impacting upon the amenity of the existing neighbouring residents in terms of light, outlook and privacy. However, this will need to be given further consideration at the reserved matters stage if outline planning permission is granted.

Highway matters

7.25 The Local Highway Authority recognises that the application site was put forward as a part of the SHLAA process but not taken forward. In this respect, the concerns raised by the Local Highway Authority at that time appear to have been addressed.

7.26 The Local Highway Authority has considered the proposals and has raised some concern with the impact of the development particularly with respect to the Cinder Lane/Derby Road junction. However, it is advised that it is difficult for the Local Highway Authority to demonstrate a severe impact on this junction. Nevertheless, any planning permission would be subject to a condition that adequate visibility splays are provided. It is advised that the increase in traffic that would be associated with the development would not constitute sufficient grounds alone to recommend refusal.
7.27 The Local Highway Authority has advised of improvements that could be made to the scheme. It is desirable that the site frontage and access be widened to a minimum of 5.5m to improve manoeuvres for turning traffic to and from the development. A footway is also recommended across the roadside frontage with crossing facilities. In addition, they would not encourage large vehicles accessing farm land from residential streets and alternatives may need to be considered in this respect. These issues can be addressed by conditions on any grant of permission. It is also recommended that a Travel Plan is secured and costs of monitoring included in a S106 agreement.

7.28 Given the above, it is advised by the Local Highway Authority that it would be difficult to demonstrate the residual cumulative impacts would be so severe to be sufficient to recommend and sustain an objection on highway safety grounds.

Impact on Public Footpaths

7.29 The Local Highway Authority has advised that the public right of way crossing the site will need to be maintained on its lawful alignment unless formally diverted. The public rights of way consultees have advised of no objection to the proposal but the Ramblers have requested the two new links from the site to definitive footpaths and open countryside should be dedicated as public rights of way to ensure residents have access in perpetuity.

Impact of the development on protected species

7.30 The proposal has been assessed by Derbyshire Wildlife Trust (DWT). It has been advised that there is no objection to the proposal having had regard to the applicant’s ecological surveys which have been carried out to an acceptable standard. It is recommended that all hedgerows and trees remain outside of domestic curtilages, where possible as this will provide better protection for the landscaping and safeguard protected species. In this respect, conditions are required with to safeguard the hedgerows, trees and protected species and submission of a landscape and ecological management plan (LEMP) protection.

Impact on trees and landscape features

7.31 There are a number of trees and hedgerows around the site which are largely proposed to be retained. One area of concern is that these are shown to be within the curtilages of dwellings and therefore the trees and hedges would be prone to individuals cutting them back/removing them. It is therefore considered that such important landscaping to seek to screen the site should be set outside of the curtilages and be subject to a management plan; this could be addressed through a condition on any grant of permission. There will also need to be conditions to secure further landscaping of the site. One important area would be where the applicant has detailed on the indicative drawing that the dwellinghouses would be overlooking the open field to the south west. It is considered that the hedgerow should be continued across the field between the two field boundary hedges in order to contain the development moreso in the landscape.

Drainage and Flood Risk

7.32 The site is located in a Flood Zone 1 area and the Environment Agency has raised no objection with respect to flooding. The proposals have also been assessed by the Land Drainage Authority (DCC) who have advised that there is no objection in principle given further information that has been submitted. However, it is advised that they do not consider the utilisation of below ground storage as sustainable drainage and would therefore encourage above ground storage as this can provide improvement in water quality and biodiversity. It is also recommended that conditions be attached to ensure the detailed design, management and maintenance plan for surface water drainage is approved and that it is compliant with Building Regulations in terms of the proposed destination for surface water flow.
7.33 One of concern is that all the relevant information pertaining to the proposed discharge in land that is not within the control of the applicant, which is fundamental to allow the drainage of the proposed development site. However, it has been advised to the Case Officer that this relates largely to the intervention of the public highway with the brook course on the opposite side of Millers Green.

Provision of community infrastructure through developer contributions
7.34 Paragraph 72 of the NPPF seeks to ensure sufficient choice of school places being available to meet the needs of existing and new communities. DCC advise that the current and future projections show that the normal area infant and secondary schools are expected to have sufficient capacity in terms of school place provision to accommodate the additional pupils that would arise from this proposed development. With regard to junior school places, DCC has requested a financial contribution of £68,394.06 towards the provision of six junior spaces at Wirksworth Junior School.

7.35 Reference is made to the provision of high speed broadband and sprinkler systems to the dwellings. However, such proposals would be at the developer’s discretion and cannot be a condition on any grant of planning permission.

7.36 The Southern Derbyshire CCG has requested a financial contribution of £19,020 towards upgrading the capacity of Hannage Brook Medical Centre. As there is a clearly defined and attributable need for such, it is considered that the financial contribution can be secured from the developer through a Section 106 Agreement as part of any planning permission.

7.37 The Cricket Club to the north of the site have raised no in principle objections to the development but have raised concern with respect to the proximity of dwellinghouses to the recreation ground and requested a high fence be included to avoid problems with cricket balls going onto residents properties and leading to potential complaints. This would have to be addressed with a reserved matters application once siting was proposed. The cricket club has also requested that consideration be given to securing funding to the cricket club, football, bowls and play area and advised that the access from Derby Road is in need of resurfacing. It is considered, as the development would not have a direct impact on these facilities, that it would be unreasonable to require such funding for a private concern.

Open space provision
7.38 Paragraph 73 of the NPPF advises that access to open space and opportunities for sport and recreation can make an important contribution to the health and well-being of communities. In this respect, the applicant has detailed an area of open space within the site on the indicative masterplan. This is considered reasonable but it would also be expected that provision would be made for children’s play space. On the basis of some 50 dwellings, it would be expected that play facilities amounting to some £25,000 (£500 per dwelling) could be appropriately provided within the application site.

7.39 It is appreciated that there is a local play area at the Millers Green/Derby Road junction. However, this has been financially contributed to in recent years, with monies realised from the Kingsfield residential development opposite, through the Town Council. In this respect, a condition will be required for the provision and management of the open space and for the provision and management of a children’s play area, to accommodate the needs of the occupiers of the residential development, which would also allow access to such facilities by the wider community.
Crime Prevention

7.40 Presently there is one public right of way running through the site, Footpath 59, with a private farm access to be retained to the south. There are two further footpath access points proposed as part of the indicative layout; one to the west into open land (and presumably finally linking with Footpath 58) and one to the north of the site linking to Footpath 59 some distance out of the site boundary.

7.41 It is advised by the Crime Prevention Design Advisor that the existing footpath, whilst not ideal from a community safety perspective, is a definitive right of way and the treatment of the new development should, in its illustrative design, help to address the right of way with overlooking, active elevations and open peripheral sight lines. This would require some further work in the detailed layout, as presently the one adjacent property has a garage and lengthy garden boundary facing the route.

7.42 The two additional footpath links will fundamentally alter the space hierarchy of what should be semi-public roadways and semi-private shared driveways. They introduce two through routes into open countryside, allowing legitimised non-resident passage through the site on several planes, which will undermine residential territoriality for the site as a whole. As such, these features impact negatively on incidences of domestic burglary, also bringing damage and nuisance more directly to houses sited around the transition points from residential area to open space.

7.43 As such, for residents, it is considered that the existing Footpath 59 provides an adequate link to the surrounding footpath network and open land, and the main road network provides adequate connectivity to local amenities. For non-residents the existing footpath network is considered sufficient and there is no need for through site access except for the existing public right of way. It is noted that other consultees have asked for these links to be adopted as formal routes in perpetuity. However, this is advised against given the likely amenity issues they would cause for occupants of the site, and the lengthy processes required to remove such links once formalised.

Other Matters

7.44 Local residents refer to a Section 106 agreement between the landowner and DDDC which states the land on the back half of the field behind Millers Cottage shall never be used for anything other than agriculture. As such, if planning permission were granted, the applicant would need to seek to rescind this agreement which, if planning permission were granted, would be rendered obsolete.

Planning Balance

7.45 The planning policy context above sets out the Local and National Policy Guidance that apply in assessing the merits of this application and the other material considerations that need to be weighed in the planning balance. As stated by the applicant, recent appeal decisions have confirmed that Policies SF4 and H4, which restrict new residential development outside of the settlement framework boundaries defined in the Adopted Derbyshire Dales Local Plan (2005), have been considered to be out-of-date and have been afforded no weight in the decision making process.

7.46 Paragraph 14 of the NPPF advises that where the development plan is absent, silent or relevant policies are out-of-date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. It is accepted by the Local Planning Authority that the adopted Local Plan (2005) is out-of-date with regard to identifying housing development sites going forward.

7.47 Although national guidance indicates that applications for new housing development should be granted, in principle, where relevant policies are out-of-date, the District Council
can now identify a rolling five year supply of housing land and allocations within the emerging Local Plan will also provide enough housing land throughout the Plan period to meet the District Council’s objectively assessed housing needs. Therefore, the benefits of providing new housing on sites which extend beyond the limits of the settlement framework boundaries, detailed within the existing and emerging Local Plan, can now only be attributed limited weight. However, it is important to weigh this alongside the social, economic and environmental benefits and disbenefits in reaching a balanced judgement on the sustainability of the scheme.

7.48 In this case, the social dimension of sustainability is met with the development delivering new homes which would contribute towards meeting the District Council’s objectively assessed housing needs. The economic dimension would be served by employment generated during construction and the benefit to businesses within the town from additional resident spend. However, such benefits are derived from any new housing development that is built and, without any need to build additional housing to meet the District’s objectively assessed housing needs, should only be afforded limited weight.

7.49 In terms of the environmental dimension, the site is in a relatively sustainable location given that the brownfield part of the site is within the existing settlement framework boundary for Wirksworth and the remainder of the application site is on the fringe of this Tier 1 settlement. However, the site is rather remote from the facilities of the town and, whilst there is public transport available, there is likely to be a reliance on the car to some degree to access such facilities.

7.50 It is appreciated that the impact of the development in the landscape would not be of high sensitivity given the low lying nature of the site and the degree of established screening from which the site benefits. In distant views it could be considered that the site is part of the southernmost projection of the town. Having regard to Paragraph 134 of the NPPF, it is considered that the development would not have a significant impact on the setting of heritage assets. Notwithstanding the applicant’s comments in relation to the Local Plan allocation process, the application site must now be considered on its own merits. In this respect, whilst the Local Planning Authority can grant planning permission for development over and beyond the allocations in the emerging Local Plan, the fact that the majority of the site is a greenfield site in the open countryside must now be given significant weight. In this respect, the amount and extent of new housing development proposed would be out of scale and context with the character and appearance of the cluster of properties which are the heart of Millers Green and retain a degree of separation from the rest of Wirksworth, notwithstanding that the town has encroached to the opposite (east) side of Millers Green.

7.51 Whilst it is also appreciated that 10 dwellings have been approved with planning permission 11/00229/EXF, and that this development is an extant permission, this is considered an appropriate addition to Millers Green in terms of scale and utilising a brownfield site. It is considered that the development of the greenfield element of the site would constitute an unwarranted development encroaching into the countryside that would be intrinsically harmful to its character and appearance. In the immediate environs, the site is evident from public rights of way that that run through and close to the site. In these respect, the level of environmental harm would be readily apparent and must weigh heavily against the development.

7.52 In addition, the proposed draft affordable housing policy seeks the provision of 30% on site affordable housing on the basis that the Community Infrastructure Levy (CIL) will be introduced for infrastructure payments. However, as the District Council has no CIL in place, it is considered reasonable to request a 45% contribution on this largely greenfield site, which is consistent with known requirements and how emerging policy has been applied to other planning permissions that have been granted in the District. Whilst the
District Council would not necessarily anticipate all the provision being on site, often schemes have met the aim of the policy with a mixture of on-site and off-site provision. Therefore, the applicant’s proposal for 15 affordable dwellings to be provided on the site (30% of the total) is not considered to meet with the evidence base at this point in time.

7.53 When all of the above matters are weighed in the balance, having due regard to all the elements of the NPPF and the ability of the District Council to demonstrate a five year housing land supply, it is considered that the level of environmental harm would significantly and demonstrably outweigh the benefits. Therefore, in this case, it is recommended that the proposal should be refused on this basis.

8. RECOMMENDATION
That planning permission be refused for the following reason:

1. The amount and extent of new housing development proposed would be out of scale and context with the settlement in this locality and would constitute unwarranted and encroaching development in the countryside that would be harmful to its character and appearance. As such, the proposal is contrary to Policies SF5 and NBE8 of the Adopted Derbyshire Dales Local Plan (2005), Policies NP1 and NP2 of the Wirksworth Neighbourhood Development Plan (2105-2028) and guidance contained within the National Planning Policy Framework (2012).

2. The proposal fails to provide an adequate level of affordable housing to meet with established needs reflected in the aims of emerging Local Plan Policy HC4 and fails to comply with guidance contained within the National Planning Policy Framework (2012).

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:

   Drawing No. J566/access/fig1 received on 21st September 2016
   Drawing No. 16A230/001 received on 21st September 2016
   Site Context Drawings (Figures 1-6) received on 21st September 2016
   Design and Access Statement (including Site Waste Management Plan) received on 21st September 2016
   Planning Statement received on 21st September 2016
   Transport Assessment received on 21st September 2016
   Response to Local Highway Authority comments received on 15th November 2016
   Site Investigation (Phase 2) received on 21st September 2016
   Flood Risk Assessment and Drainage Statement received on 21st September 2016
   Response to Flood Risk comments received on 24th November 2016
   Planning Statement (including Affordable Housing Statement and Statement of Community Consultation) received on 21st September 2016
   Landscape and Visual Impact Assessment received on 21st September 2016
   Geo-Environmental investigation received on 21st September 2016
   Additional Information regarding tipping and site contamination received on 24th November 2016
Coal Mining Risk Assessment (including Coal Authority response) received on 21st September 2016
Ecological Appraisal received on 21st September 2016
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<th><strong>APPLICATION NUMBER</strong></th>
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<td><strong>SITE ADDRESS:</strong></td>
<td>14 Vale Rise, Matlock</td>
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<tr>
<td><strong>DESCRIPTION OF DEVELOPMENT</strong></td>
<td>Creation of new driveway.</td>
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<tr>
<td><strong>CASE OFFICER</strong></td>
<td>Mr. A. T. Ecclestone</td>
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<td><strong>APPLICANT</strong></td>
<td>Mr. Beeston</td>
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<td><strong>PARISH/TOWN</strong></td>
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<td><strong>AGENT</strong></td>
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<td><strong>WARD MEMBER(S)</strong></td>
<td>Cllr. Atkin</td>
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<td>Cllr. Salt</td>
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<td>Cllr. Statham</td>
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<td><strong>DETERMINATION TARGET</strong></td>
<td>4th November 2016</td>
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<td><strong>REASON FOR DETERMINATION BY COMMITTEE</strong></td>
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<td><strong>REASON FOR SITE VISIT (IF APPLICABLE)</strong></td>
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### MATERIAL PLANNING ISSUES

2. Residential amenity.

### RECOMMENDATION

Refusal
16/00636/FUL

14 Vale Rise, Matlock

Derbyshire Dales DC

Date: 02/12/2016

100019785
THE SITE AND SURROUNDINGS
The application property is a semi-detached house, situated in a residential area on the north-western side of Matlock (Morledge estate). It is served by a shared drive, but only currently has pedestrian access up to the front door. The property fronts onto an area of public open space.

DETAILS OF THE APPLICATION
Currently there is only pedestrian access from the top of the shared drive up to the house in the form of an upward sloping path and steps made from paving slabs. The proposal is to replace the paving slabs by forming a continuation of the block-paved driveway following the gradient of the land.

In response to the objection received, the applicant has made the following detailed comments:
We are fully aware of the high regard in which this award winning development is held locally and the efforts of the Planning Department in facilitating this. The layout and character were key reasons for purchasing the property. However, available parking provision on Vale Rise is inadequate and in particular to this property. The application to create a new driveway will help alleviate this.
The proposal has been carefully developed to provide minimum impact and is inkeeping with the Morledge development. Planning permission would not normally be required for a development such as this. On street parking regularly occurs which causes congestion and safety issues.

Our property has only one allocated parking space in front of the garage. The garage itself is inadequate to hold a modern family car. Our garage dimensions are 2.4m by 5.3m. But the latest Derbyshire County Council design guidance advises dimensions of 6m by 3m. The guidance also advises that where a dwelling has no separate parking for cycles, it may affect whether the garage should be counted towards parking provision. We have no separate parking for cycles. The Derbyshire Dales Local Plan Policy stipulates that a three bedroom dwelling should have two parking spaces.

The lack of parking is particularly exacerbated at the ends of cul-de-sacs. We are active members of the local community, but due to work, require 2 cars. Had Permitted Development rights not been removed, our proposal would not have required planning permission. However, it is unclear which properties have had their Permitted Development rights removed. Some people may not even be aware their Permitted Development rights have been removed.

Pre-application discussions were held and the Planning Officer was generally supportive of our proposal. But the query arose of how visible a car would be when parked on the driveway. The existing laurel boundary hedge will be retained and allowed to grow 30cm higher which will then screen the car. Additional planting in the public open space will also provide further screening.

This is not the first property to provide parking / hardstanding in front. There are several other examples elsewhere on the estate. Neighbours were consulted at an early stage, prior to the application being submitted. Neighbours were generally supportive, with the exception of our next-door neighbour who advised that whilst not fully supportive, understood our reasons for the proposal.

The Highways Department have not objected to our proposal and neither has the Town Council. There have been three representations of support and only one objection. Many of the objections raised are not material planning considerations. We are active members of the local community and have no desire of ‘trashing’ the estate. Other options were considered.

PLANNING POLICY AND LEGISLATIVE FRAMEWORK
Adopted Derbyshire Dales Local Plan (2005)
SF5 Design And Appearance Of Development
TR1 Access Requirements And The Impact Of New Development
TR8 Parking Requirements For New Development

National Planning Policy Framework (NPPF)
Chapter 7 Requiring Good Design

RELEVANT PLANNING HISTORY
None since the property was originally constructed.
CONSULTATION RESPONSES

Town Council
No objection.

Derbyshire County Council (Highways)
No objection.

REPRESENTATIONS RECEIVED
1 objection has been received which can be summarised as follows:
• The estate won a national design award. This proposal trashes and trumps the estate.
• This application is misleading – it does not mention that it is a shared driveway.
• The cross-section plan is inaccurate. The photos do not show the neighbouring house.
• There are different car accesses in the estate. This proposal will affect the character of this area. It will attract extra traffic. It will set a precedent. Permitted Development Rights were removed from this plot to protect the character and amenity of the area.

3 letters of support have been received which can be summarised as follows:
• Fully support the proposal. This is a positive development. It will benefit the applicants. It will enable them to transfer their children from car to home. It will benefit the shared driveway as it will reduce congestion and ‘on street’ parking and will also improve access. There will be no additional disturbance to current residents.
• Please disregard objections which are attributed to us. It will not affect children’s safety. It will help create a safer environment for children who often play in the vicinity.
• Cannot see how the proposed works will be detrimental to the overall look of the estate. There are other examples elsewhere on the estate.

OFFICER APPRAISAL
The following material planning issues are relevant to this application:
Visual amenity
Residential amenity

Visual amenity
The Morledge development is a well considered scheme and one of the underlying characteristics is the aim of making vehicles recessive in the streetscene. This was achieved in the context of this property and other properties on the estate, by sensitively considering the location of the parking spaces. In this case, the current parking space and garage are accessed via a footpath from the front of the dwelling. The proposal however would be for the car parking space to be directly across the frontage of the dwelling house, which is inconsistent with the prevailing character of the estate.

A vehicle parked in this location would be more apparent in views across the estate and from the adjoining public open space. Whilst it may be possible to retain an existing laurel screen to conceal a car to some degree, the overall impact will be negative on the existing character and appearance of the estate and may encourage others to seek frontage parking which could further diminish the attractiveness of the environment.
The proposal will conflict with Local Plan Policy SF5 – Design And Appearance Of Development, because the scale and layout does not preserve or enhance the quality or local distinctiveness of the surroundings. The scheme does not reinforce a sense of place and it is not well related to surrounding properties or land uses.

**Residential amenity**
The access would also cross directly in front of the neighbour’s property, leading to some loss of amenity with respect to comings and goings and would also be an intrusion to their outlook with parked vehicles.

**Conclusion**
Given the above, on balance, it is considered that the proposal would be harmful to the character and appearance of the dwellinghouse and the character of the wider locality which is characterised by a balance between hard and soft landscaping. This harm to the environment is considered to outweigh any benefits derived from providing parking marginally closer to the applicant’s property.

The representations have been taken into consideration whist processing the application.

**RECOMMENDATION**
Planning Permission be refused for the following reasons:

The creation of a parking area immediately in front of the premises will result in cramped and conspicuous vehicle parking. Vehicles parked in this location will be an incongruous addition to the streetscene, visible across the adjoining public open space and would be detrimental to the prevailing local sense of place, characterised by the current balance between buildings and surrounding complimentary landscaping. It will therefore conflict with Policy SF5 of the Adopted Derbyshire Dales Local Plan (2005).

**NOTE TO APPLICANT**

This Decision Notice relates to the following documents:
Drawings numbered 1, 2, 3, 4 and 5, received by the Council on 9th September 2016.

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.
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<tr>
<th>APPLICATION NUMBER</th>
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<tr>
<td>SITE ADDRESS:</td>
<td>Pinetrees, Upper Lumsdale, Matlock</td>
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<tr>
<td>DESCRIPTION OF DEVELOPMENT</td>
<td>Erection Of Replacement Dwelling And Garage And Retention Of Existing Dwelling As Ancillary Accommodation.</td>
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<td>CASE OFFICER</td>
<td>H Frith</td>
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<td>APPLICANT</td>
<td>Mrs Jennifer Else</td>
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<td>PARISH/TOWN</td>
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<td>AGENT</td>
<td>Mr R Vaughan</td>
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<tr>
<td>WARD MEMBER(S)</td>
<td>Cllr S Flitter, Cllr J Stevens, Cllr Botham.</td>
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<td>DETERMINATION TARGET</td>
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<td>REASON FOR DETERMINATION BY COMMITTEE</td>
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<td>REASON FOR SITE VISIT (IF APPLICABLE)</td>
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**MATERIAL PLANNING ISSUES**

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

**RECOMMENDATION**

Refusal
16/00598/FUL

Pinetrees, Upper Lumsdale, Matlock

Derbyshire Dales DC

Date: 02/12/2016

100019785
INTRODUCTION
This matter has been put back to the committee for determination following the decision at the October 2016 Planning Committee to defer the determination of the application for a site visit. The report remains unchanged with the exception of the addition of comments from the Arkwright Society Lumsdale Advisory Group summarised in the representations section of this report.

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

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

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

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

To the exterior the building would appear to be single storey to the frontage from Pond Cottages with an offset doorway, small windows openings, a split in the ridge line and an off-shot for the utility room and en-suite and plant area with fully boarded timber doorway. The building would be situated at right angles to the garage to form a courtyard to the site frontage.

To the rear the building would be located approximately 6m from the rear boundary of the site to a full two storeys in height with domestic type double casement window openings and large glazed central element to the full two storey height. There would be a break in the ridge line to the slightly lower element of the building with a small off-shot which has the appearance of an extension/addition.

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

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

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

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

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

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

1. Adopted Derbyshire Dales Local Plan (2005)
   - SF4: Development In The Countryside
   - SF5: Design And Appearance Of Development
   - H6: Replacement Dwellings In The Countryside
   - NBE4: Protecting Features Or Areas Of Importance To Wild Flora And Fauna
   - NBE5: Development Affecting Species Protected By Law Or Are Nationally Rare
   - NBE6: Trees And Woodland
   - NBE8: Landscape Character
   - NBE21: Development Affecting A Conservation Area
   - NBE24: Archaeological Sites And Heritage Features
   - NBE26: Landscape Design In Association With New Development
   - TR1: Access Requirements And The Impact Of New Development
   - TR8: Parking Requirements For New Development

2. Other:
   - Lumsdale Conservation Area Appraisal
   - National Planning Policy Framework
   - National Planning Practice Guidance
   - Draft Local Plan –
   - HC7: Replacement Dwellings
   - This policy requires that:
     - The replacement of dwelling houses outside defined settlements will only be permitted where all of the following criteria are met:
       a. The residential use has not been abandoned
       b. The existing dwelling has a lawful use as a dwelling
       c. The number of dwelling units is not increased
       d. The existing dwelling does not make a positive contribution to landscape character or distinctiveness such that it should be retained
       e. The scale, form, design and massing of the replacement dwelling does not detract from the character or appearance of its setting or surroundings
       f. The existing dwelling is not a caravan or mobile home
       g. The existing dwelling is demolished.

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

5. CONSULTATION RESPONSES

5.1 No comments

- Derbyshire County Council (Highways)

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

- Derbyshire Wildlife Trust

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

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

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

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

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

**Historic England**

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

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

**Design and Conservation Officer (Derbyshire Dales)**

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

The current proposal is a return to a proposal made in 2015 which straddles the change in level on the site giving one-storey to the east elevation and two-storeys to the west elevation. Whilst the straddling of the land level change allows the elevation facing east to be relatively diminutive in scale and presence the west elevation, encroaching very close to the ridge or top of the valley side will present a large-scale built presence when viewed from the lane to the west which runs through this part of the Conservation Area. The land to the east of the lane is relatively sparse and un-planted providing an open area of land within the heavily wooded/treed Lumsdale Conservation Area. This openness is probably purposeful in providing a clear view/vista southwards as the principal aspect from Beech House. In this regard it is considered that the scale of the west elevation will present a dominating presence and impact, changing, to a harmful degree, the current character and appearance of this open area of the Conservation Area.
The west elevation is, it appears, conceived within the agricultural genre and is attempting to be or represent converted farm buildings or barns. Whilst its linearity has some assimilation to this genre the elevational treatment is wholly unconvincing and is exacerbated by the inclusion of a ‘threshing’ type opening. As a faux agricultural style building its unconvincing nature and presence provide a negative proposal in terms of authenticity and integrity.

In conclusion, whilst the scale and form of the proposed dwelling, from the eastern side forms an enclosed courtyard and is of an acceptable scale/height the western elevation will have a prominence and dominance (when viewed from the lane to the west) which will, in the style/genre chosen, constitute an unconvincing and alien introduction into the space and landscape of this part of the Lumsdale Conservation Area.

Arboriculture Officer (Derbyshire Dales)

5.7 The application is supported by a Tree Impact Appraisal undertaken by Anderson Tree Care. There are three mature Sycamore trees growing along the western boundary of the application site which are situated within the field immediately to the west which is in separate ownership and outside the confines of the application site. In addition the grounds of Pinetrees contains several mature Scots Pines and other less significant conifers. All the trees are situated within the Lumsdale Conservation Area.

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

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

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

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

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

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

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

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

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

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

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

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

Conservation Advisory Forum

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

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

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

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

Materials for the buildings should reflect either the modern or traditional approach taken. The forum also recommended that the garage is reduced to a more modest size/scale.

It was suggested that whilst parts of the site may not be visible from adjacent or close to the site, that views should be checked from the other side of the valley.

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

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

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

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

Coal Authority

5.9 Refer to standing advice

6. REPRESENTATIONS RECEIVED

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

- Heartening to see such wonderful work carried out by the applicant’s restoring the Counting House.
- Good quality workmanship, thought, detail and materials used to enhance the site is outstanding.
- The design compliments the landscape and will enhance this area of natural beauty.
- Amazing what can be achieved when the public works closely with the authority.
- Prefer this scheme to the new dwelling to the south of the site.
- This seems a more logical location for the house.
- The high standard of construction is welcomed.
This is a far better use of the site and gives less visual impact from our property. In the Lumsdale valley the Sycamores are numerous and difficult to control. These would not be missed. A two storey building at the bottom of this site would be a disaster.

The trees are weeds with little wildlife value the overhanging branches are already causing a nuisance.

We need a diversity of trees to give more colour.

Happy to sacrifice one of the sycamores, the loss of these is not a detriment.

Welcome the scheme further away from Pond Cottages.

The split level dwelling is less obtrusive and will blend in.

The proposed site of the dwelling will form a cohesive group of buildings it will be set down in the site.

The existing permitted dwelling will fragment the plot and compromise new planting.

The loss of the tree seems justified in this case.

Matlock Civic Association:

The proposal is better than the one granted consent it is less prominent to neighbouring properties and views from public rights of way. This proposal will have less impact upon the lower pond.

Arkwright Society Lumsdale Advisory Group:

The approved planning application for a dwelling at Pinetrees has a significant adverse impact upon the setting of the pond being a mere 2 metres from the Lumsdale track overlooking the pond.

This application seeks to move the dwelling further away from the pond.

Whilst this proposal will result in the loss of one tree this proposal will have less impact upon the Lumsdale Conservation Area and in particular for visitors following the recommended walking route down the valley.

7. OFFICER APPRAISAL

The following material planning issues are relevant to this application:

- Principle of Development
- Impact upon the character and appearance of the Conservation Area
- Loss and threat to trees within the Conservation Area
- Impact upon the scheduled monument

Principle of Development

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

7.2 Policy H6 of the Adopted Derbyshire Dales Local plan relates to replacement dwellings and states that:

- Outside settlement frameworks planning permission will be granted for replacement dwellings provided:
  - The number of dwelling units is not increased and;
  - Renovation and/or repair of the origin is not a more satisfactory alternative and;
  - The replacement dwelling and ancillary buildings do not have a detrimental impact upon the character and appearance of its surroundings.
7.3 The numbers of dwellings in this case would be increased to two which is not acceptable in terms of a replacement dwelling. Therefore, as in the case of the previous permission, a S106 agreement would be required to ensure that the former counting house would only be used as an ancillary building and therefore there would be no increase in the number of dwelling units on the site.

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

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

Impact upon the character and appearance of the Conservation Area

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

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

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

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

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

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

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

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

Loss of and threat to trees within the Conservation Area

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

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

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

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

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

7.17 The District Council's Arboricultural Officer does not accept the view expressed in the Tree Impact Appraisal that the amenity value of these three particular Sycamore trees is low. The Sycamores have a life expectancy of at least 50 years and have been categorised as A1 and A2 trees of high quality and value both for their arboricultural and landscape value. As such these trees should be retained.
7.18 There are significant concerns in relation to both the above and below ground implications of the development on the mature Sycamore trees given the size of the trees it is considered that a considerable root protection area will be required. Whilst there is a slight drop in levels between the application site and the field within which the trees are situated, there are considerable concerns that the proposed dwelling is only 8 metres from the trunk of the largest of the three Sycamores and therefore within the required exclusion zone for the Root Protection Area.

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

7.20 It is clear that the proposal will lead to pressure on the trees as the application includes the proposal to remove the central Sycamore tree.

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

Impact upon the Scheduled Monument

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

Conclusion

7.23 Whilst the proposed development meets the general requirements of the replacement dwelling policy in terms of the size and number of units, the impact upon the character and appearance of the Conservation Area requires careful assessment. The proposed development will through the design, form, height and siting of the dwelling with artificial agricultural openings and quasi functional design, result in a form of development that will be dominant when viewed from the west of the site and wholly incongruous within the Conservation Area such that the development will lead to less than substantial harm to the significance of this heritage asset without public benefit which therefore cannot be justified. As such the proposal fails to meet the requirements of policies 132 to 134 of the NPPF and policies SF5, H6 and NBE21 of the Adopted Local Plan.
Further harm will be caused through the proposal to fell one of the Sycamore trees, the potential root harm to the trees and the indirect pressure to fell the remaining Sycamore trees in future due to the proximity of the dwelling to the trees. As such the proposal fails to meet the requirements of policy NBE6 of the Adopted Local Plan and paragraph 118 of the NPPF through the loss of the aged trees. In addition this loss and harm to the trees which have an amenity value will also cause further harm to the character and appearance of the conservation area contrary to paragraph 132 to 134 of the NPPF.

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

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

1. The proposed dwelling in terms of its height, form, design and siting would be a wholly incongruous and dominant development that would cause harm to the character and appearance of the Conservation Area when viewed from the west of the site. The harm in this case is not outweighed by any public benefit and therefore the proposal fails to meet the requirements of paragraph 134 of the National Planning Policy Framework and Policies SF5, H6 and NBE21 of the Adopted Derbyshire Dales Local Plan.

2. The proposed construction of a dwelling in the location indicated on the submitted plans could not only affect the future health and lifespan of the Sycamore trees, but would also lead to pressure for the extensive pruning or felling of three mature Sycamore trees. These trees are prominent specimen trees of considerable amenity value, being highly visible on the skyline from the road in the valley to the west of the site, and therefore contribute to the character and appearance of the Lumsdale Conservation Area. The loss of and potential direct and indirect harm to these trees is contrary to the requirements of policies NBE6, H6 and NBE21 of the Adopted Local Plan and guidance contained within paragraph 118 and paragraphs 132 to 134 of the National Planning Policy Framework.

NOTES TO APPLICANT:

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

2. This decision notice relates to the following documents:
   Proposed elevations 1950/100/3 received 15.08.16
   Proposed floor plans 1950/100/2 received 15.08.16
   Proposed site plan 1950/100/50 received 15.08.16
   Tree impact appraisal received 15.08.16
   Location plan received 15.08.16
   Letter from neighbouring land owner received 15.08.16
<table>
<thead>
<tr>
<th>APPLICATION NUMBER</th>
<th>16/00397/FUL</th>
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<tr>
<td>SITE ADDRESS:</td>
<td>Land At Tansley House Gardens, Tansley</td>
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<tr>
<td>DESCRIPTION OF DEVELOPMENT</td>
<td>Residential development of 49 dwellings with associated garages and infrastructure</td>
</tr>
<tr>
<td>CASE OFFICER</td>
<td>H Frith</td>
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<tr>
<td>APPLICANT</td>
<td>Mr Stephen Eaton</td>
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<tr>
<td>PARISH/TOWN</td>
<td>Tansley</td>
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<tr>
<td>AGENT</td>
<td>Mr Anthony Rice</td>
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<tr>
<td>WARD MEMBER(S)</td>
<td>Cllr Flitter, Cllr Stevens, Cllr Botham</td>
</tr>
<tr>
<td>DETERMINATION TARGET</td>
<td>10.10.16</td>
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<tr>
<td>REASON FOR DETERMINATION BY COMMITTEE</td>
<td>Due to being major housing development</td>
</tr>
<tr>
<td>REASON FOR SITE VISIT (IF APPLICABLE)</td>
<td>For Members to fully appreciate the site and context</td>
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**MATERIAL PLANNING ISSUES**
- Conservation and Landscape impacts
- The sustainability of Tansley as a third tier settlement
- Prematurity of decision making due to the absence of local plan policies
- Highway safety
- Impacts upon ecology
- Developer contributions

**RECOMMENDATION**
- Approval
16/00397/FUL

Land at Tansley House Gardens, Tansley

Derbyshire Dales DC

Date: 02/12/2016

100019785

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

The application site refers to a number of open agricultural fields with hedgerows to the boundaries. There are two footpaths affected by the development, one to the north eastern border of the site and one to the southern border of the site. The site slopes away to the south east where it meets the brook and the boundary of the Lumsdale Conservation Area. There is a planted area to the bank of the brook. The site adjoins the village of Tansley with the industrial estate to the south west on the opposite side of the brook.
2. **DETAILS OF THE APPLICATION**

Full planning permission is sought to erect 49 dwellings on the site with associated access, road network, play area, green space corridor and sustainable drainage features.

The details of the development are as follows:

**Affordable Units**
- 2 no. one bedroom units within a cluster of L1 and C1 type houses.
- 2 no. two storey two bedroom units attached to L1 cluster noted above.
- 2 no. two storey two bedroom semi-detached units.
- 3 no. two storey two bedroom terraced row.
- 4 no. 2 bed semi-detached bungalows
- 2 no. two storey three bedroom semi-detached units

**Market Dwellings**
- 3 no. 2 bedroom bungalows
- 3 no. 3 bedroom bungalows
- 6 no. 2 bedroom semi-detached dwellings (three bedroom including the study)
- 11 no. 3 bedroom detached dwellings (four bedroom including the study)
- 7 no. 4 bedroom detached dwellings
- 4 no. 5 bedroom detached dwellings

Three different types of garage are proposed, a three garage block, a double garage block and a single garage, all of which have pitched roof detail.

All of the dwellings are intended to be of natural stone, with uPVC windows and doors and interlocking tiles to the roof.

A play area is proposed to the beyond the first bungalows close to the entrance to the site which would be well overlooked from neighbouring dwellings.

A buffer zone area is proposed on the steepest art of the site to the south/southwest of the site to provide a clear open area between the developed area of the site and the adjacent Conservation Area.

Swale drainage features are proposed within this buffer area. Sections through the site have been provided to show how the engineering works will be finished for the sustainable drainage features where it is envisaged that excess water will stand in times of severe weather. This shows that the frontage of plots 42 and 49 there will need to be a retaining wall as part of the landscaping works.

The main hedge features of the site would be retained as a result of the development outside of the gardens of the dwellings to ensure these are appropriately maintained.

The following reports have been submitted which are referred to in the assessment below, these reports are:
- Information on sustainable drainage ponds
- Biodiversity Mitigation Strategy and Landscape Management Plan
- Statement in support of the application
- Proposed Drainage Strategy
- Transport Statement
- Preliminary Ecological Site Appraisal
- Heritage Impact Assessment
- Design and Access Statement
- Flood Risk Assessment
3. PLANNING POLICY AND LEGISLATIVE FRAMEWORK

1. Adopted Derbyshire Dales Local Plan (2005)
   - SF4: Development in the Countryside
   - SF5: Design and Appearance of Development
   - SF7: Waste Management and Recycling
   - SF8: Catering for the Needs of People with Disabilities in Development and Redevelopment
   - H4: Housing Development Outside of Settlement Framework Boundaries
   - H9: Design and Appearance of New Housing
   - H12: Alternative Provision for Affordable Housing Outside Settlement Frameworks
   - NBE4: Protecting Features Or Areas Of Importance To Wild Flora And Fauna
   - NBE5: Development Affecting Species Protected by Law or are Nationally Rare
   - NBE6: Trees and Woodlands
   - NBE7: Features Important in the Landscape
   - NBE8: Landscape Character
   - NBE12: Foul Sewage
   - NBE21: Development Affecting A Conservation Area
   - NBE24: Archaeological Sites And Heritage Features
   - NBE26: Landscape Design in Association with New Development
   - NBE27: Crime Prevention
   - CS8: Provision of Community Infrastructure
   - TR1: Access Requirements and the Impact of New Development
   - TR2: Travel Plans
   - TR3: Provision for Public Transport
   - TR8: Parking Requirements for New Development
   - L6: Outdoor Playing and Play Space in New Housing Developments

2. Other:
   - National Planning Policy Framework
   - National Planning Practice Guidance
   - The Landscape Sensitivity Study carried out by Wardell Armstrong dated August 2015 to support the emerging local plan
   - Draft Derbyshire Dales Local Plan

   S3: Settlement Hierarchy
   - Tansley is third tier settlement - these villages possess a limited level of facilities and services that, together with improved local employment, provide the best opportunities outside the first and second tier settlements for greater self-containment.
   - HC2: Housing Land Allocations - Draft allocation HC2(z): Land at Tansley House Gardens 2.2 hectares for 50 dwellings.
   - HC11: Housing Mix and Type

4. RELEVANT PLANNING HISTORY:
   14/00097/OUT Residential development (outline) – Refused, allowed on appeal for 27 units.

5. CONSULTATION RESPONSES

   Parish / Town Council

   5.1 The land is green field outside of the settlement boundary.
   The land abuts the Conservation Area.
   In the previous appeal decision the Inspector said: the development will retain a significant buffer between the houses and the Conservation Area boundary – there would be a neutral effect upon the setting of the Conservation Area.
   The additional houses in this case will not have a neutral effect as the substantial buffer will be eroded. Due to topography the green buffer in this case will have no amenity value.
The plans do not indicate how the Conservation Area will be protected, no indication relating to the maintenance of the land.
Serious concerns with regard to the drainage lagoons, the topography makes it difficult to envisage how these will be constructed, concern about the impact on adjacent properties and safety of children.
The plans indicate an access road adjacent to footpath 4; this is not appropriate and will conflict with the rural nature of the area, no mention of the upgrading of Tinkers Bridge and access to it. The rural openness would be ruined.
There are no mitigation measures from the industrial estate in terms of noise and light.
The Parish Council request assessments related to noise and light to ensure the amenity of future residents.
Concerns regarding the 100 cars accessing the site and the cumulative effect of this and the Whiteleas site plus additional homes for Oaktree Gardens. The majority of traffic will be entering and exiting the village at the Church Street/A615 junction, there is a pinch point prior to this junction only wide enough for a single flow of traffic.
The transport statement is a desk top study, data has not been compiled from the local area and it is not done over consecutive days. The data is out of date and does not reflect the problems in Tansley.
There is no reference to the data related to the junction capacity at Matlock Green and Crown Square, this data impacts upon Tansley and its residents who need to use the A615 to access facilities in Matlock.
The report states that DCC have agreed no junction capacity modelling will be required; a copy of this should be available for the public.
Should residents want to catch the 463 or 163 buses, there are no continuous pavements to the bus stop on the A615 there is no safe crossing. The 150 bus service may be stopped, if this is the case there will be no bus service into the village.
The development is contrary to the NPPF and the emerging plan
Ensuring development takes place in locations readily served by public transport and that essential community facilities are accessible by sustainable means. Tansley residents have to travel 2.5km to access everyday facilities.
We request a viability assessment to ensure the developer is in a secure financial position to be able to secure all required infrastructure, roads, lighting and drainage al to be to adoptable standards and the correct legal agreements in place, along with assurance that development will not commence until this has taken place.
This will cause significant disruption and loss of amenity the entrance being adjacent to an elderly persons residential home and close to residential properties at Tansley House Gardens, some form of mitigation is required in relation to noise and working times. We request a construction methodology statement from the developers.
There is no play area on site, a play area is expected. A financial donation in lieu would not be acceptable; the site has capacity to provide this facility. For the 27 homes the inspector required a play area. At the previous appeal the inspector requested a number of conditions, these have not been recognised in this application – all conditions should transfer with additions being a larger scheme. Robust evidence is required for the removal of any of the inspector's recommendations.
Stone and render is proposed, the use of render is not in keeping with the majority of properties in the vicinity of the development and would be out of character with Tansley.
The parish council has serious concerns related to the development of the whole of the field. The bottom half of the field must be saved and the substantial green buffer to protect the integrity of the Conservation Area must be conserved.

Further responses received which note the following concerns:
- Green buffer to protect the Conservation Area is not large enough
- The open space will have no amenity value due to overhead cables, balancing ponds an, stream and topography.
- Drainage features are a safety concern
- Drainage ponds should be replaced with individual SUDs for each dwelling.
Maintenance of green space and balancing ponds is not provided.
No children’s play area.
Insufficient space for visitor parking.
No indication as to how the development will improve other facilities in Tansley
Transport statement does not address constraints for traffic at pinch point A615/Church
Street junction given additional traffic.
Access road to bungalows is too close to footpath 9 – safety of walkers.

Derbyshire County Council (Flood Authority)
5.2 The flood risk assessment for this site states that soakaways could be a suitable means of
disposing of surface water. However, further investigation is required to confirm this and
the FRA states that this has been arranged. Therefore at this stage, the application cannot
demonstrate the run-off destination hierarchy as required by building regulations.

It is proposed that surface water is drained by means of road gullies and a piped system
under the roads before entering two on site attenuation ponds. From the ponds, surface
water will be discharged into the off-site watercourse. Although reference is made to
location, there are no details regarding the maintenance, adoption and essential
maintenance of the drainage system for the lifetime of the development. The Local
Planning Authority should be mindful to obtain information regarding any outfall into the
culvert outside of the developable zone to be satisfied that it is designed so that it does not
result in a surcharge onto any adjacent land or public highway.

The County Council has received two reports of flooding to the north west of the site.
Anecdotal evidence suggests that the source of this flooding was from a blocked or
inadequate culvert. There have also been a number of flooding incidents in the wider area
to the north and the south of the site.

To overcome the above concerns conditions are recommended.

Derbyshire County Council (Highways)
5.3 The submitted transport statement has been passed to the DCC Transportation officer to
assess but I do not envisage any significant concerns.

As this is a full application, and the applicant is offering the main access road for adoption,
there are some modifications to the layout of the site which the Highway Authority would
recommend. Due to the sharp bends a tracking plan is required for refuse vehicles. The
access road should extend to plot 19 and have a suitable turning head. Visibility from the
private driveways needs to be improved. Visibility at the tight bends needs to be improved.

The applicant is showing control of the section of Tansley House Gardens access road in
between this site and Church Street. Therefore, the works required to bring this section of
access road up to an adoptable standard are now possible. This new residential road
should become the priority road. The road serving the existing properties on Tansley
House Gardens to the south should become a junction where it meets the new road.

To address the concerns raised amended plans have been received from the applicant, to
which the highway authority have sent a further response:

The site is accessed via an existing un-adopted road known as Tansley House Gardens. Although Tansley House Gardens has adequate carriageway width, footway provision and
sufficient emerging visibility onto Church Street, it doesn’t benefit from any drainage or
street lighting. It’s also unknown if the construction depths of Tansley House Gardens are
in accordance with current design specifications, so trial holes will need to be carried out to
determine what the existing construction depths are. All works required to upgrade this
section of Tansley House Gardens, so it can be adopted, should be agreed in writing prior to any works commencing on site.

Internally the layout has now been modified to remove the previous 90° bends in the road. They have been replaced with a speed suppression bend which is in accordance with current design guidance. A carriageway width of 5.5m is being provided along with 2m wide footways on both sides of the section of road to be adopted. An adequate turning head is also being provided within the adopted section of residential road to enable service and delivery vehicles to enter the site, turn and exit in a forward gear at all times.

Each dwelling is being provided with an adequate level of off-street parking provision and emerging visibility onto the residential road from all parking spaces, and shared accesses, is satisfactory. Whilst Plot 7 has less emerging visibility compared with the other accesses (approx. 2.4m x 16m to the west), this is acceptable given the plots location between 2 tight speed supressing bends.

Footnotes and conditions are recommended.

Derbyshire County Council (Education)

5.4 The proposed development falls within the normal area of Tansley Primary School. The development would generate a need for 10 primary pupils. These 10 pupils cannot be accommodated by the normal area primary school and therefore a contribution of £113,990.10 is required. (Project A internal works to create additional curriculum space).

The development would generate the need for 7 secondary pupil places and 3 post-16 pupil places within the normal area of Highfields School. These additional places can be accommodated within the normal area school which has excess capacity. No mitigation with regard to waste is required. New development should be supported by sustainable communications services. An advisory note on this is recommended.

Derbyshire Wildlife Trust

5.5 The site to comprises MG4 grassland, which is notable rare along with UK BAP priority habitat hedgerows and trees. A number of ‘near threatened’ species were recorded with the grassland such as ragged robin. However, great burnet, was not noted within the ecology report/species list, which is unusual when the report concluded the grassland to be MG4. Conversely, the ecology report failed to identify the drain/water course present on the southern boundary and also stated no watercourses were present on site or within 500m although Tansley Knoll Mill Ponds LWS is located c.200m west of the site boundary along with two ponds noted c.140m north of the site (outside the LWS).

Conclusion
The 2016 ecological appraisal along with the proposed layout plan has not addressed the loss of MG4 habitat as well as hedgerows. Furthermore, this application would conclude in a greater loss and negative impact to biodiversity. The previous application, where permission has been granted, along with our previous recommendation is the preferred option.

At present, the ecological appraisal does not address the impacts and the proposed layout lacks suitable retention of features; in all the submitted information provides insufficient information on mitigation and compensation for the negative impacts and loss of biodiversity/habitats.

From an ecological perspective the ideal option for this site would be the original application as illustrated above and to our previous comments (PlanCon335-1). If the applicant is unwilling, the proposed layout should be revised to include more habitat retention along with detailed mitigation and compensation for the site to result in a neutral
impact to biodiversity. Worst case scenario, the applicant should provide offsite compensation, details of which will need to be agreed with the LPA.

In response to these comments a further mitigation strategy was submitted and sent to DWT from whom the following response was provided:

We have considered the Biodiversity Mitigation Strategy and Landscape Management Plan document and consider that it provides a reasonable basis for delivering and implementing mitigation for the loss of habitats at the site. Given that the area of grassland to be lost is greater than the area being retained and no off site compensation is proposed we consider that it is important to secure the implementation of the mitigation plan together with 10 years aftercare to ensure habitats are successfully established and managed.

The methods proposed in the mitigation plan are broadly acceptable in principle, but we would advise that some changes may be needed in terms of methodologies and practice to achieve the biodiversity objectives. The description of tree planting is also rather vague and may conflict with the objective of creating species rich grassland. On-going monitoring is required and a detailed map showing where the mitigation is to be.

Recommendation - Secure further detail via condition and secure mitigation and management via S106 obligation for a 10 year period.

Development Control Archaeologist

5.6 The proposal site of 2.5ha is located on a south-facing slope adjacent to the line of the Tansley Brook. This topographical position makes it a favourable location for prehistoric activity, and the applicant should therefore present some information to allow the archaeological significance of the site to be understood (NPPF para 128).

The proposal site is also adjacent to the Lumsdale Conservation Area, and the application should present a statement of significance and impact with regard to the setting of the Conservation Area (NPPF para 128), and should also outline any proposed mitigation measures intended to minimise harms.

In the absence of the heritage information outlined above the application is deficient in terms of NPPF para 128 with regard to the Lumsdale Conservation Area and to below-ground archaeology. To address this omission the applicant should submit a heritage impact assessment by a suitably accredited heritage professional (CIfA/IHBC) comprising geophysical survey of the site, along with an assessment of significance and impact in relation to the setting of the Lumsdale Conservation Area. Once this information has been submitted I should be re-consulted on the application.

Comments following submission of a heritage impact assessment:

The geophysical survey of the site shows some possible archaeological features in addition to rather more widespread medieval ridge and furrow. These require investigation and recording (NPPF para 141) but do not appear sufficiently complex or significant to require pre-determination evaluation. I therefore advise that the possible archaeological features are investigated and recorded as part of a conditioned scheme of archaeological work in line with NPPF para 141, to comprise an initial scheme of trial trenching to characterise possible features and blank areas, and further excavation to record any areas identified as being significant.

With regard to the Lumsdale Conservation Area the Local Planning Authority should be guided by its Conservation Officer.
Design and Conservation Officer (Derbyshire Dales)

5.7 The Lumsdale Conservation Area was designated in 1980. At that time the area terminated about half way along the southern boundary of the proposed development site. In 1995 the Conservation Area was extended in a south easterly direction and, therefore, the entire southern boundary of the proposed development site now abuts the Lumsdale Conservation Area.

Just over half of the north eastern part of the site has already received outline planning permission for residential development. The open land between that approved site area and the Conservation Area was to be undeveloped, however, the current application is to extend the approved development south westerly into this part of the site.

The application submission recognises the Lumsdale Conservation Area and a ‘green corridor/open space’ with settling ponds have been included adjacent to the Conservation Area boundary. The sloping sides of the valley to the water course (a tributary to the Bentley Brook) extend on both sides and also extend into the proposed development site forming a slope down to the water course. Extending built development closer to the Conservation Area has the potential to impact on the setting of the Conservation Area (as a designated heritage asset). The degree of harm, therefore, needs to be considered and assessed. It is considered important that the slope forming the side of the water course is not developed in order that the natural topography of the water course valley remains open and readable within the landscape. The top edge of the slope can be defined and is likely to form a sinuous line that would demark the maximum extent of built development. In considering this ‘line’ it appears that plots 26 to 29 and plots 40, 41 and 49 have some encroachment onto the commencement of the slope. In this regard the potential landform alteration/ modification required to place the dwellings will alter existing character and, therefore, affect the setting of the Conservation Area.

No transverse sections across various parts of the site (particularly south-west/north-east sections) indicating the position of proposed dwellings in relation to existing and proposed landform/levels have been submitted. Such information is considered necessary to fully assess the proposed development in this part of the site.

Proposed built development closest to the Conservation Area will need to be carefully planned in terms of layout, orientation, grouping, scale and density in order to form an acceptable transition of development from this important interface to the main body of development to the north eastern area of the development site. The orientation/juxtaposition of plots 40 and 41 appear out of context and the existing topography is likely to require modification to accommodate them. Such landform alteration of the slope is likely to harm the setting of the Conservation Area.

Plot 22-25 is a ‘cluster’ building. Whilst the rear elevation is acceptable the disparate contrast between roof pitches produces a built form which appears restless and unresolved.

The proposals indicate the inclusion of settling ponds (sustainable drainage features) on the slope of the water course. Land form modification works to create/form such elements could lead to over-engineering works to the slope which inherently alter its existing landscape character. In that regard such engineered elements are likely to be harmful to the setting of the Conservation Area in the alteration of the water courses natural landscape character.

Derbyshire Dales Group Of Ramblers

5.8 No objection, footpaths should remain open and unobstructed at all times.
Peak And Northern Footpaths
5.9 No objection, footpaths should remain open and unobstructed at all times. Developers should contribute to the upgrade of the footpaths, the footbridge by footpath no. 9 where it crosses the watercourse should be improved.

Environment Agency
5.10 This proposal falls outside of the scope on which the Environment Agency is a statutory consultee, therefore we have no comment to make.

Environmental Health (Derbyshire Dales)
5.11 No concerns with the application.

Strategic Housing (Derbyshire Dales)
5.12 Concerns regarding the dwelling types put forward as being the affordable units. Concern with regard to layout and provision of parking in terms of being tenure blind on site.

We would like 2 x 1 bed 2 person houses on the scheme, which achieves a better design solution and private outdoor space.

Although the number of affordable homes has reduced to 15, we still require 4 x 2 bed 4 person bungalows on site to Lifetime Homes Standard (now M4(2) in the Building Regulations). The 2 bed bungalows drawings show 2 bed 3 person bungalows and it is not stated whether they meet the Lifetime Homes Standard. The 2 bed houses need to be 2 bed 4 person; the drawings appear to show 2 bed 3 person houses. On the 3 bed house, the third bedroom is very small. It needs to be useable as a bedroom. A furnished layout of the different house types would be helpful, as would having the floor areas in square metres rather than square feet.

To give an indication of the size of homes proposed:
• The 1 bed house is 48 square metres – the nationally described minimum space standard is 58 square metres plus storage
• The 2 bed bungalow is 61 square metres – the nationally described minimum space standard is 70 square metres plus storage for a 2 bed 4 person bungalow
• The 2 bed house is 71 square metres – the national described minimum space standard is 79 square metres plus storage for a 2 bed 4 person house
• The 3 bed house is 81 square metres – the national space standards are 93 square metres plus storage for a 3 bed 5 person house

In addition, can we consider a better design solution for some areas of the outside space – access to 33 is poor from the back, the garden of 37 (a 3 bed house) is small and oddly shaped, the 2 bed bungalows (30 & 31) have significantly larger gardens than the 2 and 3 bed family housing. The family housing needs the larger gardens.

We would also seek to achieve a better design solution on the car parking arrangements for the affordable housing, most of which is in blocks. The 2 x 3 bed houses overlook 8 car parking spaces. Units 34 and 35 (2 bed houses) have car parking removed from their properties. This is in contrast to the open market housing. Blocks of parking can cause management problems and are less desirable to tenants and owners.

<table>
<thead>
<tr>
<th>Developer’s proposal</th>
<th>Housing’s requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>Type</td>
<td>No.</td>
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<tr>
<td>L 1 bed cluster</td>
<td>2</td>
</tr>
<tr>
<td>M 2 bed cluster</td>
<td>2</td>
</tr>
<tr>
<td>K 2 bed bungalows</td>
<td>2</td>
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<td>-------------------</td>
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<tr>
<td>C 2 bed cottages</td>
<td>7</td>
</tr>
<tr>
<td>D 3 bed cottages</td>
<td>2</td>
</tr>
<tr>
<td>Affordable</td>
<td>15</td>
</tr>
</tbody>
</table>

Landscape Officer

5.13 There are no objections to the development however there are aspects of the layout as submitted that give cause for concern.

The linear space which comprises the bulk of the buffer zone in the south west is very narrow, its use as a recreational resource for residents is questionable and this is made harder by the proposal to create at least two swales which are likely to either hold water or be waterlogged on a seasonal basis. An alternative SUDs solution should be adopted (infiltration?) that does not create an obstacle to recreational use. A footpath with appropriate connections should be run through the open space to connect the north western and central part so the development with the footpath in the south east.

The earthworks required to create the swales (on steeply sloping ground) will be extensive. The depositing of spoil on the lower slopes is likely to put the long term health of the existing trees at risk. An alternative SUDs scheme should be considered.

The retention of the central hedgerow within private gardens will put them at risk of removal, severe pruning and a variety of maintenance regimes. It is highly unlikely it will survive in its present state. It should be included within the public domain with long term maintenance.

The footpath corridor on the north eastern boundary is too constricted by development. Though a fence is currently in place along its south western side the prospect is generally open and the path inviting. The development closes off this prospect confining the user within a narrow, closed-in, intimidating corridor.

6. REPRESENTATIONS RECEIVED

6.1 A total of 31 representations have been received. A summary of the representations is outlined below:

**Principle**
This is a green field outside of the settlement boundary.
The local plan says that development in villages should be small scale, this is not small scale.
Development should happen where the need to travel can be reduced through good access to facilities and services without significant adverse impacts, there will be significant impacts on flora, fauna and traffic.
There is no shop, the bus service is poor and will likely cease by the end of the year.
No benefits for the village
There is no local plan and the draft carries little weight therefore Tansley is suffering from an ad hoc decision making system.
Overdevelopment.
Why are green fields being used when there are brownfield sites.
No justification for the increase in the number of houses.
Strain on local resources.
Tansley cannot absorb the massive increase in housing in the village.
No shop, post office or doctor’s surgery.
The emerging local plan states that there will be benefits for the village from development, there are no benefits.
A smaller development would provide a much better scheme with open space for all to enjoy.
Brownfield sites should be developed.
The village does not need these larger homes, existing ones are not sold.
This will destroy an English village.

**Conservation Area**
The land abuts the Conservation Area.
The green buffer to protect the Conservation Area must be maintained.
Adverse impact upon the special ambiance and historic appreciation of the Conservation Area.
Development so close to the Conservation Area cannot be mitigated against.
The drainage proposal will have a negative impact upon the Conservation Area.

**Highway Safety**
Additional traffic will cause congestion, disruption and a danger to highway safety.
Danger to pedestrians including school children.
No improvements to footpaths to make access to Tinkers Bridge easier.
No parking at this point in the village, difficult access for emergency vehicles.
Noise and light pollution from industrial estate will impact on new residents.
A detailed highway and transport analysis should be carried out to assess the impact of the development.
Traffic on Church Street is not relatively light.
Traffic calming measures have been requested to slow down vehicles using Church Street.
Cars parked slow down traffic on this road, the proposal to impose double yellow lines would mean there was nothing to slow down vehicle speeds.
Double yellow lines would remove resident and visitor parking.
Concerns regarding the capacity and safety of the junction on the A615 and Church Street and Tansley House Gardens and Church Street.
The highway network will not be able to cope with the increase in vehicles.
Other than the junction to the A615 all other routes out of the village are via narrow lanes.
Church Street has been blocked by parked vehicles with the bus unable to gain access.
Increase in cars to the village by a factor of 10.

**Landscape Impact**
Significant adverse landscape impact.
The site is an integral part of the greenness of the village and can be seen from various vantage points.
Development would destroy a historic landscape and remove a large green buffer.
Adverse impact upon archaeology as the site is within an area of fossilised strip fields and of high historic landscape value.
Historic footpath route to Riber

**Amenity**
How will noise from the Industrial estate be mitigated against, they run 6 nights per week with noisy vehicle movements from lorries and high performance car engines, noise in the region of 87–97dBA.
The light and noise from the industrial estate causes nuisance to existing residents.
The amenity impacts could close local businesses
Loss of privacy and outlook, detrimental impacts upon amenity.
Ecology
Adverse impact upon birds such as heron and birds of prey and badgers
Adverse impact on wildlife.
Retain trees and hedgerows.
Ploughing of the land has diminished its environmental value.

Drainage
More housing incorporating more of the green field will lead to further drainage issues.
The slope of the land does not lend itself to development.
The ponds will take up a large amount of the green buffer and will have a harmful visual impact.
How will water get out of the ponds to the stream?
What will happen to the debris, who will be responsible for maintenance?
A fenced off area will result in a harmful visual impact.
What will the base of the ponds be?
Natural springs on the site.

Other
There is no landscape maintenance plan or lighting scheme for the development.
There is no play area.
Are the footpaths to be improved?
No additional or improved services provided.
Faced with a backdrop of housing rather than a green field.
Loss of darkness at night.
The village will lose its uniqueness.
No benefit to the community.
Are the overhead power cables to be moved.
Serious concerns about the location of the lagoons, impact on neighbouring properties, safety of these and suitability given the topography of the site.
The village opposes the development of this site.

7. OFFICER APPRAISAL
7.1 To begin with it is important to set out the current planning policy situation within which this proposal is to be assessed.

7.2 Based on new analysis of development that will come forward in the next five years it is considered that the Council can currently identify a rolling five year supply of housing land. It is also the case that allocations within the emerging local plan will also provide enough housing land throughout the plan period to meet the District Councils objectively assessed housing needs. The emerging local plan is, however, at an early stage in the plan making process and policies and strategic land allocations contained within it can only be afforded limited weight at this time. It should be noted that outline planning permission was granted on appeal in January 2015 for the development of the upper part of this site for 27 units. Since that time the larger site the subject of this application has been allocated as a site for 50 units in the draft local plan under policy HC2: Housing Land Allocations - Draft allocation HC2(z).

7.3 Housing policies contained within the Adopted Derbyshire Dales Local Plan (2005) do not envisage new housing development beyond the plan period and are based on outdated housing needs information. As such, the housing policies of the adopted local plan are considered out of date. In such cases where the development plan is absent, silent or relevant policies are out of date planning decisions should be made in accordance with paragraph 14 of the National Planning Policy Framework which states that: planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. Footnote 9 to paragraph 14 requires that in cases where
there is an impact upon designated heritage assets the presumption in favour does not apply. As assessed in the report below, in this case given the detailed design and layout of the site and most significantly the provision of a landscaped buffer between the dwellings and the Conservation Area, it is considered that the proposal will not cause any harm to the setting of the Conservation Area which is the only designated heritage asset affected by the development. In this regard footnote 9 of paragraph 14 is not triggered as there is considered to be no harm in terms of paragraphs 132 to 134 of the NPPF.

7.4 In these circumstances the decision taker is effectively asked to weigh the economic, social and environmental benefits and disbenefits against one another and only where those disbenefits significantly and demonstrably outweigh the benefits reject the scheme, the remainder of this report seeks to assess these matters.

7.5 Having regard to the policies of the development plan, which can be afforded weight, guidance contained within the National Planning Policy Framework (NPPF) and responses received through the applications process the key issues to consider are:

1. Conservation and Landscape impacts
2. The sustainability of Tansley as a third tier settlement
3. Prematurity of decision making due to the absence of local plan policies
4. Developer contributions
5. Character and appearance
6. Residential amenity
7. Highway safety
8. Footpaths
9. Land drainage and sewerage capacity
10. Impacts upon ecology
11. Housing mix

Conservation and Landscape Impacts

7.6 The Landscape Sensitivity Study carried out by Wardell Armstrong dated August 2015 to support the emerging local plan identified this site as being of low landscape sensitivity. However the study recognised that the development of the whole field to the edge of the Conservation Area boundary would have a direct impact upon the significance of the Conservation Area as a designated heritage asset. The concerns of the Conservation Officer have reiterated this view.

7.7 Through the application process the layout has been amended to site the housing further back from the south western edge of the developable area to enable a sufficient and clear buffer between the housing and the boundary of the Conservation Area. The line at which the development ends is the point before the land begins to fall away more dramatically to the brook which gives a natural line finish to the development in accordance with the topography of the site. This will help the development to assimilate into the surroundings whilst also ensuring the protection of the Conservation Area with a landscaped buffer.

7.8 It is acknowledged that there will be landscape drainage features within the buffer area and there may be a need for some more severe structural works to the plots close to where the land falls away more steeply (plot 42 and 49) and these may have some adverse visual impact. However, the visual harm from such features can be mitigated through appropriate treatment and landscaping. I also refer to the ecology section of the report below which will require the Conservation Area buffer to be carefully planted to provide mitigation for the loss of the high quality grassland of the development site. Subject to conditions the form, scale and detail of the proposal is considered to be acceptable in terms of the impact upon landscape character and the character and appearance of the adjacent Conservation Area.
7.9 There is some potential for archaeology on the site as noted by the Development Control Archaeologist. In order to ensure the appropriate investigation and recording of this potential non-designated heritage asset it is considered necessary to impose a condition as recommended which will satisfy the requirements of the NPPF.

7.10 Having considered the impacts upon heritage in this case, there are no adverse impacts and as such the decision maker is required to assess the benefits and disbenefits of the scheme in terms of the three roles of sustainability and only where any harm is significant and demonstrable reject the scheme.

The sustainability of Tansley as a third tier settlement

7.11 Through the emerging draft local plan assessment of the sustainability of various settlements throughout the district has been carried out. In this assessment is has been concluded that the most sustainable locations within the district for growth are the market towns. However, these market towns will not be able to absorb all of the required housing development. Therefore the settlement hierarchy work also included an assessment of the smaller settlements as to their capacity for growth and their sustainability given the existing services and facilities that are provided.

7.12 In this case Tansley, as one of the larger villages close to Matlock, has a school, village hall and limited bus service but is within close proximity to the main market town of Matlock and other employment opportunities. Consequently it is one of the more sustainable settlements and as such has been categorised a third tier settlement where growth can be accommodated. In parallel with this application the site has in fact been allocated within the draft local plan as a site for the development of 50 dwellings (allocation HC2 (z)). It is also acknowledged that given the growth of housing required across the district this cannot be fully accommodated on brownfield sites and therefore development on green fields will be necessary. Tansley as one of the larger villages is considered to have capacity for growth. Even where this utilises green fields, at an appropriate scale, it can be considered sustainable.

7.13 Notwithstanding this, in considering the inherent sustainability of third tier settlements, it is clearly not appropriate to have unrestrained residential expansion which would be unsustainable in terms of heavy reliance on the private car and also lead to unwarranted encroachment into the countryside detrimental to landscape character and appearance and the setting of the settlement. The scale of this scheme for 49 units is considered to be an appropriate balance between meeting housing needs and sustaining local services without resulting in unsustainable expansion of the village.

Prematurity of decision making due to the absence of local plan policies

7.14 National Planning Practice Guidance states that: ‘In the context of the Framework and in particular the presumption in favour of sustainable development – arguments that an application is premature are unlikely to justify a refusal of planning permission other than where it is clear that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, taking the policies in the Framework and any other material considerations into account. Such circumstances are likely, but not exclusively, to be limited to situations where both:

a) the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging Local Plan or Neighbourhood Planning; and

b) the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area’.

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7.15 This guidance goes on to advise that ‘refusal of planning permission on grounds of prematurity will seldom be justified where a draft Local Plan has yet to be submitted for examination, or in the case of a Neighbourhood Plan, before the end of the Local Planning Authority publicity period. Where planning permission is refused on grounds of prematurity, the Local Planning Authority will need to indicate clearly how the grant of permission for the development concerned would prejudice the outcome of the plan-making process’.

7.16 Taking full account of this guidance and given the stage of the draft local plan but taking into account that this is an allocated site within that draft plan, refusal on the grounds of prematurity cannot be justified in this case.

Developer Contributions

7.17 Through the application process the proposal has been altered to provide the appropriate affordable housing contribution on site at 30.6% in full accordance with the detailed requirements of the Council’s strategic housing team to provide the following:

- 2 no. one bedroom units
- 4 no. two storey two bedroom units
- 3 no. two storey two bedroom
- 2 no. two storey three bedroom semi-detached units
- 4 no. 2 bed semi-detached bungalows

7.18 The proposed draft affordable housing policy seeks the provision of 30% on site affordable housing on the basis that CIL will be introduced for infrastructure payments. In this case the developer is complying with this requirement. However as the Council has no CIL in place it is considered reasonable to request a 45% contribution. The applicant has agreed to meet 45% provision with a financial contribution for the remaining 14.4% to be paid as an off-site contribution. By making a 45% provision the proposal is considered to be acceptable in terms of affordable housing.

7.19 Derbyshire County Council has noted that this proposal will increase the need for primary school places and has requested a financial contribution in this regard. The applicant has agreed to this and therefore the need to provide developer contributions in this case has been fully met by the applicant. These matters will be subject to inclusion within a S106 agreement.

7.20 An area of the site has been designated for a play area to serve the development, details of the provision of the area and equipment and the long term maintenance of this will be required via condition.

Character and Appearance of the Development

7.21 The proposed dwellings across the site are to be of stone construction with traditional eaves detail and chimneys and are considered, subject to conditions regarding the materials and window and door details, to be acceptable and in keeping with development in the remainder of the village. Whilst the stone type has not been detailed or agreed at this stage, the submitted design and access statement clearly indicates the use of natural stone with stone mullions and window surrounds, parapet walls, chimneys and slate roof. It is considered that in terms of character and appearance the proposed development will be a high quality scheme that is acceptable in this village context. In order to maintain the quality of the development it is considered reasonable to restrict permitted development rights across the site. Conditions requiring full details of boundary treatments, hard and soft landscaping, materials and other details will be required to ensure the high quality of the development on the ground.
Residential Amenity

7.22 The layout of the development has been carefully considered so as to avoid having any adverse impact upon existing properties surrounding the site in terms of residential amenity. To the south eastern side of the site nearest to existing dwellings on Tansley House Gardens, bungalows are proposed to minimise the immediate impact the development upon these existing properties.

7.23 A number of changes to the layout and to individual plots have had to be made to avoid overlooking issues between properties; all of these issues have now been resolved. The properties to the northern tip of the site due to the alterations to the road layout are now tightly packed together, however this is considered to be acceptable given the relationship between properties in this location. Having considered the detailed layout it is considered that the proposal is acceptable in terms of residential amenity both between existing and proposed properties and between the proposed properties.

7.24 To ensure that the relationships between properties within the site do not have issues of overlooking in the future it is considered necessary to restrict permitted development across the site. A play area is also to be provided on the site the provision of which in terms of play equipment and long term management will be required via condition.

7.25 Concern has been raised that the lighting and noise from the nearby industrial estate will cause issues of amenity for the proposed occupants. The council’s Environmental Health Officer has considered this matter and concluded there are no concerns in this regard.

Highway Safety

7.26 Concern has been raised regarding the impacts of the scale of this development upon the existing highway network and that insufficient parking has been provided on the site. The matter has been considered by the Local Highway Authority and the layout of the scheme altered such that it is now considered to be acceptable. Furthermore it has been confirmed that the layout of the development as now proposed would be appropriate for adoption by the Local Highway Authority and that there will be no requirement for double yellow lines on Church Street as a result of this proposal.

Footpaths

7.27 Concern has been raised regarding the footpaths to the south east and north east of the site and the potential to improve these. The applicant’s agent has noted that footpath no. 9 is to have a shallow gradient in the region of 1 in 10 and with steps to be incorporated to achieve this. It is considered that a condition will be required to ensure the detail of the proposed works will be appropriate in consultation with footpaths officer at Derbyshire County Council. The proposal will ensure the retention and part upgrading of existing footpaths and therefore is acceptable.

Land Drainage and Sewerage Capacity

7.28 Whilst information has been submitted in relation to the overall drainage of the site some concerns regarding the lack of detail have been raised by the Local Flood Authority. However, it is clear from the comments of the Local Flood Authority that these queries are not in principle concerns and can be resolved via condition. Therefore the land drainage of the site is considered to be acceptable subject to those recommended conditions.

7.29 Concern has been raised regarding the safety of the drainage ponds. It should be noted that it is anticipated that these ponds will only hold water in rainfall events of the 1 in 1 year
event, I in 30 year event and 1 in 100 year event with the maximum temporary water level being at the 1 in 100 year event 833mm. For the majority of the time there would be no standing water in these drainage ponds. To ensure safety the developer has suggested the erection of a fence around the swales. However, given that these features will only hold water in severe weather events and are therefore unlikely to pose any risk to safety and that a secure fence would be detrimental to the character and appearance of the open landscaped area it is not considered appropriate to have a safety fence in this case.

**Impacts upon Ecology**

7.30 The application site is considered to be species rich grassland of some importance. Therefore whilst the development of the whole site is considered to be harmful to ecology and biodiversity as was initially raised by Derbyshire Wildlife Trust. In order for such harm to be considered acceptable and development to go ahead, Derbyshire Wildlife Trust have made it clear that mitigation measures will be required for the loss of the grassland. Further information from the applicant’s ecologist has been provided for this mitigation however it is missing in some detail as can be seen from the comments of Derbyshire Wildlife Trust.

7.31 In order to ensure the mitigation measures put forward are acceptable detailed conditions are required for this information to be agreed between the development, the Local Planning Authority and Derbyshire Wildlife Trust. To ensure the mitigation is appropriate carried out in the first instance and then the land monitored and appropriate managed it is considered that the agreed mitigation will need to be included in the S106 obligation and managed for a period of 10 years. Subject to the required conditions and the agreed mitigation and management in the S106 legal agreement the harm caused by the proposal will be appropriately mitigated against to satisfy ecological requirements.

**Housing Mix**

7.32 The draft local plan in policy HC11 requires a detailed mix of housing to try to ensure that new development meets the needs of the district as a whole by providing both larger and smaller units. Whilst the proposed mix of affordable units meets exactly the requirements of the strategic housing team the mix of market housing falls short of the draft policy requirements. The applicant’s agent has attempted to improve this by removing some of the bedrooms from the housing types and inserting a study in place of the bedrooms. This does not alter the fact that fundamentally the scheme is for larger houses and therefore does not meet these emerging policy requirements.

7.33 However, the housing types put forward are in keeping with the prevailing pattern of development in this part of Tansley which generally has larger housing. Furthermore the on-site affordable hosing has met exactly the requirements of the housing team. Therefore the lack of an appropriate housing mix has to be weighed in the balance as a disbenefit along with the other benefits and disbenefits of the scheme.

**Conclusion**

7.34 The Planning Policy Context part of this ‘issues’ section sets out the Local and National Policy Guidance that apply in assessing the merits of this application and the other material considerations that need to be weighed in the planning balance.

7.35 Recent appeal decisions have confirmed that Policies SF4 and H4, which restrict new residential development outside of the settlement framework boundaries defined in the Adopted Derbyshire Dales Local Plan (2005) have been considered to be out of date and have been afforded no weight in the decision making process.
Paragraph 14 of the NPPF advises that where the development plan is absent, silent or relevant policies are out-of-date permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.

Although national guidance indicates that applications for new housing development should be granted where relevant policies are out of date, the council can now identify a rolling five year supply of housing land and allocations within the emerging local plan, including this site, will provide enough housing land throughout the plan period to meet the District Councils objectively assessed housing needs. It is, however, important to consider the social, economic and environmental benefits and disbenefits of the scheme in reaching a balanced judgement on the sustainability of the scheme.

In this case the social role would be met through the delivery of on-site affordable housing to meet the needs of the district with the addition of off-site contribution making the overall contribution of 45% affordable housing provision in a sustainable location within close proximity to the services and facilities provided within the village of Tansley and the nearby market town of Matlock. It is noted that the housing mix does not meet the aspirations of the Draft Local Plan but given the overall social benefits of the scheme this matter is considered to have limited weight.

The economic role would be served by employment generated during construction along with the benefits to businesses within the village and the wider area from additional resident spend following construction whilst also adding to the vitality and viability of existing services.

In terms of the environmental role there have been a number of revisions to this scheme to ensure that the development is acceptable in terms of form, scale and detail. The revised scheme is considered to be in accordance with the prevailing pattern of development in the area and will result in a high quality detailed development, the footpaths adjacent to the site will be retained and improved, a landscaped buffer between the site and the Conservation Area will be maintained such that there will be no harm to this heritage asset, and the loss of important grassland can be appropriately mitigated against. As such the environmental role of sustainability has been met.

Tansley has been assessed as a sustainable settlement where additional growth can be accommodated and where such growth will aid the viability of local services, indeed planning permission has already been granted for outline planning permission for over half of the site proposed for development. It is acknowledged however that despite the local services and facilities in Tansley many journeys will need to be made by the private motor car. In line with the draft allocation of 50 units, the provision of 49 dwellings on this site is not considered to result in disbenefits that cannot be mitigated against with appropriate conditions, therefore the proposal meets the requirements of sustainability.

When all of the above matters are weighed in the balance along with the draft allocation of the site, it is considered that the presumption in favour of development should prevail as there is no significant and demonstrable harm from the development which cannot be mitigated against through appropriate conditions and legal agreement.

8. RECOMMENDATION
8.1 That authority be delegated to the Development Manager to grant outline planning permission subject to the completion of a Section 106 Planning Obligation Agreement to secure affordable units on-site and off-site to make up provision to the equivalent of 45%, the contribution towards primary school places of £113,990.10, long term mitigation and management of the grassland and subject to conditions covering the following matters:
1. Condition ST02a: Time limit on full

2. Condition ST06: Amended application (revised plans)
   Proposed site layout 2015-430-P-02.K received 30.11.16
   House type A floor plan 2015_430_P03.1B received 30.11.16
   House type A elevations 2015_430_P03.2B received 30.11.16
   House type B floor plans 2015_430_P04.1A received 26.09.16
   House type B elevations 2015_430_P04.2A received 26.09.16
   House type B1 floor plan 2015_430_P04.3A received 26.09.16
   House type B1 elevations 2015_430_P04.4 received 26.09.16
   House type C floor plans 2015_430_P05.1a received 26.09.16
   House type C elevations 2015_430_P05.2a received 26.09.16
   House type C1 floor plans 2015_430_P05.3 received 26.09.16
   House type C1 elevations 2015_430_P05.4 received 26.09.16
   House type D floor plans 2015_430_P06.1A received 26.09.16
   House type D elevations 2015_430_P06.2A received 26.09.16
   House type D1 floor plans 2015_430_P06.3 received 26.09.16
   House type D1 elevations 2015_430_P06.4 received 26.09.16
   House type F floor plans 2015_430_P08.1a received 26.09.16
   House type F elevations 2015_430_P08.2B received 26.09.16
   House type F1 floor plans 2015_430_P08.3a received 26.09.16
   House type F1 elevations 2015_430_P08.4C received 30.11.16
   House type G floor plans 2015_430_P09.1B received 30.11.16
   House type G elevations 2015_430_P09.2C received 30.11.16
   House type H floor plans 2015_430_P10.1B received 30.11.16
   House type H elevations 2015_430_P10.2C received 30.11.16
   House type J floor plans 2015_430_P11.1A received 26.09.16
   House type J elevations 2015_430_P11.2A received 26.09.16
   House type K floor plans 2015_430_P12.1a received 26.09.16
   House type K elevations 2015_430_P12.2a received 26.09.16
   House type L and C1 mix floor plans 2015_430_P13.1A received 26.09.16
   House type L and C1 mix elevations 2015_430_P13.2A received 26.09.16
   Proposed section through ponds MA10327/202 received 15.11.16

3. Prior to works on the footpaths commencing details of any regarding/improvement works and the method of construction which will leave a footpath route open shall be submitted to and agreed in writing by the Local Planning Authority. Works shall be carried out in accordance with the agreed details. Condition on footpath details

4. Prior to works commencing on plots 42 or 49 or the drainage ponds details of the retaining works required to the south west of plots 42 and 49 shall be submitted to and agreed in writing by the Local Planning Authority. Works shall be completed in accordance with the agreed details.

5. No development shall take place until a detailed design and associated management and maintenance plan of surface water drainage for the site, in accordance with Defra Non-statutory technical standards for sustainable drainage systems, has been submitted to and approved in writing by the Local Planning Authority. The approved drainage system shall be implemented in accordance with the approved detailed design prior to the use of the building commencing.

6. No development shall take place until a detailed assessment has been provided to and approved by the Local Planning Authority to demonstrate that the proposed destination for surface water accords with the hierarchy in the Approved Document Part H of the Building Regulations 2000.
7. Notwithstanding the submitted information and prior to the commencement of construction of the dwelling the following details shall be submitted to and agreed in writing by the Local Planning Authority:
   - Details of lighting for the whole site
   - Details of all pipework and guttering
   - Detailed plans of all windows and doors, their finish and reveal
   - Details and samples/sample panel where necessary of all external facing and roofing materials including geological source, construction detail and finish including mullions, jambs, heads, cills and mortar detail
   - Details of and finished materials of all chimneys

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification) no external alterations or additions shall be made to plots 3, 4, 6, 7, 8, 12, 13, 45 and 49 hereby approved and no extensions (other than those expressly authorised by this permission) shall be carried out to these dwellings without the prior written approval of the Local Planning Authority upon an application submitted to it.

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification) no external alterations or additions to the front elevations of plots 1, 2, 32, 35, 38, 46, 47 and 48 and the side elevations of plots 41 and 42 shall be made to any dwelling hereby approved shall be carried out within the curtilage of any dwelling without the prior written approval of the Local Planning Authority upon an application submitted to it.

10. No dwelling shall be first occupied until:

   a) A scheme for the laying out and equipping of the play area shown on the submitted plan, to include landscaping, boundary treatment and provision for future maintenance and safety checks of the equipment has been submitted to and approved in writing by the Local Planning Authority and;

   b) The play area has been laid out and equipped in accordance with the approved scheme.

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

   a) indications of all existing trees, hedgerows and other vegetation on the land;

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

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

   d) all plant species, planting sizes, planting densities, the number of each species to be planted and plant protection;

   e) finished site levels and contours;

   f) all means of enclosure and the relationship with existing landscape features to be demonstrated in detail on the layout plan;

   g) car park layouts and hard surfacing materials;

   h) other vehicle and pedestrian access and circulation areas and hard surfaced materials;

   i) minor artefacts and structures (e.g. furniture, play equipment, refuse and other storage units, signs, lighting etc)

   j) future management of retained and proposed landscaping
12. Prior to the commencement of development a Landscape and Ecological Mitigation and Management Plan to include: measures to be taken pre and during the construction phase, details of all mitigation, habitat creation, landscaping, details of subsequent management and aftercare legal and funding mechanisms and long term (10 year) implementation with the management body responsible for its delivery shall be submitted to and approved in writing by the Local Planning Authority. Works shall be carried out in full accordance with the agreed plan.

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

14. 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.

15. 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.

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

17. The existing and proposed carriageway of the estate road to serve the development shall be laid out in accordance with submitted drawing number 2015-430-P-02.H and constructed in accordance with Condition No 16 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 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.

18. 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 2015-430-P-02.H These facilities shall thereafter be retained for use at all times.

19. All vehicular accesses (apart from access to Plot 7) to the proposed estate street to be adopted shall be provided with visibility sightlines extending from a point 2.4 metres from the carriageway edge, measured along the centreline of the access, for
a distance of 25 metres in each direction measured along the nearside carriageway edge. The vehicular access to Plot 7 shall be provided with emerging visibility sightlines of 2.4m x 16m in both directions measured along the nearside carriageway edge. The land in advance of the visibility sightlines shall be retained throughout the life of the development free of any object greater than 1m in height (0.6m in the case of vegetation) relative to adjoining nearside carriageway channel level.

20. No building hereby permitted shall be occupied until surface water drainage works have been implemented in accordance with details that have been submitted to and approved in writing by the Local Planning Authority. Before these details are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles set out in Annex F of PPS25 (or any subsequent version), and the results of the assessment provided to the Local Planning Authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:
   i. provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
   ii. include a timetable for its implementation; and
   iii. provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

21. The garages and car parking spaces to be provided 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 hereby permitted shall be retained as such and shall not be used for any purpose other than the garaging 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.

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

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

b) No development shall take place other than in accordance with the archaeological Written Scheme of Investigation approved under condition (a).
c) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the archaeological Written Scheme of Investigation approved under condition (a) and the provision to be made for analysis, publication and dissemination of results and archive deposition has been secured.

Reasons

1. Reason ST02a

2. For the avoidance of doubt

3. To ensure the works to the footpaths are undertaken in an acceptable manner in the interests of visual amenity in accordance with policies SF5 and NBE8 of the Adopted Derbyshire Dales Local Plan and guidance contained within the National Planning Policy Framework.

4. To ensure any retaining works are undertaken in an acceptable manner in the interests of visual amenity in accordance with policies SF5 and NBE8 of the Adopted Derbyshire Dales Local Plan and guidance contained within the National Planning Policy Framework.

5. 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.

6. To ensure that the surface water from the development is directed towards the most appropriate waterbody in terms of flood risk and practicality by utilising the highest possible priority destination on the hierarchy of drainage options. The assessment should demonstrate with appropriate evidence that surface water runoff is discharged as high up as reasonably practicable in the following hierarchy:

   a. into the ground (infiltration)
   b. to a surface water body
   c. to a surface water sewer, highway drain or another drainage system
   d. to a combined sewer

7. To ensure an appropriate finished form of development in accordance with Policies SF5, H9, NBE8 and NBE21 of the Adopted Derbyshire Dales Local Plan and guidance contained within the National Planning Policy Framework.

8-9. In order to preserve amenity and the character and appearance of the development in accordance with Policies SF5 and H9 of the Adopted Derbyshire Dales Local Plan and guidance contained within the National Planning Policy Framework.

10. To ensure appropriate provision of play area in accordance with Policy L6 of the Adopted Derbyshire Dales Local Plan and guidance contained within the National Planning Policy Framework.

11. To ensure appropriate landscaping of the site in accordance with Policies SF5 and NBE26 of the Adopted Derbyshire Dales Local Plan and guidance contained within the National Planning Policy Framework.
12. To ensure appropriate mitigation for the loss of the grassland site in the interests of ecological in accordance with Policy NBE4 of the Adopted Derbyshire Dales Local Plan and guidance contained within the National Planning Policy Framework.

13. To protect nesting birds in accordance with Policy NBE5 of the Adopted Derbyshire Dales Local Plan and guidance contained within the National Planning Policy Framework.

14-22. In the interests of highway safety in accordance with Policies TR1 and TR8 of the Adopted Derbyshire Dales Local Plan and guidance contained within the National Planning Policy Framework.

23. In order to ensure appropriate investigation and recording of the potential underground archaeology in accordance with Policy NBE24 of the Adopted Derbyshire Dales Local Plan and guidance contained within the National Planning Policy Framework.

NOTES TO APPLICANT:

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

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

3. 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.

4. 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.

5. Pursuant to Sections 219/220 of the Highways Act 1980, relating to the Advance Payments Code, where development takes place fronting new estate streets the Highway Authority is obliged to serve notice on the developer, under the provisions of the Act, to financially secure the cost of bringing up the estate streets up to adoptable standards at some future date. This 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.
6. 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.

7. The application site is affected by two public Right’s of Way, Footpath No’s 4 and 9 on the Derbyshire Definitive Map. These routes must remain unobstructed on their legal alignment at all times and the safety of the public using them 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.

8. The county council do not adopt any private SuDs scheme. As such, it should be confirmed prior to commencement of works which organisation will be responsible for SuDs maintenance once the development in completed.

9. Any work in or nearby to an ordinary watercourse require consent under the Land Drainage Act (1991) from the County Council (e.g. an outfall that encroaches into the profile of the watercourse etc.) to make an application for any works please contact Flood.Team@derbyshire.gov.uk

10. The applicant should ensure there is sufficient buffer strip in pace which will allow for efficient maintenance to take place. We would recommend an easement of approximately 3m if any linear feature is less than 2m in width and 4.5m for linear features over 2m in width. Whilst this is not stipulate din any legal byelaw the County Council would recommend these distances in order to safeguard access for essential maintenance and inspection purposes.

11. The developer should make separate enquiries with broadband providers and ensure that future occupants have access to sustainable communications infrastructure, giving appropriate through to the choice and availability of providers which can offer high speed data connections. More information on how to incorporate broadband services as part of the design of new development is available following the link below: https://www.gov.uk/government/publications/better-connected-a-practical-guide-to-utilites-for-home-builders
13. This decision notice relates to the following documents:

Proposed site layout 2015-430-P-02.K received 30.11.16
House type A floor plan 2015_430_P03.1B received 30.11.16
House type A elevations 2015_430_P03.2B received 30.11.16
House type B floor plans 2015_430_P04.1A received 26.09.16
House type B elevations 2015_430_P04.2A received 26.09.16
House type B1 floor plan 2015_430_P04.3A received 26.09.16
House type B1 elevations 2015_430_P04.4 received 26.09.16
House type C floor plans 2015_430_P05.1a received 26.09.16
House type C elevations 2015_430_P05.2a received 26.09.16
House type C1 floor plans 2015_430_P05.3 received 26.09.16
House type C1 elevations 2015_430_P05.4 received 26.09.16
House type D floor plans 2015_430_P06.1A received 26.09.16
House type D elevations 2015_430_P06.2A received 26.09.16
House type D1 floor plans 2015_430_P06.3 received 26.09.16
House type D1 elevations 2015_430_P06.4 received 26.09.16
House type F floor plans 2015_430_P08.1a received 26.09.16
House type F elevations 2015_430_P08.2B received 26.09.16
House type F1 floor plans 2015_430_P08.3a received 26.09.16
House type F1 elevations 2015_430_P08.4C received 30.11.16
House type G floor plans 2015_430_P09.1B received 30.11.16
House type G elevations 2015_430_P09.2C received 30.11.16
House type H floor plans 2015_430_P10.1B received 30.11.16
House type H elevations 2015_430_P10.2C received 30.11.16
House type J floor plans 2015_430_P11.1A received 26.09.16
House type J elevations 2015_430_P11.2A received 26.09.16
House type K floor plans 2015_430_P12.1a received 26.09.16
House type K elevations 2015_430_P12.2a received 26.09.16
House type L and C1 mix floor plans 2015_430_P13.1A received 26.09.16
House type L and C1 mix elevations 2015_430_P13.2A received 26.09.16
Proposed section through ponds MA10327/202 received 15.11.16
Information on sustainable drainage ponds received 15.11.16
Garage types 2015_430_P19 to P22 received 11.07.16
Biodiversity Mitigation Strategy and Landscape Management Plan dated November 2016
Swept path plan MA10327 received 26.11.16
Land survey 1254/1
Received 11.07.16
Statement in support of the application received 12.07.16
Boundary treatments 2015_430_P15 to P18 received 11.07.16
Site access improvements and visibility plan MA10327/600
Proposed drainage strategy MA10327/200 received 07.11.16
Transport statement received 07.11.16
Email from agent dated 23.09.16
Preliminary ecological site appraisal received 26.09.16
Heritage Impact Assessment dated June 2016
Design and access statement received 11.07.16
Site location plan 2015_430_P01 received 11.07.16
Flood risk assessment received 07.07.16
Site location plan MA100327/100 received 07.07.16
<table>
<thead>
<tr>
<th><strong>APPLICATION NUMBER</strong></th>
<th>16/00362/FUL</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>SITE ADDRESS:</strong></td>
<td>12 Market Place, Cromford</td>
</tr>
<tr>
<td><strong>DESCRIPTION OF DEVELOPMENT</strong></td>
<td>Proposed Rear Flat Roof/Terrace, Patio Doors And 4 No. Roof Lights To Rear Elevation</td>
</tr>
<tr>
<td><strong>CASE OFFICER</strong></td>
<td>H Frith</td>
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<tr>
<td><strong>APPLICANT</strong></td>
<td>Mrs D Robbins</td>
</tr>
<tr>
<td><strong>PARISH/TOWN</strong></td>
<td>Cromford</td>
</tr>
<tr>
<td><strong>AGENT</strong></td>
<td>Mr D Archer</td>
</tr>
<tr>
<td><strong>WARD MEMBER(S)</strong></td>
<td>Cllr J Pawley and Cllr G Purdy</td>
</tr>
<tr>
<td><strong>DETERMINATION TARGET</strong></td>
<td>13th September 2016</td>
</tr>
<tr>
<td><strong>REASON FOR DETERMINATION BY COMMITTEE</strong></td>
<td>Due to request by Ward Member</td>
</tr>
<tr>
<td><strong>REASON FOR SITE VISIT (IF APPLICABLE)</strong></td>
<td>Requested by Ward Member to allow Members to appreciate the site and context and amenity impacts</td>
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</table>

**MATERIAL PLANNING ISSUES**
- Visual impact
- Impact upon residential amenity

**RECOMMENDATION**

Refusal
1. **THE SITE AND SURROUNDINGS**

The application relates to the rear of existing premises which is commercial on the ground floor and residential above. The property fronts onto the Market Place and to the rear has a small enclosed courtyard with a range of single storey buildings with lean to roof which further encloses this rear area. The site is within the Cromford Conservation Area and the Derwent Valley Mills World Heritage Site.

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2. **DETAILS OF THE APPLICATION**

Planning permission is sought to remove the lean to roofs that are over the single storey buildings within the courtyard and replace these with a flat roofed area which would form a terrace with the existing open area being covered over with a glazed roof. The terrace, which would cover all of the external yard, would serve the upper floor of the premises which is the residential flat above the ground floor commercial unit. The intention is to give the flat an accessible external area, which can be used as a fire escape, via patio doors opening onto the terrace. Also proposed are 4 roof lights to the rear roof slope of the main building.

A supporting statement has been submitted, the key points of which are summarised:

- The rear of the property is enclosed on all sides. Last year there was a fire in the ground floor stairwell of the property and the owners had to be rescued from a first floor window. The owners want to improve the internal layout to provide an enclosed fire escape but also to form an escape from the first floor. The proposed patio doors and roof terrace would provide this fire escape.
- The works will be in keeping with the existing. The differences in level will negate any overlooking new patio doors are proposed in place of an existing window to minimise impact, the roof lights proposed to the rear will not be visible.
3. PLANNING POLICY AND LEGISLATIVE FRAMEWORK

1. Adopted Derbyshire Dales Local Plan (2005)
   - SF4: Development in The Countryside
   - SF5: Design And Appearance of Development
   - H2: Extensions To Dwellings
   - NBE21: Development Affecting A Conservation Area
   - NBE25: Derwent Valley Mills World Heritage Site

2. National Planning Policy Framework
   National Planning Practice Guidance

4. RELEVANT PLANNING HISTORY:
   None

5. CONSULTATION RESPONSES:
   Parish Council
   5.1 No objections

Design and Conservation Officer (Derbyshire Dales)

5.2 The property is a non-listed building within the Cromford Conservation Area and World Heritage Site. The proposals are to remove the mono-pitch roofs to a series of one-storey buildings within the rear courtyard, introduced flat roofs and metal balustrading to create a first floor terrace area. This will also include creating a deck over part of the rear yard and some associated glazed roofing over the remaining part of the rear yard. The proposals also include the enlargement of a (1970s) window to the rear elevation to form a new patio door leading out onto the terrace. Four new roof lights are proposed to the rear roof slope.

The proposals are confined to a rear courtyard of which any views of such are extremely limited from the public realm. In this regard, it is considered that the proposed alterations will constitute a minimal/negligible impact on the Conservation Area and World Heritage Site. Details of the proposed metal balustrading (and colour) should be approved (by condition).

6. REPRESENTATIONS RECEIVED
   None

7. OFFICER APPRAISAL

The following material planning issues are relevant to this application:
1. Visual impact including impact on heritage assets
2. Impact the development will have upon residential amenity

Visual Impact And Impact On Heritage Assets

7.1 The site of the proposed terrace is completely enclosed and hidden from view from the general public. Whilst the property is within the Cromford Conservation Area and World Heritage Site any works to the rear area of the property would not have any adverse impact upon these heritage assets due to the hidden nature of the rear area where works are to take place and the minimal impact these will have on the character and appearance of existing buildings. The enlargement of the window to provide a patio door entrance onto the terrace is considered to be appropriate to this rear elevation of the building which has already undergone alterations.

7.2 It is considered that the proposed works will have no harmful impacts upon heritage assets and therefore the proposal is acceptable in accordance with policies NBE21 and NBE25 of
the Adopted Derbyshire Dales Local Plan and guidance contained within the National Planning Policy Framework.

*Impact Upon Residential Amenity*

7.3 The proposed terraced area will create a useable external area for a residential property. However, this area extends up to the habitable room windows to a flat in the adjoining building not in the applicant’s control. This will allow for users of this external space to directly look into the habitable windows of the neighbouring property at an immediate proximity. Furthermore the terrace will allow activity to take place immediately adjacent to the windows of the neighbouring property. Whilst it is recognised that flat dwellers live in close proximity to neighbours and these flats are over commercial units, the proposal has the potential to seriously compromise residential amenity from direct overlooking and noise and disturbance contrary to policies SF1, SF5 and H2 of the Adopted Derbyshire Dales Local Plan and guidance contained within the National Planning policy framework. As such the proposal is recommended for refusal.

8. **RECOMMENDATION**

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

8.1 The formation of the terraced area to serve the first floor flat will result in direct overlooking and a level of activity in immediate proximity to the windows of the neighbouring property which is likely to result in significant adverse impact upon the amenity of the occupiers of that neighbouring property. As such the proposal is contrary to policies SF1, SF5 and H2 of the Adopted Derbyshire Dales Local Plan and guidance contained within the National Planning Policy Framework.

9. **NOTES TO APPLICANT:**

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

9.2 This decision notice relates to the following documents:

Sheet 06 with photos received 19.07.16
Site and location plan sheet 05A received 19.07.16
Proposed plans and elevations no. 02C received 19.07.16
Existing plans and elevations no. 01B received 19.07.16
Design and access statement received 19.07.16
**APPLICATION NUMBER** | 16/00526/FUL
---|---
**SITE ADDRESS:** | Birch House Farm, Derby Lane, Ednaston
**DESCRIPTION OF DEVELOPMENT** | Change of use of agricultural buildings to Class B8 (Storage and Distribution) and external alterations
**CASE OFFICER** | Mr Chris Whitmore
**APPLICANT** | Mr David Goodhall
**PARISH/TOWN** | Brailsford
**AGENT** | Mr Andrew Large
**WARD MEMBER(S)** | Cllr. Jenkins
**DETERMINATION TARGET** | 24<sup>th</sup> November 2016
**REASON FOR DETERMINATION BY COMMITTEE** | Major application.
**REASON FOR SITE VISIT (IF APPLICABLE)** | Not applicable.

**MATERIAL PLANNING ISSUES**
- The acceptability of the proposed use of the buildings having regard to their location;
- the impact of the development on the local environment, and;
- highway safety.

**RECOMMENDATION**
Approval with conditions.
16/00526/FUL

Birch House Farm, Derby Lane, Ednaston

Derbyshire Dales DC

Date: 02/12/2016

100019785
1. THE SITE AND SURROUNDINGS

1.1 Birch House Farm is situated to the northwest of Ednaston village in open countryside. The main farm grouping comprises a series of traditional and modern agricultural buildings used for the storage and processing of potatoes and an attractive red brick and tile farmhouse, which can be seen in photo 1.

1.2 The application relates specifically to four adjoining storage buildings situated at the south western edge of the grouping (shown in photo 1 and 2). To the west of the buildings is Public footpath no. 29 ‘Brailsford’. The site benefits from two accesses onto Derby Lane. The application includes the eastern most access (shown in photo 3).

2. THE APPLICATION

2.1 Full planning permission is sought to convert the four adjoining agricultural storage buildings into five storage and distribution units of varying sizes. In total 2324.5sq. m of storage and distribution floorspace will be created. The appearance of the buildings will not change other than the introduction of additional roller shutter doors and personnel doors to enable buildings to be divided into separate units.

2.2 In support of the application the applicant advises that the buildings are not fit for modern agricultural purposes, with the eaves and ridge heights not being sufficient for modern farm machinery and the insulation not being appropriate to ensure potatoes are stored in the best condition. Furthermore they advise in recent years due to a reduced acreage being available to the applicant, potato production at the farm has reduced by 80%, and as such there is cause for the buildings in question to be put to better use. It is considered
that the proposed development would facilitate the conversion and economic reuse of an existing range of barns that will help diversify the applicants business.

2.3 The application is accompanied by a supporting highway statement which advises that an appropriate visibility splay, based on 6 C’s design guidance can be provided and that any traffic generated from the proposed use would be offset by that which would be generated by the farm if it was at full capacity.

3. PLANNING POLICY AND LEGISLATIVE FRAMEWORK

3.1 Adopted Derbyshire Dales District Council Local Plan (2005)

<table>
<thead>
<tr>
<th>Code</th>
<th>Description</th>
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<tbody>
<tr>
<td>SF4</td>
<td>Development in the Countryside</td>
</tr>
<tr>
<td>SF5</td>
<td>Design and Appearance of Development</td>
</tr>
<tr>
<td>EDT8</td>
<td>Design and Appearance of New Industrial and Business Premises</td>
</tr>
<tr>
<td>EDT14</td>
<td>Farm Diversification</td>
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<td>EDT16</td>
<td>Re-Use of Rural Buildings for Industrial and Business Use</td>
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<td>NBE26</td>
<td>Landscape Design In Association With New Development</td>
</tr>
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<td>TR1</td>
<td>Access Requirements and the Impact of New Development</td>
</tr>
<tr>
<td>TR8</td>
<td>Parking Requirements for New Development</td>
</tr>
</tbody>
</table>

3.2 Other:

4. RELEVANT PLANNING HISTORY

4.1 06/00203/FUL Erection of grain store Granted
     05/01017/FUL Erection of grain store Withdrawn
     03/03/0217 Extension to agricultural building Granted

5. CONSULTATIONS

5.1 Parish Council:
The Parish Council object to the application on the following grounds:

1. Insufficient visibility splays to the west.
2. Insufficient information as to the increase / future volume of traffic.
3. Lorry movements here totally unacceptable.
4. It is a narrow lane which is totally inappropriate for lorries.

5.2 Local Highway Authority:
Initial response:

In accordance with the submitted information, the proposal is to change the use of 4 agricultural buildings and split them into 5 units of varying sizes for B8 use. The existing agricultural use of the remainder of the site will remain, along with the existing farmhouse. Whilst the Highway Assessment submitted as part of this application includes a schedule of the perceived reduction of vehicle movements should the application be successful, there is no evidence to support these figures. Also, its envisaged the majority of these trips use the sites other vehicular access and not the one to be utilised to serve the proposed B8 use. Therefore, on an as-submitted basis the application is open to a highway safety objection as the proposals have the potential to significantly increase the traffic generation associated with the existing vehicular access (within the red outline) which has substandard emerging visibility splays.
With regards to the substandard emerging visibility splays from the sites existing access, the Highway Assessment states sightlines of 2.4m x 165m and 2.4m x 124m can be achieved in the eastern and western direction respectively. However, no detailed drawing has been submitted to illustrate the extent of these splays. Furthermore, the Highway Assessment explains passing vehicle speeds are reduced due to the nature of Derby Lane, however no speed readings have been carried out to back up this claim. In order for the Highway Authority to accept reduced visibility splays, speed readings will need to be carried out to confirm passing vehicle speeds are reduced. Without this evidence, the Highway Authority can only recommend visibility splays in line with the existing speed limit.

Derby Lane has a limited width, reducing to approx. 3.8m-4m in places which is insufficient to allow for 2-way traffic of larger vehicles which this application proposal is likely to generate. The Highway Authority would therefore seek improvements to Derby Lane, in the form of formal passing places to facilitate the large vehicles the proposals are likely to generate. It is therefore recommended the applicant surveys Derby Lane and submits a proposed highway improvement scheme illustrating where passing places can be provided leading from the A52 to the application site. The majority of the land fronting Derby Lane is within the applicants control (submitted blue outline plan) so passing places could be provided without the involvement of third party land.

Following receipt of the above comments, the applicant has carried out speed readings and agreed to form several passing places along Derby Road at their expense. Details of an appropriate visibility splay, based on average vehicle speeds and passing places were set out in a series of drawings, which were forwarded onto the Local Highway Authority for comment.

Second Response:

The Highway Authority has been in direct correspondence with the applicant’s agent. Speed readings were carried out to determine what speed vehicles are generally travelling at when approaching the site from either direction. This resulted in 85%ile wet weather speeds of 34.24mph travelling to the west and 27.91mph travelling to the east. These speed readings equate to recommended emerging visibility sightlines of 2.4m x 81m to the east and 2.4m x 59m to the west. These sightlines have been illustrated on the submitted visibility drawing and are achievable.

Also, it has been agreed that passing places can be created on Derby Lane, at the applicants expense, to increase the opportunities large vehicles have to pass each other between the A52 and the application site. It has been agreed that 4 passing places will be created, all of which increase the width of the carriageway to a minimum 5.5m for a minimum length of 15m; as per the submitted Road Improvement drawing.

One other recommended improvement, which has not been discussed but can easily be accommodated, is to ensure the sites access is provided with minimum radii of 6m to ensure large vehicles can enter and exit the site without overrunning the fronting grass verges.

Based on the additional information provided and subject to conditions the Local Highway Authority consider the development to be acceptable in highway safety terms.

6. REPRESENTATIONS

6.1 None.
7. ISSUES

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

- the acceptability of the proposed use of the buildings having regard to their location;
- the impact of the development on the local environment, and;
- highway safety.

7.2 Adopted Derbyshire Dales Local Plan Policies SF4, EDT14 and EDT16 of the Adopted Derbyshire Dales Local Plan align with the guidance contained within the National Planning Policy Framework (2012) (NPPF) and support development in the countryside that involves the conversion and re-use of building for industrial and business use and forms part of a farm based diversification scheme. The NPPF advises that local authorities should support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well-designed new buildings and promote the development and diversification of agricultural and other land-based rural businesses. The conversion of the four existing agricultural buildings to Class B8 use (storage and distribution) will help diversify the current farming business and offset the reduction in potato production. Whilst situated in the countryside the buildings lie some 650 meters away from the A52, a major arterial road between Ashbourne and Derby. Storage and distribution use of the scale proposed would make full and effective use of the existing buildings, which are not considered fit for modern agricultural practice. Combined with the support for the effective re-use of buildings in the countryside in the NPPF, such use of the buildings is considered to be acceptable in principle.

7.3 The four agricultural buildings to be converted are structurally sound and can be converted without any significant alteration or extension. The only external changes required are the addition of two roller shutter doors to two of the buildings and personnel doors in order to allow them to be let out separately. The conversion works will have a minimal impact on the buildings appearance and the character and appearance of their immediate surroundings. There are no neighbouring uses that would be adversely affected by the proposed development.

7.4 A key consideration is the impact of the development on highway safety. Speed surveys have been carried out which indicate that vehicle speeds along this stretch of Derby Road are less than 50mph. Based on this survey work an appropriate level of visibility from the site access can be achieved to accommodate the proposed development. Although the applicant advises that traffic generated from the proposed use would be offset by that which would be generated by the farm if it was at full capacity, they have agreed to form three passing places along Derby Road to increase the number of opportunities large vehicles have to pass one another. The Local Highway Authority are satisfied that with the introduction of passing places, the local highway network could accommodate the proposed use of the buildings. The provision of an appropriate visibility splay (which will need to be to be conditioned) and passing places may require the setting back of existing roadside hedgerow, which is an important landscape feature. It is recommended that a scheme of landscaping associated with such works be submitted to and approved in writing by the local planning authority to safeguard the character and appearance of this part of the countryside.

7.5 Taking the above into consideration it is considered that the proposed development would satisfy the relevant provisions of the development plan and national guidance and subject to conditions (including a condition to prevent any outside storage (a requirement of Policy EDT16)), it is recommended that the application be approved.
8. RECOMMENDATION

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

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

2. Before any other operations are commenced a the sites existing vehicular access to Derby Lane shall be modified to include 6m radii 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 81 metres to the east and 59 metres to the west, measured along the nearside carriageway edge in accordance with the submitted Visibility Splay drawing. The land in advance of the visibility sightlines shall be retained throughout the life of the development free of any object greater than 1m in height (0.6m in the case of vegetation) relative to adjoining nearside carriageway channel level.

3. No part of the development shall be occupied until space has been laid out within the site, in accordance with the application drawing, for 26 vehicles to be parked within the site and space provided for vehicles to turn so that they may enter and leave the site in forward gear. These facilities shall thereafter be retained for use at all times.

4. No part of the development shall be occupied until the agreed passing places on Derby Lane, in accordance with the submitted Road Improvement drawing, have been constructed. For the avoidance of doubt, the applicant is required to enter into a Section 278 Agreement with the Highway Authority to carry these works.

5. The site shall be divided by a physical barrier to ensure all traffic related to this application building uses the improved access within the red outline (the subject of Condition no. 2 above) to prevent any associated traffic using the sites other vehicular access to the west. This shall be illustrated on a drawing and submitted for approval prior to any works commencing.

6. There shall be no gates or other barriers within 15m of the nearside highway boundary and any gates shall open inwards only, unless otherwise agreed in writing by the Local Planning Authority.

7. 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.

8. Prior to the commencement of development a scheme of soft landscaping which shall make provision for the retention of and/or planting of a new native hedgerow behind the requisite visibility splay and passing places along Derby Lane shall be submitted to and approved in writing by the Local Planning Authority. Any new planting shall thereafter be carried out in the first planting season following first use of the buildings.

9. There shall be no outside storage of goods or vehicles (outside of the designated parking area agreed in respect of Condition 3) associated with the proposed use of the storage and distribution units unless otherwise agreed in writing by the Local Planning Authority.

Reasons:

1. ST02a.
2-7. In the interests of highway safety in accordance with the aims of Policy TR1 of the Adopted Derbyshire Dales Local Plan (2005) and guidance contained within the National Planning Policy Framework (2012).

8. To ensure a satisfactory standard of landscaping in accordance with the aims of Policies SF4 and NBE26 of the Adopted Derbyshire Dales Local Plan (2005) and guidance contained within the National Planning Policy Framework (2012).

9. In the interests of preserving the character and appearance of this part of the countryside in accordance with the aims of Policies SF4 and EDT16 of the Adopted Derbyshire Dales Local Plan (2005) and guidance contained within the National Planning Policy Framework (2012).

Footnotes:

1. The Local Planning Authority considered the 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.

2. 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.

3. The Highway Authority recommends that the first 15m of the proposed access driveway should not be surfaced with a loose material (i.e. unbound chippings or gravel etc.). In the event that loose material is transferred to the highway and is regarded as a hazard or nuisance to highway users the Authority reserves the right to take any necessary action against the householder.

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

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

6. 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.
This Decision Notice relates to the following documents:
1:2500 Scale Site Location Plan;
1:200 Scale Existing Elevations Plan numbered DWG.GOD.EXI.01;
1:500 Scale Proposed Floor Layout Plan numbered DWG.GOD.FRO.02;
1:200 Scale Proposed Elevations Plan numbered DWG.GOD.PRO.01, and;
Documents Titled Design and Access Statement and Highways Assessment received by the District Council on the 25th July 2016, and;
Plans to Various Scales Detailing the Proposed Passing Places and Modifications to the Site Access date stamped 22nd November 2016.
### Planning Committee 13th December 2016

**Agenda Item 4.7**

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<thead>
<tr>
<th>APPLICATION NUMBER</th>
<th>16/00649/ADV</th>
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<tbody>
<tr>
<td>SITE ADDRESS:</td>
<td>Matlock Cricket Club, Causeway Lane, Matlock</td>
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<tr>
<td>DESCRIPTION OF DEVELOPMENT</td>
<td>Erection of sign.</td>
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<tr>
<td>CASE OFFICER</td>
<td>Mr. Ecclestone</td>
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<tr>
<td>APPLICANT</td>
<td>Matlock Cricket Club</td>
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<td>PARISH/TOWN</td>
<td>Matlock Town</td>
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<tr>
<td>AGENT</td>
<td>Mr. Mullaney</td>
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<tr>
<td>WARD MEMBER(S)</td>
<td>Cllr. Botham, Cllr. Flitter, Cllr. Stevens</td>
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<td>DETERMINATION TARGET</td>
<td>5th December 2016</td>
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<td>REASON FOR DETERMINATION BY COMMITTEE</td>
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<td>REASON FOR SITE VISIT (IF APPLICABLE)</td>
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### MATERIAL PLANNING ISSUES

1. Public safety
2. Visual amenity

### RECOMMENDATION

Refusal
THE SITE AND SURROUNDINGS
Matlock Cricket Club is situated on the main road which leads into Matlock town centre from the east (A615). The entrance area has recently been widened by the removal of part of the roadside boundary hedge.

DETAILS OF THE APPLICATION
Advertisement Consent is sought for a sign to be positioned close to the entrance and measuring 2.10m wide by 1.22m high. It is proposed to be positioned on sign posts, 2.1m high at the highest point with a cream-coloured background and red lettering. The lettering includes the name and logo of the sponsor at the top, with the name of the cricket club below.

PLANNING POLICY AND LEGISLATIVE FRAMEWORK
National Planning Policy Framework (NPPF) 2012:
Chapter 7 Requiring good design, Paragraph 67
Chapter 12 Conserving and enhancing the historic environment

Other:
RELEVANT PLANNING HISTORY:
06/00552/FUL   Extension to cricket pavilion.   Granted
0296/0132    Erection of cricket pavilion (outline).  Granted
0290/0169    Extension to pavilion.    Granted

CONSULTATION RESPONSES
Town Council:
No comment.

REPRESENTATIONS RECEIVED
Six representations of support have been received which can be summarised as follows:
No objection. The sign is in good taste and unobtrusive. It looks fine to me.
Improvement works have been undertaken to the entrance to the cricket ground. Feel hurt that the sign is described as clutter. I am a playing member of the club. Would be nice for Councillors to vote for what is right, not just a regrettable first judgement.
The Club was established in 1885 and has always played here and been part of the local community. The sign is primarily for identification purposes and to acknowledge our main sponsor.

OFFICER APPRAISAL
The main issues for consideration under the Advertisement legislation are public safety and visual amenity.

Public Safety
In this case, there are no concerns with regard to Public safety.

Visual amenity
The National Planning Practice Guidance states that:
Amenity includes aural and visual amenity (regulation 2(1)) and factors relevant to amenity include the general characteristics of the locality, including the presence of any feature of historic, architectural, cultural or similar interest (regulation 3(2)(a)). It is a matter of interpretation by the Local Planning Authority (and the Secretary of State) as it applies in any particular case. In practice, ‘amenity’ is usually understood to mean the effect on visual and aural amenity in the immediate neighbourhood of an advertisement or site for the display of advertisements, where residents or passers-by will be aware of the advertisement. So, in assessing amenity, the Local Planning Authority would always consider the local characteristics of the neighbourhood.

Paragraph 67 of the NPPF states that poorly placed adverts can have a negative impact on the appearance of the built and natural environment.

In this case, whilst the Council is supportive of the Cricket Club having a sign to advertise its location to visitors, there are significant concerns about the overall size and layout of the proposal. The size appears to be driven partly by the desire to accommodate the sponsors, but this is considered to make it too big and to have a detrimental impact on the amenity of the streetscene at a prominent entry point to the town. It is considered that a better designed sign should be sought which better reflects its context. In this respect, Matlock Cricket Club should be the main feature / focal point, with the name of the sponsor, which is likely to change at some point, having a significantly smaller part in the context of the sign.
This can all be accommodated, it is considered, on a smaller sign.

**Conclusion**

Whilst the proposal raises no concerns with regard to public safety, it will have a detrimental impact on the amenity of the streetscene.

**RECOMMENDATION**

Advertisement Consent be refused for the following reasons:
The size, design, form, positioning, appearance and colours of the sign will be harmful to the character and appearance of the area and it will have an adverse impact on the amenity of the streetscene at a prominent entry point to the town. As such, the sign is not in accordance with the advice contained in the National Planning Policy Framework or the National Planning Practice Guidance.

**NOTE TO APPLICANT**

This Decision Notice relates to the following documents:
Drawings numbered SK01, received by the Council on 10th October 2016.

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.
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<tr>
<td>SITE ADDRESS:</td>
<td>STANCLIFFE HALL, WHITWORTH ROAD, DARLEY DALE</td>
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<tr>
<td>DESCRIPTION OF DEVELOPMENT</td>
<td>RESIDENTIAL DEVELOPMENT OF UP TO 41 DWELLINGS AND ACCESS (OUTLINE)</td>
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<tr>
<td>CASE OFFICER</td>
<td>Mr. G. A. Griffiths</td>
</tr>
<tr>
<td>APPLICANT</td>
<td>Miss D. K. Fern</td>
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<tr>
<td>TOWN</td>
<td>Darley Dale</td>
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<td>AGENT</td>
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<tr>
<td>WARD MEMBER(S)</td>
<td>Cllr. J. Atkin, Cllr. M. Salt, Cllr. A. Statham</td>
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<td>DETERMINATION TARGET</td>
<td>24th January 2017</td>
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<td>REASON FOR DETERMINATION BY COMMITTEE</td>
<td>Major application/departure from development plan</td>
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<td>REASON FOR SITE VISIT (IF APPLICABLE)</td>
<td>To assess the impact of the development on the setting of the Grade II listed Hall and the character and appearance of the area</td>
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</tbody>
</table>

**MATERIAL PLANNING ISSUES**

- Principle of the development
- The impact on the setting of the Grade II listed Stancliffe Hall.
- The impact on archaeology
- The impact on trees and woodland
- The impact on ecology
- The impact on drainage
- The impact on residential amenity
- Provision of affordable housing
- Housing mix
- Highway/pedestrian safety
- Provision for children’s play
- Provision of infrastructure through developer contributions/infrastructure capacity
- The Planning Balance

**RECOMMENDATION**

Refusal
16/00775/OUT

Stancliffe Hall, Whitworth Road, Darley Dale

Derbyshire Dales DC

Date: 02/12/2016

1:2,500

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

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1. THE SITE AND SURROUNDINGS

1.1 The site is an open space with former playing field, including cricket pitch and athletics track which were in use when Stancliffe Hall was previously used as a school. The land itself forms part of the parkland setting to the Hall which is a Grade II listed building. Historical analysis reveals that the Hall was set in a designed landscape which was extensive around the centrally set Hall, allowing views into the distance over its domain.

1.2 There are substantial belts of woodland and trees around much of the site, largely protected by a tree preservation order, albeit the view from the Hall across the parkland, and the view from Whitworth Road across the parkland and up to the Hall, remains open.
2. DETAILS OF THE APPLICATION

2.1 Outline planning permission is sought for the erection of up to 41 dwellings. Details of the access have been submitted for consideration at this stage. The applicant has also submitted the following documents in support of the application:

1. Design and Access Statement
2. Landscape and Visual Appraisal
3. Built Heritage Statement
4. Resubmission Planning Statement
5. Letter of rebuttal to previous Officer’s report in relation to the historic built environment
6. Archaeological Desk Based Assessment
7. Geophysical Survey Report
8. Flood Risk Assessment
9. Tree Survey
10. Phase 1 Habitat Survey and Ecological Appraisal
11. Bat Activity Survey

Design and Access Statement

2.2 The Statement advises that the proposals are well considered in terms of urban design and place making principles and that the scheme will create a high quality residential development befitting this ‘special’ site. It sets out the constraints and opportunities for the site development with reference to the Stancliffe Hall and the listed wall along Whitworth Road. It states that existing trees and habitats would be protected wherever possible and that the development will not have impacts on drainage. It is advised that the development has regard to the ‘interface’ between the new and existing properties and responds to the topography of the site. The opportunities are considered to be the potential for the development to respect the setting of the Hall and celebrate the heritage associated with the site. It is considered that the topography will allow views of the wider landscape and that the proposals will achieve a ‘unique’ landscape rich residential development which will enhance the image of the area.

2.3 The applicant refers to national and local planning policy with reference to Policies H9 and NBE26 of the Adopted Derbyshire Dales Local Plan (2005). The Statement sets out design parameters and principles which include a mix of predominantly family homes suggested as follows:

9 no. 2 bedroomed bungalows
8 no. 3 bedroomed houses
15 no. 4 bedroomed houses
5 no. 5 bedroomed houses
4 no. 6 bedroomed houses

The applicant advises that 16 units (39%) would be affordable dwellinghouses.

2.4 To summarise, the applicant considers that the creation of a traditionally inspired estate hamlet will meet housing need in a sensitive and appropriate manner and that this is a response to the landscape and setting of Stancliffe Hall. The applicant advises that the Statement sets out development parameters and principles to inform the future detailed design and gives confidence that the scheme will be of a very high standard and will create a locally distinctive place which can set new standards locally and nationally.

Landscape and Visual Appraisal

2.5 The applicant advises that The Hall is set on higher ground affording elevated views across Darley Dale and the Derwent Valley whereas the application site forms part of the lower grounds set within a framework of highways, settlement, parkland gardens and
mature tree cover. The site is not covered by a landscape designation that would give it increased value or sensitivity to change. In terms of ecology, besides the protected trees, the applicant considers that there are no statutory or non-statutory designations that would prohibit residential development. The applicant considers the site is separated from the Hall by the variation in levels which limits the relationship with the setting of the listed building and development would not unduly change this relationship. The development would not affect the wider appreciation of the valley from the Hall and the development site would be set lower and part filtered by intervening tree cover and is already viewed in the context of the settlement. The proposal is for a robust greenspace strategy to guide the development.

2.6 The Appraisal concludes that whilst the development will change the immediate setting of the site, that this is unlikely to result in any adverse effects to the character and the surrounding settlement, Stancliffe Hall and the wider setting of the Derwent Valley that would be considered of significance to the planning decision making process. It is advised that in the short term that there are likely to be limited changes to the visual setting to be considered significant and that these are restricted to the immediate boundaries of the site which is not unexpected for the type of development proposed. It is considered by the applicant that the mitigation measures will reduce these effects in the long-term to a level that is not of significance to the planning decision making process.

Built Heritage Statement

2.7 The applicant has submitted this statement to assess the impact of the proposals in the context of Stancliffe Hall and wider historic features and buildings within Darley Dale and beyond. It refers to the historical development of the Hall and its grounds and assesses heritage assets (listed buildings and non-designated heritage assets), within a 1km radius of the site.

2.8 The Heritage Statement advises that the proposed development will have a negligible impact on the surrounding built heritage assets, with any harm falling below less than substantial threshold referred to in the National Planning Policy Framework (NPPF). It is considered that the effect of the development would be a modest change in the wider settings. It is also advised that the application site has been much altered and contributes little to the significance of Stancliffe Hall and its associated heritage assets.

2.9 It is concluded that the proposed development provides an opportunity to reinstate part of the Hall’s original parkland setting by re-shaping the cricket pitch in a more sensitive form and that any visual impact of the development could be mitigated with landscaping within and around the proposed development, with the incorporation of sight lines within and through the development.

Resubmission Planning Statement

2.10 This statement sets out the Policies and government guidance by which the applicant considers the planning application needs to be assessed. It refers in particular to the District Council being unable to demonstrate a 5 years housing land supply.

2.11 The applicant questions the District Council’s previous assessment that development in the parkland would lead to ‘substantial harm’ to the heritage asset of Stancliffe Hall. The applicant’s analysis is that the development would cause less than substantial harm and that the harm should be weighed against the public benefit of the development in accordance with Paragraph 134 of the NPPF. In this respect, the applicant highlights the benefits as being market housing in a Local Service Centre, market housing provision where there is currently no 5 year supply, the provision of affordable housing, exemplar design, re-instatement of the parkland topography, the management of existing trees, enhanced biodiversity, controlling surface water drainage and removal of the incongruous fencing along the Whitworth Road boundary.
Letter of rebuttal to previous Officer’s report in relation to the historic built environment

2.12 This debates the impact of the development with respect to ‘substantial’ and ‘less than substantial’ harm as the test of Paragraphs 132-135 of the NPPF. The applicant refers to the NPPG and that substantial harm is a high test to a key element of a building’s significance to the extent that the significance is drained away. In this respect, any harm to the significance of heritage assets within the vicinity of the proposed development is deemed less than substantial.

2.13 It is advised that setting is a separate term to curtilage, character and context and is not a heritage asset or heritage designation and that its importance lies in what it contributes to the heritage asset. The applicant refers to the Historic Environment Good Practice Advice in Planning: Note 3 (GPA3) – The Setting of Heritage Assets. This states that the protection of the setting of a heritage asset need not prevent change and that decisions need to be based on the nature, extent and level of significance of the heritage asset and weighing up public benefits.

Archaeological Desk Based Assessment and Geotechnical Survey Report

2.14 The Assessment advises that there are no designated heritage assets within the development study site and no impact on Scheduled Monuments in the wider area. It is considered that the potential for archaeological assets within the site is low. It is noted that extensive earth moving to form the cricket pitch will have destroyed any potential archaeological remains and that no further work is required to safeguard the archaeological interest of the site. The Geophysical Survey Report also advises that, whilst there is evidence of ridge and furrow cultivation had existed, the remaining features are natural or more modern such as fence lines/field boundaries and there are no identified underground archaeological features.

Flood Risk Assessment

2.15 The applicant’s flood risk assessment acknowledges the site is within Flood Zone 1 but advises that with sustainable drainage strategy for new development run-off, outlined in the report, will ensure no increase in flood risk to surrounding areas. It has also advised that the risk of residual flooding are low and that there will be no increased risk as a result of the development proposed.

Tree Survey

2.16 The Tree Survey has identified the retention of the trees around the boundary of the site, albeit there will be some impact on trees in the formation of the site access and the majority of the trees within the site are shown to be retained.

Phase 1 Habitat Survey and Ecological Appraisal

2.17 It is concluded that there are no areas of high ecological value with the exception of veteran specimen trees protected under the TPO and the linear boundary woodland areas. It is also advised that there is no evidence of protected species within the site area but there is potential for roosting bats. Measures are recommended to maintain trees and hedgerows to allow a natural corridor to be created, the retention of protected and veteran tress, that a wetland or water feature be provided for habitat creation and that landscaping should incorporate native species.

Bat Activity Survey

2.18 This advises that there is no evidence of roosting activity but that the site has foraging activity. It is recommended that any works to fell trees within the site be undertaken outside of the bat activity season and to check trees which may have bat roost potential.
3. PLANNING POLICY AND LEGISLATIVE FRAMEWORK

3.1 Adopted Derbyshire Dales Local Plan (2005)
- SF4 Development In The Countryside
- SF5 Design and Appearance of Development
- SF7 Waste Management And Recycling
- H4 Housing Development Outside Settlement Framework Boundaries
- H9 Design and Appearance of New Housing
- H12 Alternative Provision for Affordable Housing outside Settlement Frameworks
- NBE4 Protecting Features or Areas of Importance to Wild Flora and Fauna
- NBE5 Development Affecting Species Protected by Law or are Nationally Rare
- NBE6 Trees and Woodlands
- NBE7 Features Important in the Landscape
- NBE8 Landscape Character
- NBE12 Foul Sewage
- NBE16 Development Affecting a Listed Building
- NBE24 Archaeological Sites And Heritage Features
- NBE26 Landscape Design in Association with New Development
- NBE27 Crime Prevention
- TR1 Access Requirements And The Impact Of New Development
- TR2 Travel Plans
- TR3 Provision For Public Transport
- TR8 Parking Requirements For New Development
- CS8 Provision Of Community Infrastructure
- CS9 Utility Services And Infrastructure
- L6 Outdoor Playing And Play Space In New Housing Developments

3.2 National Planning Policy Framework (2012)
- Paragraphs 7, 12, 14, 17, 47, 49, 50, 56, 73, 109, 118, 120, 129, 131, 132, 134, 135, 139,
- Annex 1: Implementation Paragraphs 210, 214, and 215

3.3 National Planning Practice Guidance

3.4 Draft Derbyshire Dales Local Plan (2016)
- S3: Settlement Hierarchy (Darley Dale is a second tier settlement)
- HC4: Affordable Housing
- HC11: Housing Mix and Type

3.5 Other
- Historic Environment Good Practice Advice in Planning: Note 3 (GPA3) The Setting of Heritage Assets

- Derbyshire Dales District Council Supplementary Planning Document
  - Affordable Housing
  - Landscape Character and Design

4 RELEVANT PLANNING HISTORY

15/00846/OUT Residential development of up to 41 dwellings and access (outline) - Withdrawn
5 CONSULTATION RESPONSES

Town Council
5.1 - object on the grounds of ongoing highway issues, physical infrastructure and overdevelopment in this area

Environment Agency
5.2 - no comment – refer to the Land Drainage Authority

Land Drainage Authority (DCC)
5.3 - concerned that the proposal to manage existing land drainage/surface water flows in open swales around the proposed development are not sufficiently developed at this time - not possible to enable suitable conditions to be applied at this stage of the application due to concerns that they may not be dischargeable.

Strategic Planning (DCC)
5.4 - comments regarding safeguarding the mineral interest (gritstone) of Stancliffe Quarry - the current pupil numbers and projections indicate the relevant area primary and secondary schools would have sufficient capacity and there is no financial contribution required from the developer - suggest that broadband facilities and a domestic water sprinkler be installed within the dwellings.

Local Highway Authority (DCC)
5.5 - no objection subject to conditions with regard to access construction, space provision on site for vehicles, etc. during construction, a site management plan during construction, provision of wheel cleaning facilities, the internal layout being in accordance with the Manual for Streets, adequate parking facilities, secure cycling parking facilities, submission of surface water drainage details and the submission of a Travel Plan.

Design and Conservation Officer (Derbyshire Dales)
5.6 - objection to the impact on the setting of Stancliffe Hall (see comments in Officer Appraisal)

Development Control Archaeologist (Derbyshire County Council)
5.7 - no objection with respect to archaeological matters

Conservation Advisory Forum
5.8 - noted that the number of dwellings proposed remained the same as the previous application, however, the, indicative, layout had been altered - re-affirmed their previous comments (of January 2016), as remaining pertinent to the current application which advised the following:
  o discussed the historical development of the parkland to Stancliffe Hall and its intrinsic connection to, and setting of the Hall
  o Stancliffe Hall was considered the most important building in the vicinity and its parkland was an important open space
  o concluded that any development of the parkland would irrevocably alter the character, amenity and setting of Stancliffe Hall and this part of Darley Dale.

Derbyshire Wildlife Trust
5.9 - ecology report has missed an area of habitat compared to the plans - indicative layout does not clearly show the retention of trees and will require the removal of some roadside native hedgerow and mature trees to form the main access and pedestrian access to the individual plots - important that the scheme includes sufficient new native hedgerow and tree planting to ensure no loss of habitat
- insufficient reason to refuse application on ecology grounds but would expect appropriate level of habitat provision to compensate the loss of areas of botanical interest
- welcome the production of a Landscape and Ecological Mitigation Plan (LEMP) but this should be revised to reflect issues raised with regards to habitats on the site, provide details of the favourable management of the habitats and include details of legal and funding mechanisms to secure long term implementation
- comments on protected species but do not raise significant concerns
- recommend conditions with respect to bat enhancement strategy, timing of on-site works, retention of trees and hedgerow and that reserved matters should follow the general parameters of the illustrative Masterplan.

6 REPRESENTATIONS RECEIVED

6.1 A total of 29 letters of representation have been received. A summary of the representations is outlined below:

Policy and Sustainability
- unsustainable location – lack of services and shops
- in direct conflict with Policies SF4 and H4 of the Local Plan
- not approved for development in current Local Plan
- local neighbourhood plan, upon which there has been consultation, specifically excluded the site - reference to policies in the Draft Darley Dale Neighbourhood Plan
- many brownfield sites which whole community would benefit from being redeveloped which could satisfy local demands and obligations
- recent Appeal rejected a smaller development further up Whitworth Road at Highlands on the basis that it was not sustainable
- comments on affordable housing
- greater number of houses will be 4, 5 and 6 bedroomed
- housing density low but, if approved, a commercial housebuilder would seek to build houses on the site at a higher density (90-150).

Impact on Infrastructure
- local services under pressure
- impact on local schools with more children
- doctors surgery oversubscribed
- facilities such as police stations, community space, sports and recreation facilities, shopping, bus and train links are limited
- local facilities are closing not opening

Impact on setting of Stancliffe Hall and the landscape
- inappropriate to consider an outline application where the setting of a listed building is affected
- significant impact on the setting of Grade II listed Stancliffe Hall by removal sense of scale of parkland and forever damaging the landscape
- impact on view of Stancliffe Hall from Whitworth Road across the parkland
- site forms a significant part of this heritage asset in Darley Dale
- site has been described as playing field and having been substantially modified – this is a misrepresentation and gross over simplification – the land is parkland and was specifically landscaped to produce a grand view of Stancliffe Hall
- sports facilities are a small chapter in the life of this locally important house
- whilst remodelled to provide sports facilities, it still retains strong characteristics of parkland and sense of place
- intrinsic part of the history of Darley Dale as a settlement
- Hall has lost much of its grounds to quarrying – remaining grounds to the front of the Hall are essential to the standing of this historic building
Impact on landscape
- Landscape Sensitivity Study (September 2015) to inform the allocation of new housing sites defined the site as being of High Sensitivity
- trees to be felled to enable access are protected by a Tree Preservation Order
- recognised as a significant linear feature in applicant’s report but advise that a small number of trees may need to be removed in one location
- no details of how many such trees will need to be felled
- loss of approximately 40m of boundary fence and hedge along with 15 protected trees
- trees within the site (not mentioned in the survey) would afford a degree of privacy from the development if retained
- Darley Hillside plays an important part in leisure activities in terms of historical interest and general nature – a major development will seriously impact this attraction
- impact on views from Peak District National Park

Amenity
- detrimental impact on privacy and outlook
- loss of security to rear of existing property
- noise nuisance from traffic, occupants and stemming from the public open space

Drainage
- lack of information regarding surface water drainage
- source of surface water remains unidentified
- a number of natural springs on the ground where proposed building would take place
- lower level remains saturated
- favourite spot for a heron suggesting plenty of water based food
- doubtful the area set aside for SuDs or balancing ponds would be sufficient
- not been established that the 225mm sewer in Whitworth Road will cope with foul and surface water from 41 dwellings
- road drains currently unable to cope
- uncertain who will manage the onsite sewage system
- pond would be dangerous to young children

Highway Safety
- have not provided a highways report to consider suitability of the location of the access – although states that this is the only compliant access which can be provided
- extent of on-street parking on Whitworth Road
- small residential road not suited to sustaining a large housing development
- significant increase in commercial vehicles using Whitworth Road in recent years, especially for home deliveries
- difficulties in turning from Whitworth Road onto the A6 and vice versa
- parking by Molyneux business park workers turns 20-30m of Whitworth Road into a single track road
- cannot see how additional cars can be safe or sustainable
- access close to a severe right hand bend
- if permission is to be considered, advocate other potential access locations be considered which are less harmful
- inadequate parking provision
- Local Highway Authority takes a very narrow view of the serious highway issues experienced on Whitworth Road

Impact on Wildlife
- ecology survey is inaccurate and misleading and used in the previous application
- no mention of badger activity, breeding Tawney owls and hawks being present and other birds such as the rare swift
- part of the site is habitat for amphibians
- grey heron regularly hunts in the area
- survey fails to explain how the development will not have a negative impact on the bat population
- land is rough grassland and mown once annually
- wildlife already under threat from plans to build dwellings in Stancliffe Quarry

Archaeology
- well documented objections from the archaeological officer

6.2 A petition has been submitted by the Darley Hillside Residents Association signed by 143 people objecting to the proposal and reflecting on the matters detailed above

6.3 Matlock Civic Association
- object
  - site not included in the housing application in the current Local Plan or Draft Local Plan – presumption must be refusal
  - brownfield sites should be brought into use before greenfield sites
  - as long as greenfield sites continue to be approved, brownfield sites will remain a blight in the area
  - loss of parkland setting to Stancliffe Hall
  - solely for upmarket ‘executive’ housing with no provision for social housing
  - should be a range of house types

7 OFFICER APPRAISAL

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

7.2 The Derbyshire Dales Local Plan, adopted in 2005, comprises the development plan for the area. The majority of its policies have been saved and continue to be relevant where they are consistent with guidance contained within the National Planning Policy Framework (NPPF). The NPPF was published in March 2012 and whilst this does not change the statutory status of the Development Plan as the starting point for decision-making, policies contained within the Framework are material considerations which must be taken into account. This sets out in Paragraph 17 the Core Principles that under-pin plan making and decision taking.

7.3 Based on new analysis of development that will come forward in the next five years, it is considered that the District Council can identify a rolling five year supply of housing land even without development coming forward on the application site. It is also the case that policies and strategic allocations within the emerging Local Plan, including delivery of the housing on the application site at the level identified, will also provide enough housing land throughout the plan period to meet the District Council’s objectively assessed housing needs. Whilst helpful in setting out the District Council’s position with regard to meeting its strategic housing objectives, it is acknowledged that the emerging Local Plan is at an early stage in the plan making process and policies and strategic land allocations contained within it can only be afforded limited weight at this time.

7.4 Housing policies contained within the Adopted Derbyshire Dales Local Plan (2005) do not envisage new housing development beyond the plan period and is based on outdated housing needs information. As such, the housing policies in the Adopted Local Plan are considered to be out of date. In such cases, where the development plan is absent, silent or relevant policies are out of date, planning decisions should be made in accordance with Paragraph 14 of the NPPF. However, where this relates to particularly sensitive constraints, such as heritage assets, Footnote 9 to Paragraph 14 applies. In such
circumstances no weighting of the planning balance applies. Indeed, where impacts on the significance of heritage assets are engaged (paragraphs 132 – 134 of the NPPF), great weight should be given to the asset’s conservation in the assessment of the scheme and this should be fed into the planning balance.

7.5 Policies SF4 and H4 of the Adopted Local (2005) deal with settlement frameworks and development in the countryside. It is important to reflect on how these sit with the NPPF, what conclusions Planning Inspectors have reached on their applicability and how this impacts on the planning balance. The Council received the decision on a housing appeal at Asker Lane, Matlock at the start of July 2015. The Planning Inspector concluded that, having regard to Paragraph 49 of the NPPF, and in the absence of a 5 year supply, both Policies H4 and SF4 had to be viewed as out of date and should be disregarded in the planning balance which instead should focus on the wording of Paragraph 14. The other Local Plan policies quoted above remain largely in tune with the aims of the NPPF and as such can continue to carry weight in decision making.

7.6 As part of the preparation of the emerging Local Plan, an appraisal of the relative sustainability of each of the main settlements across the plan area has been undertaken to inform the settlement hierarchy and development strategy in the plan. The Settlement Hierarchy provides the means to categorise the various settlements to recognise their different roles and functions, grouping together those settlements that have similar characteristics. The assessment concludes that at the top of the hierarchy are the main market towns and that Darley Dale is a Tier 2 settlement which has the ability to support sustainable patterns of living because of the level of facilities, services and employment opportunities that are available.

Other Planning Considerations

7.7 In assessing the scheme for its specific affects, both positive and negative, it is useful to break the report down further into the topic areas as follows:

- Principle of development
- Impact on the setting of the Grade II listed Stancliffe Hall
- Impact on archaeology
- Impact on trees and woodland
- Impact on ecology
- Impact on drainage
- Impact on residential amenity
- Provision of affordable housing
- Housing mix
- Highway/pedestrian safety
- Provision for children’s play
- Provision of infrastructure through developer contributions/infrastructure capacity
- Planning Balance.

The Principle of Development

7.8 It was always anticipated that the larger settlements, which are intrinsically the most sustainable locations to live with their access to jobs and services, would accommodate the majority of housing growth. Darley Dale has been identified as the most sustainable location for development outside the Market Towns and therefore should be viewed as an area for growth as it benefits from close proximity to the full range of services and employment and transport links. Therefore, subject to the environmental constraints being adequately addressed, the development of this site is in accordance with the principle of promoting sustainable development to meet an existing housing need.
Impact on the Setting of the Grade II Listed Stancliffe Hall

7.9 The site is within the grounds and former historic landscape setting of the Grade II Listed Stancliffe Hall. The significance of this heritage asset in the context of Darley Dale is magnified by the connection with Sir Joseph Whitworth, who remodelled the house and its associated parkland during the 19th century. The Hall itself also represents a fundamental historic element of Darley Dale. This is evidenced through developments in the area such as the Grade II listed Whitworth Centre and the Grade II listed walls around the Hall and onto Darley Hillside. The walls along the A6, although mostly not listed, and other features, such as the avenue of Lime trees along the A6, also exemplify the influence that Sir Joseph Whitworth had in shaping Darley Dale. In this respect, it is considered that Stancliffe Hall, being the core element to the development of the town, holds a particularly significant historic interest.

7.10 The application site is the parkland to the south of the Hall. This is overlooked by the principal rooms of the Hall and has survived to a large extent since it was completed in the late 19th Century. In its form, character and appearance, the parkland is of importance to the setting of the Hall. After an approximately 100 year interlude, when the Hall was used as an institutional school, the Hall is once again a residence and the connection between the Hall, its immediate gardens/grounds and its enveloping parkland, are inherent elements which are indivisible.

7.11 Evidence of this being the parkland is still found in the location of South Lodge, the historic access to the Hall past South Lodge, Fircliffe and Little Fircliffe (currently being developed with a replacement dwelling). Whilst the access is no longer fully visible, as evidence of it ends at the side Little Fircliffe, there are historic boundary walls that can be seen to the north and south of the land. The eastern end of the parkland is demarked by a metal fence which hails back to when the property was used as a school.

7.12 In the applicant’s submission, it is recognised that some harm will be caused by the development proposals to the heritage asset. However, the applicant has advised that this is less than substantial, thereby promoting consideration on the basis of Paragraph 134 of the NPPF where, if this is the case, there is a need to balance the harm with the public benefits of the development.

7.13 With the previous planning application, it was the view of Officers that residential development on the parkland would be of substantial harm to the heritage asset. However, on reflection, it is considered that whilst the harm may be less that substantial, it is nevertheless significant in this test. In this respect, Paragraph 134 of the NPPF advises that where a development proposal will lead to less than substantial harm, this harm should be weighed against the public benefit of the proposal, including securing its optimum viable use. The first test is whether the public benefits of the development outweigh the harm caused to the setting of the heritage asset and, therefore, the primary consideration is an assessment of the potential significance of the parkland associated with the Hall to which it pertains.

7.14 Map regression indicates and identifies the development and extent of the parkland and confirms that at its apogee (i.e. at the time of Sir Joseph Whitworth’s residence – 1871 to 1887) the estate had reached his/his landscape architects, conceived form. Whitworth employed the landscape architect Edward Milner (1819-1884) and it is most possible that he was responsible for the creation of the gardens and parkland to Stancliffe Hall during Whitworth’s tenure. Map regression identifies the changes made and the creation of the parkland to the Hall. Under the direction of a landscape architect, the manipulation of the landscape, its shape, form and planting are all conscious efforts made by the owner, and his designer, to create a parkland setting to the mansion and, wherever possible, enhance the views and vistas from the principal rooms and aspects of the house across that land.
7.15 The principal aspect/vista from Stancliffe Hall is to the south-east. The principal objective, or concept, behind any park land creation/formation to a country house is that the two coalesce together and that a conscious mind has taken in, manipulated and planted the land to provide a unique setting to the dwelling. In this regard, the heritage value of the parkland is its associative historic interest and significance to the Hall and its setting, the estate and to this part of Darley Dale. The Hall is once again, after an interlude of 100 years, a residential dwelling, with some commercial ancillary usage. Whilst the former school made use of the parkland for recreational activities, including the creation of a cricket pitch, the integrity of the parkland was not diminished or eroded to any adverse degree during that time. Now that educational use has passed, the parkland retains its intrinsic and historical association with the Hall as a fundamental part of its setting and context.

7.16 In assessing significance, therefore, it is considered that the parkland as it survives to the present is a key element of the overall estate and, in that regard, the coalescence of house, gardens and parkland are significant. This designed landscape contributes indivisibly to, and enhances the significance of the house, and provides a clear and conscious presence within the locality indicating the presence of wealth and prestige. Furthermore, its significance is also present in its extent in providing an open and undeveloped context and in providing privacy to the house; this was an established and desirable concept of country house owners of the 18th and 19th centuries.

7.17 In taking the above assessment into account, it is considered that the existing parkland to Stancliffe Hall is a significant element of the estate which contributes to the significance of the Hall itself as a designated heritage asset. Furthermore, the parkland to the Hall, which forms a fundamental part of its setting, is an element of historic interest and can be considered as an important heritage asset in itself.

7.18 The application dwells much on dispelling the impact of the proposed residential development to the parkland on its impact on designated and non-designated heritage assets in the locality. Whilst the applicant’s Built Heritage Assessment concludes that the “proposed development will have a negligible impact upon surrounding built heritage assets, with any harm to their significance falling well below the ‘less than substantial’ threshold” in the NPPF, it is of particular interest that those designated, and non-designated, heritage assets identified and assessed in the submission do not include the parkland itself specifically, on which the development will be built, as a heritage asset of associative historic interest.

7.19 It is considered, that in relation to the proposed residential development on the parkland to Stancliffe Hall, a primary and principal consideration is the impact of the development and its consequences for the significance of the parkland itself, as an intrinsic and indivisible part of the setting and context of the Hall. Its significance and historic interest has been outlined above and in this regard there is a finding of harm. The NPPG states that in determining the degree of harm an important consideration would be whether the adverse impact would seriously affect a key element of historic interest. As discussed above, it is considered that the parkland to Stancliffe Hall is a key element of historic interest, intrinsic and indivisible, to the significance to the designated heritage status of the Hall, its associated heritage assets and structures and its overall setting and context. The harm that will arise from the proposed built development, within the parkland setting, to the designated heritage asset will inevitably affect that assessed significance. Therefore, that resulting harm would have a tangible impact on significance.

7.20 In addition to the above the application includes access to the development site. The proposed access point is a short distance to the east of Stonecroft, a former lodge to an historic access point to the park and Hall. Stonecroft is associated with the adjacent
w Sleight and gate piers which clearly demark and present a formal entrance/access point to the Hall. The formation of a new access point in such close proximity to the historic formal access point will present two access ways either side of the lodge building. In this regard it is considered that this will contribute to an erosion of the current scenario and diminish the presence and status of the existing historic access point.

7.21 Whilst only illustrative, it is also considered that the design of the dwellinghouses detailed would serve to reflect, and in doing so undermine, the character and appearance of South Lodge. In addition, Whitworth Road currently acts as a strong delineation between the built form of Darley Dale and the open countryside/formal parkland beyond. It is considered that the development would therefore be encroaching into what is an important vista of the Hall.

7.22 Notwithstanding the above, an assessment has to be made of the public benefit of the development and whether this would outweigh the less than substantial harm to the heritage asset. In this respect, as detailed above, the District Council is now able to demonstrate a 5 year housing land supply and has enough sites proposed for allocation in the merging Local Plan to meet its objectively assessed need going forward. There are benefits with affordable housing provision. However, Darley Dale has seen significant provision of such housing in recent years, such as the sites at Poppyfields, Greenaway Lane and Olympian Way which have been developed as fully, or largely, affordable dwelling developments.

7.23 In addition, there are major sites proposed for designation in Darley Dale such as at Stancliffe Quarry and the land adjacent to the former Royal Bank of Scotland, where further affordable housing development will be secured. A medical centre has been granted planning permission and this development is expected to be secured off the development of the latter site. In this respect, the development of the application site is not considered to have significant public benefit which could not otherwise be delivered by allocated sites.

7.24 The applicant advises that there will be other benefits attributable to the development. These include exemplar design, re-instatement of the parkland topography, the management of existing trees, enhanced biodiversity, controlling surface water drainage and removal of the incongruous fencing along the Whitworth Road boundary. However, what public benefit could be derived from the above, particularly given that some of these benefits relate merely to good ‘housekeeping’, does not outweigh the harm that the development would cause to the heritage asset. Therefore, the proposal fails to adequately safeguard the significance of the heritage asset and that disbenefit of the scheme is not outweighed by public benefits in this case. Therefore, the proposal fails to satisfy the guidance within the NPPF.

The Impact on Archaeology
7.25 The applicant has submitted an archaeological desk-based assessment (DBA). The principal conclusion of this document is that the site has undergone wholesale disturbance from the creation of playing fields during the 20th century. This has been assessed by the Development Control Archaeologist and the information now addresses the deficit of such presented with the previous application and there are no objections in this respect.

The Impact on the Landscape
7.26 As part informing the allocation of new housing sites, the District Council commissioned the Landscape Sensitivity Study (September 2015). This defined the site as being of High Sensitivity. Such sensitivity is defined as:

Land with a high susceptibility to change and/or which is of high value e.g. land adjacent to or visually prominent from the Peak District National Park or World
heritage Site, land outside of the settlement pattern, and which has high visual prominence, land which contributes to heritage and ecological assets.

In terms of Darley Dale, the analysis advises that it has:

…well-defined edges and is bound by extensive woodland to the north. It is located on the northern slope of the Derwent Valley, opposite the PDNP, and therefore the majority of land surrounding the settlement, particularly to the north and east, is visible from the PDNP.

In this regard, whilst it is considered that the development would not be particularly perceptible from the Peak District National Park, given the relative distance and interrelationship of the site to the existing residential development, it is nevertheless considered that there would be harm to the landscape as it is enjoyed locally by residents and visitors to the area. In this respect, it is considered that the development of this parkland, to the extent and in the manner proposed, would be harmful to the character of the landscape.

The Impact on Trees and Woodland
7.27 The proposals have been previously considered by the County Council’s Countryside Officer. It is advised that, overall, the BS5837 Tree Survey of the site is a fair and thorough reflection of the quality and importance of trees within the landscape, most of which are protected by County Council TPO 88.

7.28 There is one tree, T18, growing within Tree Group 4 that has been surveyed as a single specimen and Categorised A1 on the survey. The survey states that it is a sycamore but it is thought that this is meant to be the very mature oak opposite Orchard Lodge on Whitworth Road; this is a very notable tree and worthy of special mention within the wider group.

7.29 However, as this is an outline planning application, with only indicative layout plans, it is considered too early to assess fully the potential implications for trees. However, it is clear that there is a desire to retain the best specimens (at least the Category A and B trees) to compliment the development as established landscaping. It is therefore recommended that more detailed information be prepared for the reserved matters/full planning stage that should include a full site specific Arboricultural Impact Assessment and Method Statement for tree protection during development.

The Impact on Ecology
7.30 Concerns have been raised that development would have consequences for protected species and impact on and loss of habitat. The proposals have been assessed by Derbyshire Wildlife Trust who have advised that insufficient basis exists to refuse the application on ecology grounds but that they would expect appropriate level of habitat provision to compensate the loss of areas of botanical interest. This can be addressed as a condition and through the reserved matters application.

The Impact on Drainage
7.31 Derbyshire County Council, as Land Drainage Authority, has advised that the applicant’s Flood Risk Assessment (FRA) does not sufficiently address the flood risk concerns for the site. It is concerned that the proposal to manage existing land drainage/surface water flows in open swales around the proposed development are not sufficiently developed at this time. In this respect, it is advised that it is not possible to enable suitable conditions to
be applied at this stage of the application due to concerns that they may not be dischargeable. The concerns relate to:

- the capture of all existing land drainage/surface water flows, and their resultant rerouting around the development, avoiding the potential for land drainage to become the responsibility of multiple riparian owners
- the proposed swale adjacent to Yew Tree/Fircliffe - the catchment, capacity and discharge of the proposed swale and the point of outfall/conveyance to outfall
- the proposed swale adjacent to Whitworth Road - the catchment, capacity and discharge of the proposed swale and the point of outfall/conveyance to outfall
- the necessity for any land drainage alterations to be subject to Ordinary Watercourse Consent under the Land Drainage Act (1991) and the risk that failure to satisfy the LLFA/LPA may result in a system that cannot be approved within the Land Drainage Consent process.

7.32 However, the Land Drainage Authority has advised that there are three ways in which the application can be addressed; it could be refused, held in abeyance or conditions attached to any planning permission. In this respect, as the Land Drainage Authority has advised that conditions may be acceptable in this respect, it is considered that the application cannot be refused for such a reason.

The Impact on Residential Amenity
7.33 It is considered, given the extent of the site, that dwellinghouses can be provided in such a manner that would not significantly harm the privacy, light and outlook enjoyed by the occupiers of existing residential properties to a point that the application could be justifiably refused. Such matters would need to be addressed with a reserved matters application.

Provision of Affordable Housing
7.34 The District Council’s Head of Housing has, with respect to major residential developments, considered a 25% on-site contribution and 20% off-site contribution to be appropriate as being in line with Policy H10 of the Adopted Local Plan (2005). This is on the basis that off-site contributions can play a significant role in helping to meet specific housing needs on other sites which would otherwise prove more problematic on the application sites and previous planning permissions have been issued on such consideration.

7.35 The emerging Local Plan Policy HC4 requires a minimum of 30% of a residential development to be affordable housing on site but is also on the basis of there being a Community Infrastructure Levy in place, which is not currently the case. In addition, this Policy is yet to be adopted. Therefore, the requirements for developments being in accordance with the aims of Policy H10 of the Adopted Local Plan (2005) are considered to still be appropriate. In this respect, the applicant’s proposal for 15 affordable dwellings to be provided on the site, 30% of the total, does not meet with the Policy requirement to meet the 45% provision.

7.36 The applicant has advised that up to 16 of the dwellinghouses will be affordable dwellings. However, this is approximately 39% of the overall dwellings which falls below the level of 45% that the Local Planning Authority would normally require. In addition, the applicant has not advised what they term to be affordable housing and this would need to be quantified through a Section 106 legal agreement.

7.37 Given the sustainable nature of the development, it is considered that a higher percentage of affordable units should be provided on site to meet local needs. However, this matter is not considered to warrant refusal in this case, as it is possible that further negotiations would result in a solution to this issue.
Housing Mix

7.38 Paragraph 50 of the NPPF states that:

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

• plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community (such as, but not limited to, families with children, older people, people with disabilities, service families and people wishing to build their own homes);
• identify the size, type, tenure and range of housing that is required in particular locations, reflecting local demand ……”

7.39 As part of the evidence base for the emerging Local Plan, a Housing and Economic Development Needs Assessment (September 2015) has been commissioned which will be used to inform the preparation of new policies. This seeks to ensure new housing meets the communities needs and states (Paragraph 8.43) that:

“....... the provision of market housing should be more explicitly focused on delivering smaller family housing for younger households. On this basis the following mix of market housing is recommended: 1-bed properties: 5%, 2-bed properties: 40%, 3-bed properties: 50%, 4-bed properties: 5%”.

This is now detailed in Policy HC11 of the emerging Local Plan.

7.40 It is right that this guidance starts to inform the housing mix delivered on housing sites. The applicant’s agent has made it clear that the mix proposed for this site, which is not in accordance with the District Council’s aims of providing for smaller residential properties to meet the local need. In this case, the application is in outline only, with all matters relating to the layout and type of properties reserved for future consideration and, therefore the detail of the mix of housing has not as yet been determined. However, given that this is an issue that is likely to arise at the reserved matters stage, particularly in relation to the number of smaller units required, it is important to bring this matter to the applicant’s attention by way of a footnote included in any permission to clarify the expectations of the Local Planning Authority.

Highway/pedestrian safety.

7.41 Concerns have been raised with regard to the increase in levels of traffic, the safety of the proposed vehicular access to the site and pedestrian safety with there being a footpath to only one side of Whitworth Road. However, The Local Highway Authority has advised, as the scheme is very similar to the previous submission, it has no objection to the proposal. Conditions have been requested with regard to the access, parking and storage requirements for the construction and occupation of the development which are considered reasonable to attach to any grant of planning permission.

Provision for children’s play

7.42 There would be a requirement to provide for children’s’ play space on a site development of this size. However, as the layout being considered is indicative, this can be addressed through a reserved matters application.
When considering the previous planning application, Derbyshire County Council advised that, in terms of school place provision, the current pupil numbers and projections indicate the relevant area primary and secondary schools would have sufficient capacity within the next five years to accommodate the additional pupils arising from the development; there is therefore no financial contribution required from the developer.

It was also suggested that broadband facilities and a domestic water sprinkler be installed within the dwellings; such suggestions would be attached as advice notes to the applicant in the event that outline planning permission is granted.

In undertaking any assessment where the significance of a heritage asset may be engaged, it is important to assess if harm will result. If harm does result, there is no longer a need to apply a weighted balance under the terms of paragraph 14. As, in this case, it is considered that harm would ensue to the heritage asset, and there are no ‘substantial’ public benefits that would outweigh that harm, the proposed development fails to comply with the tenth Core Principle of Paragraph 17 and Paragraph 134 of the NPPF and there is a strong presumption against it. Notwithstanding this ground for resisting the development, there is nevertheless a need to consider whether there are any other adverse impacts that might also affect the acceptability of the proposals.

In this respect, the development of this site will also lead to loss of openness of the parkland setting to Stancliffe Hall and harm the prevailing character and appearance of the area, with the encroachment of residential development into an area perceived as open countryside to which Whitworth Road forms a clear division. It is therefore considered that the proposed development will have an adverse impact on the settlement pattern and have an adverse impact on landscape character with the intrusion of development in the countryside. In this respect, the proposal also fails to meet with the requirements of Policy NBE8 of the Adopted Local Plan (2005), with the fifth Core Principle in Paragraph 17 of the NPPF and with Paragraphs 53 and 109. In terms of the other matters assessed, the development would be considered acceptable.

It is considered that the harm to the setting of the listed building is not outweighed by the public benefits that may be attributable to such a development. In addition, the prevailing landscape character would also be adversely affected by the proposed development. As such, it is considered that the proposal should be refused in accordance with Paragraphs 17, 53, 109 and 134 of the National Planning Policy Framework.

8 RECOMMENDATION

8.1 Planning permission be refused for the following reasons:

1. The development of this site, will significantly harm the parkland setting to the Grade II listed Stancliffe Hall. Whilst causing less than substantial harm to the significance of the heritage asset, the proposal does not provide public benefits to an extent that would outweigh that harm. As such, the proposals are considered to be contrary to Policy NBE16 of the Adopted Derbyshire Dales Local Plan (2005) and guidance contained within Paragraphs 17 and 134 of National Planning Policy Framework.
2. The development of this site will and lead to unwarranted encroachment into the countryside, loss of openness and harm to the prevailing character and appearance of the landscape setting of the settlement. As such, the proposals are considered to be contrary to Policy NBE8 of the Adopted Derbyshire Dales Local Plan (2005) and guidance contained within Paragraphs 17, 53 and 109 of the National Planning Policy Framework.

9. NOTES TO APPLICANT

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

2. This decision notice relates to the following documents:

- Drawing Nos. 6247 (INDICATIVE LAYOUT), 6247_SP(90)01 Rev E and SIG103/100/P received on 25th October 2016
- Design and Access Statement received on 25th October 2016
- Resubmission Planning Statement received on 25th October 2016
- Landscape and Visual Appraisal received on 25th October 2016
- Built Heritage Statement received on 25th October 2016
- Letter of rebuttal to previous Officer’s report in relation to the historic built environment received on 25th October 2016
- Archaeological Desk Based Appraisal received on 25th October 2016
- Geophysical Survey Report received on 25th October 2016
- Flood Risk Assessment received on 25th October 2016
- Tree Survey received on 25th October 2016
- Phase 1 Habitat Survey and Ecological Appraisal received on 25th October 2016
- Bat Activity Survey received on 25th October 2016
## Ashbourne North

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

## Ashbourne South

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<tbody>
<tr>
<td>ENF/14/00070</td>
<td>Unauthorised internally illuminated signage above front of restaurant - 25 Dig Street, Ashbourne, DE6 1GF</td>
<td>25 Dig Street Ashbourne Derbyshire DE6 1GF</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/16/00031</td>
<td>Breach of condition 9 relating to planning permission 14/00722/FUL - specifically the environmental and construction management plan and hours of site work.</td>
<td>Land Formerly Hillside Farm Wyaston Road Ashbourne Derbyshire DE6 1NB</td>
<td>Pending Consideration</td>
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</tbody>
</table>

## Brailsford

<table>
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<tr>
<th>Reference</th>
<th>Description</th>
<th>Location</th>
<th>Status</th>
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<tbody>
<tr>
<td>ENF/15/00021</td>
<td>Unauthorised change of use of land from agricultural to domestic. Engineering works to remove trees and hedging to facilitate hardstanding area including the erection of a boundary fence in excess of 1m high adjacent to a classified vehicular highway.</td>
<td>Orchard Cottage Longford Lane Longford Derbyshire DE6 3DT</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/15/00097</td>
<td>Unauthorised construction of timber cabin and subsequent occupation as a dwelling house with associated use of land as domestic curtilage.</td>
<td>Aragorn Cabin Mercaston Lane Mercaston Derbyshire</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/16/00033</td>
<td>Breach of condition 16 (hours of work) of planning permission 13/00826/FUL - Land off Luke Lane Brailsford</td>
<td>Land Off Luke Lane Luke Lane Brailsford Derbyshire</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/16/00087</td>
<td>Failure to provide pre commencement details as per conditions 2 and 6 of planning permission 16/00400/PDA - Change of use of agricultural building to dwelling house.</td>
<td>The Old Drifthouse Park Stiles Farm Park Lane Rodsley Derbyshire DE6 3AJ</td>
<td>Pending Consideration</td>
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<tr>
<td><strong>Carsington Water</strong></td>
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</tr>
<tr>
<td>ENF/15/00108</td>
<td>Non compliance with approved plans &quot;Erection of two dwellings&quot; at Peakland View, Darley Dale, office code 14/00300/FUL</td>
<td>Robinsons Limited Longcliffe Works Longcliffe Brassington Derbyshire DE4 4HN</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/16/00034</td>
<td>Unauthorised erection of Dog kennels</td>
<td>Four Lane Ends Farm Gibfield Lane Hulland Ward Derbyshire DE6 3EJ</td>
<td>DC Application Submitted</td>
</tr>
<tr>
<td>ENF/16/00073</td>
<td>Unauthorised change of use and conversion of outbuildings on land at Rock Cottage, Brassington, Matlock, Derbyshire, DE4 4HA</td>
<td>Rock Cottage Hillside Lane Brassington Derbyshire DE4 4HA</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/16/00099</td>
<td>Unauthorised erection of external flu pipe on building fronting a highway and within the conservation area of Hopton.</td>
<td>Henmore Grange Main Street Hopton Derbyshire DE4 4DF</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td><strong>Clifton And Bradley</strong></td>
<td></td>
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<tr>
<td>ENF/15/00106</td>
<td>Unauthorised signs on land at Riverside Retail Park and Ashbourne Golf Club.</td>
<td>Waterside Park Waterside Road Ashbourne Derbyshire</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/16/00095</td>
<td>Unauthorised building works for the conversion of outbuildings to living accommodation.</td>
<td>Charity Farm Orchard Lane Wyaston Derbyshire DE6 2DR</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td><strong>Darley Dale</strong></td>
<td></td>
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</tr>
<tr>
<td>ENF/12/00034</td>
<td>Unauthorised demolition of a Listed wall and unauthorised access off the A6 at Dale Road North Darley Dale.</td>
<td>Stanciliffe Quarry, Darley Dale, Matlock.</td>
<td>Notice Issued</td>
</tr>
<tr>
<td>ENF/13/00022</td>
<td>Expiration of temporary planning permission. Erection of mobile home/chalet for agricultural worker for a temporary period of 3 years and retention of existing amenity building/office.</td>
<td>Woodside Farm Buildings Back Lane Darley Moor Matlock Derbyshire DE4 5LP</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/15/00034</td>
<td>Stationing of a caravan on land for suspected residential purposes and the use of an agricultural building for the keeping of horses.</td>
<td>Land At The Junction Of Back Lane And Flash Lane, Darley Moor, Matlock.</td>
<td>Notice Issued</td>
</tr>
<tr>
<td>ENF/16/00052</td>
<td>Creation of earth bund in a field to the south of Bent Farm.</td>
<td>Ameycroft Farm Farley Hill Matlock Derbyshire DE4 5LR</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/16/00055</td>
<td>Unauthorised engineering works to facilitate caravan hardstanding pitches</td>
<td>Tax Farm Farley Lane Farley Derbyshire DE4 5LQ</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/16/00071</td>
<td>Unauthorised engineering operations</td>
<td>The Beeches Hallmoor Road Darley Dale Derbyshire DE4 2HF</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/16/00092</td>
<td>Engineering operations to create a car park.</td>
<td>Milners Off Road Limited Old Road Darley Dale Derbyshire DE4 2ER</td>
<td>Pending Consideration</td>
</tr>
</tbody>
</table>

**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 | Pending Consideration |
| ENF/15/00092 | The unauthorised erection of a timber cabin for the purposes of human habitation. The Cabin, Laburnum Cottage, Mapleton. | Laburnum Cottage Mapleton Road Mapleton Derbyshire DE6 2AB | Pending Consideration |

**Doveridge And Sudbury**

| ENF/13/00019 | Unlawful siting of caravan for human habitation in agricultural field adjacent to Marston Lane at Doveridge. | Land North East Of Holmlea Farm Bungalow Marston Lane Doveridge Derbyshire | Notice Issued |
| ENF/15/00001 | Unauthorised breach of condition 11 of planning permission 08/00520/FUL - Conversion of barn to holiday let. | Somersal House Bowling Alley Lane Somersal Herbert Derbyshire DE6 5PD | Pending Consideration |
| ENF/15/00039 | Unauthorised change of use of agricultural outbuildings to office/business use. | Hunters Croft Upwoods Road Doveridge Derbyshire DE6 5LL | 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 | Redmire Gap Intakes Lane Turnditch Derbyshire DE56 2LU | Pending Consideration |
| ENF/15/00004 | Unauthorised engineering works including substantive excavation on land at Common Farm. | Common Farm Mugginton Lane End Weston Underwood Ashbourne Derbyshire DE6 4PP | Pending Consideration |
| ENF/15/00024 | Unauthorised change of use of holiday cabins to dwelling. | Blackbrook Lodge Farm Intakes Lane Turnditch Derbyshire DE56 2LU | Pending Consideration |
| ENF/16/00043 | Unauthorised engineering works on land at Whinney Hill Farm | Winney Hill Farm Hob Lane Kirk Ireton Derbyshire DE6 3LG | Pending Consideration |

**Masson**

<p>| ENF/11/00083 | Unauthorised rebuilding of retaining wall. | 24 Chapel Hill Cromford Derbyshire DE4 3QG | Notice Issued |
| ENF/13/00108 | Unauthorised works to Grade II Listed Building | Corn Mill Cottage Water Lane Cromford Derbyshire DE4 3QH | Notice Issued |</p>
<table>
<thead>
<tr>
<th>Reference</th>
<th>Issue Description</th>
<th>Address</th>
<th>Status</th>
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</thead>
<tbody>
<tr>
<td>ENF/15/00052</td>
<td>Installation of plastic windows in a listed building.</td>
<td>101 The Hill Cromford Derbyshire DE4 3QU</td>
<td>Notice Issued</td>
</tr>
<tr>
<td>ENF/15/00054</td>
<td>Unauthorised alterations to a Grade II Listed Building.</td>
<td>Rita's Fish Bar 182 South Parade Matlock Bath Derbyshire DE4 3NR</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/15/00060</td>
<td>Unauthorised installation of two roof-lights and flue on the rear roof slope.</td>
<td>Swifts Cottage 15 The Hill Cromford Derbyshire DE4 3RF</td>
<td>Notice Issued</td>
</tr>
<tr>
<td>ENF/15/00104</td>
<td>Unauthorised internal works and demolition of external boundary wall.</td>
<td>Mill Managers House Cromford Mill Mill Road Cromford Derbyshire DE4 3RQ</td>
<td>Notice Issued</td>
</tr>
<tr>
<td>ENF/15/00105</td>
<td>Unauthorised engineering operations to create extra parking/turning area.</td>
<td>G P Produce The Hill Cromford Derbyshire DE4 3QL</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/16/00024</td>
<td>Unauthorised occupation of holiday let as residential dwelling.</td>
<td>The Farrow's Chestnut Farm Abel Lane Bonsall Derbyshire</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/16/00028</td>
<td>Unauthorised erection of fence within the curtilage, at the rear, of a Grade II Listed Building.</td>
<td>86 The Hill Cromford Derbyshire DE4 3QU</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/16/00037</td>
<td>Unauthorised extension to property.</td>
<td>1 Water Lane Cromford Derbyshire DE4 3QH</td>
<td>Notice Issued</td>
</tr>
<tr>
<td>ENF/16/00041</td>
<td>Unauthorised instalation of plastic windows and door.</td>
<td>2,4,6 North Parade Matlock Bath Derbyshire DE4 3NS</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/16/00063</td>
<td>Change of Use of premises to Cafe</td>
<td>Restoration Cafe Former Tourist Information Centre Grand Pavilion South Parade Matlock Bath Derbyshire DE4 3NR</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/16/00066</td>
<td>Alleged unauthorised building works to rear of property. - 138-142 North Parade Matlock Bath, Derbyshire, DE4 3NS</td>
<td>Kostas Restaurant 138 North Parade Matlock Bath Derbyshire DE4 3NS</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/16/00076</td>
<td>Unauthorised &quot;mini fish, chips &amp; peas&quot; banner on railings.</td>
<td>Halls Merry Go Round 200 South Parade Matlock Bath Derbyshire DE4 3NR</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/16/00078</td>
<td>Works to clad a bus stop in stone.</td>
<td>Bus Stop Near To The Fountain. Bonsall.</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/16/00084</td>
<td>Unauthorised banner advertisements.</td>
<td>RIVA 124 - 126 North Parade Matlock Bath Derbyshire DE4 3NS</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/16/00090</td>
<td>Erection of a shed, decking and fence.</td>
<td>2 Primrose Cottages St Johns Road Matlock Bath Derbyshire DE4 3PQ</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/16/00097</td>
<td>Unauthorised engineering operations and the creation of concrete retaining wall.</td>
<td>UK Slipform Ltd Dunsley Mill Via Gellia Road Bonsall Derbyshire DE4 2AJ</td>
<td>Pending Consideration</td>
</tr>
</tbody>
</table>

Matlock All Saints

<table>
<thead>
<tr>
<th>Reference</th>
<th>Issue Description</th>
<th>Address</th>
<th>Status</th>
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</thead>
<tbody>
<tr>
<td>ENF/14/00006</td>
<td>Unauthorised change of use from domestic curtilage to use as commercial car park relating to Parkside Fitness</td>
<td>5 Olde Englishe Road Matlock Derbyshire DE4 3RR</td>
<td>Pending Consideration</td>
</tr>
</tbody>
</table>
ENF/15/00030  Unauthorised "PELI" advertisement
Peli Deli 6 Crown Square Matlock Derbyshire DE4 3AT  Notice Issued

ENF/15/00087  Breach of conditions on planning application number 14/00493/FUL
10 Imperial Road Matlock Derbyshire DE4 3NL  Pending Consideration

ENF/16/00014  Unauthorised fencing/decking to the side and rear with associated engineering operations.
38 Megdale Matlock Derbyshire DE4 3JW  Pending Consideration

ENF/16/00015  Breach of condition 2 on planning permission (office code) 13/00005/FUL.
19 Dale Road Matlock Derbyshire DE4 3LT  Pending Consideration

ENF/16/00038  Unauthorised erection of fences and alleged car sales business.
2 Bentley Close Matlock Derbyshire DE4 3GF  Pending Consideration

ENF/16/00093  Breach of condition relating to Tree protection on land off Bakewell Road at Matlock
McDonald's 43 Bakewell Road Matlock Derbyshire DE4 3AU  Pending Consideration

ENF/16/00098  Unauthorised side extension.
21 Imperial Road Matlock Derbyshire DE4 3NL  Pending Consideration

Matlock St Giles

ENF/13/00084  Unauthorised erection of workshop
Phillips Woodware Smuse Lane Matlock Derbyshire DE4 5EY  Notice Issued

ENF/15/00083  Non compliance with pre-commencement conditions attached to planning permission (15/00453/FUL)
Gate Inn The Knoll Tansley Derbyshire DE4 5FN  Pending Consideration

ENF/16/00025  1/ Unauthorised engineering operations to create an earth bund and storage of materials behind it.
2/ Rearrangement of existing bund.
Land Off Alders Lane, Tansley.  Pending Consideration

ENF/16/00046  Alleged that the stone used for the extension is not in keeping with the rest of the property as conditioned by the planning permission 14/00360/FUL
Hurst Cottage 14 Bull Lane Matlock Derbyshire DE4 5LX  Pending Consideration

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

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

ENF/16/00057  Change of use of agricultural land to the rear of 76 - 78 Starkholmes Road Matlock, to incorporate within the domestic curtilage of 78 Starkholmes Road, Matlock, DE4 3DD.
78 Starkholmes Road Matlock Derbyshire DE4 3DD  Pending Consideration

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

Norbury

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<table>
<thead>
<tr>
<th>ENF/11/00091</th>
<th>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</th>
<th>Home Farm Thurvaston Road Marston Montgomery Derbyshire DE6 2FF</th>
<th>Notice Issued</th>
</tr>
</thead>
<tbody>
<tr>
<td>ENF/13/00050</td>
<td>Unauthorised building works to an agricultural building. (Increasing the height).</td>
<td>Barn Opposite Field Cottage Finny Lane Rodsley Derbyshire</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/14/00030</td>
<td>Change of use of land from use for Microlight flying to use for the flying of Biplane aircraft.</td>
<td>Airways Airsports Darley Moor Airfield Darley Moor Ashbourne Derbyshire DE6 2ET</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td><strong>Stanton</strong></td>
<td></td>
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<td></td>
</tr>
<tr>
<td>ENF/16/00067</td>
<td>Unauthorised erection of a timber fence adjacent to a highway.</td>
<td>2 River View Dale Road North Darley Dale Derbyshire DE4 2HX</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/16/00086</td>
<td>Unauthorised erection of an oversized fence adjacent to a highway.</td>
<td>1 River View Dale Road North Darley Dale Derbyshire DE4 2HX</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td><strong>Wirksworth</strong></td>
<td></td>
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<tr>
<td>ENF/15/00068</td>
<td>Unauthorised change of use of land for the stationing of a caravan for residential purposes, the erection of a small timber building and the erection of a polly tunnel and portaloo.</td>
<td>Peak View Caravan Site Brassington Lane Wirksworth Derbyshire</td>
<td>Notice Issued</td>
</tr>
<tr>
<td>ENF/15/00079</td>
<td>Works to a Listed Building</td>
<td>14 Market Place Wirksworth Derbyshire DE4 4ET</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/15/00082</td>
<td>Unauthorised engineering operations.</td>
<td>Land Off Oakerthorpe Road Bolehill Derbyshire</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/16/00040</td>
<td>Unauthorised satellite dish.</td>
<td>21 North End Wirksworth Derbyshire DE4 4FG</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/16/00045</td>
<td>Change of use of land from agricultural to caravan site and domestic curtlilage (for stationing of childrens play equipment). Land to the rear of Ladycroft, Wash Green, Wirksworth, DE4 4FD</td>
<td>Ladycroft Wash Green Wirksworth Derbyshire DE4 4FD</td>
<td>Notice Issued</td>
</tr>
<tr>
<td>ENF/16/00059</td>
<td>Unauthorised alterations to a Listed Building.</td>
<td>The Old Manse Coldwell Street Wirksworth Derbyshire DE4 4FB</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/16/00064</td>
<td>Installation of plastic windows.</td>
<td>45 North End Wirksworth Derbyshire DE4 4FG</td>
<td>Pending Consideration</td>
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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>Pending Consideration</td>
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<tr>
<td>ENF/16/00080</td>
<td>Engineering operations in a field to create a pond.</td>
<td>2 Little Bolehill Bolehill Derbyshire DE4 4GR</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>Location</td>
<td>Case Number</td>
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<tr>
<td>Ashbourne South</td>
<td>ENF/16/00062</td>
<td>Breach of condition 26 of planning permission 13/00854/REM - erection of 38 dwellings and associated public open space and infrastructure (approval of reserved matters), Land off Lodge Farm Chase, Ashbourne, Derbyshire</td>
<td>4 Bower Close Ashbourne Derbyshire DE6 1TA</td>
</tr>
<tr>
<td>Carsington Water</td>
<td>ENF/16/00074</td>
<td>Alleged unauthorised timber building to front of property known as Dragons End, Town Street, Brassington</td>
<td>Dragons End Town Street Brassington Derbyshire DE4 4HB</td>
</tr>
<tr>
<td>Clifton And Bradley</td>
<td>ENF/16/00072</td>
<td>Alleged unauthorised building works on Mill Lane at Shirley.</td>
<td>Thatch Lodge Mill Lane Shirley Derbyshire DE6 3AR</td>
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<td></td>
<td>ENF/16/00091</td>
<td>Unauthorised change of use of land from Agricultural to domestic curtilage, to the rear of property known as 2 Yew Tree Lane, Bradley.</td>
<td>2 Yew Tree Lane Bradley Derbyshire DE6 1PG</td>
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<td></td>
<td>ENF/16/00096</td>
<td>Breach of condition relating to site storage and off road parking.</td>
<td>Rose Cottage Snapes Lane Snelston Derbyshire DE6 2DL</td>
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<tr>
<td>Darley Dale</td>
<td>ENF/12/00092</td>
<td>Unauthorised building works and siting of caravan on land at junction of Back Lane and Flash Lane, Darley Moor, Matlock.</td>
<td>Land At Junction Of Back Lane And Flash Lane Darley Moor Matlock Derbyshire</td>
</tr>
<tr>
<td></td>
<td>ENF/15/00100</td>
<td>Erection of a wooden building for use as a dog grooming salon.</td>
<td>Woodville Northwood Avenue Darley Dale Derbyshire DE4 2GD</td>
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<td></td>
<td>ENF/16/00005</td>
<td>Use of a domestic garage/premises to run a chemical paint stripping business.</td>
<td>6 Sunnyside Terrace Farley Hill Matlock Derbyshire DE4 5LT</td>
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<td></td>
<td>ENF/16/00042</td>
<td>Unauthorised internally illuminated advertisement.</td>
<td>Valley Lodge Nursing Home Bakewell Road Matlock Derbyshire DE4 3BN</td>
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<tr>
<td></td>
<td>ENF/16/00069</td>
<td>Unauthorised erection of wooden carport structure</td>
<td>Slayleigh 1 Rotherwood Villas Dale Road South Darley Dale Derbyshire DE4 2EU</td>
</tr>
<tr>
<td>Reference</td>
<td>Description</td>
<td>Address</td>
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<td>ENF/16/00075</td>
<td>Alleged unauthorised garage.</td>
<td>Whitworth House Dale Road North Darley Dale Derbyshire DE4 2FS</td>
<td>Complaint Unfounded</td>
</tr>
<tr>
<td>ENF/16/00082</td>
<td>Alleged unauthorised engineering operations.</td>
<td>Oker House Moor Lane Darley Dale Derbyshire DE4 2HG</td>
<td>Complied Voluntarily</td>
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<tr>
<td><strong>Dovedale And Parwich</strong></td>
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<tr>
<td>ENF/16/00061</td>
<td>Unauthorised erection of lampposts within an agricultural field, to facilitate vehicular parking.</td>
<td>Callow Hall Country House Hotel Mapleton Road Mapleton Derbyshire DE6 2AA</td>
<td>Complied Voluntarily</td>
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<tr>
<td><strong>Doveridge And Sudbury</strong></td>
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<tr>
<td>ENF/16/00081</td>
<td>alleged breach of condition 4 of planning permission 16/00419/FUL - cond’n 4 states, No development shall commence on site until a scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority.</td>
<td>Abbotsholme Stud Marston Bank Rocester Derbyshire ST14 5BP</td>
<td>Complied Voluntarily</td>
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<td><strong>Masson</strong></td>
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<tr>
<td>ENF/15/00063</td>
<td>Alterations to a Listed Building</td>
<td>26 North Street Cromford Derbyshire DE4 3RG</td>
<td>Planning Application Received</td>
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<tr>
<td>ENF/16/00039</td>
<td>Problem beginning to cause damage and staining to the historic fabric of a Listed Building</td>
<td>Greyhound Hotel Market Place Cromford Derbyshire DE4 3QE</td>
<td>Complied Voluntarily</td>
</tr>
<tr>
<td>ENF/16/00050</td>
<td>Unlawful Banner advertisments on railings around Cromford junction.</td>
<td>Various Railings Around Cromford Junction</td>
<td>Justification from Officer</td>
</tr>
<tr>
<td>ENF/16/00058</td>
<td>Unauthorised facia advertisement.</td>
<td>F Coffee 6 North Parade Matlock Bath Derbyshire DE4 3NS</td>
<td>Complied Voluntarily</td>
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<tr>
<td>ENF/16/00070</td>
<td>Alleged engineering operations</td>
<td>Land To The South Of Yeats Lane, Cromford.</td>
<td>Complaint Unfounded</td>
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<tr>
<td>ENF/16/00077</td>
<td>Untidy site</td>
<td>Promenade Fish And Chip Shop 128 - 132 North Parade Matlock Bath Derbyshire DE4 3NS</td>
<td>Complied Voluntarily</td>
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<tr>
<td>ENF/16/00083</td>
<td>Alleged change of use for selling tea and coffee.</td>
<td>Simon Dunn Chocolatiers S2 - 54 North Parade Matlock Bath Derbyshire DE4 3NS</td>
<td>Complaint Unfounded</td>
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<tr>
<td>ENF/16/00085</td>
<td>Alleged unauthorised alterations to a Listed Building.</td>
<td>Greyhound Hotel Market Place Cromford Derbyshire DE4 3QE</td>
<td>Complaint Unfounded</td>
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<td><strong>Matlock All Saints</strong></td>
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<tr>
<td>Case Reference</td>
<td>Description</td>
<td>Location</td>
<td>Result</td>
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<td>ENF/16/00054</td>
<td>Engineering operations on land the East side of 80 Jackson Road.</td>
<td>80 Jackson Road Matlock Derbyshire DE4 3JQ</td>
<td>Complaint Unfounded</td>
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<tr>
<td>ENF/16/00060</td>
<td>Condition 4 on Planning Permission office code 08/00087/FUL &quot;Erection of Conservatory&quot;</td>
<td>15 Bank Gardens Matlock Derbyshire DE4 3WA</td>
<td>Complied Voluntarily</td>
</tr>
<tr>
<td>ENF/16/00094</td>
<td>Alleged unauthorised advertisements.</td>
<td>8 Snitterton Road Matlock Derbyshire DE4 3LZ</td>
<td>Complaint Unfounded</td>
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<td><strong>Matlock St Giles</strong></td>
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<tr>
<td>ENF/15/00088</td>
<td>Unauthorised play equipment at The Gate Inn, Tansley.</td>
<td>Gate Inn The Knoll Tansley Derbyshire DE4 5FN</td>
<td>Appeal Allowed</td>
</tr>
<tr>
<td>ENF/15/00098</td>
<td>Unauthorised engineering operations on fields to the South West of Derwent Treescapes.</td>
<td>Derwent Treescapes Limited Deep Carr Lane Matlock Derbyshire DE4 3NQ</td>
<td>Planning Application Received</td>
</tr>
<tr>
<td>ENF/16/00002</td>
<td>Erection of wooden structure building and untidy site consisting of the storage of pipes, pipe fittings, buckets, plastic containers, burnt materials, old car parts, old toilet seat, steel frames, bags of waste and discarded household materials.</td>
<td>55 Church Street Matlock Derbyshire DE4 3BY</td>
<td>Complied Voluntarily</td>
</tr>
<tr>
<td>ENF/16/00018</td>
<td>Unauthorised extensions to existing stables and field shelter.</td>
<td>Land To The West Of Three Lanes End Whitelea Lane Tansley Derbyshire</td>
<td>Planning Application Received</td>
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<tr>
<td><strong>Norbury</strong></td>
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<tr>
<td>ENF/16/00068</td>
<td>Alleged breach of condition 9 relating to the slurry pit on land at Four Oaks Farm, Shields Lane, Roston. 10/00580/FUL - condition 9 &quot;The slurry lagoon hereby approved shall only be used for the storage of slurry arising from the keeping of livestock on the site and livestock kept at Pear Tree Farm, Stubwood. It shall not be used for the storage of slurry or any other waste material imported from elsewhere&quot;.</td>
<td>Land To The South Of West View Shields Lane Roston Derbyshire</td>
<td>Complaint Unfounded</td>
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<td><strong>Stanton</strong></td>
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<tr>
<td>ENF/15/00008</td>
<td>Rebuilding a roadside wall and the use of part of an agricultural building.</td>
<td>103 Northwood Lane Darley Dale Derbyshire DE4 2HS</td>
<td>Not in the Public interest to pursue</td>
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<tr>
<td><strong>Wirksworth</strong></td>
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<tr>
<td>ENF/16/00049</td>
<td>Alleged unauthorised building works at the rear of 3 Crabtree Close Wirksworth</td>
<td>4 Crabtree Close Wirksworth Derbyshire DE4 4AP</td>
<td>Complaint Unfounded</td>
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<tr>
<td>ENF/16/00088</td>
<td>Alleged unauthorised extension to an existing building.</td>
<td>Ecclesbourne Valley Railway Wirksworth Station Station Road Wirksworth Derbyshire DE4 4FB</td>
<td>Complaint Unfounded</td>
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**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>14/00224/FUL</td>
<td>North of Viaton Industries Ltd, Manystones Lane, Brassington</td>
<td>PI</td>
<td>Appeal being processed</td>
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<tr>
<td>15/00326/CLEUD</td>
<td>Aragorn Cabin, Mercaston Lane, Mercaston</td>
<td>WR</td>
<td>Appeal being processed</td>
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<tr>
<td>15/00842/FUL</td>
<td>The Old Cottage, Main Street, Kirk Ireton</td>
<td>WR</td>
<td>Appeal dismissed – copy of appeal decision attached</td>
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<tr>
<td>ENF/15/00097</td>
<td>Land located at Aragorn Cabin, Mercaston Lane, Mercaston</td>
<td>WR</td>
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<tr>
<td>16/00095/OUT</td>
<td>Babbs Lane, Doveridge</td>
<td>PI</td>
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<tr>
<td>16/00206/FUL</td>
<td>Orchard View, Yeldersley</td>
<td>WR</td>
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<tr>
<td>16/00307/FUL</td>
<td>The Old Cottage, Main Street, Kirk Ireton</td>
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<td>Appeal allowed – copy of appeal decision attached</td>
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<tr>
<td>16/00467/FUL</td>
<td>The Pigsty, Green Lane, Norbury</td>
<td>WR</td>
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<td>16/00066/FUL</td>
<td>Ley Hill House, Brocksford, Doveridge</td>
<td>WR</td>
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<tr>
<td>16/00178/PDA</td>
<td>The Cedars, Main Street, Hollington</td>
<td>WR</td>
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<tr>
<td>16/00387/FUL</td>
<td>The Barn, Somersal Lane, Marston Montgomery</td>
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<td>16/00268/FUL</td>
<td>17 Belle Vue Road, Ashbourne</td>
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<td>16/00088/OUT</td>
<td>Land between Flakes Barn and The Cemetery, West End, Brassington</td>
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<td>Application No.</td>
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<td>District</td>
<td>Decision</td>
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<td>15/00809/FUL</td>
<td>Lower Street, Doveridge</td>
<td>WR</td>
<td>Appeal being processed</td>
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<tr>
<td>16/00254/FUL</td>
<td>Land off Mapleton Road, Ashbourne</td>
<td>WR</td>
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<td><strong>Central</strong></td>
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<tr>
<td>15/00429/FUL</td>
<td>Land adjacent 11, Little Bolehill, Bolehill</td>
<td>WR</td>
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<tr>
<td>15/00863/OUT</td>
<td>Mor Farm, Foxholes Lane, Tansley</td>
<td>WR</td>
<td>Appeal dismissed – copy of appeal decision attached</td>
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<tr>
<td>T/16/00086/TPO</td>
<td>The Sycamores, 2 Wishingstone Way, Matlock</td>
<td>WR</td>
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<tr>
<td>ENF/16/00041</td>
<td>2, 4 and 6 North Parade, Matlock Bath</td>
<td>WR</td>
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<tr>
<td>16/00151/FUL</td>
<td>Barn &amp; Lane, Brick Kiln Lane, Wash Green, Wirksworth</td>
<td>WR</td>
<td>Appeal being processed</td>
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</table>

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

**OFFICER RECOMMENDATION:**

That the report be noted.
Appeal Decisions

Site visit made on 8 November 2016

by A A Phillips  BA(Hons) DipTP MTP MRTPi
an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 29 November 2016

Appeal A Ref: APP/P1045/W/16/3156391
The Old Cottage, Main Street, Kirk Ireton, Derbyshire DE6 3LD
• 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 S and G Patel against the decision of Derbyshire Dales District Council.
• The application Ref 15/00842/FUL, dated 20 November 2015, was refused by notice dated 17 February 2016.
• The development proposed is erection of two dwellings on land to the rear.

Appeal B Ref: APP/P1045/W/16/3157642
The Old Cottage, Main Street, Kirk Ireton, Ashbourne DE6 3LD
• 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 S and G Patel against the decision of Derbyshire Dales District Council.
• The application Ref 16/00307/FUL, dated 26 April 2016, was refused by notice dated 10 August 2016.
• The development proposed is the erection of a single dwelling on land to the rear of The Old Cottage.

Decisions

1. Appeal A is dismissed.

2. Appeal B is allowed and planning permission is granted for the erection of a single dwelling at The Old Cottage, Main Street, Kirk Ireton, Ashbourne DE6 3LD in accordance with the terms of the application, Ref 16/00307/FUL, dated 26 April 2016, subject to the conditions set out in the Schedule to these decisions.

Procedural Matters

3. Although at the time of determining Appeal A on 20 November 2015 the Council could not demonstrate a five year housing land supply I note that by the time of determining the application the subject of Appeal B on 10 August 2016 a five year housing land supply could be demonstrated. However, the Council considered that the policies of the Derbyshire Dales Local Plan Adopted November 2005 (the LP) were out-of-date as they pre-date the National Planning Policy Framework (the Framework). This remains the Council’s position. The Framework advises that due weight should be given to relevant policies in existing plans according to their degree of consistency with the
Framework. The closer the policies are to the policies in the Framework, the greater the weight that may be given. I have determined the current appeals on that basis.

4. I am also aware that the planning applications the subject of these appeals do not include the demolition of the ancillary stone building to the side of The Old Cottage.

Main Issues

5. The main issue in both appeals is the effect of the proposed development on the character and appearance of the Kirk Ireton Conservation Area.

6. With reference to Appeal A, there is an additional main issue of the effect of the proposed development on the living conditions of the occupants of an adjacent residential property, Greenway, with particular reference to outlook.

Reasons

Character and Appearance of the Conservation Area

7. The appeal site is a large plot of garden land to the rear of The Old Cottage which is a detached two storey house situated in the historic core of the village of Kirk Ireton. It is within the Kirk Ireton Conservation Area and is set in a particularly high quality environment comprising mainly traditional stone cottages, houses and other buildings from mainly the eighteenth and nineteenth centuries in an attractive part of the village.

8. Most buildings in the area are built of local stone with pitched or gabled roofs. The site has a variety of boundary treatments with other residential properties located close to the existing garden area.

9. Policy NBE21 of the LP relates to development affecting Conservation Areas and states that planning permission for development proposals within a Conservation Area will be granted where they preserve or enhance the character or appearance of the area. Although the Framework has been introduced since the adoption of the LP, the overall objectives of Policy NBE21 remain consistent with the broad approach of the Framework with regard to development in Conservation Areas.

10. The Old Cottage is one of the older properties along the Main Street and its large curtilage to the rear along with the large curtilage to an adjacent residential property forms a large area of open space in the village. To the rear the plot is adjacent to more modern housing on Peats Close. As a consequence of previous development in the village these rear curtilage areas form one of the last remaining large open spaces associated with the historic development along Main Street. The proposals would lead to the loss of this expanse of open space.

11. However, the space feels somewhat detached from Main Street and the historic frontage properties. It may be visible from the rear of some nearby residential properties; however, it is not at all prominent from the public realm and therefore its visual contribution to the appearance of the Conservation Area is limited. The dwellings the subject of Appeal A would be located towards the rear of the site with good separation from The Old Cottage, properties fronting onto Main Street and others in the vicinity of the site. Generous open spaces
would be retained adjacent to both properties in the form of the proposed curtilage areas and the remaining open spaces to the rear of existing residential properties.

12. With reference to Appeal B the single property would similarly retain large areas of open space at the heart of the village.

13. I acknowledge that the site the subject of these appeals has remained development free and that the proposals would alter the character and function of the area of open space which has been historically associated with residential properties along Main Street.

14. Although the space lies close to a range of properties, including the historic cottages and houses along Main Street, modern mews development on Ireton Close and less attractive residential properties along Peats Close, it is largely screened from Main Street by existing buildings and structures. As such, it is difficult to conclude that the proposal would be viewed as visually intrusive layering of housing in a cramped form incongruous in its local and historic context. The overall design and materiality of the proposals are suitable in this part of the Conservation Area.

15. The Council has approved residential development in rear gardens in the past. However, I do not consider that previous decisions should be used to justify the current proposal. In any case I do not have the full details of any previously approved developments and the circumstances of nearby sites appear to me to be materially different to the current case. I am also required to determine the current appeals on their own merits.

16. On this issue, I conclude that both forms of development would preserve the overall character and appearance of the Kirk Ireton Conservation Area and would not prejudice the setting of important buildings within the Conservation Area to the detriment of overall character and appearance. They would therefore comply with the requirements of Policy NBE21 of the LP and the Framework.

Living Conditions

17. With respect to Appeal A only there is concern arising from the proximity of the proposed dwelling Plot B to an existing residential property known as ‘Greenway’, which is situated to the rear of the appeal site. I observed at my site visit that Greenway appears to have windows serving habitable rooms in its elevation which faces directly towards Plot B at a distance of less than 10 metres.

18. The appellant contends that the proposed development has been designed to take account of the effect on the living conditions of the occupants of Greenways and that the proposal meets the requirements of the standards of sunlight and daylight published by the Building Research Establishment (BRE) in ‘Site Layout for Daylight and Sunlight. A guide to good practice 2011’. I also observed on site that relatively dense hedging and shrubs exist along the boundary between Greenway and the appeal site which do restrict daylight levels to the existing property.

19. Nonetheless, Plot B would be a mostly solid structure with a gable end very close to the site boundary. The nature of the effect of such a solid structure would be very different to the effect of existing vegetation on the outlook of
adjoining occupants. Although the evidence before me indicates that the proposal meets BRE guidance in terms of sunlight and daylight standards, it would be a dominant, intrusive and overbearing feature which would be harmful to the outlook of the occupants of the adjacent property.

20. The Council considers that the development may also be prejudicial to the existing landscaping along the boundary. Although I have no evidence that this would be the case, given the proximity of the buildings to the boundary there is some risk that the screening could be harmed, exacerbating the effect of the solid structure on the outlook of the occupants of Greenway.

21. I conclude that the proposal the subject of Appeal A would be harmful to the living conditions of the occupants of the adjacent property, Greenway, with particular reference to outlook. This would be contrary to the amenity requirements of Policies SF5 and H9 of the LP which remain broadly consistent with the approach to development as set out in the Framework.

Other Matters

22. With respect to Appeal A I have had regard to other matters raised including highways and access concerns, overlooking and privacy, drainage, lack of affordable housing, wildlife and health and safety concerns. However, as I am dismissing Appeal A on the main issue of living conditions for the reasons given above, I have not pursued these matters further.

23. However, with respect to Appeal B I am aware of other matters raised from interested parties that are not addressed above. These include living conditions, highways and access, drainage, pressure on local schools, trees and wildlife and precedent.

24. In terms of living conditions the evidence before me, and my observations on site, lead me to conclude that because of separation distances and orientation of the properties the proposal would not result in harm to the living conditions of the occupants of existing residential properties in terms of privacy, overlooking or loss of light. Nor do I consider that the noise levels arising from the access to a single property would be harmful to living conditions. Given the limited scale of the proposal I do not consider that the disturbance arising from construction activity would be significant. As such, a condition limiting the hours of operation is unnecessary in this case.

25. The County Council’s Highways Officer has raised no objections to the proposals, subject to the attachment of suitably worded conditions. I consider that the proposed access and parking arrangements are adequate to serve the needs of the proposed dwelling. In approving planning permission with respect to Appeal B I have attached appropriate highways conditions as explained below.

26. I have also considered concerns regarding the drainage of the site. The application proposes connection in to the existing drainage system via mains drainage connections in the nearby road. The site is not within an area at risk from flooding and as such I consider that satisfactory drainage can be achieved.

27. Finally, there is some concern that the development would lead to further pressure on local schools. I have no evidence that this is a current problem.
and the development of a single dwelling would be of little consequence with regard to this matter.

28. I have no evidence that the proposal would be harmful to any nature conservation interest within the site or that important trees would be lost.

29. I have also considered the argument that the grant of planning permission would set a precedent for other similar developments. However, there are limited comparable sites nearby where a similar proposal may be put forward in the future. Each application and appeal must be determined on its individual merits, and a generalised concern of this nature does not justify withholding permission in this case.

30. Finally, some concern has been raised regarding the effect of development on the stability of neighbouring properties. However, I have no evidence that this would be the case. Furthermore, it is a well-established principle that the planning system is not concerned with such matters. Furthermore, I can find no reason why the grant of planning permission would negate or supersede any private legal rights relating to property. Accordingly, such issues have not had any material bearing on my assessment of the planning issues in this case.

**Conditions**

31. The Council has suggested a number of conditions that I have had regard to in allowing Appeal B. In addition to the condition limiting the lifespan of the planning permission I have specified the approved plans, as this provides certainty. Conditions requiring the submission and approval of external materials and hard and soft landscaping details including their implementation are required in order to safeguard the character and appearance of the area.

32. I have also specified conditions relating to the provision of space for site accommodation, storage of plant and materials, parking and manoeuvring of site operative’s and visitors’ parking, together with loading, unloading and manoeuvring of goods vehicles and the laying out of spaces for car parking and turning in the interests of highway safety. The submitted plans clearly show the provision of refuse, recycling and garden waste bins within the curtilage of the proposed dwelling. Consequently, I do not find it necessary to impose a condition relating to the bin storage.

33. The Framework advises that conditions should restrict national permitted development rights only where there is clear justification to do so. I am not satisfied that in this case the Council’s suggested condition to remove householder rights is necessary as no clear justification is provided.

**Conclusion**

34. I have found no harm with respect to both Appeals A and B, in terms of the effect of the proposals on the character and appearance of the Kirk Ireton Conservation Area.

35. However, with respect to Appeal A I have found that the proposal would be harmful to the living conditions of the occupants of an adjacent residential property, Greenway, with particular reference to outlook. That is the overriding consideration in that case.
36. Therefore, having had regard to all other matters raised, I conclude that Appeal A should be dismissed and Appeal B should be allowed.

Alastair Phillips

INSPECTOR
SCHEDULE OF CONDITIONS (6 IN TOTAL)

1) The development hereby permitted shall begin not later than 3 years from the date of this decision.

2) The development hereby permitted shall be carried out in accordance with the following approved plans: 01-001 rev 001, 01-002 rev 001, 01-003 rev 001, 01-101 rev 001, 01-102 rev 001, 01-301 rev 001 and 01-302 rev 001, all for Project Number 20349.

3) No development shall commence until samples of the materials to be used in the construction of the external surfaces of the dwelling hereby permitted have been submitted to and approved in writing by the local planning authority. This shall include stonework, roofing materials, windows and doors, downpipes, guttering and hard surfacing. The relevant works shall be carried out in accordance with the approved sample details.

4) No development shall commence until details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. These details shall include:
   i) an indication of existing trees, hedgerows and other vegetation on the land;
   ii) retained trees, hedgerows and other soft landscaping features where relevant;
   iii) measures for the protection of retained vegetation during the course of the development;
   iv) soil preparation, cultivation and improvement;
   v) all plant species, planting sizes, planting densities, the number of each species to be planted and plant protection;
   vi) earthworks showing existing and proposed finished levels or contours;
   vii) means of enclosure and retaining structures;
   viii) boundary treatments; and
   ix) hard surfacing materials.

The soft landscaping works shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species. 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.

5) Prior to the commencement of any development space shall be provided within the site for site accommodation, storage of plant and materials, parking and manoeuvring of site operatives’ and visitors’ vehicles, together with the loading, unloading and manoeuvring of goods vehicles in accordance with a scheme to be submitted to and approved in writing.
by the local planning authority prior to the commencement of development. Once implemented the space shall be retained free from any impediment to its designated use throughout the construction period.

6) The dwelling shall not be occupied until space has been laid out within the site in accordance with drawing no. 01-003 rev 001 for 2 cars to be parked and for vehicles to turn so that they may enter and leave the site in forward gear and that space shall thereafter be kept available at all times for those purposes.
Appeal Decision

Site visit made on 14 November 2016

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

Decision date: 16th November 2016

Appeal Ref: APP/P1045/D/16/3159442
The Barn, Somersal Lane, Marston Montgomery, Derbyshire, DE6 2FE

- 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 Nicholas Selby against the decision of Derbyshire Dales District Council.
- The application Ref 16/00387/FUL, dated 27 May 2016, was refused by notice dated 26 July 2016.
- The development proposed is a detached twin garage.

Decision

1. The appeal is dismissed.

Procedural matter

2. The planning application was submitted by Mrs S Selby who given permission for Mr Nicholas Selby to submit the appeal on her behalf.

Main Issue

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

Reasons

4. The appeal dwelling is a residential barn conversion that was granted permission in 2000 for conversion to two dwellings subject to a condition that withdrew permitted development rights for extensions and other permitted development in order to preserve the character and appearance of the area.

5. The Council’s policy H5 in the Derbyshire Dales Local Plan (LP) (2005) is, therefore, not relevant to this appeal as it refers to the conversion of buildings to residential use. However, LP policy H2 for extensions to dwellings and the Council’s adopted supplementary planning document (SPD) ‘The Conversion of Farm Buildings’ (2005) are relevant and accord with the National Planning Policy Framework which seeks to ensure that new development responds to local character and history, reflects the identity of local surroundings and reinforces local distinctiveness. The SPD does not prevent new garage buildings but seeks to ensure that they do not harm the character and setting of former farm buildings.
6. The appeal site lies on the edge of the small village of Marston Montgomery on a corner. It is clearly seen in the approach from the south west along Somersal Lane. The rural, agricultural character of the village derives from the number of traditional farmhouses, cottages and former barns (notwithstanding that others have permission for demolition and re-development) that are interspersed with more modern dwellings along narrow lanes from which the surrounding countryside is clearly seen.

7. The barn has an L-shaped rectangular plan form, comprising a single storey block and a two storey block. It has been sensitively converted, retaining its original openings and minimising new ones, so that its original agricultural character is evident. This contributes positively to the rural character and appearance of the surrounding area.

8. The proposed garage would be sited in front of the building, close to its Somersal Lane elevation and close to the junction of Somersal Lane and Barway. I have noted that the appellant intends to create a courtyard effect and that the proposal includes matching external materials, details such as vents in the brickwork and keeps the height to a minimum so that the second storey would remain visible.

9. However, rather than creating a courtyard effect, its detached siting and position forward of the building would disrupt the view of the building when seen from Somersal Lane and from the relatively prominent corner on which the appeal site is located. It would appear visually detached and as a result its small size and square plan form would appear at odds with the larger size and rectangular plan form of the barn, creating a lack of unity and an incongruous addition to the former farm building. I conclude then that, by reason of its siting, this would harm not only the character and appearance of the existing building but also that of the surrounding area. It would conflict with LP policy H2, with the Council’s SPD and with the Framework.

10. At my visit I saw that there are other detached garages in the immediate area but those have a different context in that they do not sit in front of a former farm building. Whilst the siting for the garage was occupied previously by large corrugated iron sheds prior to the conversion, those are no longer there and the proposed garage would not provide any environmental enhancement. These matters do not, therefore, persuade me to alter my findings in regard to this proposal.

Conclusion

11. As I have concluded that the proposed development would result in harm to the character and appearance of the area, it would not fulfil the environmental dimension of the Framework. This harm is significant and demonstrable and in this case there are no benefits that would outweigh it. This leads me to conclude that the proposal is not sustainable development and it would be contrary to the development plan and to the Framework as a whole. I have taken into account all other matters raised but none is sufficient to alter the outcome of my findings. The appeal should be dismissed.

Sarah Colebourne

Inspector
**Appeal Decision**

Site visit made on 10 October 2016

by Claire Searson  MSc PGDip BSc (Hons) MRTP IHBC
an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 4th November 2016

Appeal Ref: APP/P1045/W/16/3152406

Land Adjacent to 11, Little Bolehill, Bolehill, Derbyshire, DE4 4GR

- 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 D Sheldon against the decision of Derbyshire Dales District Council.
- The application Ref 15/00429/FUL, dated 23 June 2015, was refused by notice dated 20 January 2016.
- The development proposed is an agricultural building to store farm equipment and fodder.

**Decision**

1. The appeal is dismissed.

**Main Issues**

2. The two main issues are:
   - (a) whether there is an established agricultural need for the erection of the building; and,
   - (b) whether the proposal would preserve or enhance the character or appearance of the area, with specific regard to Wirksworth Conservation Area.

**Reasons**

**Policy Background**

3. Saved Policy SF4 within the Derbyshire Dales Local Plan 2005 (LP) sets out a number of criteria whereby development in the countryside is supported including where it is required to serve the essential requirements of agriculture, forestry and outdoor sport or recreation and where it would preserve or enhance the character of the countryside and is appropriate in scale.

4. Policy EDT13, specifically relates to buildings associated with agriculture. This permits such development where (a) the building or group of buildings are required to support the agricultural, forestry or other rural based enterprise on the site, (b) the size of the building or group of buildings is commensurate with the needs of the agricultural, forestry or other rural based enterprise and; (e) are well related to existing buildings associated with the activity with which it is required.

5. Saved policies also NBE8 and NBE21 also seek to protect rural landscapes and the character and appearance of Conservation Areas.
6. The adopted Wirksworth Neighbourhood Plan 2015 (NP) recognises that Wirksworth is an historic, rural market town within a dramatic and attractive landscape. It has a powerful sense of place in terms of both built environment and rural setting and there is a strong defining link between the two. Policies NP1 and NP2 the also contains policies which seek to protect the character and appearance of the area, including rural landscape setting.

**Agricultural Need**

7. The appeal site comprises of a tract of land of around 1.2-1.4ha. This is partly set into sloping hillside with an access track zig-zagging up towards a flat open plateau to the north eastern part of the site. Parts of the site are covered by mature, mainly deciduous, trees. A tall conifer hedge runs alongside part of the access track.

8. The open plateau area comprises of an area of hardstanding, as well as open ground, used for the storage of agricultural equipment, including tractors and loaders. There is also an existing 2-storey field barn which is in the process of being converted to an office. Connected with this work, some of the land is being used for the storage of building and waste materials. Boundary walling is also in the process of being constructed, between the field barn and the location of the proposed agricultural store.

9. The site forms part of a wider agricultural holding operated by the appellant, including 6ha of rented land in Middleton-by-Wirksworth, around 1km away. It is also understood that the appellant is seeking to rent adjacent land. The appellant's appeal statement also makes reference to the converted barn being used to provide a base for an agricultural contracting business, as part of diversification of the business.

10. The flat area of the appeal site currently has an unmaintained appearance, and, other than the presence of machinery, there is limited evidence of agricultural activity within the site itself. While I have no doubt that the proposed building has been specifically designed for the storage of equipment currently on site, as well as fodder, I have only limited information before me in respect of the current nature of the smallholding. The list of farm equipment alone does not offer sufficient evidence.

11. Specifically, no detailed maps have been provided in respect of the location of the current rented land, and its accessibility from the appeal site. Nor has any detailed information been provided in respect of the adjacent rental land, in respect of its location, size, use and any details of a rental agreement or timescales for this. Furthermore, the proposed storage of fodder within the proposed building suggests livestock are farmed, but no details in respect of the numbers and types of animals reared are given.

12. I acknowledge that the Council have previously accepted the use of the site as part of an agricultural holding as it validated and determined two Prior Notification Applications for the erection of an agricultural storage building. While the applications were refused, in order to meet with the requirements of the relevant Town and Country Planning (General Permitted Development) (England) Order (GPDO) the Council must have been satisfied at that time that the development is reasonably necessary for the purposes of agriculture within the unit. This position is evidenced in the appeal decisions for these applications whereby it is made clear that there is no dispute that the proposed
building meets the requirements of Part 6, Schedule 2 of the GPDO. There is also a discussion of this matter within the associated costs decision.  

13. However, it is evident from these decisions, as well as earlier appeal cases that the nature and scale of the enterprise has fluctuated over the years. In determining this appeal there is no compelling evidence in respect of the current nature and scope the smallholding. Furthermore, while I accept that the Framework is supportive of rural diversification, there is little information before me in respect of the agricultural contracting enterprise and I share the Council’s concerns in terms of how the use of the converted barn would impact on the use of the overall site for agriculture.

14. I note that the Council have indicated that the proposals would be acceptable if the existing field barn is retained as a barn for agricultural purposes. To this end the Council have suggested a planning condition in order to achieve this. The appellant has queried such an approach but states that the future use of the field barn would not be constrained by the condition. However, it would not be possible to impose such a condition as it would fail the tests set out in paragraph 206 of the Framework in terms of being enforceable, relevant or reasonable. In any case, I have determined the appeal based on the evidence before me.

15. On this matter I conclude that it has not been demonstrated why the proposed development is required to meet an essential agricultural need. Without any compelling evidence to the contrary, I therefore conclude that the proposed development would be in conflict with saved Policies SF4 and EDT13 of the LP.

**Character and Appearance**

16. The appeal site is located within Wirksworth Conservation Area. The boundaries of this designated heritage asset have been drawn widely and include large tracts of open and agricultural land, which is identified in the accompanying Conservation Area Appraisal as providing an important landscape setting to the town itself. The site is accessed from a narrow no through road which serves a small collection of stone cottages, and outbuildings at Little Bolehill.

17. The proposed building would be sited to the north eastern corner of the site and it has been designed to emulate the traditional agricultural buildings found within the local area, through its use of stone for walling and blue slate tiles for roofing.

18. My attention has been drawn to a number of appeal decisions whereby various Inspector’s found harm to the character and appearance of the open countryside and the Conservation Area. Details of these decisions have been supplied, although I have not been provided with copies of detailed plans associated with these proposals. I note, however, that the appellant has sought to reduce the scale of the building to the minimum size necessary, as well as re-orientate and relocate the building within the site.

19. I accept that the development would therefore be of a modest scale, and would use traditional materials. Furthermore, it would be sited within the rear corner

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1 APP/P1045/A/14/2226887 and APP/P1045/A/14/2214629 (+ costs decision).
2 APP/P1045/A/11/2161489, and APP/P1045/A/09/2114791
3 APP/P1045/A/14/2214629 and APP/P1045/A/14/2226887
of the plot behind a bund and established tree and hedge planting which would help to screen the building in the wider landscape.

20. However, I consider that the introduction of more built development in this area would intensify and consolidate the built form and would erode the open character which would detract from the rural landscape character of the area.

21. Furthermore, while the visual impact of the development would be minimised within wider panoramic views, given the significance of the landscape setting to Wirksworth Conservation Area, the loss of this area to additional built development would constitute less than substantial harm to this designated heritage asset. In applying the test set out in paragraph 134 of the Framework I note that the benefits for the proposed development are largely private, and I find that there would be little public benefit to offset the identified harm.

22. I therefore conclude that the proposals would fail to preserve or enhance the character or appearance of Wirksworth Conservation Area. Consequently, the development would not accord with saved LP Policies SF5, NBE8 and NBE21 which seek to preserve the character of the Conservation Area and rural landscape. The proposals would conflict with saved Policy SF4 and saved Policy EDT13, in respect of preserving character and appearance. The proposals would also conflict with policies NP1 and NP2 of the adopted Wirksworth NP which again seek to respect local character.

Conclusion

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

C Searson
INSPECTOR
Appeal Decision

Site visit made on 1 November 2016

by Claire Searson  MSc PGDip BSc (Hons) MRTPi IHBC

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

Decision date: 14th November 2016

Appeal Ref: APP/P1045/W/16/3154655
Mor Farm, Foxholes Lane, Tansley, Matlock, Derbyshire DE4 5FQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by Mr Jeremy Drew against the decision of Derbyshire Dales District Council.
- The application Ref 15/00863/OUT, dated 24 November 2015, was refused by notice dated 25 January 2016.
- The development proposed is demolition of existing 2 storey workshop and single storey ancillary buildings and the erection of a 2 storey house as a self-build for owner occupation as a farmhouse.
- The application is in outline with all matters reserved.

Decision

1. The appeal is dismissed.

Main Issue

2. The Council have confirmed that they are not contesting the second reason for refusal in respect of ecology. Having regard to the information before me I agree that there is no evidence of harm to protected species, including bats.

3. Accordingly, the main issue is whether the site is a suitable location for residential development having regard to national policy.

Reasons

4. The policies within the Derbyshire Dales Local Plan 2005 (LP) relating to housing are considered to be out of date. Therefore paragraph 14 of the National Planning Policy Framework (the Framework) applies. This requires permission to be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework as a whole.

5. To promote sustainable development in rural areas, paragraph 55 of the Framework is clear that new housing should be located where it will enhance or maintain the vitality of rural communities, and isolated new homes in the countryside should be avoided unless there are special circumstances. One of the core planning principles of the Framework is also to actively manage patterns of growth to make fullest possible use of public transport, walking and cycling (Paragraph 17). Consequently, new residential development should not be detached from being part of a viable and vibrant rural community, where there would be access to day to day facilities without the need to travel.
6. The appeal site is located in the open countryside, around 0.3-0.5 miles outside of Tansley, a rural settlement which contains basic services such as a public house, churches, a school and other facilities. Access to public transport would be from Tansley, although I have not been provided with any details of frequency or type of service. Access to this settlement would be via Foxholes Lane, a narrow rural road which is unlit and has no footpaths running along its length.

7. The appeal site comprises of a workshop building and other outbuildings. It is understood that the site was previously used for vehicle repairs and a builders storage yard. There are two dwellings in proximity to the site and I accept that the addition of a further residential property in this location would not be isolated in this respect. I also have no doubts that the residents of the property would make use of the services within the village, thereby supporting the community facilities.

8. However, the appeal site is located some distance from Tansley and I consider that the site would be isolated insofar as it would be remote from basic services and facilities required for everyday living.

9. Furthermore, while the appellant cites that Tansley is around a 10 minute walk from the appeal site, due to the nature and conditions of Foxholes Lane, I consider that that the future occupants of the proposed dwelling would not readily walk or cycle between the appeal site and the village. Instead it would be highly likely that the private car would serve as the regular and convenient means to reach services and facilities in Tansley, Matlock and beyond to meet the everyday needs of residents.

10. I recognise that permitted development rights would, subject to condition, permit the conversion of agricultural buildings to dwellings in rural locations. I also acknowledge that the Framework promotes the redevelopment of previously developed land and buildings. However, the Framework is clear that isolated new homes should be avoided. Moreover, the reuse of brownfield land does not constitute a special circumstance as set out in paragraph 55 of the Framework as an exception where such development would be considered acceptable, notwithstanding the exception for previously developed land in paragraph 89 in relation to inappropriate development in the Green Belt. Indeed, on the basis of the information before me, the development would not meet with any of the special circumstances as set out in paragraph 55.

11. Overall I conclude that the proposed residential development would not be in a suitable location and would be in clear conflict with the social and environmental objectives which underpin the Framework in respect of transport (paragraph 17) and accessibility (paragraph 55).

Conclusion

12. It is not disputed that the development would not cause harm to the character and appearance of the area. I also note that the development would make a small contribution to housing supply and would be ‘self-build.’ However, while such matters lend support to the proposals, the harm I have identified in respect of the suitability of the location for development significantly and demonstrably outweigh these benefits. The proposals cannot therefore be
considered sustainable development for which the Framework presumes in favour.

13. For the reasons above, taking into account all other matters raised, the appeal should be dismissed.

C Searson
INSPECTOR
BACKGROUND PAPERS

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

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

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

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