

28 July 2014

To: All Councillors

As a Member or Substitute of the **Central and Northern Area Planning Committee**, please treat this as your summons to attend a meeting on **Tuesday 5 August 2014** at 6.00pm in the **Council Chamber, Town Hall, Matlock.**

Yours sincerely



Sandra Lamb
Head of Corporate Services

AGENDA

SITE VISITS The Committee is advised that the coach will leave the Town Hall, Matlock at **3.40pm prompt**. A schedule detailing the sites to be visited is attached to the Agenda.

1. APOLOGIES/SUBSTITUTES

Please advise Democratic Services 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

3 June 2014

3. INTERESTS

Members 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 Member 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 their views, ask questions or submit petitions relating to the planning application under consideration. Representations will be invited immediately before the relevant item of business/planning application is discussed.

	Page Nos
4.1 APPLICATION NO.14/00360/FUL (Site Visit)	5 - 9
Two-storey extension at Hurst Cottage, 14 Bull Lane, Matlock.	
4.2 APPLICATION NO.14/00212/FUL (Site Visit)	10 - 29
Redevelopment of site to provide 4 No. dwellings and conversion/re-use of existing buildings to provide 2 No. dwellings and associated car parking at 1 & 3 Knowleston Place, Matlock.	
4.3 APPLICATION NO. 14/00213/LBALT (Site Visit)	30 - 34
Alterations to listed building – restoration, re-use and alterations at 1 & 3 Knowleston Place, Matlock.	
4.4 APPLICATION NO. 14/00154/FUL (Site Visit)	35 - 38
Formation of access at 24 Dale Road, Matlock.	
4.5 APPLICATION NO. 14/00249/FUL (Site Visit)	39 - 58
Redevelopment of site to provide restaurant/food takeaway and bulk wine retail store with associated parking at 43 Bakewell Road, Matlock.	
4.6 APPLICATION NO. 14/00308/ADV (Site Visit)	59 - 62
Illuminated and non-illuminated signage at 43 Bakewell Road, Matlock.	
5. TREES PROGRESS REPORT – DDDC APPLICATIONS	63 - 68
To note a report on action taken in respect of trees in Conservation Areas and Tree Preservation Orders.	
6. TREES PROGRESS REPORT – DCC APPLICATIONS	69 - 70
To note a report on action taken in respect of trees in Conservation Areas and Tree Preservation Orders.	
7. APPEALS PROGRESS REPORT	71 - 77
To note a report on appeals to the Planning Inspectorate.	

Members of the Committee

Councillors David Burton, Robert Cartwright, Mrs Ann Elliot, David Fearn, Neil Horton, Mike Longden, Jean Monks, Garry Purdy, Mike Ratcliffe, Lewis Rose OBE, Andrew Statham, Geoff Stevens MBE, Mrs Jacquie Stevens, Mrs Philippa Tilbrook, Barrie Tipping, Mrs Carol Walker, Ms Jo Wild.

Substitute Members

Councillors Mrs Jacque Bevan, Richard Bright, Steve Bull, Mrs Sue Burfoot, Albert Catt, David Chapman, Tom Donnelly, Richard FitzHerbert, Steve Flitter, Chris Furness, Cate Hunt, Angus Jenkins, Andrew Lewer, Tony Millward, Peter Slack, Colin Swindell, Mrs Judith Twigg

SITE VISITS

Members will leave the Town Hall, Matlock at 3.40pm prompt for the following site visits:

	Page Nos.
3.45pm Application No. 14/00360/FUL	5 - 9
Hurst Cottage, 14 Bull Lane, Matlock	
Requested by Ward Members to assess the visual impact of the proposal upon the surrounding area and the impact upon the amenity of nearby residents.	
4.00pm Application No. 14/00212/FUL	10 - 29
1 & 3 Knowleston Place, Matlock	
Requested by Ward Members to assess the design of the proposed development, the visual impact on the setting of historic buildings and the Conservation Areas, the impact on the amenity of nearby residents and car parking and highway safety matters.	
Application No. 14/00213/LBALT	30 - 34
1 & 3 Knowleston Place, Matlock	
Requested by Ward Members to assess the proposal having regard to planning application 14/00212/FUL.	
4.20pm Application No. 14/00154/FUL	35 - 38
24 Dale Road, Matlock	
Requested by Ward Member to assess the impact the proposal will have upon the character and appearance of the Conservation area.	
4.35pm Application No. 14/00249/FUL	39 - 58
43 Bakewell Road, Matlock	
Requested by Ward Members to assess the visual impact of the proposal upon the surrounding area and the impact upon the amenity of nearby residents.	
Application No. 14/00308/ADV	59 - 62
43 Bakewell Road, Matlock	
Requested by Ward Members to assess the visual impact of the proposal upon the surrounding area and the impact upon the amenity of nearby residents.	
5.00pm Return to Town Hall	

COMMITTEE SITE MEETINGS PROCEDURES

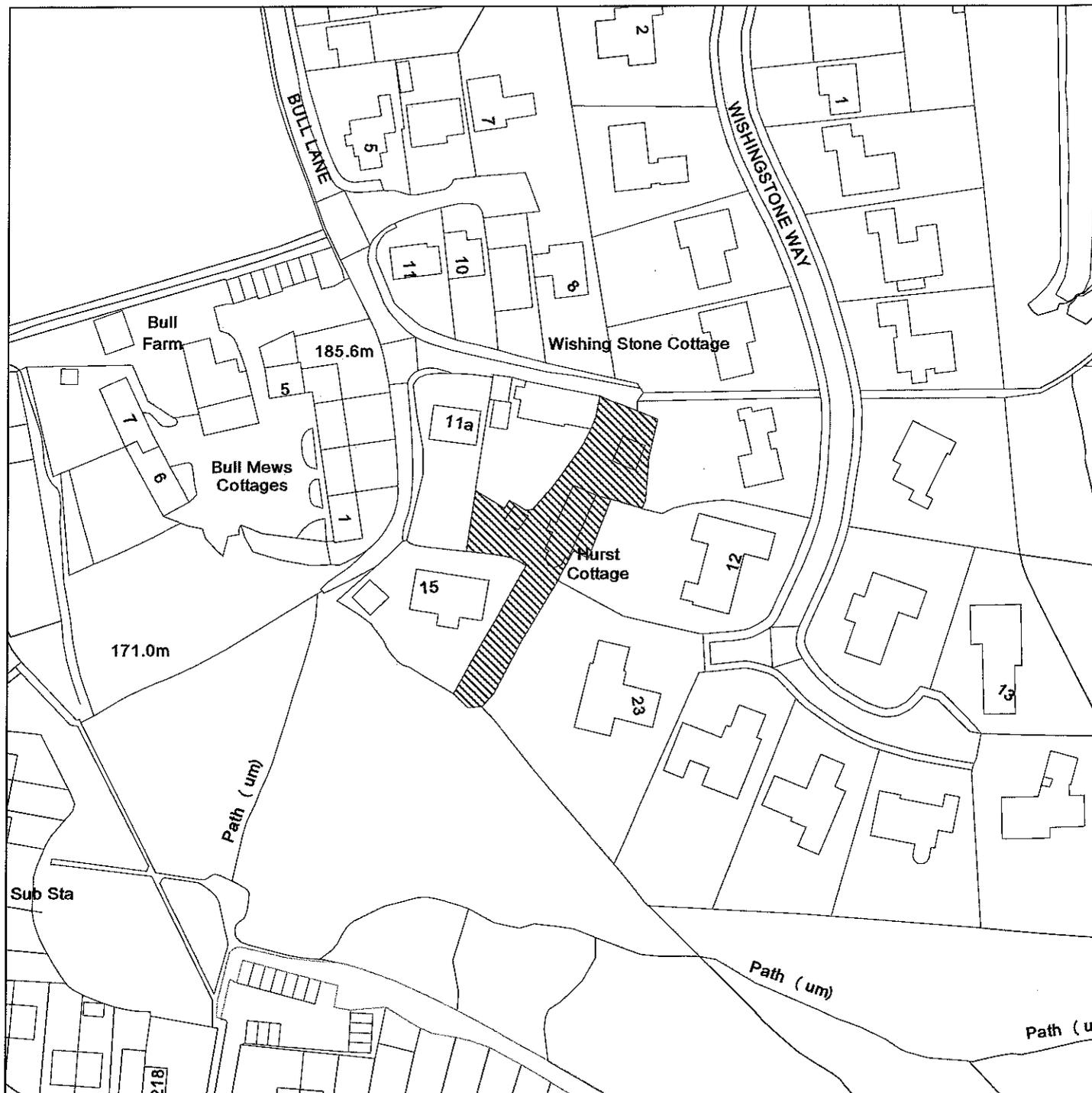
You have been invited to attend a site meeting of the Council's Planning Committee/Advisory Committee. The purpose of the meeting is to enable the Committee Members to appraise the application site. The site visit is not a public meeting. No new drawings, letters of representation or other documents 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.

14/00360/FUL

Hurst Cottage, 14 Bull Lane, Matlock



Scale : 1:1250

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

Organisation	Derbyshire Dales District Council
Department	Not Set
Comments	Not Set
Date	22 July 2014
Licence No.	100019785

**14/00360/FUL TWO-STOREY EXTENSION AT HURST COTTAGE, 14 BULL LANE,
MATLOCK FOR MR. OWEN.**

Town Council: Matlock
Application type: FUL

Date of Receipt: 27th May 2014
Case Officer: Mr. A. T. Ecclestone

THE SITE AND SURROUNDINGS:

The application property is an old, detached, stone-built house, situated in a residential area in north-eastern Matlock, just off Asker Lane. It has a conservatory on the gable end.

THE APPLICATION:

The proposal is to replace the conservatory with a two-storey extension. It will extend out by 4.24m and will have a contemporary, timber-framed appearance with large areas of glazing. It will have a slate roof to match the main house and the south-eastern wall will be rendered with no windows.

RELEVANT HISTORY:

None.

CONSULTATIONS:

Local Highway Authority:
No objection.

Town Council:
Not received.

REPRESENTATIONS:

3 letters of objection have been received which can be summarised as follows:

- The proposed extension will impact on my outlook and will block views to open hillsides. This could affect the value of my property.
- The rendered wall will look unsightly and not inkeeping with the rest of the cottage which is over 300 years old and built of stone. Should an extension be built at all, it should be inkeeping with the existing construction.
- Boundary dispute.
- The proposed extension will impose quite dramatically on the adjacent properties, particularly as the majority are bungalows.
- Construction work will involve substantial traffic along a public footpath.
- The proposed extension will lead to loss of privacy and will adversely affect our amenities and the enjoyment of our whole property.

The applicant has responded to each of the objections:

- None of the points raised constitute grounds for refusal. The proposal is a vast improvement on the existing conservatory which is not inkeeping with the style of the property and is need of substantial repair.

14/00360/FUL (Continued)

- We do not accept that the extension will impose dramatically on adjacent properties as the garden is lower at that point. We have been sympathetic to the design and look of the extension – it is stepped down and within the boundaries of the existing gable-end.
- The majority of properties in the area are not bungalows, but a mixture of houses and cottages. Hurst Cottage is the oldest in the area and has been there for nearly 300 years.
- The comments about construction traffic up and down a public footpath are not relevant to the planning application. However, we would respectfully point out that we have already had 9 skips and we have been extremely respectful to our neighbours and to avoid any obstruction to the footpath, which is also the only access to our property.
- We do not believe that our extension will result in an unacceptable loss of privacy as the views will be down the valley and our own garden. The objector is already overlooked and they already overlook us.
- We would respectfully point out that loss of view and property value are not matters for consideration in respect of our Planning Application.
- The combination of stone, render and timber is an acceptable design. To build in stone would not match and would look odd. A contrast is more inkeeping with the look of the property, rather than an incorrect match in stone.
- We are checking with our solicitor about the ownership of the boundary wall, but perhaps the objector could provide evidence to back up her claim to the wall? Our Deeds appear to indicate that it is our boundary wall. We do not wish to cause any disruption or upset to our neighbour.
- The objector is mistaken and we do not wish to enter her land.
- There is no desire to be difficult or obstructive. However, we do feel that the application is sympathetic to the look and feel of the property. We have spent substantial time and money refurbishing the property over the last 8 months. The proposed extension would add more space, light and volume and would be entirely inkeeping with the look of the property which, although not in a Conservation Area, is one of the oldest properties in Matlock.

POLICIES:

Adopted Derbyshire Dales Local Plan (2005)

SF1 Development Within Settlement Framework Boundaries
SF5 Design And Appearance Of Development
H2 Extensions to Dwellings

Derbyshire Dales Local Plan Submission Draft May 2014

Development Management Policy 1 – Development within Settlement Framework Boundaries

Development Management Policy 9 – Design and Appearance Of Development

National Planning Policy Framework (NPPF)

Chapter 7 – Requiring good design

14/00360/FUL (Continued)

ISSUES:

The main issues to assess are the impact that the proposed two-storey extension will have on the character and appearance of the house and also the impact that it will have on neighbouring amenity.

The extension contrasts markedly with the character and appearance of the existing dwelling. The cottage has a robust appearance with a predominance of stone walling and relatively small window openings. Although the dwelling has been extended in the past with a conservatory which contrasts with this, the prevailing character remains that of a typical, vernacular cottage.

The extension is clearly designed to contrast with this, introducing timber framing and 2 glazed walls, but combining this with a pitched roof and rendered wall. This combination of design features has no local precedent and will jar with and be detrimental to the character and appearance of the existing cottage.

Although the cottage can be extended, the design and materials proposed combine in creating an incongruous and architecturally inappropriate addition.

In terms of its impact on the surrounding area, it is not considered to have an overbearing impact. The solid south-east elevation will ensure that there is no overlooking / loss of privacy to the neighbour to the east. In terms of its impact on the neighbour to the south-west, overlooking already exists from the conservatory. The impact of the proposed two-storey extension is not considered to be too dissimilar to the current situation and is considered to be within reasonable parameters. Although their front elevation will be visible, their private garden area around the back will remain unaffected by the proposal.

The letters of objection have been taken into consideration whilst processing this application. The alleged boundary dispute is a civil matter to be resolved between themselves and lies outside of the consideration of this planning application. Loss of view and property value are not planning matters and cannot therefore be taken into consideration whilst processing this planning application.

The proposal will conflict with Local Plan Policy SF1 – Development Within Settlement Framework Boundaries, because it will not preserve or enhance the character and appearance of the settlement, it is not well related to surrounding properties and land uses and it does not preserve or enhance the natural or built environment.

The proposal will conflict with Local Plan Policy SF5 – Design And Appearance Of Development, because the scale, massing, height, layout and materials of construction do 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.

The proposal will conflict with Local Plan Policy H2 – Extensions To Dwellings, because it would result in a detrimental impact on the character and appearance of the dwelling.

14/00360/FUL (Continued)

The proposal conflicts with Development Management Policy 1 - Development within Settlement Framework Boundaries because it does not preserve or enhance the character and appearance of the settlement, it is not well related to surrounding properties and land uses and it does not preserve or enhance the natural and built environment.

The proposal conflicts with Development Management Policy 9 – Design and Appearance Of Development because the scale, massing, height, layout and materials of construction do 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 without significant loss of amenity.

The proposal will also conflict with Chapter 7 of the NPPF where the Government attaches great importance to the design of the built environment. The proposal does not contribute positively to making the place better for people. It also fails to improve the character and quality of the area. Paragraph 64 also states that planning permission should be refused for poor designs that fail to take the opportunities available for improving the character and quality of an area and the way it functions.

OFFICER RECOMMENDATION:

Planning Permission be refused for the following reasons:

The design and materials of the proposed extension are such that it will read as an incongruous addition to this vernacular cottage, harmful to its character and appearance. As such, the proposal is in conflict with Policies SF1, SF5 and H2 of the Adopted Derbyshire Dales Local Plan (2005), Development Management Policies 1 and 9 of the Derbyshire Dales Local Plan Submission Draft May 2014 and Chapter 7 of the NPPF.

Note to applicant:

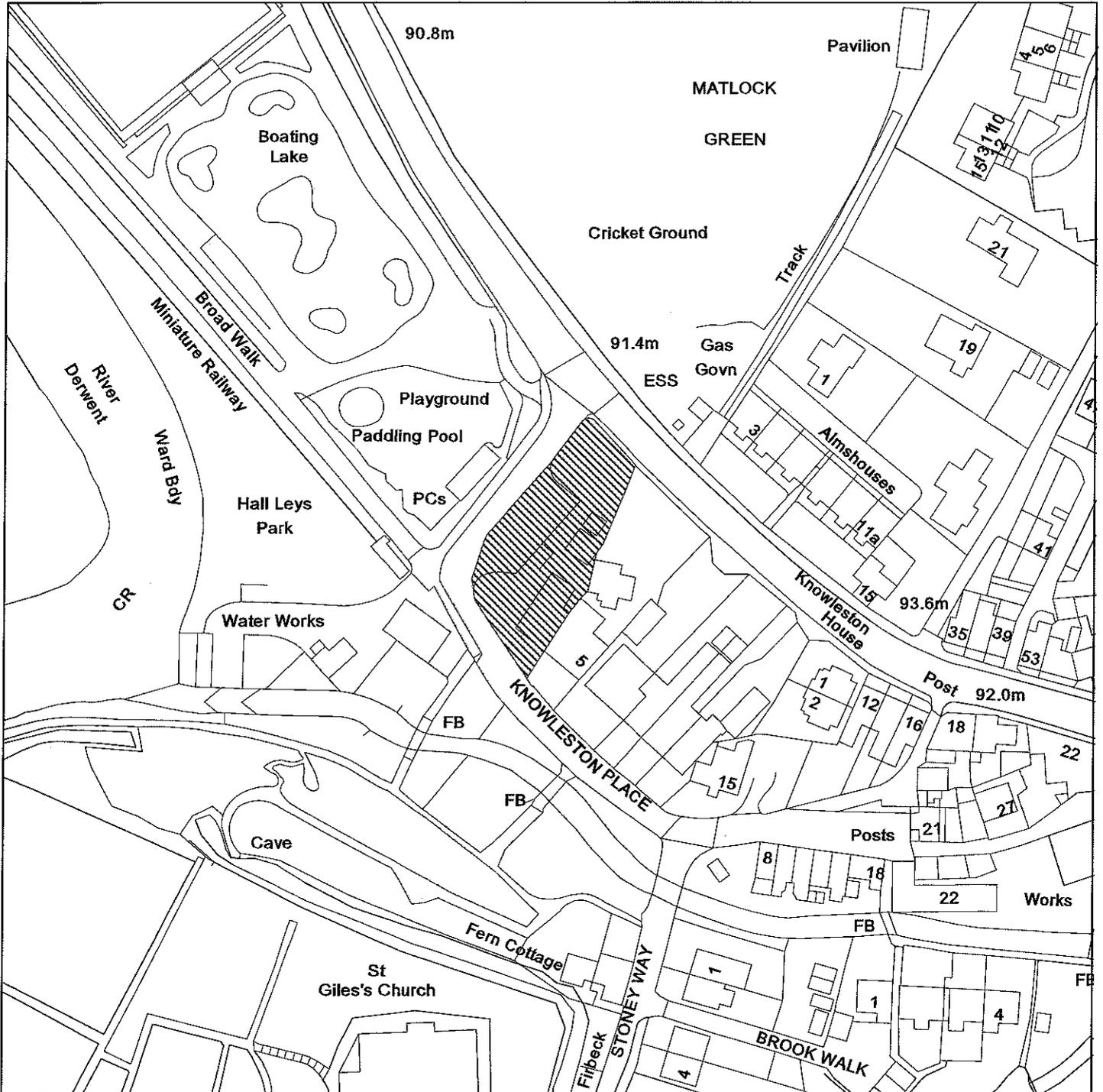
This Decision Notice relates to the following documents:

Drawings numbered 1, P598-03-02, P598-02-02, P598-04, P598-07, P598-05, P598-06 and P598-08, received by the Council on 27th May 2014.

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.

14/00212/FUL

1 & 3 Knowleston Place, Matlock



Scale : 1:1250

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

Organisation	Derbyshire Dales District Council
Department	Not Set
Comments	Not Set
Date	22 July 2014
Licence No.	100019785

14/00212/FUL REDEVELOPMENT OF SITE TO PROVIDE 4 NO. DWELLINGS AND CONVERSION/RE-USE OF EXISTING BUILDINGS TO PROVIDE 2 NO. DWELLINGS AND ASSOCIATED CAR PARKING AT 1 & 3 KNOWLESTON PLACE, MATLOCK FOR MR. DANIEL ASHBROOK

Town Council: Matlock
Application type: Full

Date of receipt: 25.04.14
Case Officer: Mr. G. Griffiths

THE SITE AND SURROUNDINGS:

The site is a former petrol filling station of relatively modest size that was operated by a private individual. The structures on the site consist of a sales building and canopy; the petrol pumps have now been removed. The petrol station area is hard surfaced being largely the former apron. There is also a 19th Century outbuilding to the rear of the site.

The site also consists of a listed outbuilding and No.3 Knowleston Place which is a dwellinghouse, albeit this has been vacant for some time. Knowleston Place itself consists of large townhouses that appear to have been established during the mid-19th century and are listed buildings.

To the north of the petrol filling station site, and adjacent to The Causeway, is an area of landscaping enclosed by a stone wall which is also within the application site. To the west of the site is Hall Leys Park. The site is within the Old Matlock Conservation Area which abuts the Matlock Bridge Conservation Area to the west and south. The area is also within the Settlement Framework boundary for Matlock.

THE APPLICATION:

Full planning permission is sought for the restoration and re-use of an existing dwelling. The proposals also include the conversion of adjacent buildings and the erection of dwellinghouses on the site of the former petrol station to provide five additional dwellings.

The four new build dwellinghouses are proposed to comprise three units in a block with a smaller unit attached and set in recess. The block of three main units is proposed to measure a total of 14.3m wide by 8.6m deep and 9.8m high. Each dwelling would comprise the following:

Ground Floor - living room/kitchen/diner, store and a wc
First Floor – a bedroom, a bedroom/study and a bathroom
Roofspace – a bedroom with en-suite.

A recess is proposed in the roofspace of each dwelling unit to provide a balcony area with views overlooking Hall Leys Park.

Attached to this, on the southern side, would be a smaller dwelling measuring 5.5m wide by 7.2m deep and approximately 8m high. The accommodation would comprise:

Ground Floor - living room/kitchen/diner, store and a wc
First Floor – two bedrooms and a bathroom

It is proposed that the overall building would be faced with Ashlar stone set above a pitched faced stone plinth. The roofing material is proposed to be grey, natural slates. The windows are proposed to have powder coated aluminium frames

14/00212/FUL (Continued)

Plot 5 is proposed to be created through the conversion of the Grade II listed outbuilding attached to 3 Knowleston Place. This would comprise the following:

Ground Floor - living room/dining room, kitchen and a wc
First Floor – two bedrooms and a bathroom

It is proposed that three rooflights would be inserted to allow natural light into the first floor. The existing window and door openings would be utilised and a window re-instated. The outbuilding to the side of Plot 5, and to the rear of the proposed new build dwellings, would provide an office space to serve Plot 5 in one half with a bin store to serve the dwellings in the other half.

The final unit is Plot 6. This is a re-instatement of the former dwelling and is proposed to comprise the following:

Ground Floor – living/dining room, kitchen, utility and a wc
First Floor – a bedroom with en-suite, an office and a bathroom
Second Floor – a bedroom
Third Floor – a bedroom

In terms of parking provision, this is proposed to be within an area that currently comprises a cluster of trees and shrubs. It is proposed that some of the peripheral vegetation will be retained within this area and the cars would be screened from view by the existing stone wall.

The applicant has submitted a Townscape Analysis which sets out the historic context of the site. The applicant makes reference to the CABI/English Heritage 'Building in Context' toolkit as a framework with respect to the following principles that a successful project will:

- 1 start with an assessment of the value of retaining what is there
- 2 relate to the geography and history of the place and the lie of the land
- 3 be informed by its own significance so that its character and identity will be appropriate to its use and context
- 4 sit happily in the pattern of existing development and the routes through and around it
- 5 respect important views
- 6 respect the scale of neighbouring buildings

In support of this, the applicant has submitted a Design and Access Statement and a Design Brief. In terms of the impacts on the listed building, the applicant has submitted a Condition Report on 3 Knowleston Place and a listed building statement.

The applicant has submitted an Ecology and Bat Dusk Emergence Survey. This advises that there would be little impact on protected species. With respect to bats, no evidence was found of them using any of the buildings or emerging from the buildings.

The applicant has also submitted a Flood Risk Assessment which proposes setting the floor levels of the new build some 0.69m above the 1 in 100 year flood level (allowing for climate change). This is not proposed with the existing building (Plots 5 and 6) as this is a listed building and measures are proposed to exclude water from the building.

14/00212/FUL (Continued)

RELEVANT HISTORY:

14/00213/LBALT	Alterations to listed building - Restoration, re-use and alterations – to be determined
0188/0016	Demolition of outbuildings to listed building – Granted
1186/0721	Alterations to petrol station - Granted

CONSULTATIONS:

Town Council – Object:

- Overdevelopment and out of character
- not in keeping with Conservation area
- loss of trees in creation of parking area
- development is likely to exacerbate the existing parking issues on Knowleston Place.

Local Highway Authority – No objection subject to Conditions

Conservation Advisory Forum – Object:

- housing scheme does not relate well to its location within the wider townscape (it was noted that no Townscape Analysis document was included with the application details)
- in this location the building could be much larger and have a greater presence at the 'head' of Hall Leys Park
- considered the building presented an uncomfortable asymmetrical form/design
- were mixed comments about its relationship to the properties on Knowleston Place, particularly in respect of the 'corner' onto Knowleston Place with some Members considering the lower scale development being respectful to the properties at the rear and others considering that a stronger (and potentially larger) building element was required
- as a building type, it was felt to 'read' as an office building
- considered that a much more contemporary design/modern approach is required as the architectural details depicted have not been used in a contemporary way
- scheme as presented demonstrates flat' elevation treatments and requires more architectural relief - better drawings with typical sectional details may have helped in this regard
- suggested that car parking could be incorporated into the building which would serve to 'lift' the building (and above any flood risk level) and remove the need for a parking area adjacent to the road
- welcomed proposals to bring the buildings back into a beneficial use
- considered that the application details should include an archaeological/architectural historic assessment (above ground) of the building in order to understand and contextualise the works as proposed and their impact on the areas of most significance - lack of such information made it difficult for Members to provide constructive comments
- commented upon the stone slate roof, which should be retained.

Derbyshire Wildlife Trust – No objections subject to conditions with regard to the protection of protected species and the submission of an enhancement strategy.

14/00212/FUL (Continued)

Development Control Archaeologist – Comment:

- site has some potential for below-ground archaeology, although this will have been severely impacted to its western edge on the garage site by the underground petrol tanks present here
- advise that the new-build part of the development proposals on the garage site will have no archaeological impact
- beyond the garage site the proposed groundworks are minor comprising some hard landscaping and possibly also excavation of service trenches - consider, on balance, that these excavations are unlikely to provide significant archaeological information
- recommend that there is no need to place an archaeological requirement upon the applicant.

REPRESENTATIONS:

Matlock Civic Association – Object:

- no objection to residential development of the site and re-use of semi-derelict buildings welcomed
- concern at proposed design – felt a more traditional design for the new properties should be considered, particularly in respect of window treatment
- houses down Causeway Lane given as good examples of dwellings in the vicinity of Knowleston Place
- quality of the submitted plans made judging the proposal difficult

One letter of representation from neighbours. The comments can be summarised as follows:

- renovation of 1 and 3 Knowleston Place would be welcomed
- overdevelopment on curtilage listed site
- buildings would be imposing and detract from historic character of the area
- loss of sunlight, light and overshadowing
- loss of privacy
- loss of views over Hall Leys Park
- cause of disturbance
- congestion
- health and safety issues to vehicles and pedestrians
- impact of recycling area which could cause a health hazard with vermin and toxic smells
- loss of trees and impact on wildlife

POLICIES:

1. Adopted Local Plan (2005)
 - SF1 Development within Settlement Frameworks Boundaries
 - SF5 Design and Appearance of Development
 - H1 New Housing Development within Settlement Framework Boundaries
 - H9 Design and Appearance of New Housing
 - H14 Housing to Meet the Needs of the Elderly and People with Disabilities
 - EDT4 Other Existing Employment Land and Business Premises
 - NBE5 Development Affecting Species Protected by Law or are Nationally Rare
 - NBE6 Trees and Woodlands
 - NBE16 Development Affecting a Listed Building
 - NBE17 Alterations and Extensions to a Listed Building
 - NBE18 Conversion and Changes of Use of a Listed Building
 - NBE21 Development Affecting a Conservation Area

14/00212/FUL (Continued)

NBE26 Landscape Design in Association with New Development
TR1 Access Requirements and the Impact of New Development
TR8 Parking Requirements for New Development

2. Submission Draft Local Plan (2014)
Strategic Policy 3 – Protecting and Enhancing the Natural and Historic Environment
Development Management Policy 1 - Development within Settlement Framework Boundaries
Development Management Policy 7 – Biodiversity and Geological Interests
Development Management Policy 8 – The Historic Environment
Development Management Policy 9 – Design and Appearance of Development
Development Management Policy 11 – Existing Employment Land and Premises
Development Management Policy 17 – Affordable Housing
Development Management Policy 22 – Access and Parking
3. National Planning Policy Framework
4. National Planning Policy Guidance
5. Old Matlock Conservation Area Appraisal (2012)
6. Matlock Bridge Conservation Area Appraisal (2008)

ISSUES:

Introduction - Policy

The site is located within the Settlement Framework Boundary of Matlock. Policy SF1 in the Derbyshire Dales Adopted Local Plan (2005) states that planning permission will be granted if the proposal will make full and effective use of brownfield land in preference to greenfield sites, preserves or enhances the character and appearance of the settlement, is well related to surrounding properties and land uses, is well related to means of access and does not result in the loss of local services and facilities. This is reflected in Development Management Policy 1 in the Submitted Draft Derbyshire Dales Local Plan (2014).

Policy H1 of the Adopted Local Plan (2005) also states that residential development within the Settlement Framework Boundaries will be permitted for either conversion of existing uses or replacing and infilling of existing land uses that are no longer required and the development must not have an adverse impact on the character, appearance and setting of the settlement. In this respect, residential development of the site is acceptable in principle.

This proposal is for a change of use from a petrol station. As such, Policy S12 of the Adopted Local Plan (2005) states that planning permission for development which would result in the loss of a local shop or other important local facility or service will not be granted unless there are adequate alternative facilities in the locality, or it can be demonstrated that the existing use is no longer financially or commercially viable and there are no other viable means of maintaining the existing use. It is considered that the nature of the site offers little future as a petrol filling station and similar facilities exist within the town.

14/00212/FUL (Continued)

Policy EDT4 of the adopted Local Plan (2005) and the Development Management Policy 11 of the Submitted Draft Local Plan (2014) state that planning permission will only be granted for the redevelopment or change of use of existing business premises for non-employment uses where the continuation of the land or premises in business use is not financially or commercially viable or the current use is incompatible with the surrounding properties and land uses. In considering proposals involving the loss of existing business premises, consideration should also be given to mixed-use development over that involving the total loss of business land or premises. In this respect, the limited amount of employment proposed to be lost is rather small given the previous use.

The aim of Policy H9, of the Derbyshire Dales Adopted Local Plan (2005) is to seek to achieve high quality of housing design. The policy sets out that planning permission will only be granted for new housing development where it is in scale and character with its surrounding and does not have a detrimental impact upon the amenities of the adjoining or adjacent properties. It goes on to state that there should be adequate privacy and amenity for both the proposed and existing dwellings. This is reflected in Development Management Policy 9 of the Submitted Draft Local Plan (2014). This states that planning permission will only be granted for development where:

- the scale, density, massing, height, layout, access, materials of construction and landscaping preserves or enhances the quality and local distinctiveness of its surroundings
- the design and external appearance of the of the building or group of buildings is commensurate with its function
- it reinforces the sense of place engendered by the presence of distinctive local building styles and materials
- it is well related to surrounding properties and land uses without significant loss of privacy or amenity
- it minimises the risk and fear of crime and disorder
- it gives priority to pedestrians and cyclists over the movement and parking of vehicles
- it maximises the energy efficiency of built development
- the design and layout caters for the special needs of people with disabilities
- it does not have an adverse impact on the environment or amenity of existing and future occupiers within or adjacent to the proposed development.

The proposed site is located within the Conservation Area for Old Matlock and adjacent to the Matlock Bridge Conservation Area. Therefore, Policy NBE21 of the Adopted Local Plan (2005) is important to the proposal as it sets out what development is acceptable in a conservation area. The policy states that development will only be granted provided that they preserve or enhance the character or appearance of the area.

The residential property of 3 Knowleston Place is a Grade II listed building. Therefore Policies NBE16 and NBE18 of the Adopted Local plan are relevant. They set out that planning permission will only be granted where it does not have an adverse impact upon the special character or setting of the listed building.

Development Management Policy 8 of the Submitted Draft Local Plan (2014) reflects the above policies and states that planning permission will only be granted for development to a designated heritage asset where the impact of the proposal does not harm the significance of the asset and/or its setting.

14/00212/FUL (Continued)

The site has the potential for habitat for protected species, particularly bats and nesting birds. As such regard needs to be given to Policy NBE5 of the Adopted Local Plan (2005) and Development Management Policy 7 of the Submission Draft Local Plan (2014). The applicant has submitted ecological surveys to seek to address these policies.

The fringe of the site to the north opposite Hall Leys Park lies within Flood Zone 2 and 3 which have a greater probability of river flooding. Paragraph 103 of the NPPF states that when determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment following the Sequential Test, and if required the Exception Test, it can be demonstrated that:

- within the site, the most vulnerable development is located in areas of lowest flood risk unless there are overriding reasons to prefer a different location; and
- development is appropriately flood resilient and resistant, including safe access and escape routes where required, and that any residual risk can be safely managed, including by emergency planning; and it gives priority to the use of sustainable drainage systems.

As the former use on part of the site was a petrol station, consideration needs to be given to the extent any contamination on the site can be remedied and be made suitable for residential development, including the safe removal and decontamination of the ground whereby underground storage tanks were used. Strategic Policy 1 of the Submitted Draft Local Plan (2014) states that development must make efficient and effective use of land (including the remediation of contaminated land), buildings and existing infrastructure.

There are a number of trees to the north west of the site and, therefore, Policy NBE6 of the Adopted Local Plan (2005) will have to be considered. This states that planning permission will only be granted for development likely to have direct or indirect adverse impact upon trees if it can be demonstrated that the justification for the development outweighs their importance for nature conservation or amenity value.

Policy TR1 in the Adopted Local Plan states that development requiring to be served by vehicles should be accessible to a road network of adequate standard to accommodate the anticipated traffic generated by the development safely and without detriment to the character of the road network. Policy TR8 requires the provision of adequate parking facilities. These policies are reflected by Development Management Policy 22 of the Submitted Draft Local plan (2014).

In conclusion, therefore, the main issues associated with this application are whether there are strong economic reasons as to why the development would be inappropriate and whether it is necessary to seek further evidence from the applicant's employment viability and marketing assessment. If the proposal is considered acceptable for re-development to residential use, an assessment will need to be made as to whether the development will have any adverse impact upon the character and appearance and setting of the Conservation Areas and impact upon the restoration of the listed building. An assessment is needed as to whether the development would provide appropriate amenity space and privacy for the occupants and occupiers neighbouring properties. In addition, the issues of impact on wildlife, flood risk, decontamination of the site and parking need to be addressed and satisfied. These matters are addressed below.

14/00212/FUL (Continued)

2. Impact on Employment

The loss of employment is rather limited and in looking to reuse the site it is not considered that the provision of a level of employment is required in this instance. This view is supported by Paragraph 51 of the NPPF which states that local planning authorities should normally approve planning applications for change to residential use, and any associated development, from commercial buildings where there is an identified need for additional housing in that area, provided that there are not strong economic reasons why such development would be inappropriate.

3. Design and Appearance and Impact on the Character and Appearance of the Conservation Area and Listed Buildings

In assessing the appropriateness of the development in its context, it is considered reasonable to refer to the CABE/English Heritage 'Building in Context' toolkit as the applicant has sought to do.

i) Start with an assessment of the value of retaining what is there

The former petrol filling station site is a derelict site and is considered to detract from the character and appearance of the Old Matlock Conservation Area in which it sits and the Matlock Bridge Conservation Area which it abuts. The applicant has identified buildings, walls and other features which are worthy of retention and incorporated those into the development proposals. All the listed and curtilage listed buildings/structures are proposed to be retained.

ii) Relate to the geography and history of the place and the lie of the land

The applicant acknowledges that traditionally there was little in the way of development to the west of Knowleston Place and that Causeway Lane was more of a link road than the busy road it has become today. This explains why the buildings on Knowleston Place face to the south rather than to the north and west. Hall Leys Park was also laid out at a later date and it would have been expected that the application site would have been developed with buildings overlooking the park. However, a petrol station and repair garage was developed which was probably related to the increasing importance of the A615. Given the above, it is considered that, with the closure of the petrol filling station, there is now an opportunity to consider the interrelationship of the site to the existing historic built form and to the Park. The land form in this part of Matlock is almost flat.

iii) Be informed by its own significance so that its character and identity will be appropriate to its use and context

The properties along Knowleston Place form a visual group as a character area, as does Hall Leys Park. The application site sits between these two character areas and has a stronger interrelationship with these than The Causeway and the almshouses to the north. In this respect, it is considered that the development should seek to create some sense of integration between the two principal character areas.

The design of the building is a modern reflection of the architectural boldness and physical statement of the buildings on Knowleston Place and draws on elements such as the scale, quality of materials and design elements such as the verticality of openings with a modern interpretation of historic building detail. However, the development proposal does not seek to compete with the dominant scale of the listed buildings.

The proposed building also reacts to the Park by forming a visual stop to the south easterly view along it. Presently, this drifts towards the rear elevations of the listed buildings. The proposed building is also of a scale that would achieve this effectively; too

14/00212/FUL (Continued)

little prominence and this would fail. However, the positioning of the two and a half storey and two storey elements allow the eye to be drawn to the prominence and importance of the listed buildings along Knowleston Place when viewed along The Causeway and from Hall Leys Park.

The site is an open area with a few outbuildings set back on the site. The retention of these is important, particularly the listed outbuilding. The outbuilding set centrally to the rear of the site is of less importance. However, in its scale, form and materials it seeks to relate the more traditional buildings on the site to the modern development which it is also proposed to serve. Whilst the proposed new build development would shield the listed outbuilding from view to a large extent, its setting in the context of the historic built form along Knowleston Place, when viewed from an approach from the Park, would remain intact to a large extent.

iv) Sit happily in the pattern of existing development and the routes through and around it

It is considered for the above reasons that the proposed building would sit 'happily' in its context and would make a visual statement in views from existing routes and public vantage points. The scale of the development is such that there are no public routes through the development. However, there is permeability around the site for the residents.

v) Respect important views

As stated above, the building is proposed to act as a visual stop in important views across Hall Leys Park. The building will encroach into views approaching the town centre along The Causeway from Matlock Green. However, the building has been set to the southern part of the site and thus its interruption would be limited to oblique views. The rear elevation would be apparent, as are those to the listed buildings. However, this has been purposely designed with a level of detail that does not represent a poor, secondary facade but has been informed to a large extent by the frontage design of the building, albeit slightly simpler in character. The landscaping that is prominent in the views at present would be affected, but not fully lost in accommodating the car park.

vi) Respect the scale of neighbouring buildings

As stated above, the scale of existing built form is largely represented by those properties fronting Knowleston Place. However, there is a two storey dwellinghouse to the rear of this group, accessed off The Causeway, and which is in relatively close proximity to the existing three storey built form to the south. The proposed development would also be higher than this dwellinghouse given its two and a half storey scale. However, this is not considered so domineering, within the hierarchy, scale and juxtaposition of the existing development, to be considered visually overbearing.

4. Materials

Careful consideration will need to be given to the building materials and construction details, given the sensitivity of the site in its context and setting to the listed buildings on Knowleston Place. The use of local, natural gritstone would be required but samples of the materials would need to be provided on site for approval. For example, the plinth is proposed to be pitch faced stone whereas a tooled ashlar in larger blocks may be more appropriate. The applicant details a step from the plinth face to the facing materials above which is a necessary component of the appearance/design of the building. However, the depth and form of this would need to be carefully considered in the context of the approved materials.

14/00212/FUL (Continued)

The applicant proposes a 'herringbone' pattern to the tooling of the stone whereas a diagonal tooling may be a simpler and more appropriate type relative to the 'modernity' of the building. In this respect, it is considered reasonable to attach conditions of all facing materials to be submitted for approval and a sample panel to be erected on site. In addition, samples of the roofing material, windows and doors and other elements of detailing and building components will need to be submitted for approval.

5. Amenity Issues

The two storey dwellinghouse to the east of the site would be likely to have the greatest impact upon its amenity. This fronts onto The Causeway and overlooks the landscaped area to the north of the application site. The petrol filling station site is obscured by the outbuilding set at the rear of the site.

The key impacts are the potential loss of privacy, light and outlook to the property. In terms of privacy, the new build development proposes rear facing first floor windows serving the smaller, third bedroom/study and the landing/stairs. It is not considered that the usage of these areas would lead to a constant overlooking of the neighbouring property. In addition, any overlooking would be limited to the garden area given the orientation of the buildings and the view of this would also be obscured by the outbuilding which is proposed to be retained.

With respect to outlook, the proposed new building would not intrude within a 45° angle of view towards its north east corner from 4 Matlock Green and this corner of the building would be some 11m away. In this respect, it is considered that, given the acute view of the building, this would not detract significantly from the amenity of 4 Matlock Green to reasonably justify a reason for refusal of planning permission.

There would be some loss of light to 4 Matlock Green and its garden. The proposed new building is set to the west of 4 Matlock Green and as such, there would be some loss of light to the dwellinghouse and the garden area to the north of 4 Matlock Green. There is already a degree of impact from the listed buildings on Knowleston Place taking light away for much of the day given their height and that they are to the south and south east of 4 Matlock Green. In addition, as the sun descends in the west, the existing outbuilding to the rear of the proposed development would cause some shadowing. Again, whilst there will be some impact on 4 Matlock Green, it is not considered sufficient a reason to refuse a grant of planning permission, even when considered also will the aforementioned limited impact on privacy.

In terms of other residential properties, there are side facing windows looking towards the proposed building from the rear of 5 Knowleston Place. These are upper floor windows and it is considered that, given the 11m distance, the intervening listed outbuilding and the nature of the windows facing each other at first floor and second floor level, this will not lead to a significant loss of privacy to existing and proposed dwellings.

Concern is also raised with regard to the use of the outbuilding for a refuse/recycling area with concerns this could cause a health hazard with vermin and toxic smells. However, it is considered that this would be managed by the owners of the property as such impacts would also be detrimental to their amenity. In this respect, this is not considered a justifiable reason for refusal of planning permission.

14/00212/FUL (Continued)

6. Removal of Permitted Development Rights

The proposals for the development of the site will only be likely to be successful if there is a degree of control over how the buildings may or may not be altered in the future. In this respect, it is considered reasonable to remove permitted development rights for any alterations to the approved buildings (such as provision of aerials, additional windows, etc.) and that extensions, outbuildings and means of enclosure, for example, are strictly controlled.

7. Car Parking and Access

Within urban areas, there is not necessarily a requirement for parking provision. However, given that there are parking restrictions in the area, it is considered reasonable to require on-site provision. The car parking has been provided at one space per dwelling unit. This is proposed to be located behind a high stone wall that turns the corner from The Causeway into Knowleston Place. There would be some loss to the wall fabric where this currently faces the petrol filling station. However, this is considered the most appropriate position for car parking in the context of the development.

The Local Highway Authority has considered the proposals and advised that the wall which surrounds the landscaped area adjacent to The Causeway be set back or lowered to 1m in height along the Knowleston Place frontage. However, the wall has a degree of importance as a feature at the junction of The Causeway and Knowleston Place. In this respect, given the former use of the access to a petrol filling station, and that the Local Highway Authority has advised that it would not object to the scheme on an as submitted basis, it is considered that the wall should be retained in its current form.

Given the above, there are no in principle highway reasons to object to the proposals and conditions can be attached to any grant of planning permission with regard to providing for parking facilities, etc. during the construction process, the detailed modifications to the vehicular access, and the provision of adequate parking space and the prevention of siting of caravans or other domestic paraphernalia within the parking bays.

8. Landscaping Issues

The proposals largely introduce hard landscaping around the proposed new building. The site area is largely covered by existing hardstanding. However, there would be some encroachment into the lawn area serving 3 Knowleston Place but this is not considered to significantly harm the setting of the listed building. The trees are also proposed to be retained in this area.

The main impact would be in the area to the north of the site where it is proposed to provide the car parking space. This is currently an area planted with trees and shrubs, although this has not been well managed. In order to provide the necessary parking space, a large part of the landscaping will need to be removed. However, the applicant has proposed to retain an area of landscaping adjacent to The Causeway in order to retain the 'green' aspect which punctuates and softens views along The Causeway from and towards Hall Leys Park. The retention of existing landscaping, and appropriate replacement as necessary, can be addressed through a Condition on any grant of planning permission.

14/00212/FUL (Continued)

9. Flood Risk

Part of the site proposed for redevelopment is a former petrol station. The site is directly underlain by solid geology of the Eyam Limestone Formation which is classified as a Principal Aquifer by the Environment Agency. The site is also located close to the Bentley Brook and the River Derwent. The protection of controlled waters is therefore important.

National Planning Policy Framework (NPPF) paragraph 109 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of water pollution. Government policy also states that planning policies and decisions should also ensure that adequate site investigation information, prepared by a competent person, is presented (NPPF, paragraph 121). In this respect, whilst the Environment Agency has no objection in principle to the development, it has requested several conditions on any grant of planning permission which include addressing flood risk, contamination, groundwater and site drainage.

10. Site contamination

Due to the previous use of the site as a petrol station, it may be the case that residual contamination may remain on site. As such, the Environment Agency has advised that if this is the case, it should be ensured through conditions on any grant of planning permission that the drainage options will not introduce preferential pathways for contamination to enter controlled waters.

11. Impact on Protected Species

The applicant has submitted an ecological survey which includes a particular assessment of the potential for bat habitat. Derbyshire Wildlife Trust raised concern that adequate survey work had not been undertaken with respect to assessing the implications of the development on bats. The applicant commissioned further survey work which identifies that there would be little impact on bats and other protected species. In this respect, Derbyshire Wildlife Trust have advised that it is acceptable to attach a condition with regard to undertaking the development in accordance with the findings of the ecological report and a condition on the submission of a bird and bat enhancement strategy.

12. Conclusion

The proposed development is of a contemporary design/appearance and the concept draws on architectural parameters (visual linearity and proportion) found within the traditional forms of the large buildings fronting Knowleston Place. This contributes to the Conservation Area as an element of its principal identity. The proposed building would present a frontage facing towards Hall Leys Park and will provide a more substantive point of interest when looking from the Park and The Causeway towards the east. Notwithstanding this, the building is also positioned in a manner that allows the eye to be drawn to the listed buildings along Knowleston Place and the proposed building form acknowledges and respects the corner turning into Knowleston Place.

There will be some loss of amenity to 4 Matlock Green with overshadowing later in the day. In addition, there would be some additional overlooking of the property, albeit it is currently overlooked to a large extent by the rear elevations to properties along Knowleston Place. Given the above, it is not considered that the development would be so harmful to justify refusal of planning permission. It is also considered that the proposal will enhance the character and appearance of the Conservation Area. As such, it is

14/00212/FUL (Continued)

considered that planning permission should be granted subject to conditions which have been identified as being necessary in the analysis above.

OFFICER RECOMMENDATION:

Planning permission be granted subject to the following conditions:

1. Condition ST02a Time Limit on Full
2. Notwithstanding the details submitted with the application documents, samples of all facing and roofing materials shall be submitted to and approved in writing by the Local Planning Authority before the commencement of development and the development shall thereafter be constructed with the approved materials.
3. Prior to the commencement of built development a detailed specification of materials and specific architectural components to incorporate the following information shall be submitted to and agreed in writing by the Local Planning Authority:
 - (a) materials, thickness, fixing, jointing, abutment and finish of all external wall surfaces;
 - (b) the coursing, unit size and joint details of the stone cladding, including corner details, plinth, parapet, window and door lintels/cills, etc.;
 - (c) details of the recess of the wall facing above the plinth;
 - (d) dimensional details of recesses/reveals to all windows and doors;
 - (e) materials, finish and details of all window frames, rooflights and doors;
 - (f) materials, design, fixings and finish to roof balconies;
 - (g) material finish and detail of rainwater goods;
 - (h) location, material finish and details of any external vents/grilles; and
 - (i) type, material and location of any lighting attached to the exterior of the building.

The development shall thereafter be carried out in accordance with the approved details and so retained.

4. Condition DM12 Sample Panel to be Inspected on Site
5. Condition DM23 Design Details (External Fixtures)
6. Before the development commences details of any aerials/antennae shall be submitted to and approved in writing by the Local Planning Authority and shall thereafter be provided in accordance with the approved details. Thereafter, no further aerials/antennae shall be provided on the building unless otherwise agreed in writing by the Local Planning Authority.
7. Before the development commences details of any apertures, such as flues and pipework, shall be submitted to and approved in writing by the Local Planning Authority and shall thereafter be provided in accordance with the approved details. Thereafter, no further apertures shall be provided on the building unless otherwise agreed in writing by the Local Planning Authority.

14/00212/FUL (Continued)

8. 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) all vegetation to be retained including details of the canopy spread of all trees within or overhanging the site, in relation to the proposed building, access, parking area and other works;
 - b) measures for the protection of retained vegetation during the course of development;
 - c) soil preparation, cultivation and improvement; all plant species, planting sizes, planting densities, the number of each species to be planted and plant protection;
 - d) hard surfacing materials;
9. Condition LA13a Landscaping to be Carried Out and Maintained
10. Construction work on the site shall be restricted to of 08.00 to 19.00 hours on Monday to Friday, 08.00 to 13.00 hours on Saturdays and there shall be no works undertaken on Sundays or Bank Holidays.
11. The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) (version 3) prepared by Julia Williams in March 2014 and the following mitigation measures detailed within the FRA:
 - i) the finished floor levels of the new buildings are to be set no lower than 91.67m Above Ordnance Datum (AOD)
 - ii) flood resilient construction methods and techniques shall be adopted throughout the development in line with the *"CLG 2007 Flood Resilient Construction Document"* and the *"BRE 2012 Flood Resilient Buildings Digest DG523"*
 - iii) all electrical sockets shall be raised at least 300mm above the internal finished floor level and where possible shall be routed down from the first floor.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.
12. No development shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority, in consultation with the Environment Agency. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme to be submitted shall:
 - demonstrate that the surface water drainage system(s) are designed in accordance with CIRIA C697 and C687 or the National SuDS Standards, should the later be in force when the detailed design of the surface water drainage system is undertaken
 - limit the discharge rate generated by all rainfall events up to and including the 100 year plus 30% (allowance for climate change) critical rain storm to ideally the

14/00212/FUL (Continued)

Greenfield runoff rates for the site but as a minimum to 30% less than the existing Brownfield runoff rate. The developed site must not exceed the run-off from the undeveloped site and must not increase the risk of flooding off-site

- demonstrate the provisions of surface water run-off attenuation storage in accordance with the requirements specified in '*Science Report SC030219 Rainfall Management for Developments*'
- demonstrate detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details of any attenuation system, and outfall arrangements. Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods
- confirm how the on-site surface water drainage systems will be adopted and maintained in perpetuity to ensure long term operation at the designed parameters.

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

- i) a preliminary risk assessment which has identified:
 - all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors
 - potentially unacceptable risks arising from contamination at the site
- ii) a site investigation scheme, based on (i) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site
- iii) the results of the site investigation and detailed risk assessment referred to in ii) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken
- iv) a verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (iii) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action
- v) any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.

14. No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

14/00212/FUL (Continued)

15. No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.
16. Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.
17. Before any other operations are commenced (excluding demolition/ site clearance), space shall be provided within the site curtilage for the storage of plant and materials/ site accommodation/ loading and unloading of goods vehicles/ parking and manoeuvring of site operatives and visitors vehicles, laid out and constructed in accordance with detailed designs to be submitted in advance to the Local Planning Authority for written approval and maintained throughout the contract period in accordance with the approved designs, free from any impediment to its designated use.
18. Before any other operations are commenced (excluding Condition No. 17 above) the vehicular access to Knowleston Place shall be modified in accordance with the application drawings, laid out, constructed and maintained in perpetuity free from any impediment to its designated use
19. The premises, the subject of the application, shall not be occupied until space has been provided within the application site in accordance with the application drawings for the parking and manoeuvring of residents/ visitors vehicles, laid out, surfaced and maintained throughout the life of the development free from any impediment to its designated use.
20. No caravans or other domestic paraphernalia shall be located, parked or stored within the designated parking area unless otherwise expressly agreed in writing by the Local Planning Authority.
21. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting or amending that Order with or without modification), there shall be no additions/extensions or external alterations to any building forming part of the development hereby permitted.
22. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or in any Statutory Instrument revoking or re-enacting that Order with or without modification) no buildings, structures, extensions, fences, gates, walls or other means of enclosure shall be erected within the curtilage of any dwelling without the prior written approval of the Local Planning Authority upon an application submitted to it.
23. The development hereby approved shall be carried out fully in accordance with the recommendations of the Ecology and Bat Dusk Emergence and Dawn Swarming Survey received on 22nd July 2014.

14/00212/FUL (Continued)

24. Prior to the commencement of the development, a bird and bat enhancement strategy shall be submitted to and agreed in writing by the Local Planning Authority and the development shall thereafter be carried out in accordance with the approved enhancement strategy.

Reasons:

1. Reason ST02a
- 2-7. To ensure the satisfactory appearance of the development to preserve the character, appearance and setting of the Grade II listed buildings on Knowleston Place and the Old Matlock and Matlock Bridge Conservation Areas to comply with Policies SF1, SF5, H1, H9 NBE16 and NBE21 of the Adopted Derbyshire Dales Local Plan (2005), Development Management Policies 1, 8 and 9 of the Derbyshire Dales Submission Draft Local Plan (2014) and government guidance contained in the National Planning Policy Framework.
- 8-9. To ensure the satisfactory appearance of the development to preserve the character, appearance and setting of the Grade II listed buildings on Knowleston Place and the Old Matlock and Matlock Bridge Conservation Areas to comply with Policies SF1, SF5, H1, H9 NBE16, NBE21 and NBE26 of the Adopted Derbyshire Dales Local Plan (2005), Development Management Policies 1, 8 and 9 of the Derbyshire Dales Submission Draft Local Plan (2014) and government guidance contained in the National Planning Policy Framework.
10. To safeguard the amenities of occupiers of neighbouring properties.
11. To reduce the risk of flooding to the proposed development and future occupants, to reduce the consequence of flooding and to facilitate a quicker recovery in the event of a flood to comply with government guidance contained in the National Planning Policy Framework.
12. To prevent the increased risk of flooding; to improve and protect water quality, to improve habitat and amenity and to ensure the future maintenance of the sustainable drainage structures to comply with government guidance contained in the National Planning Policy Framework.
13. To ensure that any contamination identified is appropriately remediated to protect controlled waters to comply with government guidance contained in the National Planning Policy Framework.
14. To ensure that any contamination identified is appropriately remediated to protect controlled waters to comply with government guidance contained in the National Planning Policy Framework.
15. To ensure that preferential pathways are not introduced into the Principal aquifer and residual contamination is not mobilised to comply with government guidance contained in the National Planning Policy Framework.
16. To ensure that preferential pathways are not introduced into the Principal aquifer and residual contamination is not mobilised to comply with government guidance contained in the National Planning Policy Framework.

14/00212/FUL (Continued)

- 17-18 In the Interests of highway safety to comply with Policy TR1 of the Adopted Derbyshire Dales Local Plan (2005), Development Management Policy 22 of the Derbyshire Dales Submission Draft Local Plan (2014) and government guidance contained in the National Planning Policy Framework.
- 19-20. To ensure the provision of adequate parking facilities and loading/unloading area in the interests of highway safety to comply with Policies TR1 and TR8 of the Adopted Derbyshire Dales Local Plan (2005), Development Management Policy 22 of the Derbyshire Dales Submission Draft Local Plan (2014) and government guidance contained in the National Planning Policy Framework.
- 21-22. To safeguard the character and appearance of the development to preserve the character, appearance and setting of the Grade II listed buildings on Knowleston Place and the Old Matlock and Matlock Bridge Conservation Areas to comply with Policies SF1, SF5, H1, H9 NBE16 and NBE21 of the Adopted Derbyshire Dales Local Plan (2005), Development Management Policies 1, 8 and 9 of the Derbyshire Dales Submission Draft Local Plan (2014) and government guidance contained in the National Planning Policy Framework.
23. To ensure that the development does not result in harm to protected species, or a net loss of biodiversity, in line with the pursuance of sustainable development to comply with Policy NBE5 of the Adopted Derbyshire Dales Local Plan (2005) Development Management Policy 7 of the Submission Draft Local Plan (2014) and government guidance contained in the National Planning Policy Framework.
24. The development should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible in order to comply with government guidance contained in the National Planning Policy Framework.

NOTES TO APPLICANT:

1. The Highway Authority recommends that the first 5m of the access driveway to Knowleston Place 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.
2. 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.
3. The application proposals are affected by a Prescribed Improvement Line and Prescribed Building Line under the Public Health Act and Roads Improvement Act 1925. Whilst it is an offence to undertake building works in advance of these lines, it may be possible for the applicant to apply to rescind the lines. The applicant is advised to write to the Strategic Director of the Economy, Transport and Environment Department at County Hall, Matlock, DE4 3AG, at least 6 weeks before commencing works requesting that the line(s) be removed and confirming

14/00212/FUL (Continued)

that they will meet the Authority's administrative / legal costs if the removal is approved. For further advice, please contact Mr G Hill, Principle Engineer, Development Control (tel: 01629 538647).

4. It is recommended by the Environment Agency that the residents sign up to the Environment Agency Floodline Warnings Direct via <https://fwd.environment-agency.gov.uk/app/olr/register> or by calling the Flood line on 0845 988 1188 to [facilitate evacuation the event of an extreme flood.](#)
5. 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.
6. Prior to the submission of the application, the Local Planning Authority engaged in a positive and proactive dialogue with the applicant which resulted in the submission of a scheme that overcame initial concerns relating to the design and scale of the proposed development and car parking provision.
7. This decision notice relates to the following documents:

Townscape Analysis received on 3rd April 2014.

Design and Access Statement received on 3rd April 2014.

Design Brief received on 3rd April 2014.

Ecology and Bat Dusk Emergence and Dawn Swarming Survey received on 22nd July 2014.

Listed Building Statement received on 3rd April 2014.

Condition Report on 3 Knowleston Place received on 3rd April 2014.

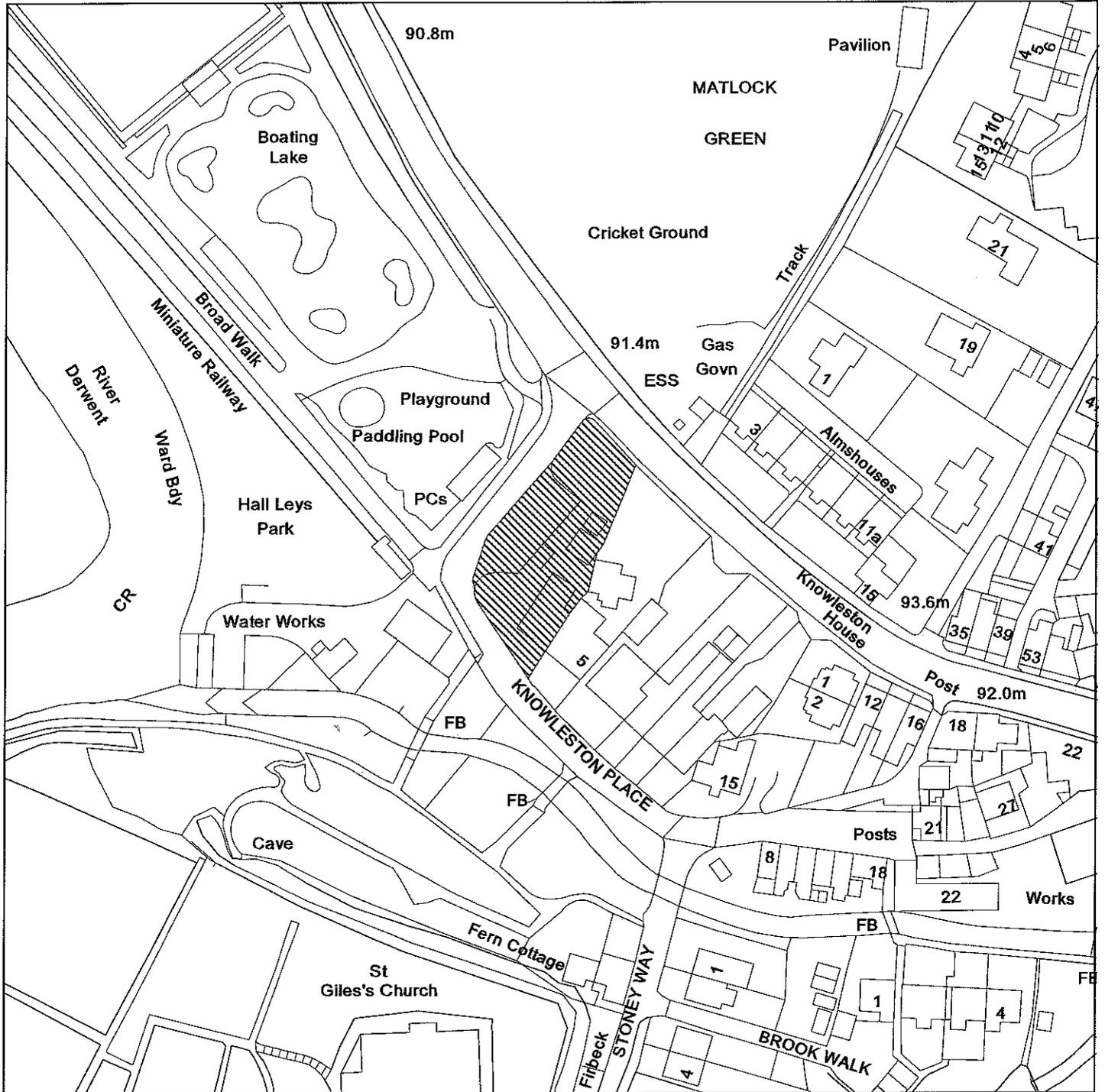
Flood Risk Assessment received on 3rd April 2014.

Supporting Statement received on 3rd April 2014.

Drawing Nos. 001, 002, 003, 004, 005, 006, 007, 008, 009, 010, 011, 012, 013, 014, 015, 016, 017, 018 and 019 received on 3rd April 2014.

14/00213/LBALT

1 & 3 Knowleston Place, Matlock



Scale : 1:1250

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

Organisation	Derbyshire Dales District Council
Department	Not Set
Comments	Not Set
Date	22 July 2014
Licence No.	100019785

14/00213/LBALT ALTERATIONS TO LISTED BUILDING - RESTORATION, RE-USE AND ALTERATIONS AT 1 & 3 KNOWLESTON PLACE, MATLOCK FOR MR. DANIEL ASHBROOK

Town Council: Matlock
Application type: Listed Building Consent

Date of receipt: 25.04.14
Case Officer: Mr. G. Griffiths

THE SITE AND SURROUNDINGS:

The site consists of a Grade II listed outbuilding and the Grade II listed No.3 Knowleston Place which is a dwellinghouse, albeit this has been vacant for some time. These are located at the western end of Knowleston Place which comprises a group of listed dwellings. The site is within the Old Matlock Conservation Area and is opposite Hall Leys Park which is within the Matlock Bridge Conservation Area.

THE APPLICATION:

Listed Building Consent is sought for the restoration of the dwelling and the conversion of the attached outbuilding and the works would create two dwellings. The proposals include the following works, albeit some of these are repairs which do not require listed building consent:

General

- retention and restoration of windows and doors – any new timber doors to be agreed
- insulation of masonry walls, boarded and skimmed
- restoration of staircases
- retention of ceilings or restoration in a like for like manner
- repair and restoration of fireplaces
- works to stone floors to be agreed

One and a half storey lean-to extension

- roof reinstated with slate

Outbuilding

- replacement of western side door with half glazed door
- replacement of eastern side door with window with timber panel below
- replacement of hayloft door with window
- rooflights to be reinstated with timber conservation type rooflights

The works are being proposed with regard to the wider redevelopment of the adjacent petrol filling station site with the development of 4 no. new build dwellings; this is subject to consideration with planning application 14/00212/FUL.

RELEVANT HISTORY:

14/00213/LBALT Redevelopment of site to provide 4 no. dwellings and conversion/re-use of existing buildings to provide 2 no. dwellings and associated car parking – to be determined

0188/0016 Demolition of outbuildings to listed building – Granted

1186/0721 Alterations to petrol station - Granted

14/00213/LBALT (Continued)

CONSULTATIONS:

Town Council – No comments received

Local Highway Authority – No objection

Conservation Advisory Forum – Comment:

- welcomed proposals to bring the buildings back into a beneficial use
- considered that the application details should include an archaeological/architectural historic assessment (above ground) of the building in order to understand and contextualise the works as proposed and their impact on the areas of most significance - lack of such information made it difficult for Members to provide constructive comments
- commented upon the stone slate roof, which should be retained.

REPRESENTATIONS:

One letter of representation from a neighbour. The comments can be summarised as follows:

- renovation of 1 and 3 Knowleston Place would be welcomed
- objections raised to planning application 14/00212/FUL

One letter of representation from a person supporting the repairs to the listed building

POLICIES:

1. National Planning Policy Framework

ISSUES:

1. The principle issues for consideration are whether the proposals will preserve or enhance the listed buildings. Currently the buildings are suffering some weather damage and have deteriorated over several years of neglect instigating their inclusion in the District Council's Buildings at Risk Register in the late 1990's
2. The splitting of the listed building into two units is considered acceptable based on the schedule of works identified in the repair works and works of alteration set out in the applicant's Listed Building Statement.
3. The three new openings proposed internally to the existing walls are acceptable in principle but there will be a requirement for details of any structural works to be submitted for approval.
4. It is proposed to dry-line a number of the internal walls due to the condition of the wall plaster. However, as this was/would be a residential property, it is considered that this should be omitted and a traditional lime plaster or an insulating cork plaster used.
5. The cast iron range is to be removed. This probably dates from the late 19th century but is in a rather dilapidated condition and therefore this is considered acceptable.
6. A number of fireplaces and 18th and 19th century internal doors survive throughout the listed buildings and the three storey dwelling has an original 18th Century timber staircase. These are proposed to be retained and repaired and details of the proposed works will be required to be submitted through Conditions on any grant of listed building consent. Works to all existing ground floors (including their finishes) and the suspended upper floors will also be required to be addressed through Conditions. A condition will also be required for the approval of paint colours for windows, doors and rainwater goods.

14/00213/LBALT (Continued)

7. Given the above, it is considered that the proposals will serve to protect the character and appearance of the listed building and preserve it into the future.

OFFICER RECOMMENDATION:

Listed Building Consent be granted subject to the following conditions:

1. Condition ST04a Time Limit on Listed Building
2. The works of repair and restoration shall be carried out fully in accordance with the Listed Building Statement (October 2013) and submitted drawings, unless alterations are otherwise agreed in writing by the Local Planning Authority, and except insofar as otherwise required by other conditions to which this consent is subject. This consent only applies to those works specifically identified in the Listed Building Statement, and associated drawings, and any further works to the building fabric, elements or components, may require a further application for listed building consent.
3. Notwithstanding the details submitted with the application, before the development commences, details of any structural works required to provide the proposed internal openings and any other structural elements shall be submitted to and approved in writing by the Local Planning Authority and the works shall thereafter be undertaken in full accordance with the approved details.
4. Notwithstanding the details submitted with the application, before the development commences, details/samples of the paint colours for windows, doors and metal goods on the buildings shall be submitted to and approved in writing by the Local Planning Authority and the painting shall thereafter be undertaken in accordance with the approved details.
5. Restoration/repair details/methodology for the existing staircases, fireplaces, doors, ground floors (and finishes) and upper floors shall be submitted to and approved in writing by the Local Planning Authority and shall thereafter be undertaken in accordance with the approved details.
6. Notwithstanding the details submitted with the application, the walls shall not be dry-lined and shall be instead treated with lime plaster (or an insulating cork plaster) in accordance with details to be submitted to and approved in writing by the Local Planning Authority.
7. Notwithstanding the details on the approved drawings, all materials/details used in repairs to the building shall exactly match those of the materials being replaced unless otherwise agreed in writing by the Local Planning Authority.

Reasons:

1. Reason ST04a
- 2-7. To safeguard the character and appearance of the listed building to comply with government guidance contained in the National Planning Policy Framework.

14/00213/LBALT (Continued)

NOTES TO APPLICANT:

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

2. This decision notice relates to the following documents:

Listed Building Statement received on 3rd April 2014.

Condition Report on 3 Knowleston Place received on 3rd April 2014.

Supporting Statement received on 3rd April 2014.

Drawing Nos. 001, 002, 007, 008, 009, 010, 011, 012, 013, 014, 015, 016, 017, 018 and 019 received on 3rd April 2014.

14/00154/FUL

24 Dale Road, Matlock



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Organisation	Derbyshire Dales District Council
Department	Not Set
Comments	Not Set
Date	22 July 2014
Licence No.	100019785

**14/00154/FUL FORMATION OF ACCESS AT 24 DALE ROAD, MATLOCK FOR
MR. LETHBRIDGE**

Town Council: Matlock
Application Type: Full

Date of Receipt: 6th March 2014
Case Officer: Mr. A. T. Ecclestone

THE SITE AND SURROUNDINGS:

The application property is a mid-19th Century, end-terrace house, situated in a residential area to the south-west of Matlock Town Centre. It forms the northern end of a row of houses (Kingsbridge Terrace) that are stepped back and up from Dale Road. Their principle elevation faces Dale Road and they back onto Holt Lane.

Holt Lane is a narrow lane within the Matlock Bridge Conservation Area and many of the houses are covered by Article 4 Directions, including number 24. Historically, the whole length of Holt Lane was enclosed by a roadside boundary wall with distinctive 'cock and hen' copings. Unfortunately however, large sections of this historic boundary wall have been removed over the years to provide private, off-road parking for some of the houses.

THE APPLICATION:

The proposal is for the removal of the last remaining section of the historic, roadside boundary wall and the formation of a vehicular access and hardstanding.

RELEVANT HISTORY:

None.

CONSULTATIONS:

Local Highway Authority:
No objection, subject to Condition.

Town Council:
No objection.

Conservation Advisory Forum:

Considered the comments regarding Conservation Area considerations as outlined in the LPA letter of 10th February remained pertinent. In summary "the removal of any part of this remaining section of historic grit-stone wall, with its cock and hen copings, would be regrettable as its partial loss would neither preserve nor enhance this part of the Conservation Area. An application submitted on this basis would be likely to receive an Officer recommendation of refusal."

REPRESENTATIONS:

2 letters of support have been received which can be summarised as follows:

The new access will be similar to adjacent properties. The removal of the wall will not be detrimental to the appearance of the area. It will complete a continuous row of five hardstandings at the rear of this short terrace. As such, it would help to remove the parking congestion created by two near-by dental practices. It will also improve visibility for through traffic. It will improve access for Emergency Service vehicles.

14/00154/FUL (Continued)

POLICIES:

Adopted Derbyshire Dales Local Plan (2005)

SF1 Development Within Settlement Framework Boundaries

SF5 Design And Appearance Of Development

NBE21 Development Affecting A Conservation Area

Derbyshire Dales Local Plan Submission Draft May 2014

Development Management Policy 8 – The Historic Environment

Development Management Policy 9 – Design and Appearance Of Development

National Planning Policy Framework (NPPF)

Chapter 7 – Requiring good design

Chapter 12 - Conserving and Enhancing the Historic Environment

Other:

Matlock Bridge Conservation Area Character Appraisal.

ISSUES:

The main issues to assess are the impact that the removal of this last remaining section of the historic boundary wall and the formation of the vehicular access will have on the character and appearance of this part of the Matlock Bridge Conservation Area.

Paragraph 134 of the NPPF states that where a development proposal would lead to less than substantial harm to the significance of a designated heritage asset, this should be weighed against the public benefits of the proposal, including securing its optimum viable use.

This last remaining section of the historic roadside boundary wall with its distinctive ‘cock and hen’ coping makes a positive contribution to the Conservation Area, presenting the original roadside boundary treatment to the rear of these cottages and defining the width and character of Holt Lane. Although other sections have been removed in the past, this makes the protection and retention of this last remaining section even more important. Its removal would not preserve or enhance the character or appearance of the Matlock Bridge Conservation Area. The benefit to the individual of creating a private off-road car parking space does not justify the harm caused to the wider Conservation Area. Once removed, the historic detailing and any sense of enclosure to this side of Holt Lane will be permanently lost.

The proposal will conflict with Local Plan Policy SF1 – Development Within Settlement Framework Boundaries, because it will not preserve or enhance the character and appearance of the settlement.

The proposal will conflict with Local Plan Policy SF5 – Design And Appearance Of Development, because the design and layout does not preserve or enhance the quality or local distinctiveness of the surroundings.

The proposal also conflicts with Local Plan Policy NBE21 – Development Affecting a Conservation Area, because it does not preserve or enhance the character or appearance of the area.

14/00154/FUL (Continued)

The proposal is also considered to conflict with Strategic Policy 3 of the Derbyshire Dales Local Plan Pre Submission Draft 2014, because it does not conserve or enhance the heritage asset, which in this case is the Matlock Bridge Conservation Area.

The proposal will also conflict with paragraph 131 of the NPPF, because it does not make a positive contribution to the local character and distinctiveness.

OFFICER RECOMMENDATION:

Planning Permission be refused for the following reason:

The proposed removal of the last remaining section of the historic boundary wall will be detrimental to the character and appearance of this part of the Conservation Area and will conflict with Policies SF1, SF5 and NBE21 of the Adopted Derbyshire Dales Local Plan (2005), Strategic Policy 3 of the Derbyshire Dales Local Plan Submission Draft May 2014 and Chapter 12 of the NPPF.

NOTE TO APPLICANT:

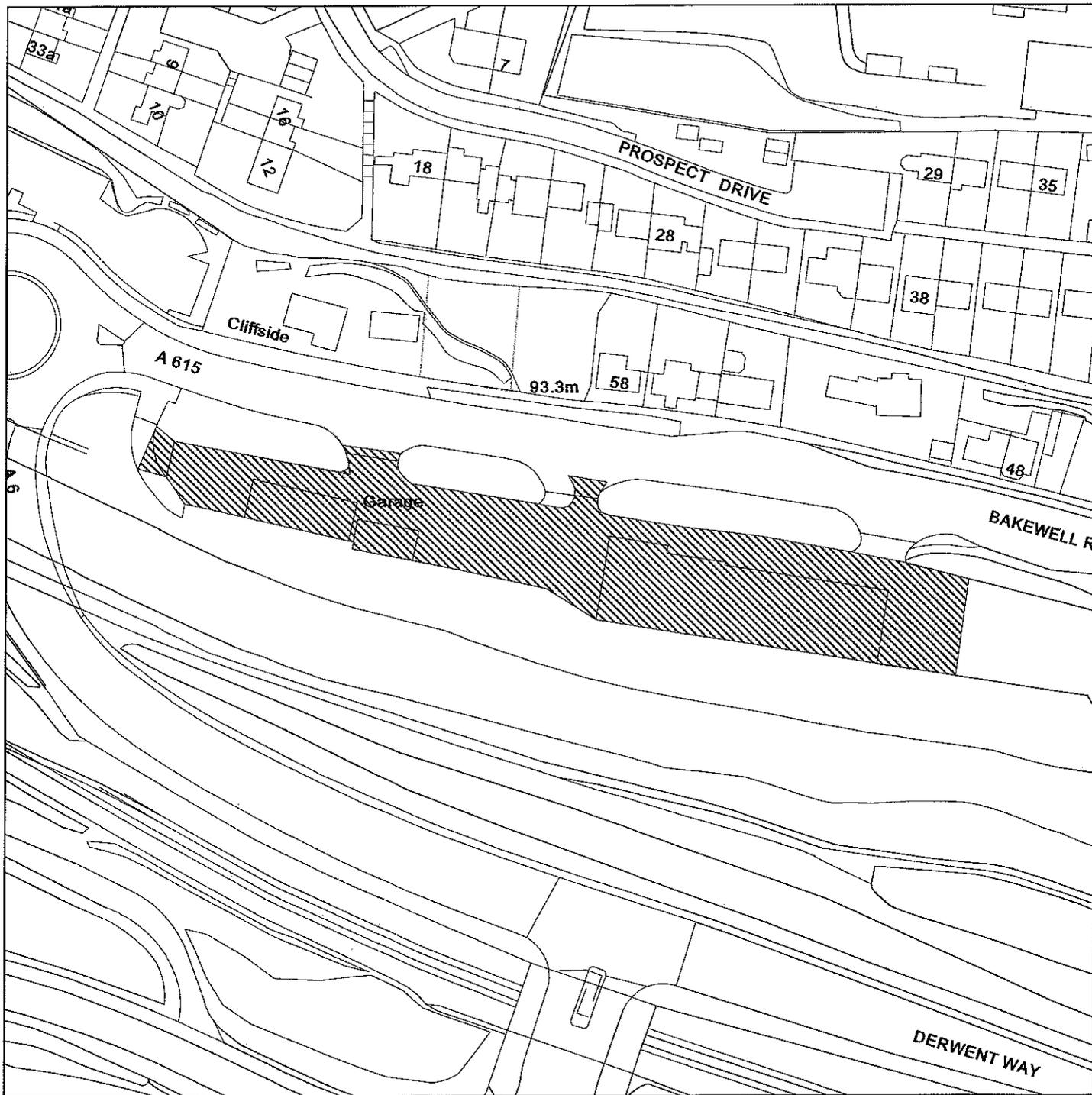
This Decision Notice relates to the following documents:

Drawings numbered 1 and 2, received by the Council on 21st March 2014 and drawings numbered 3 and 4, received by the Council on 20th May 2014.

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.

14/00249/FUL

43 Bakewell Road, Matlock



Scale : 1:1250

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Matlock, Derbyshire DE4 3NN. Telephone: (01629) 761100.
Website: www.derbyshiredales.gov.uk

Organisation	Derbyshire Dales District Council
Department	Not Set
Comments	Not Set
Date	22 July 2014
Licence No.	100019785

14/00249/FUL REDEVELOPMENT OF SITE TO PROVIDE RESTAURANT/FOOD TAKEAWAY AND BULK WINE RETAIL STORE WITH ASSOCIATED PARKING AT 43 BAKEWELL ROAD, MATLOCK FOR WILLIAM TWIGG (MATLOCK) LTD.

Town Council: Matlock
Application type: Full

Date of receipt: 11.04.14
Case Officer: Mr. G. Griffiths

THE SITE AND SURROUNDINGS:

The site lies to the west of Matlock town centre and is bounded by Bakewell Road to the north and the River Derwent and A6 to the south. The site is level and roughly rectangular with a frontage of some 170m and a depth between 14 and 22m. This includes three single storey buildings and part of the car park/storage area to Twiggs.

The site is separated from Bakewell Road by a wide highway verge containing several trees and can be accessed via three entrance points. The rear boundary of the site is well treed and separated from the River Derwent by flood defences.

The site was a petrol filling station with showroom and car repair garage. The site was purchased by the applicant in 2002 when the filling station use was terminated and the fuel storage tanks removed. Since this closure, the main building at the eastern end of the site has had a variety of uses including car sales, motorcycle sales and repair, children's indoor play area and vintage car hire. The eastern end of the building also benefits from a restaurant and bar use. The building has not been in use for a couple of years.

The building at the western end of the site was used for car repair and maintenance with the smaller adjoining building being used for the car wash operation which occupies most of the space between the two main buildings.

The site is within a commercial area but with residential properties on the opposite side of the road. The site is within the settlement framework boundary of Matlock.

THE APPLICATION:

Full planning permission is sought for a drive-thru restaurant (McDonald's) and a bulk retail store (Majestic Wines). The proposed development would replace the two principal buildings on the site which were formerly a car repair garage and a showroom with ancillary bar. In addition, the buildings associated with the car wash business, between the above buildings, would also be demolished.

The proposals intend the following development:

Restaurant (McDonald's)

- to measure some 14.4m wide by 34.5m deep and 5.0m high to the flat roof
- to be constructed with brick/stone, glazing and panelling
- it is proposed to provide a dining area, kitchen, toilets, staffroom and changing rooms, office, plant room, chiller, freezer and stores
- total internal floorspace would be 415sqm with 150sqm being the public restaurant area.

14/00249/FUL (Continued)

In terms of design, the layout is controlled by the operational requirements, the dimensions of the site, car parking and circulation and the logical location being closer to the town for pedestrian access (the bulk wine retailer would by its nature have few pedestrian visitors). The applicant advises that the design of the building is influenced by the corporate image of McDonald's and the surrounding urban form. The style and methods of construction allow for future alteration and modernisation of the restaurant/take-away. The applicant advises that the building would seek to integrate with the surroundings and adopt a palette of high quality materials.

Bulk retail unit (Majestic Wines)

- to measure some 11m wide by 27.3m deep and 4.8m high
- it is proposed to have an internal floorspace of 292sqm with the sales area being 40sqm
- materials are proposed to be a masonry base, black signage and light cladding for the walls
-

The applicant considers the gently arched roof and horizontal banding of materials sits well in the locality of recent buildings including Sainsburys, Gateway Court apartment block and the Arc leisure centre which demonstrate a contemporary design approach.

Sub-station at the western end of the site

- to measure some 3.2m by 4.4m and 3.9m high.

This is proposed to be of materials and have a roof design to reflect the bulk retail unit. It is proposed to be set between the retail unit and the western edge of the site with the overhanging roofs abutting each other. Although there is a 0.7m gap between the wall of the bulk retail unit and the proposed sub-station, this building will have the appearance from most angles of being attached to and integrating with the bulk retail unit.

Access and Parking

- the vehicle access to the eastern side of the site would be closed off
- vehicle access into the site is proposed via the current westerly access
- vehicle exit would be via the westerly and centrally located access (the centrally located access would be exit only)
- a parking area for 36 vehicles is proposed between the two proposed buildings
- visitors to the drive through would circulate around the building with collection points located on the south side of the building.

Landscaping

- existing trees on the grass verge, which are outside of the application site, would be retained as far as possible
- additional planting will be undertaken in the verge subject to the approval of the Local Highway Authority
- the tree belt to the rear of the buildings would remain unaffected.

14/00249/FUL (Continued)

The applicant has also submitted the following documents in support of the application:

- Design and Access Statement
- Transport Assessment
- Flood Risk Assessment
- Arboricultural Survey and Impact Assessment Report

The applicant estimates that the restaurant would generate employment for over 100 people, some part time, and that the bulk wine retailer would generate employment for up to 15 people. It is advised that additional spin-off employment would be generated for other companies in the locality.

The applicant has not stipulated the times of operation but details submitted with the applications clearly suggest a desire for 24 hour operation. In terms of noise, the applicant considers that as the development would be located on a main road carrying a substantial volume of traffic where the ambient noise level is high. In this respect, the applicant considers it would be unlikely that the traffic noise generated by the development would be audible above the background traffic noise levels.

The applicant also considers that the noise levels would be unlikely to exceed those generated by the established use of the site as a bar restaurant. The take-way kiosk is proposed to be on the south side with the building shielding noise from residential properties and the plant area is also on the south side and would be fully enclosed.

RELEVANT HISTORY:

14/00309/ADV	Internally illuminated pole sign – Withdrawn.
14/00308/ADV	Internally illuminated and non-illuminated signage – To be determined.
14/00307/ADV	Illuminated and non-illuminated freestanding signage – To be determined.
10/00527/FUL	Change of use of former car showroom and wine bar/cafe to retail unit (Use Class A1) – Refused
06/00537/FUL	Change of use of motorcycle showroom to provide childrens' play area to be used ancillary to adjoining bar/café - Granted
05/00221/FUL	Use of premises as wine bar/bistro during the hours of 9.00 a.m. to 11.00 p.m. Monday to Thursday, 9.00 a.m. to 12.00 midnight on Fridays and Saturdays and 9.00 a.m. to 10.30 Sundays (temporary for 6 months only) – Granted
05/00220/FUL	Use of premises as wine bar/bistro during the hours of 9.00 a.m. to 11.00 p.m. Monday to Saturday and 9.00 a.m. to 10.30 p.m. Sunday - Granted
05/00025/FUL	Use of premises as cafe/wine bar/bistro (Use Class A3) during the hours of 9am - 11pm Monday - Thursday, 9am - Midnight Friday and Saturdays and 9am - 10.30pm Sundays for temporary period – Withdrawn
04/10/0868	Variation of condition 3 (opening hours restriction) of planning permission 03/03/0211 to allow for use as a wine bar during the hours of 7.00 p.m. and 12 midnight on Fridays and Saturdays - Granted
04/06/0522	Variation of condition 3 of planning permission 03/03/0211 to allow opening till 1 a.m. on Fridays and Saturdays – Refused
03/10/0805	Change of use of part of motorcycle showroom to wine bar (Use Class A3) without complying with condition 3 of planning permission 03/03/0211 – Granted

14/00249/FUL (Continued)

03/03/0211	Variation of condition 3 (access), condition 4 (restriction of use) and condition 5 (opening hours restriction) of planning permission 02/12/0970 to allow for use as a wine bar during the hours 7.00 p.m. to 11.00 p.m. Thursday to Sunday - Granted
02/12/0970	Change of use of part of motorcycle showroom to coffee shop/café – Granted

CONSULTATIONS:

Town Council – Comment:

- no objection in principle
- would wish to see conditions applied to restrict opening hours and measures to minimise litter in the town
- would wish to see less modern design which is more sympathetic and in keeping with the area

Local Highway Authority – No objection subject to conditions.

Environment Agency – Comment:

- matters relating to flood walls and positioning of substation relative to access to flood wall
- matters with regard to finished floor levels and Sustainable Drainage Systems
- matters can be addressed by conditions

Director of Community Services (Environmental Health) – Comment:

- concerns with impacts of previous bar/restaurant times of operation
- would wish to see restrictions on hours of operation being 07.00 to 22.00
- further assessment of noise and light pollution matters
- condition with respect to site contamination

Development Control Archaeologist – Comment:

- satisfied proposals will have no archaeological impact

REPRESENTATIONS:

A total of thirteen letters of representation submitted from three neighbouring residents, a person living in Matlock, four residents living in the District and one outside the District objecting to the proposals. The comments can be summarised as follows:

- heavy traffic
- would not welcome an increase in queuing vehicles in the area
- no pedestrian pavements on the development side of the road or safe route to cross the road – a pedestrian crossing would interfere with traffic flow
- currently very little noise along Bakewell Road at night
- to what hours will the restaurant and retail units be open?
- object to suggested opening hours – noise impact will affect children's sleeping patterns
- were previous noise problems with Madisons Bar
- suggest opening and closing times should be set in tandem with the watershed period of 07.00-21.00
- cars, motorbikes and groups of people would be heard in neighbouring property and cause significant disturbance
- impact of deliveries at night and in the early morning
- Town Council suggestion to regulating hours from 0900-2100 is welcomed
- will cause vandalism and social problems

14/00249/FUL (Continued)

- would promote a youth culture 'gathering area' - would not welcome young people hanging around the car park in the evenings
- impact of litter
- light pollution
- inappropriate building design
- agree with comments of the Matlock Civic Association with respect to the riverside walk
- site should be part of the Bakewell Road Masterplan
- would be more suited to a central location (former Matlock Mercury Offices or Hayden Stanley for example)
- should swap the buildings on the site placing McDonalds nearer the roundabout where it would be by the bund which would deflect noise and screen signage glare
- Matlock is a traditional town unspoilt by the ravages of commercialism – destined to become an uninteresting clone town
- signage that McDonald's demand is brash and may be suited to the US but is in no way in keeping with the peaks and dales of Derbyshire
- will dissuade other cafés opening up in the town centre
- impact on local and passing trade
- would divert people away from the town centre and would not encourage visitors to then visit the town
- devastating impact on local business
- majority of jobs will be non-skilled, part-time jobs (approx.. 80% according to company figures) with low wages
- environmental impacts of waste products
- promoting and selling unhealthy food – particularly to children
- site could be put to better uses with Aldi or Lidl instead of being forced to go to Sainsburys
- impact on value of residential properties.

One letter of representation from a Matlock resident supporting the proposals. The comments can be summarised as follows:

- will redevelop a run-down area forming the gateway to the town in need of urgent improvement
- if application declined, may be more additional years before an alternative developer is sought (over and above the years the site has already declined)
- support Matlock's tourist industry
- support local economy – 65 additional jobs
- no similar facilities in the town
- proper access and service facilities for passing traffic
- national 'constant' offer important to keep locals and visitors in the town
- site will be properly managed to high standard i.e. litter control, well maintained, etc.
- misconception that offer poor quality meals
- alternatives such as M&S, Halfords, Homebase, etc unlikely to be realistic for the site.

14/00249/FUL (Continued)

Matlock Civic Association - Comment:

- no objection in principle
- elevations would benefit from greater interest (more windows/detailing)
- turns back on river with no attempt at a riverside walk or viewing points
- major gateway to the town and unfortunate that first building seen would be a substation – if it cannot be moved it should be screened
- difficult to ascertain colours of the materials and hope they would be compatible with local character
- need for additional landscaping between Twiggs and the drive through lanes on the A6 frontage
- some concern with proximity of access to the roundabout.

POLICIES:

1. Adopted Local Plan (2005)
 - SF1 Development within Settlement Frameworks Boundaries
 - SF5 Design and Appearance of Development
 - SF8 Catering for the Needs of People with Disabilities in Development and Redevelopment
 - EDT4 Other Existing Employment Land And Business Premises
 - EDT8 Design And Appearance Of New Industrial And Business Premises
 - EDT11 Retail Uses within Employment Areas
 - NBE6 Trees And Woodlands
 - NBE26 Landscape Design In Association With New Development
 - S6 The Design and Appearance of Shops and Commercial Premises
 - S7 Shopfront Security
 - S8 Development to Realise the Potential of the River Derwent
 - TR1 Access Requirements and the Impact of New Development
 - TR8 Parking Requirements for New Development
2. Submission Draft Local Plan (2014)
 - Strategic Policy 1 – Sustainable Development Principles
 - Strategic Policy 7 – Retail, Leisure & Other Commercial Development
 - Strategic Policy 11 – Accessibility
 - Strategic Policy 12 – Matlock/Wirksworth Sub Area
 - Development Management Policy 1 - Development within Settlement Framework Boundaries
 - Development Management Policy 6 - Landscape Character
 - Development Management Policy 9 - The Design and Appearance of Development
 - Development Management Policy 10 - Land for New Employment Development
 - Development Management Policy 11 – Existing Employment Land and Premises
 - Development Management Policy 22 – Access and Parking
3. National Planning Policy Framework
4. National Planning Policy Guidance

ISSUES:

1. Introduction

The principal issues for consideration are the impact that McDonald's and Majestic Wines would have on the vitality of Matlock town centre. Other issues for consideration are employment, the design and appearance of the development, impacts on the amenity of nearby residents, landscaping and highways and access issues.

14/00249/FUL (Continued)

2. Policy

The emerging Local Plan has been presented for Examination in Public and must now be given a more significant degree of weight where this does not conflict with the adopted Local Plan and more so with the National Planning Policy Framework.

Policy EDT11 of the Adopted Derbyshire Dales Local Plan (2005) advises that, within employment areas, planning permission will be granted for retail development where it involves a specialist retail use unsuited to a town centre location, it would specifically serve the needs of those employed within the employment area and would not create unacceptable problems in terms of its relationship to neighbouring uses. This suggests the retail development may be acceptable in limited circumstances. The site is limited in its current use as an employment site and the proposed developments will introduce a significant number of jobs beyond those formerly expected to have been provided across the wider site.

The National Planning Policy Framework advises that planning policies should be positive and promote competitive town centre environments that provide customer choice and a diverse retail offer and which reflect the individuality of the town (Paragraph 23). It also states that Local Planning Authorities should allocate edge of centre sites for main town centre users that are well connected to the town centre, where suitable and viable town centre sites are not available, and set policies for consideration of proposals for main town centre uses which cannot be accommodated in or adjacent to town centres.

Regard has to be given to reason for the refusal of planning permission for The Original Factory Shop in the former 'Madisons' building. In this respect, it was identified that the site lies outside the town centre defined in the Adopted Derbyshire Dales Local Plan. The location was considered to be unsustainable for A1 retail use as customers would be divorced from the main retail environment of Matlock, thereby lessening the probability of linked shopping trips increasing the reliance of customers on the private car to shop at these premises and failing to maximise the benefits of new retailing to enhance the vitality and viability of Matlock town centre. Furthermore, there were considered to be sequentially preferable sites for A1 retailing within the town centre, which could be redeveloped within a reasonable timeframe and whose development would serve to reinforce the vitality and viability of the main shopping centre.

Notwithstanding the above, there are specific reasons for McDonald's and Majestic Wines to seek a location on the edge of town. McDonald's is proposing a drive-thru element which is suited to a location where there are good road links and is a form of business operation that could not be easily provided for within the town centre. Majestic Wines is also a bulk retail outlet that would rely on its customers making car borne journeys to purchase bulk wine. In this respect, it has different requirements to non-bulk retail outlets, such as 'The Original Factory Shop,' and, as a bulk retailer, Majestic Wines would need to be located close to the road network with adequate means for close parking provision.

The bulky nature of sales requires parking to be available and controllable at all times adjacent to the store, in order to allow purchases to be carried and loaded into a customer's vehicle. In this respect, it is noted that there is limited on-street parking available within most of the town centre, with this being competed for by visitors to all of the outlets there in. In this regard, it is considered that there are specific site requirements for the proposed developments that cannot be easily accommodated within the town centre.

14/00249/FUL (Continued)

There is some concern with regard to the impact on existing local restaurant/café/take away provision. However, it is considered that whilst McDonald's may have some impact on drawing customers away from such units in the town, to have it located within the town would have a similar impact. Such a facility would also be likely to serve to encourage visitors to visit the town. It is considered the bulk retail unit with appropriate conditions on how it can operate will have little impact on town centre businesses.

As such, the development would be in relatively close proximity to the town centre, well connected to it and would provide for a drive-thru restaurant that does not exist within the town. It is also considered that such an offer would encourage residents in the wider catchment area to come to Matlock and thereby generate trade. Given the above, it is considered that the development accords with the spirit of the sequential approach to considering such development advocated in Paragraph 24 of the NPPF.

3. Employment

The proposed development will lead to a significant number of jobs being created which would be both full and part time to the benefit of the local economy.

4. Design and Appearance

The proposed buildings are considered a significant improvement to the existing buildings on the site and are of an appropriate, contemporary appearance for the site rather than a pastiche of traditional appearance and detailing. The former showroom/bar/restaurant building, whilst never particularly attractive, has recently fallen into a state of disrepair, and it is considered that the proposed buildings would enhance the visual approach to the town. The removal of the car wash is also considered to be a visual improvement, albeit this would be replaced by a car parking area.

In terms of materials, these have not been fully specified and it is considered reasonable to attach conditions requiring these to be submitted for approval prior to the development commencing. The applicant has made an assertion to the use of quality materials which will need to be assessed in the context of the application site.

Matlock Civic Association refer to the provision of a riverside walk. There is no formal planning proposal or designation for such a riverside walk on this side of the River Derwent. As such, this is not considered a reason to otherwise require a rethinking of the design of the development proposals.

5. Landscaping

The applicant has submitted an arboricultural statement with respect to the trees around the site, particularly those on the frontage. It is considered that the trees will not be harmed with the development, being outside of the root protection area, and the built form would be generally set further away from the trees. However, it should be noted that the application site excludes the highway verge to the front. Whilst the applicant has indicated that they would wish to see the two, multi-stemmed lime trees removed from the site, this is outside of the application site and under the control of the County Council.

The applicant proposes to retain the trees to the south of the site, adjacent to the river, which will soften views of the development. Nevertheless, it is considered reasonable to require a full landscaping scheme to be submitted as a condition on any grant of planning permission. This would also include any proposed boundary treatments that may emerge and for outside furniture and other potential structures.

14/00249/FUL (Continued)

6. Impact on Residents' Amenity

The principal impacts associated with the site stem from the hours of operation, noise from vehicles, noise and odour from the restaurant and potential light pollution. In this respect, the District Council's Environmental Health Section has advised the following.

The site does attract a degree of noise during the day with its proximity to Bakewell Road and the flow of traffic. This flow has decreased to some extent with the introduction of the by-pass and would be rather tranquil at night. In this respect, the proposals have the potential to harm the amenity of residents on the opposite side of Bakewell Road to the development site. As such, it is considered reasonable to require some degree of control over the hours of operation.

In terms of the hours of operation, the applicant has advised that the times are unknown but indications on signage applications suggest a 24 hour operation. It is advised by the District Council's Environmental Health Section that the hours of operation be restricted to similar hours attached to the previous bar/restaurant which were 09:00 to 23:00 Monday to Saturdays and 09:00 to 22:30 on Sundays. Subsequently, a temporary planning permission for a period of six months was granted for the bar to operate between 09:00 to 23:00 Mondays to Thursdays, 09:00 to 00:00 on Fridays and Saturdays and 09:00 to 22:30 on Sundays. The temporary extension was granted to monitor the operation of the bar to see if complaints were received. However, the Environmental Health Section received complaints from nearby residential properties from noise late at night from people using the premises. In addition, part of the site has been subsequently used as a car washing facility and complaints have also been received regarding noise from this operation.

However, notwithstanding the comments of the Environmental Health Section, it is considered that greater leeway can be given to the times of opening in the morning, given that the amount of traffic expected at this time would be limited. As such, it is considered that the site could open at 06.00 each morning to attract the breakfast trade. There is the potential for noise nuisance from the site either from people walking to or from the site late at night or its general use during the day. As such, it is considered that the hours of operation are reasonable up until 23.00 to protect nearby residential properties.

There is also a need to ensure that the noise from the refrigerator will not have an impact on residents. In this respect, it is considered reasonable to establish the background noise levels through a noise survey to assess potential impact. As such, this can be attached as a condition on any grant of planning permission.

In terms of cooking odours, the applicant has advised that they do not consider there is reason to suppose that these will be problematic. This is considered somewhat surprising given the nature of the cooking process, which includes the deep fat frying of food. Nevertheless, these matters can be overcome by the use of the correct attenuation equipment and can be addressed by a condition on any grant of planning permission.

With regard to light pollution, the applicant has submitted insufficient details to demonstrate where there may be a need for lighting on the buildings or around the car park for safety reasons. In this respect, it is considered the extent of lighting, and how it is directed to avoid a significant impact on residents and users of the highway, can be incorporated within the proposed wider landscaping condition.

14/00249/FUL (Continued)

7. Highway Issues

A Transport Statement, and an addendum to it, have been submitted as part of the application. The Local Highway Authority has advised that the revised traffic modelling confirms the new development can be accommodated on the highway networks without causing 'severe' harm to highway safety. Therefore, the Local Highway Authority advises that it would not be in a position to raise a sustainable objection to the proposals as submitted. However, there are some issues that still remain unresolved as follows:

- safe pedestrian crossing facilities across the A6 (potentially a central refuge with tactile paving) at an appropriate location.
- secure cycle parking for staff / customers.
- boundary treatment adjacent the 'Drive-thru' restaurant to prevent headlights from queuing vehicles distracting drivers on the A6.

In this regard, the Local Highway Authority has set out conditions to address such matters to be attached to any grant of planning permission.

In terms of on-site manoeuvring for delivery vehicles, a swept path analysis for a delivery vehicle has been submitted which indicates a delivery vehicle can manoeuvre into the designated unloading area. This can only occur when certain car parking spaces are vacant (the HGV path completely over-sails the disabled car parking spaces as well as several other regular parking spaces). However, the Local Highway Authority assume this could be managed by the restaurant owners, where the spaces could be reserved in advance of programmed deliveries to the site. Given the above, there are no objections to the proposals on grounds of highway safety.

8. Site Contamination

The applicant has submitted a report on potential contamination of the site. Having assessed the report, the District Council's Environmental Health Section has raised no objection but has made a number of recommendations which will need to be subject to a condition on any grant of planning permission.

9. Flood Risk

The applicant has submitted a flood risk assessment which proposes drainage to be SuDS compliant where possible and providing any necessary attenuation and flow control with respect to the 1 in 100 plus 20% rainfall events. The floor levels of the buildings are proposed to be set marginally above the 1 in 100 year plus climate change level and avoid surcharge to the flood wall through the increase in levels. The applicant considers the site to be sequentially preferable due to flood zone compatibility and that similar previous uses have operated on the site.

The Environment Agency has advised that the length of existing flood wall adjacent to the planning application site is in private ownership (e.g. not an Environment Agency maintained flood wall). They are aware that the flood wall is in a poor state of repair with a number of cracks and advise that it is essential that demolition of the existing buildings and the erection of the proposed restaurant/food takeaway and bulk wine store does not cause further deterioration of the flood wall, which could place land behind the wall at risk of flooding.

14/00249/FUL (Continued)

The Environment Agency also advises that the length of existing flood wall immediately downstream of the planning application site is maintained by them and the only means of access to inspect and maintain the flood defence is via a gateway where the new substation is proposed. The Environment Agency is concerned that the location currently shown for the new substation will remove their ability to carry out essential maintenance of the flood wall. The consequences of this could place land behind the flood wall at high risk of flooding.

Given the above, the Environment Agency requests conditions be attached to any grant of planning permission with respect to matters relating to flood walls, the positioning of substation relative to the access to flood wall, finished floor levels and Sustainable Drainage Systems.

10. Conclusion

Whilst there is some concern that the restaurant element may have an impact on businesses in the town centre, this would be a likely occurrence if sited within the centre itself. In this respect, rather than seeing the proposal as a threat to the viability of the town, it is considered that provision of this facility, serving both residents of the town and motorists from further afield, would help support the town and encourage visits to it. Given that the development would also provide for employment and be visually an improvement to the character and appearance of the site, this element of the scheme is considered acceptable.

With respect to Majestic Wines, it would appear that there are no units within the town centre that meet the offer requirements of the applicants in terms of size and servicing arrangements (both for customers and delivery vehicles). The issue is not one of competition between retailers but whether, given the sequential appraisal, the introduction of the proposed Majestic Wines would be demonstrably harmful to the vitality and viability of Matlock town centre. After due consideration, and subject to appropriate planning conditions being imposed to confirm the 'bulk' purchase offer that the applicants operate, it is considered that this element of the scheme is also in accordance with the aims of the National Planning Policy Framework.

OFFICER RECOMMENDATION:

Planning permission be granted subject to the following conditions:

1. Condition ST02a Time Limit on Full
2. The development hereby approved shall be carried out in accordance with the originally submitted drawings and specifications except as amended by the drawings and specifications received on 22nd May and 23rd July 2014 and except insofar as may otherwise be required by other conditions attached to this permission.
3. Condition DM1 All Materials to be Approved – General
4. No development shall commence on site until a scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority, the details of which shall include :-

14/00249/FUL (Continued)

- (i) the retention of all trees within the application site and associated land within the applicants owned land within the blue edged area of the approved drawings, unless otherwise agreed in writing by the Local Planning Authority
- (ii) all plant species, planting sizes, planting densities, the number of each species to be planted and plant protection;
- (iii) means of enclosure;
- (iv) hard surfacing materials;
- (v) minor artefacts and structures (e.g. furniture, other storage units, etc.)
- (vi) all means of external lighting within the application site.

Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority. All hard landscaping and means of enclosure shall also be carried out in accordance with the approved details prior to any part of the development first being brought into use or in accordance with a programme to be agreed in writing with the Local Planning Authority.

5. Notwithstanding the submitted information, before the development commences the following matters relating to site contamination shall be addressed and details submitted to approved in writing by the Local Planning Authority:
- a) Design Sulphate Class DS-5 and an Aggressive Chemical Environment for Concrete site classification AC-5 must be adopted for all concrete below ground; and
 - b) if piled foundations are used, a Design Sulphate DS-4 (based on water soluble sulphate) and an Aggressive Chemical Environment for Concrete site classification AC-4 must be adopted; and
 - c) due to the presence of methane, specific gas protection measures must be incorporated into the new buildings in accordance with CS2 (characterised as low potential hazard) in accordance with BS 8485 and CIRIA 665; and
 - d) due to the presence of hydrocarbon contamination as well as aliphatic TPH fraction >C12-C16 as well as benzo(a)pyrene, a hydrocarbon resistant membrane must be incorporated into the gas protection measures for the new buildings; and
 - e) due to the presence of asbestos, no man made materials in the area identified as WS6 in the survey should remain at the surface following completion of the proposed development. They should be capped with either hard standing or a cover of aggregates or soft landscape comprising of a minimum of 300mm of imported clean material. In addition, appropriate precautions must be undertaken at all times to protect both people working on the site as well as members of the public during demolition, clearance and construction; and
 - f) if further areas of contamination are identified during demolition, clearance or development, specialists must be contacted to immediately to allow further assessment to ensure that the identified critical receptors are not at risk. The Local Planning Authority shall be kept informed of any such developments and be supplied with copies of any assessments; and
 - g) a Petroleum Licensing Search must be carried out for the site to provide information on any existing or former tanks on the site; and
 - h) further investigation must be undertaken to fully determine the lateral and vertical extent of the hydrocarbon contamination identified on site and must include an assessment of the ground water quality beneath the site. Based on

14/00249/FUL (Continued)

the findings of this investigation, a quantitative risk assessment may be required by the Local planning Authority in order to fully assess the potential risk to controlled waters from the recorded concentrations of TPH.

No development shall commence until the above matters are first agreed to in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details.

6. Before the development is commenced details of the means for attenuation of cooking odours from the restaurant/food takeaway shall be submitted to and approved in writing by the Local Planning Authority and shall thereafter be provided as approved prior to the premises being first brought into use.
7. Before the development is commenced, background noise levels at the site shall be recorded and details of the means for the attenuation of noise from the proposed refrigeration units and any extraction systems for the restaurant/food takeaway, shall be submitted to and approved in writing by the Local Planning Authority and shall thereafter be provided as approved prior to the premises being first brought into use.
8. The retail unit shall only be used for the bulk sale (minimum 6 bottles) of alcoholic and non-alcoholic beverages and ancillary goods unless otherwise agreed with in writing by the Local Planning Authority on an application made to it.
9. The use of the restaurant/takeaway premises shall be restricted to uses only within Class A3 of the Town and Country Planning (Use Classes) Order (2005).
10. The use of the restaurant/takeaway premises shall be restricted to the hours of 06.00 to 23.00.
11. Prior to commencement of development, including demolition of the existing buildings, a survey of the existing flood wall that runs along the southern boundary of the site shall be undertaken and submitted to the Local Planning Authority. The survey shall be carried out by a suitably qualified Structural Engineer and shall assess the condition of the existing flood wall. All recommendations made by the survey shall be fully implemented in accordance with a timetable to be agreed in writing by the Local Planning Authority in consultation with the Environment Agency.
12. Prior to the commencement of development, a plan showing the final position of the new substation, which maintains the Environment Agency's access arrangements to the flood defence wall, shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Environment Agency. The substation shall be constructed in accordance with the approved plan.
13. No development shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles, and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority in consultation with the Environment Agency. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme to be submitted shall demonstrate:

14/00249/FUL (Continued)

- a) Surface water drainage system(s) designed in accordance with CIRIA C697 and C687 or the National SuDS Standards, should the latter be in force when the detailed design of the surface water drainage system is undertaken.
 - b) Limiting the discharge rate generated by all rainfall events up to the 100 year plus 30% (for climate change) critical rain storm ideally to Greenfield rates for the site but as a minimum so that it will not exceed the run-off from the undeveloped site and will not increase the risk of flooding off-site.
 - c) Provision of surface water run-off attenuation storage in accordance with the requirements specified in '*Science Report SC030219 Rainfall Management for Developments*'.
 - d) Detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details on any attenuation system, and the outfall arrangements. Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods.
 - e) Details of how the on-site surface water drainage systems shall be maintained and managed after completion and for the lifetime of the development, to ensure long term operation to design parameters.
14. Finished ground floor levels shall be set no lower than 93.23 metres above Ordnance Datum for the proposed building 'A' wine store and 92.99 metres above Ordnance Datum for the proposed building 'B' restaurant/food takeaway unless otherwise approved in writing by the Local Planning Authority in consultation with the Environment Agency.
15. No development shall take place, including any works of demolition, until a construction management plan/construction method statement has been submitted to and been approved in writing by the Local Planning Authority. The approved plan/statement shall be adhered to throughout the construction period. The plan/statement shall provide for:
- a. Parking of vehicles for site operatives and visitors
 - b. Storage of plant and materials and site accommodation
 - c. routes for construction traffic
 - d. method of prevention of mud / debris being carried onto the public highway
 - e. proposed temporary traffic restrictions
 - f. arrangements for loading / unloading and turning vehicles within the site.
 - g. Site access arrangements and any hoarding.
 - h. Phasing of works on site / construction program.
16. Before any other operations are commenced, the existing accesses to Bakewell Road, A6 shall be modified in accordance with the approved application drawings, laid out, constructed and each provided with minimum 2.4m x 63m visibility splays in either direction (the sightlines being measured up to 1m into the carriageway at the extremity of the sightline), the area in advance of the sightlines being maintained clear of any object greater than 1m in height (0.6m in the case of vegetation), relative to adjoining nearside carriageway channel level.
17. Within 21 days of the permanent accesses being laid out and available for use the existing eastern access shall be permanently closed, in accordance with details shown on drawing number BRDM-URS-XX-XX-DR-CE-01 Rev P3, with full height kerbs and the margin behind reinstated as footway/verge, all as may be agreed with

14/00249/FUL (Continued)

the Local Planning Authority in consultation with the Highway Authority. For the avoidance of doubt the developer will be required to enter into a Highways Act 1980 Agreement (Section 278) with the Highway Authority in order to comply with the requirements of this condition.

18. Before any other operations are commenced details of safe pedestrian crossing facilities, across Bakewell Road in the vicinity of the site, shall be submitted to and approved in writing by the Local Planning Authority. The approved pedestrian crossing facilities being laid out and constructed in full prior to the fast food restaurant/premises being taken into use. For the avoidance of doubt the developer will be required to enter into a Highways Act 1980 Agreement (Section 278) with the Highway Authority in order to comply with the requirements of this condition.
19. Before any other operations are commenced details of the boundary treatment alongside Bakewell Road, and more specifically measures to prevent glare from car headlights affecting existing highway users, shall be submitted to and approved in writing by the Local Planning Authority. The approved details being implemented in full prior to the premises being taken into use.
20. The premises, the subject of this permission, shall not be taken into use until the fronting footway alongside Bakewell Road, linking into the site, as shown on drawing no BRDM-URS-XX-XX-DR-CE-01 Rev P3, has been laid out, constructed to adoptable standard and is available for use, all as may be agreed with the Local Planning Authority. The facilities thereafter shall be retained throughout the life of the development free from any impediment to their designated use. For the avoidance of doubt the developer will be required to enter into a Highways Act 1980 Agreement (Section 278) with the Highway Authority in order to comply with the requirements of this condition.
21. The premises, the subject of the application, shall not be taken into use until space has been provided within the site, in accordance with the approved application drawings, for the parking and manoeuvring of visitors, customers, staff and delivery vehicles, all to be laid out, constructed and appropriately marked, as may be agreed with the Local Planning Authority. The facilities thereafter shall be retained throughout the life of the development free from any impediment to their designated use.
22. Before any other operations are commenced details of secure cycle parking for the premises, the subject of the application, shall be submitted to and approved in writing by the Local Planning Authority. The approved cycle parking being implemented in full prior to occupation of the premises (which they serve).

Reasons:

1. Reason ST02a
2. To define the permission for the avoidance of doubt.
3. To ensure the satisfactory appearance of the development to comply with Policies SF1, SF5, EDT8 and S6 of the Adopted Derbyshire Dales Local Plan (2005), Development Management Policies 1, 9 and 14 of the Submitted Draft Derbyshire

14/00249/FUL (Continued)

Dales Local Plan (2014) and government guidance contained in the National Planning Policy Framework.

4. To ensure the satisfactory appearance of the development and to safeguard the amenity of the area to comply with Policies SF1, SF5, EDT8, NBE6 and NBE26 of the Adopted Derbyshire Dales Local Plan (2005), Development Management Policies 1, 9 and 14 of the Submitted Draft Derbyshire Dales Local Plan (2014) and government guidance contained in the National Planning Policy Framework.
5. To ensure that risks from land contamination to the future users of the land and buildings are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with government guidance contained in the National Planning Policy Framework.
6. To safeguard the amenity of occupiers of residential properties to comply with Policies SF1 and EDT8 of the Adopted Derbyshire Dales Local Plan (2005), Development Management Policies 1, 9 and 14 of the Submitted Draft Derbyshire Dales Local Plan (2014) and government guidance contained in the National Planning Policy Framework.
7. To safeguard the amenity of occupiers of residential properties to comply with Policies SF1 and EDT8 of the Adopted Derbyshire Dales Local Plan (2005), Development Management Policies 8, 9 and 14 of the Submitted Draft Derbyshire Dales Local Plan (2014) and government guidance contained in the National Planning Policy Framework.
8. In the interests of maintaining the vitality and viability of Matlock town centre in accordance with the government guidance contained in the National Planning Policy Framework.
9. In the interests of maintaining the vitality and viability of Matlock town centre in accordance with the government guidance contained in the National Planning Policy Framework.
10. In the interests of the amenities of neighbouring residents to comply with Policies SF1 and EDT8 of the Adopted Derbyshire Dales Local Plan (2005), Development Management Policies 1, 9 and 14 of the Submitted Draft Derbyshire Dales Local Plan (2014) and government guidance contained in the National Planning Policy Framework.
11. To safeguard the structural integrity of the flood wall for the benefit of the proposed development and future users to comply with government guidance contained in the National Planning Policy Framework.
12. To protect the Environment Agency's access to maintain the existing flood defence wall to comply with government guidance contained in the National Planning Policy Framework.

14/00249/FUL (Continued)

13. To prevent the increased risk of flooding, to improve and protect water quality, to improve habitat and amenity and to ensure the future maintenance of the sustainable drainage structures to comply with government guidance contained in the National Planning Policy Framework.
14. To reduce the risk of flooding to the proposed development and future users to comply with government guidance contained in the National Planning Policy Framework.
15. In the interests of highway safety and to comply with Policy TR1 of the Adopted Local Plan Derbyshire Dales Local Plan (2005), Development Management Policy 22 of the Submitted Draft Derbyshire Dales Local Plan (2014) and government guidance contained in the National Planning Policy Framework.
16. In the interests of highway safety and to comply with Policy TR1 of the Adopted Derbyshire Dales Local Plan (2005), Development Management Policy 22 of the Submitted Draft Derbyshire Dales Local Plan (2014) and government guidance contained in the National Planning Policy Framework.
17. In the interests of highway safety and to comply with Policy TR1 of the Adopted Derbyshire Dales Local Plan (2005), Development Management Policy 22 of the Submitted Draft Derbyshire Dales Local Plan (2014) and government guidance contained in the National Planning Policy Framework.
18. In the interests of highway safety and to comply with Policy TR1 of the Adopted Derbyshire Dales Local Plan (2005), Development Management Policy 22 of the Submitted Draft Derbyshire Dales Local Plan (2014) and government guidance contained in the National Planning Policy Framework.
19. In the interests of highway safety and to comply with Policy TR1 of the Adopted Derbyshire Dales Local Plan (2005), Development Management Policy 22 of the Submitted Draft Derbyshire Dales Local Plan (2014) and government guidance contained in the National Planning Policy Framework.
20. In the interests of highway safety and to comply with Policy TR1 of the Adopted Derbyshire Dales Local Plan (2005), Development Management Policy 22 of the Submitted Draft Derbyshire Dales Local Plan (2014) and government guidance contained in the National Planning Policy Framework.
21. To ensure the provision of adequate parking facilities in the interests of highway safety and to comply with Policy TR8 of the Adopted Derbyshire Dales Local Plan (2005), Development Management Policy 22 of the Submitted Draft Derbyshire Dales Local Plan (2014) and government guidance contained in the National Planning Policy Framework.
22. To ensure the provision of adequate cycling facilities to comply with Strategic Policies 1 and 11 of the Submitted Draft Derbyshire Dales Local Plan (2014) and government guidance contained in the National Planning Policy Framework.

14/00249/FUL (Continued)

NOTES TO APPLICANT:

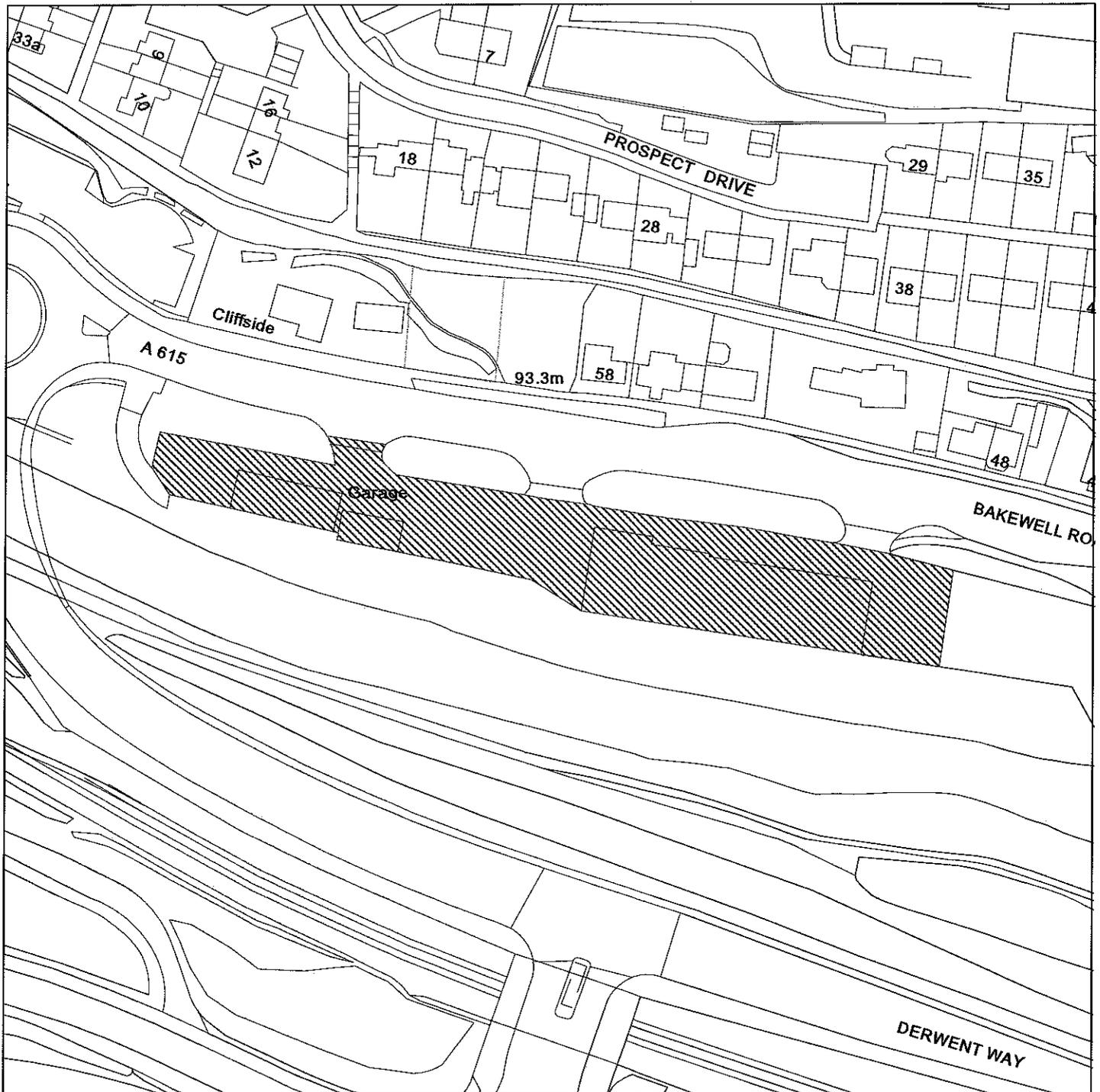
1. When seeking to discharge the above planning condition, it should be noted that the Environment Agency does not consider oversized pipes or box culverts as forms of sustainable drainage. Should infiltration not be feasible at the site, alternative sustainable drainage should be used, with a preference for above ground solutions.
2. 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.
3. Pursuant to Section 163 of the Highways Act 1980, where the site curtilage slopes down towards the public highway measures shall be taken to ensure that surface water run-off from within the site is not permitted to discharge across the footway margin. This usually takes the form of a dish channel or gully laid across the access immediately behind the back edge of the highway, discharging to a drain or soak-away within the site.
4. 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 from the Strategic Director of the Economy, Transport and Environment Department at County Hall, Matlock (telephone: 01629 538578). The applicant is advised to allow approximately 16 weeks in any programme of works to obtain a Section 278 Agreement.
5. Pursuant to Section 50 (Schedule 3) of the New Roads and Street Works Act 1991, before any excavation works are commenced within the limits of the public highway (including public Rights of Way), at least 6 weeks prior notification should be given to the Strategic Director of the Economy, Transport and Environment Department at County Hall, Matlock (telephone: 01629 533190 and ask for the New Roads and Street Works Section).
6. Under the provisions of the New Roads and Street Works Act 1991 and the Traffic Management Act 2004, all works that involve breaking up, resurfacing and / or reducing the width of the carriageway require a notice to be submitted to Derbyshire County Council. Works that involve road closures and / or are for a duration of more than 11 days require a three month notice; developers' works will generally fall into this category. Developers and Utility companies (for associated services) should prepare programmes for all works that are required for the development, such that these can be approved through the coordination, noticing and licencing processes. This will require developers and Utility companies to work to agreed programmes and booked slots for each part of the works. Discussions should therefore take place with Derbyshire County Council's Highway Noticing Section, at County Hall, Matlock at the earliest stage possible.

14/00249/FUL (Continued)

7. Construction works are likely to require Traffic Management and advice regarding procedures should be sought from David Nicholson, Traffic Management - telephone 01629 538685.
8. The Town and Country Planning (Fees for Applications and Deemed Applications, Requests and Site Visits) (England) Regulations 2012 (SI 2012/2920) stipulate that a fee will henceforth be payable where a written request is received in accordance with Article 30 of the Town and Country Planning (Development Management Procedure) Order 2010. Where written confirmation is required that one or more Conditions imposed on the same permission have been complied with, the fee chargeable by the Authority is £97 per request. The fee must be paid when the request is made and cannot be required retrospectively. Further advice in regard to these provisions is contained in DCLG Circular 04/2008.
9. The Local Planning Authority, prior to the submission of the application and during its consideration, engaged in a positive and proactive dialogue with the applicant which resulted in the submitted scheme and amendments with respect to address highway matters.
10. This decision notice relates to the following documents:
 - Amended Site Location Plan 1:1250 received on 22nd May 2014
 - Drawing Nos. 2124-19 and 20 received on 11th April 2014
 - Proposed Streetscene drawing received on 11th April 2014
 - Amended Drawing Nos. 2124-15A, 16A, 17A and 18A received on 22nd May 2014
 - Design and Access Statement received on 11th April 2014
 - Amended Transport Assessment received on 23rd July 2014
 - Flood Risk Assessment received on 11th April 2014
 - Arboricultural Survey and Impact Assessment Report received on 11th April 2014

14/00308/ADV

43 Bakewell Road, Matlock



Scale : 1:1250

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

Organisation	Derbyshire Dales District Council
Department	Not Set
Comments	Not Set
Date	22 July 2014
Licence No.	100019785

**14/00308/ADV ILLUMINATED AND NON-ILLUMINATED SIGNAGE AT 43
BAKEWELL ROAD, MATLOCK FOR MCDONALD'S RESTAURANT
LTD.**

Town Council: Matlock
Application type: Advertisement Consent

Date of receipt: 05.05.14
Case Officer: Mr. G. Griffiths

THE SITE AND SURROUNDINGS:

The site lies to the west of Matlock town centre and is bounded by Bakewell Road to the north and the River Derwent and A6 to the south. The site is level and roughly rectangular with a frontage of some 170m and a depth between 14 and 22m. This includes three single storey buildings and part of the car park/storage area to Twiggs.

The site is separated from Bakewell Road by a wide highway verge containing several trees and can be accessed via three entrance points. The rear boundary of the site is well treed and separated from the River Derwent by flood defences.

The site was a petrol filling station with showroom and car repair garage. The site was purchased by the applicant in 2002 when the filling station use was terminated and the fuel storage tanks removed. Since this closure, the main building at the eastern end of the site has had a variety of uses including car sales, motorcycle sales and repair, children's indoor play area and vintage car hire. The eastern end of the building also benefits from a restaurant and bar use. The building has not been in use for a couple of years.

The building at the western end of the site was used for car repair and maintenance with the smaller adjoining building being used for the car wash operation which occupies most of the space between the two main buildings.

The site is within a commercial area but with residential properties within on the opposite side of the road. The site is within the settlement framework boundary of Matlock.

THE APPLICATION:

Express advertisement consent is sought for signage on the proposed McDonald's restaurant/food takeaway, which has been submitted as planning application 14/00249/FUL and which is considered elsewhere on this agenda.

The proposals are for the following:

- 4 no. 'McDonald's' signs in white acrylic set on the roofscape, one on each elevation
- 1 no. yellow 'Golden Arch' symbol mounted on the roofscape on the front entrance elevation
- 2 no. arch panels with the 'Golden Arch' logo set on the rear of the building
- 2 no. 'Drive' applied black vinyl letters set adjacent to the arched panel signs on the rear elevation.

All the above are proposed to be internally illuminated.

RELEVANT HISTORY:

14/00309/ADV Internally illuminated pole sign – Withdrawn.

14/00307/ADV Internally illuminated and non-illuminated freestanding signage – Withdrawn..

14/00308/ADV (Continued)

14/00249/FUL Redevelopment of site to provide restaurant/food takeaway and bulk wine retail store with associated parking – to be determined.

CONSULTATIONS:

Town Council – Object:

- cumulative impact of signage across three applications
- McDonalds roof sign should be reduced in size - will have no difficulty in recognising it with smaller signs.

Local Highway Authority – No objection

- the signage needs to be properly fixed in place to avoid danger to users of the adjoining highway
- the light sources will need to be static and shielded to avoid glare and distraction to motorists
- the luminance shall not exceed 600 cd/m.

Director of Community Services (Environmental Health) – Comment:

- would wish to see restrictions on hours of operation
- further assessment of light pollution.

REPRESENTATIONS:

A total of three letters of representation objecting to the proposal. The comments can be summarised as follows:

- agree with the comments of the Town Council
- impact from glare of signage on residents amenity

Matlock Civic Association – object:

- consider the welcome signs and the restaurant sign are of excessive size considering their function and the McDonald's brand sign should be externally illuminated

POLICIES:

1. National Planning Policy Framework.
2. National Planning Policy Guidance.

ISSUES:

1. The principal issues for consideration are the impact that the signage will have on the character and appearance of the building, the quantity of signage proposed, the lighting requirement for the signs and the impact that this would have on residential amenity and highway safety.
2. It is considered that the signage is acceptable and reflects the typical corporate presentation of McDonald's. The nature and appearance of the internally illuminated signage is considered appropriate to the proposed modern building form, albeit this is contrary to the views of Matlock Civic Association who advocate external illumination.
3. The most significant concentration of signage is proposed on the rear elevation. The applicant's agent has now agreed to remove the 2 no. arch panels and the 2 no. 'Drive' signs all from the rear of the building. It is anticipated that a revised plan demonstrating this will be shown to Members at the Committee meeting. The deletion of these signs results in a form of advertisement to the building that is considered acceptable in this location.

14/00308/ADV (Continued)

4. The illuminated signage will have some impact on the amenity of the area and particularly the residents opposite the site on Bakewell Road. However, it is considered that any commercial use of the site would be likely to introduce a level of lighting on or within the buildings, as could have been the case with the previous showroom and petrol filling station. In addition, the area is illuminated by street lighting. In this respect, it is considered that the proposal could not be reasonably refused, or the extent of signage reduced in number or size.
5. The Local Highway Authority has also assessed the signage and has advised that it has no objection provided the signage is properly fixed in place (to avoid danger to users of the adjoining highway), that the light sources are static and shielded (to avoid glare and distraction to motorists) and that the luminance does not exceed 600 cd/m; a condition can be attached in this respect.
6. Given the above, it is recommended that express advertisement consent be granted.

OFFICER RECOMMENDATION:

Express Advertisement Consent be granted subject to the following conditions:

Standard Conditions 1-6

7. Prior to the premises being brought into use the signage shall be properly fixed in place, the light sources shall remain static and shielded and the luminance shall not exceed 600 cd/m.

Reasons:

Standard Reasons 1-6

7. To protect the safety of users of the adjoining public highway and the amenity of local residents to comply with government guidance contained in the National Planning Policy Framework and National Planning Policy Guidance.

NOTES TO APPLICANT:

1. The Local Planning Authority considered the application as submitted to be acceptable. On this basis, there was no need to engage with the applicant in a positive and proactive manner consent was granted without negotiation.
2. This decision notice relates to the following documents:

Site Location Plan 1:1250 received on 5th May 2014

Block Plan 1:500 received on 5th May 2014

Drawing No. 5524_8078_0009 received on 5th May 2014

Drawings of signage types received on 5th May 2014

NOT CONFIDENTIAL - For public release

CENTRAL PLANNING COMMITTEE – 5th AUGUST, 2014

DISTRICT COUNCIL TREE APPLICATIONS/NOTIFICATIONS

Progress report for July 2014

APPLICATIONS TO CARRY OUT WORKS TO PRESERVED TREES:

TPO NO.	ADDRESS/APPLICATION	DECISION/COMMENT
98	BIRCH GROVE, 82a LUMSDALE ROAD, UPPER LUMSDALE, MATLOCK FELLING OF TWO SYCAMORES Reasons: Dangerous PRUNING OF WILLOW Reasons: Not given	PENDING DECISION
62 & 109	6 NORMANHURST PARK AND LAND TO THE SOUTH-WEST OF 6 NORMANHURST PARK, DARLEY DALE PRUNING OF TREES Reasons: General maintenance Clearance for tractor Clearance over garage	PENDING DECISION
21	CULVER CROFT, LEA ROAD, LEA BRIDGE FELLING OF BEECH TREE Reasons: Unsatisfactory branch structure Overlong branches Structurally poor with tight fork Not a good long term tree Largely hidden behind Birch trees Long term management of the site PRUNING OF HORSE CHESTNUT Reasons: Overhanging driveway causing accumulation of leaves	PENDING DECISION
10	LAND ADJACENT TO 9 PORTEOUS CLOSE, TWO DALES PRUNING OF WEEPING BEECH Reasons: To allow safe passage of vehicles Overhanging adjacent property Overhanging path	PENDING DECISION
43	28 BANK GARDENS, MATLOCK FELLING OF SILVER BIRCH Reasons: Disproportionally large for garden Negative amenity value Blocks light to dwellings Leaves block guttering and drains Close to retaining wall Close to services	PENDING DECISION
119	ST ELPHIN'S PARK, DARLEY DALE PRUNING & FELLING TREES Reasons: In the interests of Health & Safety	PENDING DECISION

TPO NO.	ADDRESS/APPLICATION	DECISION/COMMENT
	For the purposes of sound arboricultural management	
35	100 CAVENDISH ROAD, MATLOCK PRUNING OF TREES Reasons: Concerns regarding weak cavity at old pruning wounds/cuts	CONDITIONAL CONSENT
9	LAND TO THE SOUTH OF 3 COPSE CLOSE, WIRKSWORTH PRUNING OF TREES Reasons: To maintain at a suitable height To reduce the risk of branches snapping out	PENDING DECISION
35	81 CAVENDISH ROAD, MATLOCK PRUNING & FELLING OF TREES Reasons: To maintain views To improve light in woodland to facilitate replanting	PENDING DECISION
135	37a ST JOHN'S STREET, WIRKSWORTH FELLING OF SYCAMORE Reasons: Sap could damage war memorial Excessive shading of house Excessive shading of garden Blocking views to monuments Trees of greater amenity value Numerous other trees nearby Restricting growth of Yew tree	PENDING DECISION
10	1 PORTEOUS CLOSE, TWO DALES PRUNING OF TREES Reasons: Restricting light to garden Extending towards house	PENDING DECISION
11	BULL FARM, BULL LANE, MATLOCK PRUNING OF SYCAMORE Reasons: To restore shape To reduce risk of failure	PENDING DECISION

NOTIFICATIONS OF INTENTION TO CARRY OUT WORKS TO TREES IN CONSERVATION AREAS:

CONS. AREA	ADDRESS/PROPOSED WORKS	DECISION/COMMENT
MATLOCK BANK	ST JOSEPH'S CATHOLIC PRIMARY SCHOOL, CHESTERFIELD ROAD, MATLOCK PRUNING & FELLING OF TREES Reasons: Self-set trees Overgrown vegetation Overhead cables Distorted growth Leaning Overhanging footpath Obstructing site sign	PENDING DECISION

CONS. AREA	ADDRESS/PROPOSED WORKS	DECISION/COMMENT
	<p>Leader growing into Leylandii Crossing branches Growing over the school Playground</p>	
MATLOCK BATH	<p>YEW TREE COTTAGE, UPPERWOOD, MATLOCK BATH FELLING OF FIR Reasons: Excessive shading Top section broke off last year</p>	PENDING DECISION
WIRKSWORTH	<p>CLARE COTTAGE/THE OLD COACH HOUSE, GATEHOUSE DRIVE, WIRKSWORTH FELLING OF BEECH Reasons: Poor condition of tree</p>	PENDING DECISION
MATLOCK BANK	<p>ALL SAINTS VICARAGE, SMEDLEY STREET, MATLOCK FELLING & PRUNING OF TREES Reasons: Unsafe Obscuring light to house Overhanging the roof</p>	PENDING DECISION
CROMFORD	<p>CULVER CROFT, LEA ROAD, LEA BRIDGE WORKS TO TREES Reasons: Overcrowded Obscuring views To open up garden Affecting growth of other trees Excessive shading of driveway Slippery leaves Lop-sided Low canopy Weak fork Spindly Light to house</p>	PENDING DECISION
MATLOCK BATH	<p>WAPPING NATURE RESERVE, CLIFTON ROAD, MATLOCK BATH POLLARDING OF ASH Reasons: Structural failure.</p>	PENDING DECISION
WIRKSWORTH	<p>YOKECLIFFE HOUSE, WEST END, WIRKSWORTH PRUNING & FELLING OF TREES Reasons: Foliage rather sparse Heavily pruned in past Overhanging the road Vigorous tree in confined space Close to adjoining property Squirrel damage Growing above retaining wall To allow other trees to develop</p>	PENDING DECISION
WIRKSWORTH	<p>DALE WOOD, WEST END, WIRKSWORTH FELLING OF TREES Reasons: To maintain longterm stability</p>	PENDING DECISION

CONS. AREA	ADDRESS/PROPOSED WORKS	DECISION/COMMENT
	& continuity of the woodland	
WIRKSWORTH	11 WASH GREEN, WIRKSWORTH FELLING OF GOAT WILLOW Reasons: Excessive shading Poor location	PENDING DECISION
LUMSDALE	MOORLAND VIEW, UPPER LUMSDALE, MATLOCK FELLING OF A SPRUCE & LARCH Reasons: Not given	PENDING DECISION
RIBER	THE HERMITAGE, RIBER ROAD, RIBER PRUNING & FELLING OF TREES Reasons: Diseased Multi-stemmed poor quality To create space for replanting Close proximity to stone wall To maintain the tree To increase light through the canopy To promote the health of trees and aid fruit production To increase the light and usable garden space Forestry trees too large for the garden that dwarf a large section of the garden Unwanted self-set tree To provide space for the development of the neighbouring tree	PENDING DECISION
MATLOCK BATH	CROW PIE COTTAGE, 7 ORCHARD ROAD, MATLOCK BATH FELLING OF 7 TREES Reasons: Self-set, non specimen trees Almost totally shading the lawn Two lean badly	PENDING DECISION
MATLOCK BATH	YEW TREE COTTAGE, UPPERWOOD ROAD, MATLOCK BATH PRUNING OF TWO TREES Reasons: Not given	PENDING DECISION
MATLOCK BATH	ROCK WEIR, NEW BATH ROAD, MATLOCK BATH PRUNING & FELLING OF TREES Reasons: Growing out of boundary wall To remove liability for damage to parked cars	PENDING DECISION
WIRKSWORTH	DALE WOOD, WEST END, WIRKSWORTH FELLING OF TREES Reasons: Safety To allow other trees to develop	PENDING DECISION

CONS. AREA	ADDRESS/PROPOSED WORKS	DECISION/COMMENT
OLD MATLOCK	THE HARRISON ALMSHOUSES, 3 – 11A MATLOCK GREEN, MATLOCK PRUNING OF WEEPING ASH Reasons: To provide clearance from overhead cables FELLING OF WEEPING ASH Reasons: Fungal decay in the stem FELLING OF CYPRESS Reasons: Light to properties	PENDING DECISION
CROMFORD	DERWENT HOUSE, WILLERSLEY LANE, CROMFORD PRUNING OF TWO YEW TREES Reasons: Not given FELLING OF THREE TREES Reasons: Leans over garden Suppressing adjacent tree Very close to building Causing heavy shading	PENDING DECISION
MATLOCK BATH	STONEYDALE, HOLME ROAD, MATLOCK BATH FELLING OF TREES Reasons: Pushing retaining wall Leaning & close to neighbour's property Fear of size in relation to neighbouring property	PENDING DECISION
MATLOCK DALE	140 DALE ROAD, MATLOCK PRUNING & FELLING OF TREES Reasons: Concern about size in relation to property Poor specimen Low branch over neighbouring roof	PENDING DECISION
LUMSDALE	LAND TO THE REAR OF 59 RIBER VIEW CLOSE, TANSLEY FELLING OF SYCAMORE Reasons: To improve light Overcrowded	PENDING DECISION
BOLEHILL	9 NAN GELLS HILL, BOLEHILL FELLING OF WALNUT Reasons: Dead FELLING OF HORSE CHESTNUT Reasons: Bark wounds Deep cavity in trunk	PENDING DECISION
BONSALL	LAND TO THE NORTH OF 2 HOLLOW BROOK, CLATTERWAY, BONSALE FELLING OF THREE ASH TREES Reasons: Large cavity in base Dangerous Remaining trees, very spindly, would be exposed to winds Potential to reach dwelling	PENDING DECISION
MATLOCK BANK	1 CHESTERFIELD ROAD, MATLOCK PRUNING OF OAK TREE	PENDING DECISION

CONS. AREA	ADDRESS/PROPOSED WORKS	DECISION/COMMENT
	Reasons: Starting to encroach on neighbouring property	
BONSALL	QUAINTWAYS COTTAGE, CLATTERWAY, BONSALL FELLING OF CONIFERS Reasons: Proximity to dwelling Loss of natural light Potential for future damage Shading out of underplanting Dominating garden Access to planting area	PENDING DECISION
OLD MATLOCK	56 CHURCH STREET, MATLOCK PRUNING OF IRISH YEW Reasons: Proximity to boundary wall Close to the house	PENDING DECISION
MATLOCK BANK	83 CHESTERFIELD ROAD, MATLOCK PRUNING OF TREES Reasons: Perceived threat to property To allow another tree to Develop	NO OBJECTIONS
MATLOCK BANK	3 GREEN CLOSE, MATLOCK PRUNING OF TREES Reasons: Not given	PENDING DECISION
MATLOCK DALE	LAND TO THE REAR OF 114 DALE ROAD, MATLOCK FELLING OF ASH TREE Reasons: Overhangs the cliff One metre from cliff edge Less stable as twin-stemmed Shallow rooted above cliff Fear of structural damage Fear of serious, possible fatal, injury	PENDING DECISION
MATLOCK BANK	3 JACKSON TOR ROAD, MATLOCK FELLING OF A SILVER BIRCH Reasons: Outgrown location	PENDING DECISION
MATLOCK BANK	5 JACKSON TOR ROAD, MATLOCK FELLING OF A SILVER BIRCH Reasons: Outgrown location	PENDING DECISION
BONSALL	28 HIGH STREET, BONSALL PRUNING OF BEECH Reasons: Dead branch To reduce the weight To reduce back from neighbouring property To lift branches over the drive FELLING OF TREES Reasons: Dead tree Diseased tree producing no fruit	PENDING DECISION

OFFICER RECOMMENDATION: That the report be noted.

CENTRAL PLANNING COMMITTEE – 5th AUGUST, 2014

COUNTY COUNCIL TREE APPLICATIONS

Progress report for July 2014

CONSULTATIONS RECEIVED ON APPLICATIONS TO CARRY OUT WORKS TO TREES PROTECTED BY A DERBYSHIRE COUNTY COUNCIL TREE PRESERVATION ORDER:

TPO NO.	ADDRESS/APPLICATION	DCC DECISION/COMMENT
123	ROCK LODGE, 69 DERBY ROAD, CROMFORD PRUNING & FELLING OF TREES Reasons: Potentially weak forks Clearance over the road To limit the spread of the tree To restrict the size To improve the shape of the crown To allow other trees to develop	PENDING DECISION
88	LAND ADJACENT TO 36 PARK AVENUE, DARLEY DALE PRUNING OF LIME Reasons: Overhanging neighbouring drive	PENDING DECISION
88	LAND TO THE REAR OF 9 PEAKLAND VIEW, DARLEY DALE FELLING OF ASH Reasons: Declining Pushing wall Outgrown location	PENDING DECISION
88	NORTH LODGE, WHITWORTH ROAD, DARLEY DALE PRUNING & FELLING OF TREES Reasons: To facilitate inspection for Ustulina To maintain as a hedge Poor specimens suppressed by larger Sycamore To improve light	PENDING DECISION
88	LIMESTONES, DALE ROAD NORTH, DARLEY DALE FELLING OF LIME Reasons: Evidence of Ganoderma fungi Decay in trunk Limited rooting area High risk target area PRUNING OF LIME Reasons: To improve safety Dieback/deadwood Wound/cavity at 3.5 metres	PENDING DECISION
18	39 YOKECLIFFE CRESCENT, WIRKSWORTH PRUNING OF LIME TREE Reasons: Obstructing Light	PENDING DECISION

TPO NO.	ADDRESS/APPLICATION	DCC DECISION/COMMENT
194	20 ROCKSIDE VIEW, MATLOCK PRUNING OF OAK TREE Reasons: To allow more light to greenhouses To reduce the weight of end branches	PENDING DECISION
131	ROYAL BANK OF SCOTLAND, 8 – 10 SNITTERTON ROAD, MATLOCK PRUNING OF WEEPING BEECH Reasons: Not given	PENDING DECISION

OFFICER RECOMMENDATION: That the report be noted.

PLANNING APPEAL - PROGRESS REPORT

Report of the Director of Planning & Housing Services

REFERENCE	SITE/DESCRIPTION	TYPE	DECISION/COMMENT
12/00656/FUL	Land opposite 52 Greenhill, Wirksworth	WR	Appeal being processed
13/00417/FUL	The Three Stags, Darley Dale	WR	Appeal being processed
T/13/00112/TPO	9 Hackney Road, Hackney	IH	Appeal being processed
13/00569/FUL	27 Greenhill, Wirksworth	WR	Appeal being processed
13/00479/FUL	Barnes Croft, Canterbury Road, Wirksworth	WR	Appeal being processed
13/00779/FUL	Trevelyan House, Dimple Road, Matlock	WR	Appeal being processed
14/00042/ADV	Land Rear of 9 Limestone Croft, Matlock	WR	Appeal being processed
14/00018/FUL	Littlemoor Wood Farm, Littlemoor Lane, Riber	WR	Appeal being processed
13/00687/CLPUD	Rear of 11A Little Bolehill, Bolehill	WR	Appeal being processed
13/00704/AGR	Rear of 11A Little Bolehill, Bolehill	WR	Dismissed – Copy of decision attached
042.13 ENF/13/00083	24 Chapel Hill, Cromford	WR	Appeal being processed

WR - Written Representations

IH - Informal Hearing

LI - Local Inquiry

PI – Public Inquiry

HH – Householder

OFFICER RECOMMENDATION:

That the report be noted.



11 JUL 2014

OFFICER

REF

Appeal Decision

Site visit made on 23 May 2014

by **N McGurk BSc (Hons) MCD MBA MRTPI**

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

Decision date: 11 July 2014

Appeal Ref: APP/P1045/A/14/2214629

Rear of 11a, Little Bolehill, Bolehill, Matlock, DE4 4GR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period to grant approval required under Schedule 2.
- The appeal is made by Mr D Sheldon against the decision of Derbyshire Dales District Council.
- The application Ref 13/00704/AGR is dated 27 September 2013.
- The development proposed is an agricultural building.

Application for Costs

1. An application for costs was made by Mr D Sheldon against Derbyshire Dales District Council. This application is the subject of a separate decision.

Decision

2. The appeal is dismissed.

Procedural Matters

3. The appeal form and decision notice refer to the development proposed as an agricultural storage building, which, I note, is more descriptive than the description on the application form.
4. The appeal follows the failure of the Council to determine a prior notification application. I note that the Council states that there had been a recent formal decision on a similar prior notification for an agricultural storage building on the appeal site "which was turned into an application for Prior Approval"¹ and was refused." The Council goes on to state that no formal determination of the application relating to this appeal was made "given the previous decision remaining relevant in terms of Development Plan policy."
5. Prior approval arrangements do not impose full planning controls over the developments to which they apply and the principle of development is not a relevant consideration with respect to the proposal the subject of this appeal.

¹ Ref: 12/00013/AGR.

6. Main Issue

7. The main issue in this case is the effect of the proposed siting and design of the development proposed on the character and appearance of the Wirksworth Conservation Area.

Reasons

8. The appeal site is a partly sloping, partly flat area of agricultural land. The flat area forms part of a plateau and includes an existing barn, of modest size, accessed from a country lane, some distance away down the slope, via a zig-zag track. There are houses on both sides of the country lane from which the appeal site is accessed and whilst much of the site comprises an open field, there is a small copse of trees on part of the site frontage.
9. The appeal site is located within the Wirksworth Conservation Area, which, in this location, is characterised by open countryside, copses and attractive traditional stone built housing. Occasional agricultural buildings appear unintrusive within the landscape and/or sit comfortably within farmsteads/clusters of traditional buildings.
10. During my site visit, I observed that, whilst partly hidden from its immediate surroundings, due to it sitting on a plateau and the location of trees and planting, the appeal site was visible from various locations in the surrounding area.
11. The proposed development would comprise a relatively large agricultural storage building, significantly greater in scale to the existing field barn. I find that the scale and siting of the proposal, on a plateau at the top of a steep slope, would lead it to appear as a prominent and intrusive feature, particularly in distant views. This intrusiveness would, I find, result in it failing to assimilate into the landscape. I consider that the harmful impact of this would not be mitigated to a significant extent by existing and proposed trees and landscaping. The proposed development would not be completely screened but would still be visible above and between landscaping and/or trees.
12. In addition to the above, I find that the proposal would relate poorly to the existing barn. It would, I find, appear overly large, awkward and dominant, particularly in views of the two buildings together. This would create an uncomfortable, imbalanced relationship, to the detriment of local character.
13. Taking the above into account, I find that the proposed development would be detrimental to the character and appearance of the Wirksworth Conservation Area. This would be contrary to the Framework and to Local Plan² policies SF4, SF5, EDT13, NBE8 and NBE21, which together amongst other things, protect local character.
14. Rather than make the positive contribution desired by paragraph 131 of the Framework, the proposal would harm local character. The harm caused would be significant in terms of the immediate context of the proposal, but is less than substantial in the context of the Conservation Area as a whole. In these circumstances, paragraph 134 of the Framework states that harm should be

² Ref: Derbyshire Dales Local Plan (2005).

weighed against any public benefit. There are no public benefits resulting from the proposal.

Other Matters

15. The Council considers that insufficient evidence has been provided to demonstrate that the proposed development is commensurate with the reasonable requirements of agriculture within the agricultural unit.

16. In this regard, I am mindful that the appellant sets out why the proposed development in the location would provide for the convenient storage of fodder. However, notwithstanding this, I have found that the proposal would lead to significant harm and this is a factor not outweighed by possible benefits to the operation of the appellant's landholdings.

Conclusion

17. For the reasons given above, the appeal does not succeed.

N McGurk

INSPECTOR



DERBYSHIRE DALES D.C. PLANNING & HOUSING SERVICES	
11 JUL 2014	
OFFICER	
REF	

Costs Decision

Site visit made on 23 May 2014

by **N McGurk BSc (Hons) MCD MBA MRTPI**

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

Decision date: **11 July 2014**

Costs application in relation to Appeal Ref: APP/P1045/A/14/2214629 Rear of 11a, Little Bolehill, Bolehill, Matlock, DE4 4GR

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
- The application is made by Mr D Sheldon for a full award of costs against Derbyshire Dales District Council.
- The appeal was against the failure of the Council to issue a notice of their decision within the prescribed period on an application for prior approval for an agricultural building.

Decision

1. The application for an award of costs is refused.

Reasons

2. The application for costs was made on the basis of Circular 03/2009, which has been superseded by the Planning Practice Guidance. However, having regard to the submissions put to me, I am satisfied that no party's interests will be prejudiced by my judging the application and response against the Planning Practice Guidance.
3. Planning Practice Guidance advises that costs will normally be awarded where a party has acted unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
4. The appellant has made the application for costs on the basis that the Council acted unreasonably by failing to deal with the prior notice application¹ within a period of 5 months, or give an explanation for the delay.
5. The Council has provided evidence to demonstrate that the information submitted by the appellant with its agricultural prior notification differed substantially from previously submitted information, including that relating to another planning application² submitted around a week prior to the agricultural prior notification. The Council considers that this gave rise to doubt as to the size of the agricultural holding and whether the prior notification was therefore valid.
6. The Council has provided a chronology of events to demonstrate that the delay

¹ Ref: 13/00704/AGR.

² Ref: 13/00687/CLPUD.

with the appellant clarifying the landholding led to the delay in determination. The appellant's agent was informed that the Council considered there to be a discrepancy. I note that the appellant's agent submitted a plan detailing the extent of rented land. However, the Council did not consider that this addressed the discrepancy raised and advised the appellant's agent of this via a phone call. The Council followed this up with by letter on 20 February 2014. This advised that, in the Council's view, the landholding discrepancy had still not been addressed.

7. Further to the above, the appellant's agent wrote to the Council on 26 February 2014 to confirm that his client had acquired more land between the Council's receipt of 13/00687/CLPUD and 13/00704/AGR, and that information relating to rented land amounted to that described in application 13/00704/AGR and detailed on the additional plan received by the Council on 20 January 2014.
8. I find that the Council sought to clarify matters pertaining to the extent of the appellant's landholding. The size of a landholding is an important matter, which can dictate whether a prior notification is valid and I find that the Council acted reasonably in contacting the appellant's agent, by letter and by phone, in order to determine this.
9. Further to the above, I find that the Council also acted reasonably in allowing the appellant time in which to address the discrepancy identified, rather than go ahead on the basis of what it considered to be inconsistent information. This is particularly the case, given that it was the Council's consideration – of which the appellant was informed – that prior notification may not have been a valid procedure. In this regard, I find that the Council acted positively and proactively – and therefore reasonably - in engaging in dialogue with the appellant.
10. Whilst the appellant considers that "the parallel consideration" of application 13/00687/CLPUD presented no basis for delay in determining the prior notification, I find above that the Council acted reasonably on the basis of a discrepancy and in the interests of ensuring a valid procedural approach.
11. I note that, once the Council was satisfied that the discrepancy had been resolved, it was in the process of preparing reports relating to the determination of the prior notification, when appeals were submitted.
12. The appellant considers that, had the Council dealt with the prior notification within 28 days, the appellant would have been in a position to commence construction before the end of October 2013. However, in considering appeal ref: APP/P1045/A/14/2214629, I note that, under Procedural Matters, there had been a recent formal decision on a similar prior notification on the appeal site that was refused and that the Council considered that the previous decision remained relevant in terms of policy. Taking this into account, it seems reasonable to conclude that, had the Council dealt with the prior notification as suggested, it may not have resulted in prior approval being granted and that consequently, the appellant would not have been in a position to commence construction.
13. Further to the above, I am also mindful of the Council's comment that, even if prior approval had been granted, it considers that the period for storage of winter fodder would have passed by the time that the building could have been brought into effective use.

14. Taking all of the above into account, I find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in Planning Practice Guidance, has not been demonstrated in this case and that a full award of costs is not justified.

N McGurk

INSPECTOR