This information is available free of charge in electronic, audio, Braille and large print versions on request.

For assistance in understanding or reading this document or specific information about this Agenda or on the “Public Participation” initiative please call Democratic Services on 01629 761133 or e-mail committee@derbyshiredales.gov.uk

27 October 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 4 November 2014 at 6.00 pm in the COUNCIL CHAMBER, COUNTY HALL, MATLOCK DE4 3AG. PLEASE NOTE CHANGE OF VENUE.

Yours sincerely

Sandra Lamb
Head of Corporate Services

AGENDA

SITE VISITS  The Committee is advised a coach will leave the TOWN HALL, MATLOCK at 3.00pm prompt. A schedule detailing the sites to be visited is attached to the agenda. MEMBERS ARE ADVISED TO WEAR SUBSTANTIAL FOOTWEAR FOR THE SITE VISITS

1. APOLOGIES/SUBSTITUTES

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

2. APPROVAL OF THE MINUTES OF THE PREVIOUS MEETING

7 October 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 planning applications under consideration. Representations will be invited immediately before the relevant item of business/planning application is discussed.

4.1 APPLICATION NO. 14/00527/OUT (Site Visit) 5 - 35
Residential development of up to 110 dwellings and associated open space (outline) at land at Asker Lane, Matlock.

4.2 APPLICATION NO. 14/00482/OUT (Site Visit) 36 - 60
Residential development (outline) at land at Bentley Bridge, Matlock.

4.3 APPLICATION NO. 14/00626/FUL (Site Visit) 61 - 64
Removal of garage and erection of two-storey side extension at 35 Jackson Road, Matlock.

4.4 APPLICATION NO. 14/00498/OUT (Site Visit) 65 - 76
Erection of 4 No. detached houses (outline) at land to the north west of Snitterton Road, Matlock.

4.5 APPLICATION NO. 14/00479/FUL 77 - 84
Use of outdoor area for assembly and leisure (use Class D2) and outdoor market (use Class A1) at Peak Village Estates Ltd, Chatsworth Road, Rowsley.

5. APPEALS PROGRESS REPORT 85 - 95
To note a report on appeals to the Planning Inspectorate.

NOTE

For further information about this Agenda or on the Public Participation initiative contact the Committee Team on 01629 761133 or e-mail committee@derbyshiredales.gov.uk.

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 Jacquee 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 3.00pm prompt for the following site visits: NOTE: MEMBERS ARE ADVISED TO WEAR SUBSTANTIAL FOOTWEAR FOR THE SITE VISITS

3.05pm Application No. 14/00527/OUT 5 - 35
LAND AT ASKER LANE, MATLOCK
Requested by Ward members to assess the visual impact of the proposal upon the surrounding area, highway issues, impact on wildlife and neighbour amenity.

3.35pm Application No. 14/00482/OUT 36 – 60
LAND AT BENTLEY BRIDGE, MATLOCK
Requested by Ward members to assess the visual impact of the proposal upon the surrounding area and ecological issues.

4.00pm Application No. 14/00626/FUL 61 - 64
35 JACKSON ROAD, MATLOCK
Requested by Ward Member to assess the impact of the proposed extension on the character and appearance of the house and the conservation area.

4.15pm Application No. 14/00498/OUT 65 - 76
LAND TO THE NORTH WEST OF SNITTERTON ROAD, MATLOCK
Requested by Ward Members to assess the visual impact of the proposal upon the surrounding area, highway issues, impact on wildlife and neighbour amenity.

4.30pm RETURN

COMMITTEE SITE MEETING PROCEDURE
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.
14/00527/OUT
Land at Asker Lane, Matlock

Derbyshire Dales DC

Date: 23/10/2014

100019785

1:2,500
THE SITE AND SURROUNDINGS:
The application site is located at the northern end of Matlock off Chesterfield Road which defines part of the western boundary of the site. Asker Lane lies to the north, with residential development beyond. A recreation ground/open space associated with Bull Lane, including Baileys Tump, lies to the east. To the south is the residential development of Hurst Farm Estate. The Presentation Sisters Convent lies immediately adjacent to the south west.

The area is generally dominated by twentieth century residential development, with older institutions such as the convent and former hydro buildings on the western side of Chesterfield Road. Older properties and former farm buildings are sparsely scattered. Although largely surrounded by built development, the site is outside of the Settlement Framework boundary for Matlock.

The site comprises a series of fields, bounded by a mix of hedgerows and walls, which steadily slope down from north to south. This affords open views from the existing residential properties to the north and north west of the site towards the south. In this respect, the higher parts of the site are prominent in long views from the south and elevated locations such as Riber Castle.

The land is generally pastoral, with rough grassland reverting to scrub in the south and south east. There are some well-established hedgerows, one of which is a prominent feature running north/south through the eastern part of the site. There are widely scattered mature trees associated with the Asker Lane frontage, in back gardens of properties at the Asker Lane/Chesterfield Road junction, at the entrance to the Presentation Sisters Convent off Chesterfield Road and alongside the footpath that connects this access road to Bull Lane. The field in the south west is characterised by regenerating woodland and woodland understorey shrubs. The adjoining field to the east comprises a children's playground and rough open space.

In terms of landscape constraints in the area, there is a public footpath routed across the site alongside the Convent access road and following the track through to Bull Lane. Outside of the application site, the convent to the south, the land and buildings on the western side of Chesterfield Road and some properties in the north eastern corner of the site lie within the Matlock Bank Conservation Area. The play area and associated land to the south are protected as areas of important open space in the Adopted Derbyshire Dales Local Plan. There is also a group Tree Preservation Order on trees at the southern end of Bull Lane. Another constraint to the development of the site is the Derwent Valley Aqueduct which crosses underground in a generally north-south direction.
THE APPLICATION:
Outline planning permission is sought, with all matters reserved other than access, for a residential development of up to 110 dwellings with associated open space. The applicant has submitted to following documents in support of the application:

Illustrative Masterplan of Site Layout

Planning Statement – provides an overview of social, economic and environmental benefits of sustainable development having regard to national and Local Plan policy.

Design and Access Statement – the applicant advises the following:
- applicants commitment to the delivery of a high quality development sensitive to the local context
- take into account the need to create character areas unique to the scheme but also reflect local identity
- make the most efficient use of land appropriate to the nature and setting of the site
- scheme promotes better access to local facilities, public transport and pedestrian linkages to surrounding uses
- layout and form of the scheme supports crime prevention and community safety
- landscape design is responsive to the sensitive setting of the site
- hedgerows and trees have been retained where possible and inform the structure and layout of residential parcels

Landscape and Visual Impact Assessment – the applicant considers that the development will not have any direct effect on landscape planning designations and makes the following points:
- that the development would be a minor element in views, relative to the scale of the landscape, with the exception of those in close proximity
- the combined built and green infrastructure framework of Matlock serves to knit the site into the existing urban fabric
- the proposed developments will not be an obvious addition in views from the wider landscape
- the landscape strategy will ensure that the proposed development is acceptable in landscape and visual terms as set out in the masterplan

Socio-Economic Impact of New Housing Development Report – this is summarised as follows:
- estimated £13.1m construction project employing some 87 equivalent full time construction jobs per annum over three years – would address local unemployment in the industry
- high quality family housing and affordable housing to meet housing needs
- household expenditure would total £0.95m per annum in the District
- would support employment and services
- County and District Council’s would receive estimated £1.02m in New Homes Bonus payments with regard to Council Tax
- additional revenue from S106 contributions or Community Infrastructure Levy
- would help prevent flow of skilled/qualified residents to adjoining rural authorities
- failure to attract a younger population will affect potential household income available in the area
- critical to support delivery of regeneration plans for Matlock.
Section 106 (Heads of Terms) – covenant to community infrastructure levy, highways contribution, affordable housing, public open space, education and public health contribution.

Transport Assessment – the report concludes that the assessment work undertaken demonstrates that the residual cumulative impact of the proposal is low and could not possibly be described as ‘severe’ under any circumstances.

Travel Plan – it is recognised that the developer will need to appoint a Travel Plan Co-ordinator for the site. They would promote and monitor Travel Plan awareness, consult with bus operators and the local authority, offer public transport voucher against bus or rail season ticket and set up a residents forum to take the plan forward once the developer leaves the site.

Affordable Housing Delivery Plan – the applicant proposes a 25% of dwellinghouses on the site to be affordable dwellings with a financial contribution capable of financing the equivalent of a further 20% of the total number of houses off site, with provision to be secured through a planning condition or planning obligation.

Environmental and Geotechnical Risk Desk Study Report – recommends an intrusive investigation is completed prior to commencement of development to assess contaminative status of the ground, ground water and surface water and to determine geotechnical parameters of underlying ground conditions, to include the exact location of the aqueduct, as part of the future development of the site.

Flood Risk Assessment – the applicants conclude that this demonstrates the proposed development is not at significant flood risk subject to recommended mitigation strategies being implemented and surface water discharge would be limited to the annual average greenfield discharge rate and incorporate sustainable drainage (SuDS).

Foul Water and Utilities Statement – the findings are that the site is well served by main utility services and new supplies would not be problematic. The two aqueducts bisecting the development site north to south are subject to a 16m easement. There has been dialogue with Severn Trent Water (STW) and sewers currently crossing the site may need to be diverted and further dialogue is recommended once proposals have been confirmed.

Agricultural Land Classification – the applicant has advised that 0.35ha of land is Grade 2 land, with the majority of the site (6.35 ha) being Grade 3b.

Archaeological Assessment and Geophysical Survey – these have identified a low and residual earthwork bank of indeterminate date and function and some ridge and furrow cultivation of either medieval or post medieval date.

Tree Survey and Advice – the applicant’s appointed arboriculturalist advises there are 62 individual trees and 16 groups of trees (approximately 200 trees) within the site area. It was identified that there are no important groups of trees, or individual tree of particular interest, on the site. Nevertheless, it is advised that the mass of trees does add to the local landscape and that the perimeter trees, and those of high visibility within the site, should be prioritised for retention.
Ecological Appraisal, Hedgerow Assessment and Ecological Mitigation Strategy – site overlaps with Asker Lane Meadows Local Wildlife Site (LWS) and is approximately 133m from Lumsdale LWS. Advise that the site provides a relatively diverse range of habitats and the following are recommended:
- all hedgerows be retained/left unmodified and protected during development
- if any hedges are removed, that an equivalent or greater length of hedge is planted with native species
- that the removal of vegetation is outside of the bird breeding season
- the site be assessed for bat activity
- the badger sett be at least 30m from the development – other mammals are considered to be unlikely to be affected
- reptile surveys with respect to any removal of drystone walls and the south of the site provides connectivity to habitat in the wider countryside
- noted that there is a pond some 270m from the site but, at this distance, the development would not have an impact on amphibians.

Bat Survey and Assessment – advises that no confirmed or suspected bat roosts were recorded during surveys, although it is recognised that there may be roosts at nearby houses. It is recommended that as many trees and hedgerows as possible are retained within the site, the infilling of gaps in hedges and along boundaries with native species, that exterior lighting is avoided in the vicinity of hedges and tree lines, that 40 bat tiles or bricks are installed within the new houses on the site and that construction is restricted to daylight hours.

Badger Survey – this recognises a badger habitat and that the setts located should be protected and connectivity to the badger feeding areas provided. However, it is advised that if a successful outcome cannot be devised that, as a last resort, a development license would need to be sought from Natural England. The applicant has submitted an amended illustrative layout drawing to seek to address concerns raised by Derbyshire Wildlife Trust.

Consultation Report – this sets out the public consultation undertaken by the applicant.

RELEVANT HISTORY:
14/00527/OUT Residential development of up to 110 dwellings and associated open space (outline) - Refused

CONSULTATIONS:
Town Council – Object:
- site has never been included in past Local Plans
- inappropriate site for development
- valued open space
- view across valleys cannot be rivalled
- changing the recreational and environmental amenity of the area and the character of the town
- disruption of ecology
- destruction of the natural hay meadows
- impact on Baileys Tump, part of the town heritage, and could be classed as a site of natural beauty
- access and traffic issues created by both the proposed access routes
- impact on Derwent Valley Aqueduct under the site
development will put further strain on the existing drainage issues around the site area, potentially increasing flooding lower down
- if approved, the green space should be awarded to the Town or District Council in order to preserve it
- previous comments regarding development of the site remain

Local Highway Authority – No objection subject to conditions and Section 106 Agreement.

Environment Agency – No objection subject to condition with respect to sustainable drainage (SUDs).

DCC Planning Policy – Comment:
- the local County Council Member has stated that the proposed development must include the correct percentage of affordable housing in accordance with Local Plan policy and wishes to see a public transport friendly design and developer contributions towards bus services
- request developer contributions to the following:
  - access to high speed broadband services for future residents (in conjunction with service providers)
  - £170,985.15 financial contribution towards the adaptation of a classroom Castle View Primary School
  - new homes designed to Lifetime Homes standards.

Derbyshire Community Health Service – Comment:
- advise of a need to address the potential impacts on health care provision which roughly equates to £200 per head of population.

NHS Clinical Commissioning Group – Comment:
- requirement for a financial contribution to address the potential overburden on the existing general practices in the town as a result of unaccounted development proposals
- require a contribution towards primary health care from the developer of £526 per dwelling
- figure is based on an average of 2.3 individuals per dwelling and on usage of primary care facilities (GP and Dental) for one patient for one year. This figure does not include provision for pharmacy and optometry as supply will develop to meet demand.

DDDCC Head of Housing Services – Comment:
- have assumed that the units on site represent 25% out of the 45% total in terms of affordable housing contribution and that 20% will be provided as an off site financial contribution
- tenure mix of 18 rent and 10 shared ownership should be acceptable
- would be preferable to see the affordable housing provided over several phases rather than in one group at the beginning or end of the development
- housing provided should comply to Life Time Homes standard, be secure by design and meet Code Level 3.
- Mix of homes for rent should comprise
  - 8 x 2 bed 4 person houses
  - 4 x 3 bed 5 person houses
  - 1 x 4 bed 6 person houses
  - 5 x 2 bed 3 person bungalows
Shared ownership
- 5 x 2 bed 4 person houses
- 5 x 3 bed 5 person houses

There is no requirement for flats on the site.

Natural England – Comment
- LPA should refer to standing advice with regard to protected species
- LPA should ensure sufficient information to fully understand impact on local wildlife or geological sites
- LPA should consider opportunities for biodiversity and landscape enhancements.

Derbyshire Wildlife Trust – Comment:
- loss of semi-improved grassland is a significant local impact – requires mitigation
- raise concerns to be addressed through the reserved matters application with regard to protecting badgers and foraging areas

Development Control Archaeologist – No objection – Comment:
- archaeological desk-based assessment and geophysical survey have been submitted in pursuance of the aims of NPPF para 128 - these documents provide enough information to determine the application with regard to archaeological assets
- contains the WW2 searchlight site at Bailey’s Tump (HER 10074), but no impacts are proposed to this area of the site
- geophysical survey suggests that there are some possible archaeological features in parts of site (notably some unexplained linears and a bank feature) which need further evaluation and, if shown to be of significance, more extensive excavation - do not however appear to be of high significance or unusual extent or complexity and best addressed through a planning condition in line with NPPF para 141.

DCC Public Rights of Way – Comment:
- ask that applicant be made aware of the legal alignment of Footpaths 8 and 83 and an application must be made to seek to divert the footpaths
- notes should be appended to any planning permission for the information of applicant with regard works associated with the footpaths.

Peak and Northern Footpaths Society – Comment:
- one of the vehicular accesses to the site is proposed to be over a short length of FP8 Matlock - the applicant needs to be sure that the property owners will have authority to drive over this footpath, since otherwise they will be committing a criminal offence
- walkers must be physically segregated from the traffic on this section of the path
- it is proposed to widen FP8 "slightly" - the extra width should be dedicated by the landowner as part of the public right of way
- any changes proposed to the surface of this path must have the authorisation of the County Council as the highway authority
- the safety of walkers on FP8, where it will cross the new site road, must be safeguarded by warning signs for motorists and a change in colour of the vehicular road and bollards, all of which will need the authority of the County Council
- full widths of FP8 and FP83 adjacent to the site must at all times remain unobstructed unless a temporary closure order is obtained
- developer should fund improvements to FP’s 8, 39, 49, 83 and 97 as necessary, since the additional residents of the development will greatly increase the use of these paths
- currently a number of worn tracks across the site and likely that people will claim that these paths are public rights of way by virtue of the public use
- the footpaths which it is proposed to physically create across the site should be legally dedicated as public footpaths.

Derbyshire Fire and Rescue Service – Comment:
- strongly recommend installation of a domestic sprinkler system or, if not, that a 32mm water supply capable of delivering the required volumes to allow for such

Crime Prevention Design Advisor – Comment:
- no comments to make at this point - will comment on more detailed application.

REPRESENTATIONS:
A total of 89 representations from local residents and visitors to the area. The comments can be summarised as follows:

Policy
- outside Settlement Framework Boundary
- question latest government household projections
- site downgraded to Priority 4
- change from Priority 1 to Priority 4 was excellent example of local democracy in action
- government policy opposes the use of green field sites for development, favouring the use of brownfield sites
- allowing development of site would be contrary to Planning Committee decision
- new housing need can be met at other already agreed sites
- town has a shortage of amenities, services and employment to provide for population increase
- should consider more sustainable sites
- significant areas of undeveloped brownfield sites such as Cawdor and Halldale Quarries
- impact on Matlock as a tourist destination
- inadequate green space to serve 110 dwellings
- no provision of affordable housing
- urge Council to deal with matter of absent and/or out of date Local Plan – present application intended to take advantage of this issue
- consider deferring application decision until Local Plan is complete.

Housing Need
- sufficient housing developments
- do not accept there is demand for additional housing
- empty properties exist within the town
- land recorded as Grade 2 and 3 agricultural land
- unsuitable for elderly residents as at the top of a steep hill
- no shortage of ‘executive’ houses in the area
- against building of any more unaffordable houses
- such a high proportion of affordable housing with currently affluent demographic is unacceptable
- what would stop developer increasing number of houses back to 179
- shortage of bungalows in Matlock area
- if more housing is needed then consider locations around Bakewell, Hathersage and Bamford where it will not have such an impact on traffic flows and road safety and local services may be able to cope.

Visual impact
- prominent greenfield site
- unique part of the heritage of the town
- very picturesque
- detrimental impact on views
- negative impact on Baileys Tump, a tourist site
- last significant green space in the area
- town’s appearance will be diminished and ruined
- impact on views into and out of the area would impact on natural beauty of the area which brings in tourism
- impact on setting of Lumsdale and Matlock Bank Conservation Areas
- will permanently spoil the landscape and detract visitors coming to see the town
- inappropriate landscaping
- impact of landscaping on nearby residents
- inappropriate density of housing
- housing stock does not look commensurate with housing stock in the Asker Lane area
- disappointed that being considered in outline with no details and is misleading
- subject to an application for Village Green status
- would open floodgates to infill development
- all walls should be natural gritstone and roof be slates or slate substitute (dark grey), particularly so where abuts Conservation Area.

Amenity
- area used by large numbers of recreational users, walkers, dog walkers and children
- whilst town centre has a park, there is little or no recreation area around Asker Lane and the surrounding area
- green spaces can cut pollution by 5-30%
- loss of tranquillity
- proposed open space too small to be of any benefit
- impact on neighbours amenity – loss of privacy and view
- landscaping would lead to loss of light and view to existing properties
- previous housing developments have led to traffic problems in the town
- if approved, height of dwellings to west and north west of the site should be restricted.

Highway Issues
- large increase in traffic and congestion and highway safety issues associated with inadequate road infrastructure, access constraints and speeding vehicles
- poor access from Asker Lane onto Chesterfield Road
- parking problems already in the area
- potential increase in danger with road crossing
- concerns with regard to traffic surveys and times they were conducted
- have been serious accidents with one fatality
- uncontrolled pedestrian crossing from the Duke of Wellington to Asker Lane is badly designed and dangerous.
Wildlife
- impact on wildlife habitat, trees, hedges and wildflowers
- ancient meadows of ecological benefit to the town – never sprayed and are very rich in flora
- meadows linked directly to open countryside
- negative impact on wildlife – a variety of bird species, badgers, foxes, weasels, bats, squirrels, shrews, mice, voles and butterflies referred to
- impact on badgers and their foraging areas
- protection area for badger sett too small.

Drainage
- inadequate assessment on flood impact
- impact of surface water run-off
- impact of proposed landscaping on existing foul drainage
- impact on aqueduct.

Infrastructure
- strain on essential services
- can schools cope
- concerned local infrastructure is stretched to the maximum
- impact on medical provision
- impact on public transport which has full capacity
- insufficient amenities to support development in this area
- no significant employment in the area
- if approved, Section 106 monies should be targeted towards infrastructure provision and upgrade.

Other comments
- will be writing to MP and European Courts
- people have power to vote Councillors in or out to represent their wishes
- should disregard the government Inspectorate stipulated figures
- don’t want more people coming to live in new builds in Matlock area, new houses or traffic congestion
- approval of outline planning permission would make a mockery the democratic process
- applicants have no interest in Matlock and have shown contempt for the Planning Committee and wishes of local residents.
- decision making motivated by financial clout, mainly wealthy property developers
- should the Council not be generating new employment potential as a first priority
- how can it be argued the development is sustainable if have to travel to work
- impact on climate change with commuter car journeys from Matlock to towns and cities – what consideration is being given to reducing UK carbon emissions
- County Council offices may be vacated in near future and provide for redevelopment
- if County Council offices close people may move away from area relieving pressure on housing stock
- moving of Highfields lower school to the upper school site previously mentioned – would free up land and think residential development there would cut down on traffic currently experienced with school
- has enough consideration been given to redevelopment of brownfield sites along the A6 Matlock – Rowsley corridor and does the town cricket and football ground need to be centrally placed
seek advice on claims for compensation for noise, disturbance and intrusive lighting should new highways be opened.

Conditions on approval
- financial contributions to local service provision and facilities upgrading
- materials.

One letter of support from a local resident. The comments are summarised as follows:
- need more homes in this country
- the amount of demand seen at the moment is making property more expensive so more homes being built is a good thing
- totally support any homes being built on Asker Lane and any NIMBY's who oppose it are being selfish
- not 'entitled' to live opposite a field and have a pretty view
- people needing a place to live and is more important than the loss of the value of existing property.

Matlock Civic Association – Object:
- residential land supply met by previous commitments
- additional sites, such as office conversions, becoming available in Matlock
- site forms an important open space within the built up area crossed by footpaths which should be kept for public enjoyment
- crossed by major trunk water main
- affords views across Matlock, particularly important from Baileys Tump
- increasingly unlikely that remaining brownfield sites in the Matlock area will be developed if greenfield sites are permitted
- not consistent with the emerging Local Plan
- could create highway problems

Policies:
1. Adopted Derbyshire Dales Local Plan (2005)
   SF4: Development In The Countryside
   SF5: Design And Appearance of Development
   SF7: Waste Management And Recycling
   H4: Housing Development Outside Settlement Framework Boundaries
   H9: Design And Appearance Of New Housing
   H10: Affordable Housing Within The Settlement Framework Of Market towns
   H13: Affordable Housing Exceptional Sites In Rural Area
   NBE4: Protecting Features Or Areas Of Importance To Wild Flora And Fauna
   NBE5: Development Affecting Species Protected by Law Or Are Nationally Rare
   NBE6: Trees And Woodlands
   NBE7: Features Important In The Landscape
   NBE8: Landscape Character
   NBE12: Foul Sewage
   NBE21 Development Affecting a Conservation Area
   NBE24: Archaeological Sites And Heritage Features
   NBE26: Landscape Design In Association With New Development
   NBE27: Crime Prevention
   TR1: Access Requirements And The Impact Of New Development
   TR2: Travel Plans
   TR3: Provision for Public Transport
   TR8: Parking Requirements For New Development
14/00527/OUT Continued)

CS8: Provision Of Community Infrastructure
L6: Outdoor Playing And Play Space In New Housing Developments
L9: Safeguarding Public Rights Of Way

   Paragraphs 14, 17, 47, 49, 50, 56, 58, 60, 61, 64, 65, 69, 72, 73, 74, 75, 79, 93, 94, 95, 96, 99, 103, 109, 112, 119, 125, 128, 129, 131, 132, 133, 141, 186, 187, 188, 189, 190, 191, 185, 196, 197, 203, 204, 205 and 206.
   Annex 1 Implementation paragraphs, 210, 211, 212, 213, 215 and 216.

4. 
5. Landscape Character and Design Supplementary Planning Document (July 2007)

ISSUES:
1. **Introduction**

   This application has been submitted further to the refusal of outline planning permission (ref: 14/00089/OUT) for the same proposed development. This was refused for the following reason:

   1. The proposal entails the development of a greenfield site for housing located outside of the Settlement Framework boundary of Matlock as defined in the Adopted Derbyshire Dales Local Plan (2005). The development of these greenfields, which will be inherently encroaching and harmful to landscape character and appearance, is considered unwarranted and unsustainable in the context of the District Council being able to demonstrate a housing land supply comfortably in excess of the requirements of the National Planning Policy Framework. The development as such is considered contrary to Policies NBE8 and SF4 of the Local Plan, Development Management Policies 2 and 6 of the Pre Submission Draft Derbyshire Dales Local Plan and guidance in the National Planning Policy Framework taken as a whole.

   The applicant has now submitted an appeal to the Secretary of State against the above decision of the District Council. Since the decision was made, the Local Plan Inspector has advised of the requirement to increase the number of dwellinghouses that the District Council is now required to provide up to 2028. Given these changes to the District Council’s position, the applicant has resubmitted this outline planning application with the hope of favourable consideration.

2. **Planning Policy Context**

   Before assessing the planning merits of this particular application, it is important to set out the policy context (local and national) and the weight to be given to the different components of the development plan. Conformity or conflict with the policy context will then need to be weighed in the planning balance with other material considerations.

   The Derbyshire Dales Local Plan was adopted in November 2005 and covered the period to 2011. In May 2008 the District Council requested that the Secretary of State issue a direction to save specified policies beyond 24th November 2008. On 20th November 2008 the Secretary of State issued a direction under paragraph 1 (3) of Schedule 8 of the
Planning and Compulsory Purchase Act 2004 saving the majority of policies in the Adopted Local Plan beyond the initial three years.

The National Planning Policy Framework (NPPF) was published in March 2012. Whilst the Framework does not change the statutory status of the development plan as the starting point for decision-making (Paragraph 12), in accordance with Paragraph 212 the policies contained within the Framework are material considerations which must be taken into account.

Paragraph 214 of the Framework gave full weight to existing plan policies for 12 months from March 2012. Paragraph 215 advises that beyond the end of March 2013, due weight should still be given to relevant policies in existing plans according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given). The current application therefore needs to be determined having regard to Paragraph 215 advice.

Paragraph 14 advises that at the heart of the National Planning Policy Framework is a presumption in favour of sustainable development. For decision-taking, this means approving development proposals that accord with an up-to-date Local Plan; and also in circumstances where the development plan is absent, silent or relevant policies are out-of-date, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.

Paragraph 49 advises that housing applications should be considered in the context of the presumption in favour of sustainable development and that relevant policies for the supply of housing should not be considered up to date if the Local Planning Authority cannot demonstrate a five year supply of deliverable housing sites.

The Adopted Local Plan
Key to the consideration of any application for housing development in the countryside are Policies SF4 and H4 of the Local Plan. It was established at the Willow Meadow Farm Appeal that because these policies were written in the context of development being able to be accommodated within the existing Settlement Frameworks, they have only limited relevance to the current situation. Currently, the District Council have to provide additional land for housing in the context of meeting its objectively assessed needs and the emerging Local Plan will, to a greater extent, have to make allocations outside existing Settlement Frameworks.

Whilst Policy SF4 does perform a dual role in seeking to also protect the character and appearance of the countryside, which is consistent with the wider aims of the National Planning Policy Framework, these key policies of the Adopted Local Plan (2005) could at best be only be given very limited weight in the consideration of an application such as this which seeks to make a strategic contribution to meeting the housing needs of the District, notwithstanding the arguments below.

This has been accepted in considering previous planning applications, such as Willow Meadow Farm and Hillside Farm in Ashbourne, which were both greenfield and not draft housing allocations as part of the emerging Local Plan. Whilst other plan policies quoted in this report may have a relatively high degree of consistency with the National Planning Policy Framework, and carry significant weight in decision-making, Policies SF4 and H4, because of the arguments expressed above, cannot form a sound primary basis for
assessing housing schemes beyond existing Settlement Framework boundaries on greenfield sites.

**Emerging Local Plan and Housing Land Supply**

At the current time, the District Council has decided, based upon the initial conclusions of the Local Plan Inspector, that it would not be appropriate to proceed with the examination in public of the Draft Derbyshire Dales Local Plan (2014) and this has now been withdrawn from consideration. Therefore, determination of the planning application needs to be considered in accordance with guidance contained in the National Planning Policy Framework and those policies of the Adopted Derbyshire Dales Local Plan (2005) which are consistent with it.

Therefore, the decision-maker has to revert back to paragraph 14 of the National Planning Policy Framework in particular and the other sections of the National Planning Policy Framework to assess if any adverse impact of granting planning permission would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework as a whole.

One of the primary objectives of the National Planning Policy Framework is to ‘significantly boost the supply of housing land’. As detailed above, Paragraph 49 of the National Planning Policy Framework states that relevant policies for the supply of housing should not be considered up to date if the Local Planning Authority cannot demonstrate a five year supply of deliverable housing sites.

In this regard there is a requirement to update annually a supply of specific deliverable sites sufficient to provide for five years worth of housing land against the housing requirement for the area, with an additional buffer of 20% to ensure choice and competition in the market. Based on the revised target set by the Inspector on the emerging Local Plan of at least 6,500 dwellings over the Plan period, the District Council cannot currently demonstrate the requisite 5 year supply.

Therefore, in the absence of an up to date Local Plan, the consideration of an application such as this is heavily dependent upon interpretation against the National Planning Policy Framework. As explained above, Policies SF4 and H4 have only limited relevance in a context of having to make major land releases outside Settlement Frameworks to meet identified housing needs. More importantly, whilst the District Council is unable to demonstrate a 5 year supply, these Policies of the Local Plan, relating to housing supply and its location, are deemed out of date by Paragraph 49 and, therefore, Paragraph 14 is engaged.

In this respect, Paragraph 14 of the National Planning Policy Framework states that there is a presumption in favour of sustainable development which, for decision-takers, means:-

- Approving development proposals that accord with the development plan without delay; and
- Where the development plan is absent, silent or relevant policies are out-of-date granting permission unless:-
  - any adverse impact of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the framework taken as a whole; or
specific policies of the framework indicate that development should be restricted.

The concluding section of this report will analyse the scheme against this policy requirement.

3. **Other Material Considerations**

In assessing the scheme against the above test it is considered relevant to both weigh the benefits of release of the site for housing and also weigh the harm that would result and conflict with elements of the Development Plan and National Planning Policy Framework before reaching a balanced judgement. To aid this assessment of the scheme the remainder of the Issues Section is set out as follows, before returning to the planning balance at the end of this report.

(i) The sustainability of housing in this locality
(ii) The impact of development on the character and appearance of the area
(iii) Impact on amenity of adjoining residents
(iv) Provision of affordable housing
(v) The impact on Archaeology
(vi) Highway/pedestrian safety
(vii) Provision of infrastructure through developer contributions
(viii) Public Rights of Way
(ix) Open Space
(x) Impact on flora and fauna
(xi) Drainage
(xii) Village Green status

(i) **The Sustainability of Housing in the Locality**

The development of greenfields outside the Settlement Boundary is to a degree unsustainable but this has to be judged in the wider context of the need to provide an adequate supply of housing to meet the future needs of the town. Even if all brownfield sites came forward, there would still be a requirement for greenfield sites to meet the requirement for 6,500 plus dwellinghouses and Matlock’s share of this need.

Notwithstanding this, it is logical to assess how a development of this site could assimilate with the existing built framework. The site is relatively well connected to public transport but pedestrian journeys to reach facilities will be relatively long. Whilst the public comments on sustainability are noted, these could logically be applied to most sites considered for the expansion of the town. Provided opportunities are taken to enhance footpaths, it is not considered that the development is so inherently unsustainable in terms of accessibility to the town’s facilities as to warrant rejection on this ground in light of the housing land supply that the District Council now needs to meet.

One further issue that requires consideration in relation to sustainable development is the density of development. Greater density has the potential to lessen the land take and promote public transport and infrastructure. However, this should not be seen to override development consistent with the character and appearance of the local area. In this respect, it is considered that a lower density of development, across a wider land area as detailed on the indicative site area, befits the character and appearance of the area in this regard the proposal is considered acceptable.
14/00527/OUT Continued

(ii) The Impact of Development on the Character and Appearance of the Area
The illustrative application drawings and landscape master plans submitted with the application largely accord with the “best fit” analysis for development while green infrastructure and ecological mitigation strategies – if properly developed and implemented - should ensure that an acceptable landscape, open space and ecological framework is established.

However, as already described, the site is open farmland/meadow which is a green wedge within the immediate urban surroundings. The site contributes to the amenity of local residents and persons using the public footpath network to move from the town to the rural surroundings and the Lumsdale Conservation Area. It is also an attractive open area when viewed in context with the historical built form which underpins the Matlock Bank Conservation Area.

The layout proposals for the site have been submitted for illustrative purposes and therefore the character and appearance of the development can be informed with the submission of the reserved matters application. In addition, details will be required of materials and finishes which would also be addressed through the reserved matters application.

However, there is some criticism that can be levied at the illustrative layout and how it relates to the adjacent Matlock Bank Conservation Area. The illustrative scheme presents a suburban layout comprising short cul-de-sacs with houses gable end onto the road. This is out of context with the general alignment of traditional buildings onto Chesterfield Road and it is considered that this element of the scheme would require further consideration and re-design.

Nevertheless, given the above, and with a need to meet the housing needs of the District, it is considered that the proposed development would not harm the character and appearance of the area to such an extent that this can override the requirements of paragraph 14 of the National Planning Policy Framework.

(iii) Impact on Amenity of Adjoining Residents
Concerns have been expressed regarding the potential impact on residents’ levels amenity, particularly privacy, light and outlook. These concerns are understandable, but it is considered that measures for achieving reasonable levels of amenity to existing and proposed dwellinghouses would be factored into any reserved matters application.

(iv) Provision of Affordable Housing
In terms of affordable housing, the Council have sought 45% affordable housing on major housing land releases in line with existing and emerging plan policies. Such provision will allow for balanced future growth by ensuring access to housing for all. The applicants have agreed to 25% on-site dwellinghouses being affordable units and that they would be prepared to make an off-site financial contribution based on a further 20% of the dwellinghouses. This reflects advice previously given by the District Council’s Head of Housing with recently approved housing developments. In this respect, the aims of the District Council’s affordable housing policies are satisfied.
(v) **The Impact on Archaeology**

The Development Control Archaeologist has previously evaluated the application site for archaeological interests. It is advised that the heritage potential of the site divides into two areas: the known WW2 searchlight station at Bailey’s Tump (HER 10074), and the potential for previously undiscovered below-ground archaeology.

Although Bailey’s Tump falls within the red edged boundary of the application site, this would form part of the proposed public open space, with no proposals for impacts to the heritage asset. With regard to archaeological potential, there is very little information for the area around the site, primarily because it is within the built-up area of Matlock and consequently does not have a history of archaeological investigation. There is certainly a background scatter of stray finds and other indicators in the general area which suggest occupation of this landscape during the prehistoric and Roman periods.

As such, the applicants have now submitted a geophysical survey which suggests that there are some potential archaeological features in parts of site which will need further evaluation and, if shown to be of significance, more extensive excavation. However, the Development Control Archaeologist advises that these features do not appear to be of high significance or unusual in extent or complexity, and the archaeological issue on the site is best addressed through a planning condition, in line with paragraph 141 of the NPPF. This would ensure that no development would take place until a Written Scheme of Investigation has been submitted to and approved by the Local Planning Authority.

(vi) **Highway/Pedestrian Safety**

This is a substantial residential development which obviously has the potential to significantly add to traffic and congestion on the local road network. In this respect, the Highway Authority has thoroughly appraised the applicant’s submission. The access points to Asker Lane and Chesterfield Road appear feasible to achieve and, given the controlled frontages available and existing highway limits, the accesses can be furnished with adequate visibility sightlines, commensurate with anticipated passing vehicle speeds.

From a Local Highway Authority perspective, the current application is similar to the previous application submitted for this site, under application reference 14/00089/OUT. The overall conclusions in the Transport Assessment reveal no demonstrable harm to the highway networks (following consent being issued for the Bentley Bridge site). The applicant has submitted an addendum which brings the Transport Assessment up to date in terms of committed development allowed since the original Transport Assessment was prepared. This now confirms that the development proposals are unlikely to result in severe harm to highway safety on the existing highway network and a Travel Plan condition can be included to secure the proposed revisions highlighted.

In terms of road hierarchy, the improved road off Chesterfield Road provides a main route into the proposed housing site, which the Local Highway Authority advise should form a priority route into the development. In this respect, the Local Highway Authority advise that it should be laid out as a bend, not a junction as currently indicatively shown. The road will need to be brought up to an adoptable standard in terms of geometry, construction, drainage and lighting. This will need to be modified in any reserved matters submission.
The indicative site layout includes a number of pedestrian links throughout the site which provide good connections to the existing highway network and existing public rights of way. However consideration should be given to providing improvements, which will assist/improve pedestrians crossing Chesterfield Road to the west of the site. This could, for instance, include setting back the boundary wall that currently abuts the carriageway to provide a footway margin on this side of the road, additional warning signage, tactile paving crossing points etc. Details of these could be secured by an appropriate condition appended to any permission issued.

The Local Highway Authority has advised that consideration should be given by the applicant to the provision of a bus route through the application site. Whilst there would be some benefit in taking the bus closer to the proposed dwellings, nevertheless there are bus stops along Chesterfield Road that are in reasonable distance of the application site. In this respect, whilst a bus route would appear desirable, it is not considered that by failing to include such this would be a justifiable reason for refusal of planning permission.

Given the above, and on the basis of the information submitted to support the development, the Local Highway Authority is not in a position to demonstrate that the development proposals would exacerbate or cause demonstrable harm to highway safety or that the residual impact of the development would be so severe in terms of the guidance contained within the National Planning Policy Framework to justify a reason for refusal.

On this basis, the Local Highway Authority consider the comments, the suggested S106 content, conditions and notes from the applicants letter relating to the previous outline planning application equally apply to the current application and should be included in any consent issued. Bearing in mind the scale of development, there is a requirement for a Travel Plan to be submitted in line with the Government’s aspirations to promote sustainable development. However, it is considered that this can be reasonably addressed as a condition on any grant of outline planning permission.

(vii) Provision of Infrastructure through Developer Contributions

The County Council are a key strategic consultee on applications of this scale. They have in their consultation response identified school and other contributions necessary to allow the town to absorb the additional demands placed on its infrastructure and to help the development assimilate and maximise its sustainability. A sum of £170,985.15 is required as a contribution towards the adaptation of a classroom (classroom project A) at Castle View Primary School.

The applicants have indicated a willingness to meet these contributions and, whilst it is recognised that these do not cover all the issues raised by the public in relation to meeting identified infrastructure costs, the development proposals are considered acceptable in this respect.

Whilst not raised as an issue in the consideration of the previous outline planning application, the NHS Clinical Commissioning Group (CCG) has advised of a need to address the potential impacts on health care provision of unaccounted development proposals such as this windfall planning application. Nevertheless, it would be necessary for the applicant to enter into Section 106 legal agreement in order to secure such funding. This would also allow the applicant to recoup such monies if
they were not spent within a reasonable time period, say within five years of 30% of the application site being occupied. It is considered that such monies would need to be conveyed at the point of 30% occupancy, in order to allow these to be drawn down for works to upgrade existing General Practices or to provide further provision; this would need to be advised to the District Council.

The Derbyshire Community Health Service (NHS Trust), as part of the dialogue with the CCG, has also requested a financial contribution based on the potential number of additional residents. However, this is considered unreasonable as these are not to meet area specific needs and such funding is drawn down through the NHS for service provision. The provision for the General Practices would not be used to fund service provision but capital projects to allow the physical expansion of the practices to enable a provision for increased capacity.

(viii) Public Rights of Way
The consultation responses from the County Council and Peak and Northern Footpaths Society do not raise any significant concerns with regards to public rights of way that could not otherwise be addressed through the reserved matters assessment of the site layout. In addition, the applicant has confirmed that there is no proposal to divert either of the public footpaths.

(ix) Open Space and Childrens’ Play Space Provision
There is a requirement under Adopted Local Plan Policy L6 to make appropriate provision for open space and play areas within developments of this scale. The applicant has provided an indicative layout of how this could be achieved on the site. Nevertheless, the provision of up to 110 houses on a 7.25 hectare site is at a low density that should provide plenty of scope for open space and this could reasonably be conditioned.

The applicant has reviewed different locations (taking into account issues such as ecology, landscape, Bailey’s Tump, various technical considerations and the need for play areas to be over-looked), and consider a play area within the northern field is the most appropriate location for natural supervision.

An illustrative sketch has been submitted of a suggested proposal for the play area. The proposal is for natural play equipment, which is considered would be more appropriate than metal equipment and much more in keeping with both the site and its surrounding area. The rationale behind this location is:

- being lower down the slope it will have less impact on the view across the open space;
- it is close to the suggested footpath through the northern field and it is suggested that a short mown path be provided linking it to the footpath;
- it allows the majority of the northern field to continue as an ecological resource;
- there will be a minimum 5m stand-off from the existing hedgerow; and
- it will benefit from the supervision/surveillance of the adjacent properties.

Regarding the actual size of the play area, the applicant has considered the District Council’s 2009 Peak Sub-Region PPG17 Open Space, Sport and Recreation Study ‘Standards Paper.’ This states that, within the area of Derbyshire Dales outside of the Peak Park, there should be 0.93 sqm of equipped children’s play per dwelling. Using the maximum number of dwellings applied for (110), this amounts to 102.3
sqm (0.93 x 110) and the applicant has based the equipped children’s play area on this size.

(x) Impact on Flora and Fauna
Derbyshire Wildlife Trust (DWT) have assessed the ecological reports. It is advised that the ecological surveys undertaken have addressed the key ecological issues at the site and the level and scope of survey work is acceptable. The revisions previously made to the layout of the development as part of the previous application, and the siting of the attenuation ponds, has reduced the scale of this impact. The ecological mitigation strategy is acceptable and has set out a range of actions to address the impacts identified. This includes the retention of some habitats, enhancement of habitats and creation of habitats (e.g. pond, new hedgerow).

In addition, DWT advise that the mitigation strategy for badgers is acceptable and meets Natural England standing advice on badgers. It is advised by DWT that it is important that the layout is not significantly altered at a later stage, as this could have implications for the level of impact on badgers and require further assessment.

The Landscape Plan indicates that small groups of trees/shrubs will be planted in the meadow. However, this is not referred to in the ecological plan or shown on the masterplan. DWT advise it would be detrimental to the objectives of the ecological mitigation plan to plant trees into this field. The objective to enhance the field as a hay meadow and manage it as such is better served by retaining the field as an open habitat without shading from trees and nutrient enrichment from leaf fall. Any planted trees will also be an obstacle to mowing and hay making.

Given all the above, DWT advise the District Council to attach the following conditions to any grant of outline planning permission

- the implementation in full of the ecological mitigation plan accompanying the development;
- the submission of an ecological management and aftercare plan for the site to be approved prior to the commencement of the development;
- establish the details of how the costs of site management will be met and for how long aftercare will be maintained. DWT recommend a period of at least 25 years or ideally management in perpetuity of the public open space included within the site; and
- require the development is progressed in accordance with the requirements and measures set out in the badger mitigation plan.

(xi) Drainage
Local residents have raised concern with regard to drainage. In relation to surface water drainage and flooding, the Environment Agency has advised that they have no objections to the proposal. However, this is subject to the development being undertaken in compliance with sustainable drainage principles and a condition can be attached to any grant of planning permission in this respect.

In terms of the aqueduct, the developer would be responsible for meeting with the requirements of Severn Trent Water (STW) regarding set-off distances and the requirements of STW would go some way to inform the layout of the development. However, it is not considered that such a constraint would significantly undermine the development potential of the site or necessitate a residential layout that would otherwise be unacceptable on the site.
(xii) **Village Green Status**
There is a pending application for village green status. However, this is not a material planning consideration in determining the planning application as these applications are dealt with under separate legislation and are dealt with independently.

If the District Council decides to grant planning permission, it is at the developers' risk to decide to commence building works prior to the determination of the village green application. If the village green application is ultimately successful following the Inquiry, it is a criminal offence under ‘The Commons Act 1876’ and the ‘Inclosure Act 1857’ to interrupt the use or enjoyment of a village green or to enclose or encroach upon a village green. As such, the developer could become liable to prosecution and enforcement action to demolish the works.

4. **Conclusion**
The second component of this ISSUES section sets out the current planning circumstances concerning the Adopted Local Plan (2005), the emerging Local Plan and Inspector's findings, the current housing land supply situation and what this means for decision-making in terms of the overarching policies of the National Planning Policy Framework. The emerging Local Plan has been withdrawn from the examination in public and considerable further analysis and public engagement is required in relation to meeting the District Council's Objectively Assessed Needs for housing.

In the meantime, the District Council cannot reasonably decline to determine applications on prematurity. Policies SF4 and H4 of the adopted Local Plan are also not a sound basis to reject a scheme such as this as they are both out of kilter with the framework and Paragraph 49 of the Framework is explicit in ruling them out-of-date in the context of the District Council not being able to demonstrate a 5 year housing supply.

Therefore, in the current set of circumstances, the overarching basis for assessing this application is Paragraph 14 of the National Planning Policy Framework. This guidance requires decision-takers in assessing sustainable development where the development plan is absent, silent or relevant policies are out-of-date to grant permission unless:

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the framework taken as a whole; or
- specific policies in the framework indicate development should be restricted

Whilst this guidance has a presumption in favour of sustainable development it is not a green light to approving development that is clearly unsustainable in terms of its location and comparative scale.

Therefore, in balancing the merits of this scheme, it is first important to reach a judgement on the sustainability of the location. In this regard, whilst the site lies outside the current residential framework of Matlock, it does abut the Settlement Framework. Although there are impacts on the character of the area, the site is reasonably accessible to the town centre to access services and employment opportunities and is close to an established bus service to serving the locality, thus having the potential to reduce car borne journeys. Therefore, as the site is considered to be in a generally sustainable location for development, the test in Paragraph 14 requires the decision-maker to assess if any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits.
The potential impacts have been assessed above. In this regard, it is considered that none of the issues raise such concern that, in granting permission for the development, it would result in such an adverse impact that doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of the National Planning Policy Framework.

In the final balance, whilst the release of development sites ahead of the Local Plan process running its course is understandably unpopular, the publication of the National Planning Policy Framework has changed the balance in decision-making to promote more housing and other forms of sustainable development. In the current circumstances, and having due regard to the contents of Paragraph 14, it is concluded that the benefits of granting permission for this generally sustainable development, broadly accords with relevant Adopted Local Plan Policies which are consistent with the Framework and are not significantly and demonstrably outweighed by any adverse impacts. As such, the granting of outline planning permission is appropriate.

OFFICER RECOMMENDATION:
That authority be delegated to the Development Manager to grant outline planning permission subject to the completion of a Section 106 Planning Obligation Agreement to secure the appropriate on-site affordable housing provision, a financial contribution towards off-site affordable housing provision, a financial contribution towards education facility provision, a financial contribution towards community health provision, highway and footpath improvements, open space/play area provision and any other matters that cannot be dealt with by conditions, and subject to the following conditions:

1. Condition ST01a: Time Limit on Outline
2. Condition ST03a: Submission of Certain Reserved Matters (delete (d) access)
3. No development shall take place until a landscape management plan, including long-term design objectives, management responsibilities and maintenance schedules for all landscaped areas (except privately owned domestic gardens), shall be submitted to and approved in writing by the Local Planning Authority. The landscape management plan shall be carried out as approved and any subsequent variations shall be agreed in writing by the Local Planning Authority. The scheme shall include the following elements:
   i) detail extent and type of new planting (NB planting to be of native species);
   ii) details of maintenance regimes details of any new habitat created on site;
   iii) details of treatment of site boundaries and/or buffers around water bodies; and
   iv) details of management responsibilities.
4. Condition LA1 Tree Survey – Reserved Matters
5. Condition LA5a Protection of Retained Trees
6. Condition LA13a Landscape to be Carried out and Maintained
7. Condition GR5 Agree Ground Level Slabs
8. No development shall take place until a Written Scheme of Investigation for archaeological work has been submitted to and approved by the local planning authority in writing, and until any pre-start element of the approved scheme has been completed to the written satisfaction of the local planning authority. The scheme shall include an assessment of significance and research questions; and
(i). The programme and methodology of site investigation and recording
(ii). The programme for post investigation assessment
(iii). Provision to be made for analysis of the site investigation and recording
(iv). Provision to be made for publication and dissemination of the analysis and records of the site investigation
(v). Provision to be made for archive deposition of the analysis and records of the site investigation
(vi). Nomination of a competent person or persons/organization to undertake the works set out within the Written Scheme of Investigation.

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

9. 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:

- surface water drainage system(s) 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;
- details to show the outflow from the site is limited to Greenfield Qbar rate for all events including the 100 30% (for climate change);
- provision of surface water run-off attenuation storage in accordance with the requirements specified in ‘Science Report SC030219 Rainfall Management for Developments’;
- 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; and
- details about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters to include a timetable for its implementation; and
- a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.
10. No works of construction shall take place on the site outside of the following hours:
   Monday to Friday    08.00 to 20.00
   Saturday            09.00 to 13.00
   Sunday/Bank Holidays No construction

11. The development shall not begin until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the local planning authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex 2 of the National Planning Policy Framework or any future guidance that replaces it. The scheme shall include:

   a) the numbers, type, tenure and location on the site of the affordable housing provision to be made which shall consist of not less than 25% of housing units/bed spaces with an off-site financial contribution based on an equivalent financial sum necessary to subsidise the affordable provision of 20% of the approved dwellinghouses;

   b) the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;

   c) the arrangements for the transfer of the affordable housing to an affordable housing provider (or the management of the affordable housing) if no Registered Social landlord is involved;

   d) the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and

   e) the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

12. No dwelling shall be first occupied until:

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

   b) the amenity areas and play area have been laid out, and in the case of the play area equipped, in accordance with a phased scheme to be approved in writing by the Local Planning Authority.

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

14. Throughout the period of development vehicle wheel cleaning facilities shall be provided and retained within the site. Where appropriate all construction vehicles shall have their wheels cleaned before leaving the site in order to prevent the deposition of mud and other extraneous material on the public highway.
15. Before any other operations are commenced, a new estate street junction shall be formed to Asker Lane at least 6m wide, laid out, constructed and provided with absolute minimum visibility splays of 2.4m x 43m in either direction measured to the nearside carriageway channel level, the area in advance of the sightlines being levelled, constructed as footway / verge and not being included in any plot or other sub-division of the site.

16. Before any other operations are commenced, the existing street junction to Chesterfield Road (currently serving the Presentation Sisters Care Home) shall be improved to be at least 6m wide, laid out, constructed and provided with absolute minimum visibility splays of 2.4m x 43m to the south and 2.4m x 59m to the north, when measured to the nearside carriageway channel level. The area in advance of the sightlines being levelled, constructed as footway / verge and not being included in any plot or other sub-division of the site.

17. No more than 35 no. dwellings shall be occupied off each access point to Asker Lane or Chesterfield Road unless the internal estate street link has been provided, linking the two cul-de-sacs together, being appropriately constructed, open and available to 2-way traffic and retained thereafter.

18. The sole means of vehicular access to the application site shall be from Asker Lane and Chesterfield Road only in accordance with the above conditions. There shall be no other means of vehicular access to the site. To this end any existing vehicle access points to Chesterfield Road or Asker Lane shall be permanently closed to vehicular traffic and the footway margin reinstated with full height kerbs and raised footway/verge construction, in accordance with a scheme first submitted to and approved in writing by the Local Planning Authority.

19. Before any other operations are commenced details of the following matters shall be submitted to the Local Planning Authority for approval:
   i. pedestrian crossing facilities across the A632 in order to access existing northbound / southbound public transport bus stops and links to the town centre (at the proposed access point, existing public right of way and any pedestrian link from the new residential development).
   ii. boundary treatment alongside the A632, incorporating pedestrian facilities for the indicated pedestrian connection and provision of visibility sightlines.
   iii. any excavations / fill within 5m of the public highway, including details of any temporary support to ensure the integrity of the public highway is maintained during and after the works take place.
   iv. detailed design at the point of intersection between the existing public right of way (FP8) and the proposed estate street to ensure pedestrian safety is preserved.
   v. improvements to the existing public right of way (FP8) including an up-grade in terms of construction quality and lighting.

The approved details shall be fully implemented in a timescale to be agreed with the Local Planning Authority in advance of works commencing on site.

20. Notwithstanding the submitted information, a subsequent reserved matters or full application shall include designs of the internal layout of the site in accordance with the guidance contained in the Manual for Streets document and the County Council’s own residential 6C’s design guide. No dwelling shall be occupied until the proposed new estate street between each respective plot and the existing public
highway have been laid out in accordance with the approved designs and constructed to at least binder course level, drained and lit in accordance with the 6C’s specification for new adoptable estate streets. The estate streets being fully completed with the final surface course applied in a timescale to be agreed with the Local Planning Authority prior to the occupation of the 50th dwelling, or other such timescale as may be agreed in writing by the Local Planning Authority.

21. The premises, the subject of the application, shall not be occupied until new vehicular assesses have been created to the new estate street, laid out and constructed as may be agreed with the Local Planning Authority and provided with 2.4m x 25m visibility splays in either direction, the area in advance of the sightlines being maintained throughout the life of the development clear of any obstructions to visibility over 1m in height (600mm in the case of vegetation) relative to the adjoining nearside carriageway channel level.

22. Prior to the commencement of the development hereby permitted details of the means of refuse storage including details of any bin stores to be provided shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details and provided prior to the first occupation of the development and retained for such purposes at all times thereafter.

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

24. The premises, the subject of the application, shall not be occupied until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall set out proposals (including a timetable), to promote travel by sustainable modes which are acceptable to the Local Planning Authority, and shall be implemented in accordance with the timetable set out therein, unless otherwise agreed in writing by the Local Planning Authority. Reports demonstrating progress in promoting sustainable transport measures shall be submitted annually, on each anniversary of the date of the planning consent, to the Local Planning Authority for approval for a period of five years from first occupation of the development.

25. The premises, the subject of the application, shall not be occupied until space has been provided within the site curtilage for the parking and manoeuvring of residents vehicles (including secure / covered cycle parking), located, designed, laid out and constructed all as agreed in writing with the Local Planning Authority and maintained throughout the life of the development free from any impediment to its designated use.

26. Condition GR9 Secure by Design

27. The development hereby approved shall be carried out in full accordance with the ecological mitigation plan and badger mitigation plan accompanying the application.
28. Before the development commences, an ecological management and aftercare plan for the site shall be submitted to and approved in writing by the Local Planning Authority and shall thereafter be implemented in accordance with the approved details.

Reasons

1. Reason ST01a

2. Reason ST03a

3. To ensure the proper management of landscaped areas and to protect wildlife, support habitat and secure opportunities for the enhancement of the nature conservation value of the site to comply with the aims of government policy contained in the National Planning Policy Framework and the aims of Policies SF5, H9, NBE4, NBE5, NBE6, NBE8 and NBE26 of the adopted Derbyshire Dales Local Plan (2005).

4. Reason LA1 (government policy contained in the National Planning Policy Framework and the aims of Policies SF5, H9, NBE6 and NBE8 of the adopted Derbyshire Dales Local Plan (2005)).

5. Reason LA5a: (government policy contained in the National Planning Policy Framework and the aims of Policies SF5, H9, NBE6 and NBE8 of the adopted Derbyshire Dales Local Plan (2005)).

6. Reason LA13a (government policy contained in the National Planning Policy Framework and the aims of Policies SF5, H9, NBE6, NBE8 and NBE26 of the adopted Derbyshire Dales Local Plan (2005)).

7. Reason GR5 (government policy contained in the National Planning Policy Framework and the aims of Policies SF5, H9, NBE6 and NBE8 of the adopted Derbyshire Dales Local Plan (2005)).

8. Reason LB32 (government policy contained in the National Planning Policy Framework and the aims of Policies SF5, H9, NBE6 and NBE8 of the adopted Derbyshire Dales Local Plan (2005)).

9. 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.

10. To safeguard the amenity of neighbouring residents to the development site to comply with government policy contained in the National Planning Policy Framework and the aims of Policies SF5 and H9 of the adopted Derbyshire Dales Local Plan (2005).

11. In order to secure the provision of affordable housing in accordance with government policy contained in the National Planning Policy Framework.
12. To ensure the provision of an adequate level of play space facilities to the development site to comply with government policy contained in the National Planning Policy Framework.


25. To ensure the provision of adequate off street parking provision in the interests of highway safety site to comply with government policy contained in the National Planning Policy Framework and the aims of Policy TR8 of the adopted Derbyshire Dales Local Plan (2005).

26. Reason GR9

27. To protect protected species and their habitats within and adjacent to the development site to comply with government policy contained in the National Planning Policy Framework and the aims of Policies NBE4 and NBE5 of the adopted Derbyshire Dales Local Plan (2005).

28. To protect the ecology of the area to comply with government policy contained in the National Planning Policy Framework and the aims of Policies NBE4 and NBE5 of the adopted Derbyshire Dales Local Plan (2005).

NOTES TO APPLICANT:
1. The following advisory notes are provided by the Local Highway Authority for the applicant’s attention:

   Pursuant to Section 38 and the Advance Payments Code of the Highways Act 1980, the proposed new estate roads should be laid out and constructed to adoptable standards and financially secured. Advice regarding the technical, financial, legal and administrative processes involved in achieving adoption of new residential roads may be obtained from the Strategic Director of Economy, Transport and Environment at County Hall, Matlock (tel.: 01629 580000 and ask for Mr I Turkington).

   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.

   Pursuant to Section 184 of the Highways Act 1980 and Section 86(4) of the New Roads and Street-works Act 1991, at least 12 weeks prior notification should be given to the Economy, Transport and Environment Department of Derbyshire County Council before any works commence on the vehicular access within highway limits (tel.: 01629 580000).

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

Construction works are likely to require Traffic Management and advice regarding procedures should be sought from Mr D Bailey, Traffic Management (tel.: 01629 538686).

The applicant is advised to contact the bus operators in this area to establish whether existing services can ‘loop’ into or be diverted around the new estate streets. Contact information may be obtained through the County Council’s Public Transport Unit (tel.: 01629 580000).

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

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 Economy, Transport and Environment at County Hall, Matlock (tel.: 01629 580000 and ask for the New Roads and Street-works Section).

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 Mr I Turkington in the Economy, Transport and Environment department at County Hall, Matlock (tel.: 01629 580000). The applicant is advised to allow approximately 16 weeks in any programme of works to obtain a Section 278 Agreement.

Where development has been approved subject to the preparation and implementation of a Travel Plan, the applicant is obliged to submit the appropriate documentation to the Local Planning Authority well in advance of the development being taken into use. Advice regarding the content of Travel Plans may be obtained from the Strategic Director of Economy, Transport and Environment at County Hall, Matlock (tel.: 01629 580000 and ask for the Transportation Section).

DCC strongly promotes Sustainable Drainage Systems (SuDS) to be incorporated within the design of a drainage strategy, applying the SuDS management train. The applicant should also seek to promote betterment or meet greenfield runoff rates taking into account the impacts of climate change. For more advice regarding the County Council’s requirements please contact flood.team@derbyshire.gov.uk.
2. The applicant is advised that the Environment Agency does not consider oversized pipes or box culverts as sustainable drainage. Should infiltration not be feasible at the site, alternative sustainable drainage should be used, with a preference for above ground solutions.

3. A licence will be required from Natural England to survey for, and, where any proposals are made as a last resort, to re-locate legally protected species. For further information and guidance on European Protected Species and licensing procedures see the **Wildlife Management and Licensing Guidance** from Natural England. Further information and guidance on UK protected species and licensing can be found under the **Defra web pages for the Wildlife and Countryside Act 1981**.

4. NFA27: Badgers Act

5. NFA28: Wildlife and Countryside Act

6. NFA 30: Secure by Design

7. The Local Planning Authority have during the consideration of this application engaged in a positive and proactive dialogue with the applicant which has resulted in revised proposals which overcame initial concerns with the application relating to a contribution and improvement to the provision of community infrastructure and open space/play area provision.

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. 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. This decision notice relates to the following documents:

   Site Location Plan 1:1250 received on 8th September 2014
   Illustrative Master Plan received on 8th September 2014
   Planning Statement received on 8th September 2014
   Design and Access Statement received on 8th September 2014
   Landscape and Visual Impact Assessment received on 8th September 2014
   Socio-Economic Impact of New Housing Development Report received on 8th September 2014
   Consultation Report received on 8th September 2014
   Section 106 – Heads of Terms received on 8th September 2014
   Transport Assessment received on 8th September 2014
   Travel Plan received on 8th September 2014 and Addendum received on Affordable Housing Delivery Plan received on 8th September 2014
   Environmental and Geotechnical Risk Desk Study Report received on 8th September 2014
   Flood Risk Assessment received on 8th September 2014
   Foul Water and Utilities Statement received on 8th September 2014
Agricultural Land Classification received on 8th September 2014
Archaeological Desk-based Heritage Assessment and Geophysical Survey received on 8th September 2014
Tree Survey and Advice received on 8th September 2014
Ecological Appraisal received on 8th September 2014
Ecological Mitigation Strategy received on 8th September 2014
Hedgerow Assessment received on 8th September 2014
Bat Survey & Assessment received on 8th September 2014
Badger Survey and Mitigation Strategy received on 8th September 2014
Additional Drawing of Play Space and Open Space provision received on 21st October 2014
14/00482/OUT

Land to the East of Lumsdale

Derbyshire Dales DC

Date: 23/10/2014

100019785

Crown Copyright and database rights (2014) Ordnance Survey (100019785)

Derbyshire Dales District Council
Town Hall, Bank Road, Matlock, Derbyshire DE4 3NH.
Telephone: (01629) 761160.
Website: www.derbyshiredales.gov.uk
THE SITE AND SURROUNDINGS:
The area in which the application site is located is characterised by a series of pastoral fields divided by dry stone walls. Bentley Brook runs down the western side and forms the boundary with existing development. There is a dense growth of trees and other vegetation is associated with the line of the brook. The land slopes upwards from the brook to the east, initially quite gently then more steeply close to the eastern boundary.

In the surrounding area there are late twentieth century housing estates and school buildings associated with the urban edge of Matlock to the south. These are intermixed with older residential buildings associated with former industry at the quarry and within Lumsdale itself. Matlock golf course is on the northern side of Chesterfield Road.

In terms of the landscape and the wider area, the eastern valley slope of Bentley Brook rises to the high eastern ridgeline. Visually, the area is quite well contained by the eastern ridgeline, vegetation belts associated with the brook on the western side and a broader belt of woodland to the south west. Intermittent hedgerow and occasional buildings on, or close to, Chesterfield Road partially screen the area in views from it albeit planning permission has been granted for residential development between the application site and Chesterfield Road. The higher ground to the east is very conspicuous in views from Sandy Lane which lies to the west. Riber Castle, and the high ground associated with it, is prominent in views from the southern edge of the site.

A public footpath routed along the track immediately to the south, and the Lumsdale Conservation Area and the Scheduled Ancient Monument at Lumsdale Mills, lie to the south of the application site. There are woodland and wetland habitats associated with Bentley Brook.

THE APPLICATION:
Outline planning permission, with means of access only detailed, is sought for the construction of dwellings with associated public open space and infrastructure. An illustrative sketch plan details 16 dwellings.

The application includes an illustrative Master Plan which indicates that vehicular access would be from Chesterfield Road and via the recently approved development of up to 65 dwellinghouses to the north and west. Supporting documents are provided with the application which include the following documents:

- Planning, Design and Access Statement
- Geophysical Survey Report
- Masterplan
- Sketch Appraisal
- Constraints Plan
- Preliminary Landscape Appraisal
- Landscape and Visual Impact Appraisal
- Flood Risk Assessment
- Phase 1 Desk Study Site Investigation Report
• Transport Assessment
• Trip Generation Assessment
• Draft Heads of Terms (Section 106 agreement)

The matters raised in the applicant’s submission are not set out in detail here but have been forwarded to the relevant consultees for full consideration with copies kept on the public file for the public to assess. The applicant’s case is assessed in the Issues Section of this report in the context of comments made by Statutory Consultees and the representations received.

The applicant is aware of the District Councils position with regard to meeting its land supply requirements for residential development and has submitted a detailed assessment of this matter in support of the application.

RELEVANT HISTORY:
14/00436/FUL  Erection of 62 dwellings with associated infrastructure – to be determined
14/00120/OUT Residential Development (Outline) - Withdrawn
13/00456/OUT Residential development of 65 dwellings with associated infrastructure – Granted

The wider site has for some years been protected through Local Plan policies from development for school playing field provision.

CONSULTATIONS:
Town Council – Object:
- development would impact on the character of the adjacent area of heritage status
- significant encroachment of urbanisation in a sensitive location and would change the character of the area
- in close proximity to Footpath 33 and woodland area
- elevated situation will be damaging to the entire setting of the town
- greater road traffic in an ecologically sensitive area
- includes removal of sports pitches and irreplaceable loss of amenity to the school.

Local Highway Authority – No objection subject to conditions.

Environment Agency – No objection subject to conditions:
- recommend condition with respect to no raising of ground levels or erection of building, structure or other obstruction to flood flows
- recommend condition for drainage to meet sustainable drainage principles

DDDC Head of Housing – Comment:
- consider a 45% on-site affordable housing provision to be appropriate.

Derbyshire Community Health Service – Comment:
- advise of a need to address the potential impacts on health care provision which roughly equates to £200 per head of population.
NHS Clinical Commissioning Group – Comment:
- requirement for a financial contribution to address the potential overburden on the existing general practices in the town as a result of unaccounted development proposals
- require a contribution towards primary health care from the developer of £526 per dwelling
- figure is based on an average of 2.3 individuals per dwelling and on usage of primary care facilities (GP and Dental) for one patient for one year. This figure does not include provision for pharmacy and optometry as supply will develop to meet demand.

English Heritage – No objection in context of impact on scheduled monument in context of consent already granted by the Local Planning Authority.

Development Control Archaeologist – Comment
- initial archaeology evaluation in the form of geophysical survey has identified no significant archaeological targets and recommend that no further archaeological work is required on the site
- in relation to the setting of the Scheduled Monument and Conservation Area recommend that the application be determined in line with the advice of English Heritage and the local planning authority’s conservation officer respectively
- design and layout of the proposed housing, and any landscaping scheme for the buffer zone, should aim to conserve and enhance the setting of the designated heritage assets, in line with the policies at NPPF chapter 12.
- suggest that the open valley-slope setting of the (largely wooded) Scheduled Monument is important in the views out, characterised by dry stone walls, grassland pasture, and occasional boundary trees
- recommend that the landscaping scheme should seek to conserve this sense of setting rather than creating artificial and intrusive woodland screening between Monument and housing.

Conservation Advisory Forum – Comment:
- consider the revised details were acceptable
- suggest that the edge of the proposed development should be more organic and sinuous to follow the contours of the land, rather than have such a hard angular edge
- suggest that trees should be planted to foil the view, but in natural pockets rather than a heavily tree planted buffer, which could appear as an ‘alien’ boundary treatment in the context of the wider area.

Society for the Protection of Ancient Buildings – Comment:
- Lumsdale Valley is an exceptionally important historic site
- could have a negative impact on the character and appearance of the Conservation Area and Scheduled Ancient Monument
- hope that due weight will be given to the issue of context

DCC Environmental Services (Strategic Director) – Comment:
- recommend a SuDS strategy is implemented during Reserved Matters stage
- financial contribution of £34,197.03 required towards provision of primary school places
- full ecological survey to be undertaken
- a full site ground investigation to be undertaken
- design to be to Lifetime Homes standards
- access to high speed broadband.

DCC Crime Prevention Design Advisor – No comments to make at outline application stage.

Derbyshire Fire and Rescue Service – Comment:
- recommend installation of domestic sprinkler system or provide a 32mm water supply capable of delivering the required volumes to allow easier installation at a later date.

Natural England – Comment:
- refer to Standing Advice
- LPA should seek landscape and biodiversity enhancements

Derbyshire Wildlife Trust – Comment:
- the proposal would result in the loss of a habitat which is under significant threat within the District and therefore should require compensation
- DWT have provided a justification as to why off-site compensation would be appropriate in this case and meets the requirements for the use of a planning obligation, although these comments are made in the context of the ecological requirements
- disappointed that the applicant does not feel that the options drawn up by DWT for off-site compensation are appropriate but welcome the consideration that is now being given to securing compensation on site within the application boundary (edged red).
- suggest that if the submitted proposal can be adjusted to reflect this commitment, via amendments to the application, it would make the proposal considerably more acceptable in policy terms and could be secured through the use of an obligation (Section 106)
- optimistic, however, that there is a pragmatic solution to the current issue and are more than willing to continue to discuss this.

DCC Public Rights of Way – No objection but request informatives to the applicant be attached to any grant of outline planning permission

Peak and Northern Footpaths Society – Comment:
- no objection in principle
- proposed footpath should link to Footpath 33 to DCC standards
- Footpath 7 should be improved to DCC standards and Footpaths 31, 33 and 34 improved as necessary
- full width of Footpath 7 shall remain unobstructed at all times during the development, unless closed by a temporary order
- proposed planting should ensure full width of footpaths is retained
- footbridge to Footpath 33 should be improved as necessary.

The Coal Authority – Comment:
- located within the Defined Low Risk Area
- include standing advice within the decision notice
REPRESENTATIONS:
A total of 15 letters of representation from neighbours, local residents and interested parties. The comments can be summarised as follows:

- site is outside the current development boundary
- site has not even been mentioned for possible development during the emerging local plan procedure
- seems to be an opportunist application relying on its proximity to a recent planning consent
- would have a detrimental effect on the attractive open aspect of the area and be visible from public footpath
- suburban sprawl
- adjacent to the Lumsdale Conservation Area and English Heritage Scheduled Site and development would be visually intrusive from those areas
- area of outstanding natural beauty
- fields should form a buffer to the Conservation Area
- Upper Lumsdale has never been so busy with visitors since restoration work – is it worth jeopardising the hard work?
- local environment treasures must be preserved for their aesthetic and economic value to Matlock
- would spoil the outlook of the area
- would spoil tranquillity of the area
- land mitigates loss of large section of Matlock Moor hillside
- lack of landscaping – clearly underlying plan to expand in the future
- impact on wildlife
- noise from normal living activities would spoil the peaceful atmosphere of this special area
- light pollution
- highway safety issues regarding access and increased traffic
- will turn Footpath 33 into a suburban route
- proposed development plans indicate housing above the contour lines which the Council recently determined as being the limit beyond which building would be too visually intrusive
- acres of brownfield in Derbyshire such as factories at Sawmills and Ambergate.

Campaign for Rural England – Object:
- would exacerbate an already questionable incursion into an area of valuable countryside
- loss of character and threat to the setting and tranquillity of a scenic area much valued by local people
- unnecessary to build on greenfield site
- vegetation over the site has appearance of semi-improved grassland, with several damp, rushy areas – extensively managed as part of a pastoral landscape (rather than intensively farmed) - loss of site is significant
- highly visible extension of the settled area into attractive countryside
- welcome attempts to make development less obtrusive and to have buffer zone between the development and Conservation Area and will have less impact on the Scheduled Ancient Monument.
Matlock Civic Association – Comment:
- felt that 5 year housing land supply already achieved with previous sites
- no justification
- increasingly unlikely that brownfield sites will be developed whilst greenfield sites are permitted
- inconsistent with the Local Plan
- increasingly prominent extension which will generally detract from the setting of Matlock open fields and wooded hillsides which gives the town its distinctive character and forms an important backdrop to the historic Lumsdale area
- traffic generated by a further 16 dwellings will increase dangers at the access point onto Chesterfield Road were traffic flows are at a significant speed.

POLICIES:

1. Adopted Local Plan (2005)
   SF4: Development in the Countryside
   SF5: Design and Appearance of Development
   SF7: Waste Management and Recycling
   SF8: Catering for the Needs of People with Disabilities in Development and Redevelopment
   H4: Housing Development Outside Settlement Frameworks
   H9: Design and Appearance of New Housing
   H13: Affordable Housing - Exceptional Sites in Rural Areas
   NBE4: Protecting Features or Areas of Importance to Wild Flora and Fauna
   NBE5: Development Affecting Species Protected by Law or are Nationally Rare
   NBE6: Trees and Woodlands
   NBE7: Features Important in the Landscape
   NBE8: Landscape Character
   NBE12: Foul Sewage
   NBE21: Development Affecting a Conservation Area
   NBE24: Archaeological Sites and Heritage Features
   NBE26: Landscape Design in Association with New Development
   NBE27: Crime Prevention
   CS1: Sites Required for Community Facilities
   CS8: Provision of Community Infrastructure
   L6: Outdoor Playing Space in New Housing Developments
   TR1: Access Requirements and the Impact of New Development
   TR8: Parking Requirements for New Development

   Paragraphs 14, 17, 47, 49, 50, 56, 57, 58, 60, 61, 64, 65, 69, 72, 73, 74, 75, 93, 94, 95, 96, 99, 103, 109, 112, 119, 125, 128, 129, 131, 132, 133, 141, 186, 187, 188, 189, 190, 191, 185, 196, 197, 203, 204, 205 and 206
   Annex 1 Implementation paragraphs, 210, 211, 212, 213, 215 and 216


4. Supplementary Planning Guidance
   Landscape Character and Design – Supplementary Planning Document (2007)

5. Lumsdale Conservation Area Character Appraisal
14/00482/OUT (Continued)

ISSUES:

1. Introduction - Policy Principle of Development
The site is an area of open countryside which lies adjacent to one of the sites within the Matlock/Wirksworth Sub Area that was identified in the emerging Local Plan as having potential for housing development.

Before assessing the planning merits of this particular application, it is important to set out the policy context, local and national, and the weight to be given to the different components of the development plan. Conformity or conflict with the policy context will then need to be weighed in the planning balance with other material considerations.

The Derbyshire Dales Local Plan was adopted in November 2005 and covered the period to 2011. In May 2008 the District Council requested that the Secretary of State issue a direction to save specified policies beyond 24th November 2008. On 20th November 2008 the Secretary of State issued a direction under paragraph 1 (3) of Schedule 8 of the Planning and Compulsory Purchase Act 2004 saving the majority of policies in the Adopted Local Plan beyond the initial three years.

The National Planning Policy Framework (NPPF) was published in March 2012. Whilst the Framework does not change the statutory status of the development plan as the starting point for decision-making (Paragraph 12), in accordance with Paragraph 212 the policies contained within the Framework are material considerations which must be taken into account.

Paragraph 214 of the Framework gave full weight to existing plan policies for 12 months from March 2012. Paragraph 215 advises that beyond the end of March 2013, due weight should still be given to relevant policies in existing plans according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given). The current application therefore needs to be determined having regard to Paragraph 215 advice.

Paragraph 14 advises that at the heart of the National Planning Policy Framework is a presumption in favour of sustainable development. For decision-taking, this means approving development proposals that accord with an up-to-date Local Plan; and also in circumstances where the development plan is absent, silent or relevant policies are out-of-date. This is unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.

The Adopted Local Plan
Key to the consideration of any application for housing development in the countryside are Policies SF4 and H4 of the Local Plan. It was established at the Willow Meadow Farm Appeal that because these policies were written in the context of development being able to be accommodated within the existing Settlement Frameworks, they have only limited relevance to the current situation. The Council have to provide additional land for housing in the context of National Guidance and the emerging Local Plan has been identifying allocations outside Settlement Frameworks.
Whilst Policy SF4 does perform a dual role in seeking to also protect the character and appearance of the countryside, which is consistent with the wider aims of the National Planning Policy Framework, these key policies of the Adopted Local Plan (2005) could at best be only given very limited weight in the consideration of an application such as this which seeks to make a strategic contribution to meeting the housing needs of the District, notwithstanding the arguments below.

It has been accepted in considering previous planning applications such as Willow Meadow Farm and Hillside Farm in Ashbourne, which were both greenfield and not draft housing allocations as part of the emerging Local Plan, that whilst other plan policies quoted in this report may have a relatively high degree of consistency with the National Planning Policy Framework and carry significant weight in decision-making, Policies SF4 and H4, because of the arguments expressed above, cannot form a sound primary basis for assessing housing schemes beyond existing Settlement Framework boundaries on greenfield sites.

**Emerging Local Plan and Housing Land Supply**

At the current time, the District Council has decided, based upon the initial conclusions of the Local Plan Inspector, that it would not be appropriate to proceed with the examination in public of the Draft Derbyshire Dales Local Plan (2014) and this has now been withdrawn from consideration. Therefore, determination of the planning application needs to be considered in accordance with guidance contained in the National Planning Policy Framework and those policies of the Adopted Derbyshire Dales Local Plan (2005) which are consistent with it.

Therefore, the decision-maker has to revert back to Paragraph 14 of the National Planning Policy Framework in particular and the other sections of the National Planning Policy Framework to assess if any adverse impact of granting planning permission would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework as a whole.

One of the primary objectives of the National Planning Policy Framework is to ‘significantly boost the supply of housing land’. Paragraph 49 of the National Planning Policy Framework states that relevant policies for the supply of housing should not be considered up to date if the Local Planning Authority cannot demonstrate a five year supply of deliverable housing sites.

In this regard there is a requirement to update annually a supply of specific deliverable sites sufficient to provide for five year’s worth of housing land against the housing requirement for the area, with an additional buffer of 20% to ensure choice and competition in the market. Based on the revised target set by the Inspector on the emerging Local Plan of at least 6,500 dwellings over the Plan period, the District Council cannot currently demonstrate the requisite 5 year supply.

Therefore, in the absence of an up to date Local Plan, the consideration of an application such as this is heavily dependent upon interpretation against the National Planning Policy Framework. As explained above, Policies SF4 and H4 have only limited relevance in a context of having to make major land releases outside Settlement Frameworks to meet identified housing needs. More importantly, whilst the District Council is unable to demonstrate a 5 year supply, these Policies of the Local Plan, relating to housing supply and its location, are deemed out of date by Paragraph 49 and, therefore, Paragraph 14 is engaged.
In this respect, Paragraph 14 of the National Planning Policy Framework states that there is a presumption in favour of sustainable development which, for decision-takers, means:-

- Approving development proposals that accord with the development plan without delay; and
- Where the development plan is absent, silent or relevant policies are out-of-date granting permission unless:
  - any adverse impact of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the framework taken as a whole; or
  - specific policies of the framework indicate that development should be restricted.

The concluding section of this report will analyse the scheme against this policy requirement.

2. Other Material Considerations

In assessing the scheme against the above test, it is considered relevant to both weigh the benefits of release of the site for housing and also weigh the harm that would result and conflict with elements of the Development Plan and National Planning Policy Framework before reaching a balanced judgement. To aid this assessment of the scheme, the remainder of the Issues Section is set out as follows, before returning to the planning balance at the end of this report.

(i) The sustainability of Housing in the Locality
(ii) The impact of development on the character and appearance of the area
(iii) Provision of affordable housing
(iv) Impact on archaeology
(v) Highway/pedestrian safety
(vi) Provision of infrastructure through developer contributions
(vii) Public Rights of Way
(viii) Play space and open space provision
(ix) Impact on flora and fauna
(x) Drainage
(xi) Crime Prevention

(i) The Sustainability of Housing in the Locality

The development of greenfields outside the Settlement Boundary is to a degree unsustainable but this has to be judged in the wider context of the need to provide an adequate supply of housing to meet the future needs of the town. Even if all brownfield sites came forward, there would still be a requirement for greenfield sites to meet the requirement for 6,500 plus dwellinghouses and Matlock’s share of this need.

Notwithstanding this, it is logical to assess how a development of this site could assimilate with the existing built framework. The site is relatively well connected to public transport but pedestrian journeys to reach facilities will be relatively long. Whilst the public comments on sustainability are noted, these could logically be applied to most sites considered for the expansion of the town. Provided opportunities are taken to enhance footpaths, it is not considered that the development is inherently unsustainable in terms of accessibility to the town’s
facilities as to warrant rejection on this ground in light of the housing land supply that the District Council now needs to meet.

One further issue that requires consideration in relation to sustainable development is the density of development. Greater density has the potential to lessen the land take and promote public transport and infrastructure. However, this should not be seen to override development consistent with the character and appearance of the local area. In this respect, it is considered that a lower density of development, across a wider land area as detailed on the indicative site area, befits the character and appearance of the area in this regard the proposal is considered acceptable.

(ii) Impact of the Development on the Character and Appearance of the Landscape and the Setting of the Lumsdale Conservation Area

The application site is currently a greenfield site in agricultural use as pasture land. It is located within the Dark Peak: Settled Valley Pastures Landscape Character Type (LCT) as defined in the Derbyshire Landscape Character Assessment but immediately abuts the Peak Fringe: Enclosed Moors and Heaths LCT to the east. As such, the site is somewhat transitional between the two landscape character types, being visually more open than the wider Settled Valley Pastures (more typically associated with the lower valley slopes) and predominantly defined by regular shaped fields enclosed by dry stone walls. The immediate area is assessed as having secondary sensitivity, with respect to DCC’s definition of ‘Areas of Multiple Environmental Sensitivity’ (AMES), with its particular qualities attributed to the visual unity (intactness) of the landscape and its historic values. This work, however, is not referenced in this planning application.

The Settled Valley Pastures LCT does provide some opportunities for the integration of new development. This is an LCT associated with settlement and the immediate context for this site is the northern edge of Matlock along Chesterfield Road and Lumsdale. It is also a well wooded landscape and trees are frequent within the locality, particularly on the steeper edges to the Enclosed Moors and Heaths LCT. As such, tree planting is appropriate to the site context and again could help to assimilate the development with its surroundings.

The site is close to the Scheduled Ancient Monument at Lumsdale and the Lumsdale Conservation Area to the south. In terms of the Scheduled Ancient Monument, English Heritage has advised that there is no objection to the proposal in the context of the outline planning permission already granted for residential development of the adjacent site.

The boundary of the Conservation Area and the application site is marked by a public footpath from Lumsdale to the former quarry. The Conservation Area was principally designated to preserve and enhance the industrial heritage of the Lumsdale Valley which includes a large amount of above ground archaeology and related water management systems. However, the application site has not been included in the Conservation Area as it does not display such features.

It is considered that the development would be regarded in the context of the Conservation Area and will cause some visual harm to its setting. The site currently provides a green buffer between the rural landscape, the urban townscape and the residential development approved as outline planning permission on the applicant’s adjacent land. However, there is proposed to be the retention of a buffer of fields to
the public footpath and in this respect the harm caused is considered to be less than substantial.

The layout proposals for the site have only been submitted for illustrative purposes and therefore the character and appearance of the development can be informed with the submission of the reserved matters application. In addition, details will be required of materials and finishes which would also be addressed through the reserved matters application.

(iii) Provision of Affordable Housing
In terms of affordable housing, the Council have sought 45% affordable housing on major housing land releases in line with existing and emerging plan policies. Such provision will allow for balanced future growth by ensuring access to housing for all. The applicants have agreed to 45% on-site dwellinghouses being affordable units. This is considered appropriate as the development proposed is considered contiguous with previously approved development of 65 dwellinghouses and should be considered in the round.

However, on the adjacent site the applicants have agreed to make a 25% on site provision with an off-site financial contribution based on a further 20% of the dwellinghouses. This reflects advice previously given by the District Council’s Head of Housing with recently approved housing developments. In this respect, the District Council’s affordable housing policies are satisfied if either approach is adopted and this can be addressed through a legal agreement.

(iv) Archaeological Issues
The Development Control Archaeologist has previously advised that the site lies partly within the moor/common area enclosed in 1784 and that it may retain potential for hitherto unknown below-ground archaeology. The applicant therefore commissioned a geophysical survey which has identified very few features within the site, and those identified appear to relate to either post-medieval field boundaries. It is therefore recommended by the Development Control Archaeologist that there is no need to place any further archaeological requirement upon the applicant.

(v) Highway/Pedestrian Safety
The current application has been submitted in outline form with only means of access to be determined at this stage, and from a highways perspective this is taken to be means of access to the existing public highway (A632) only. In this regard, it is the intention to access the site via the site approved for the 65 dwellings (13/00456/OUT) accessed off Chesterfield Road; the Local Highway Authority has advised of no objection to this in principle. It is considered highly unlikely that the application site would be developed without first developing the approved site and it is considered unreasonable to attach a condition requiring phasing of the site.

This outline planning application, and planning permission 13/00456/OUT, have been submitted by the same developer and are for adjoining sites. The individual scales of development for this site fall under the indicative thresholds for requiring the support of a Travel Plan, as identified in the DoT /CLG document Guidance on Transport Assessment. However, the development is likely to proceed as a single scheme, with the cumulative development scale being circa 78 - 81 dwellings.
Bearing in mind the potential development of the application site and the abutting site, the total scale of development would require a Travel Plan to be submitted (or will be very close to the indicative threshold). Therefore, in line with the Government’s aspirations to promote sustainable development, the applicant is required to submit a Travel Plan at this stage. However, it is considered that this can be reasonably addressed as a condition on any grant of outline planning permission.

(vi) Provision of infrastructure through developer contributions
The County Council are a key strategic consultee on applications of this scale. They have, in their consultation response, identified school and other contributions necessary to allow the town to absorb the additional demands placed on its infrastructure and to help the development assimilate and maximise its sustainability.

Paragraph 72 of the NPPF seeks to ensure sufficient choice of school places being available to meet the needs of existing and new communities. The County Council advise that a financial contribution of £34,197.03 is required for the provision of three additional primary school places at Castle View Primary School, based on the indicative number of dwellings proposed on this site. Projections indicate that the normal area secondary school (Highfields School) would have capacity within the next five years to accommodate the additional secondary and post-16 school pupils arising from this proposed development. Therefore the County Council is not requesting a financial contribution towards secondary and post-16 provision.

Whilst not raised as an issue in the consideration of the outline planning application for 65 dwellinghouses, the NHS Clinical Commissioning Group (CCG) has advised of a need to address the potential impacts on health care provision of unaccounted development proposals such as this windfall planning application. Nevertheless, it would be necessary for the applicant to enter into Section 106 legal agreement in order to secure such funding. This would also allow the applicant to recoup such monies if they were not spent within a reasonable time period, say five years of 30% of the application site being occupied. It is considered that such monies would need to be conveyed at the point of 30% occupancy, in order to allow these to be drawn down for works to upgrade existing practices, or to provide further provision; this would need to be advised to the District Council.

The Derbyshire Community Health Service (NHS Trust), as part of the dialogue with the CCG, has also requested a financial contribution based on the potential number of additional residents. However, this is considered unreasonable as these are not to meet area specific needs and such funding is drawn down through the NHS for service provision. The provision for the General Practices would not be used to fund service provision but capital projects to allow the physical expansion of the practices to enable a provision for increased capacity.

(vii) Public Rights of Way
The Peak and Northern Footpaths Society has advised of no objection in principle but has advised that Footpath 7 should be improved to DCC standards and Footpaths 31, 33 and 34 improved as necessary. The local Highway Authority has advised that the route of Footpath 33 be upgraded to provide an ‘all weather’ connection between the application site and Lumsdale on the completion of the 10th dwelling; this is considered reasonable given the potential added burden on the footpath and can be secured through a Section 106 Legal Agreement. The DCC Public Rights of Way
Section has requested informatives to the applicant be attached to any grant of outline planning permission.

(viii) **Play space and open space provision**
Paragraph 73 of the NPPF advises that access to open space and opportunities for sport and recreation can make an important contribution to the health and well-being of communities. In this respect, the applicant agreed to provide play facilities and open space to accommodate the needs of the occupiers of the residential development for 65 dwellings, which would also allow access to such facilities by the wider community. In this respect, it would be reasonable to address such an increased need based on the additional dwellinghouses proposed through a Section 106 Legal Agreement.

(ix) **Impact on Flora and Fauna**
DWT have advised that, although undesignated, the application site holds biodiversity interest, which has been recognised since the 1997 – 1999 grassland survey project. As such, the saved elements of Derbyshire Dales Local Plan (2005) reflect the importance of other features of importance for nature conservation and specifically identifies the loss of the grassland resource as a significant issue (para 5.20), with around 90% of the wildflower rich grasslands of the District being lost between 1983 and 1999. The National Planning Policy Framework, in setting out the policy which supports the objective of ‘no net loss’ of biodiversity, clearly identifies the role and importance of undesignated features of high biodiversity value.

In this respect, the proposal would result in the loss of the most diverse element and a significant proportion of this resource within the application site and result in harm to the District's biodiversity resource, without suitable mitigation or compensation. DWT acknowledge that current government guidance is trying to reduce the burden on, and delays to, the determination of applications and are fully aware of the duty to cooperate and facilitate this process and as a result have put some effort into suggested options, which it had hoped would meet with some degree of success.

The options offered by DWT would result in a smaller area of land being safeguarded and managed than that which is to be lost. However, DWT is willing to accept this given the strategic location of the site proposed. Other options were proposed on the basis that the resource implications to achieve biodiversity gains in compensation would be of a similar order. DWT is somewhat disappointed that none of the options that they tabled were considered appropriate by the applicant. However, they welcome the consideration that has now been given to protection of the remaining biodiversity resource on site and to provide compensation in this area.

Given that the other fields within the application boundary (edged red) already have identified biodiversity value in their own right, and that compensation is required for the loss of the most floristically diverse of the three units, DWT strongly urge the Local Planning Authority to seek an undertaking which not only safeguards these fields but secures biodiversity enhancement. Therefore, in order to provide the Local Planning Authority with confidence in the proposal, DWT advise that the following issues are addressed:

- indication on the Masterplan and other supporting plans that the area is to be safeguarded for the purposes of nature conservation and biodiversity enhancement
- demonstrable evidence that the applicant is willing to establish a resource mechanism, can secure changes to the agricultural practice and the necessary biodiversity improvements to the fields
- a commitment to the protection and management of this remaining resource for a suitable period and the options already tabled suggest a period of 15 years.

In this respect, DWT advise the Local Planning Authority that the most appropriate mechanism to achieve this is the use of an obligation, given that it should be applicable to successors in title and will involve an ongoing resource commitment longer than the timescale of the implementation of the proposal. However, Officers consider that this can be adequately addressed through the provision of a management plan as a condition on any grant of outline planning permission.

There are trees to be found within the site and it is considered that efforts could be made to retain these within the development proposals to offer a degree of maturity to the appearance of the development. This would need to be addressed through the reserved matters application for landscaping on the site.

DWT has also requested conditions relating to protected species and to address Japanese Knotweed that may be present on the site. Conditions are also required with regard to protection, during the construction process, of all retained habitat, trees, hedgerows and walls by the use of temporary, high visibility fencing. This would also include restriction on the use of the southern two fields for any earth moving, temporary storage of materials and/or spoil and use as a construction compound.

(x) **Drainage**
The Environment Agency has raised no objection to the proposal subject to conditions with respect to no raising of ground levels or erection of building, structure or other obstruction to flood flows and for the drainage to meet sustainable drainage principles.

(xi) **Crime Prevention**
Given this is an outline planning application, the County Council’s Crime Prevention Design Advisor has advised that he will comment on the house types and layout which will need to be addressed through a reserved matters application.

### 3. Conclusion
The first component of this ISSUES section sets out the current planning circumstances concerning the adopted Local Plan, the emerging Local Plan and Inspector’s findings, the current housing land supply situation and what this means for decision-making in terms of the overarching policies of the National Planning Policy Framework. The emerging Local Plan has been withdrawn from the examination in public and considerable further analysis and public engagement is required in relation to meeting the District Council’s Objectively Assessed Needs for housing.

In the meantime, the District Council cannot reasonably decline to determine applications on prematurity. Policies SF4 and H4 of the adopted Local Plan are also not a sound basis to reject a scheme such as this as they are both out of kilter with the framework and Paragraph 49 of the Framework is explicit in ruling them out-of-date in the context of the District Council not being able to currently demonstrate a 5 year housing supply.
Therefore, in the current set of circumstances, the overarching basis for assessing this application is Paragraph 14 of the National Planning Policy Framework. This guidance requires decision-takers where the development plan is absent, silent or relevant policies are out-of-date to grant permission unless:

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the framework taken as a whole; or
- specific policies in the framework indicate development should be restricted.

Whilst this guidance has a presumption in favour of sustainable development it is not a green light to approving development that is clearly unsustainable in terms of its location and comparative scale.

In balancing the merits of this scheme, it is first important to reach a judgement on the sustainability of the location. In this regard, whilst the site lies outside the current residential framework of Matlock, it is close to the Settlement Framework and abuts a residential site granted outline planning permission for 65 dwellings.

Although there are impacts on the character of the area, the site is reasonably accessible to the town centre to access services and employment opportunities and is close to an established bus service serving the locality, thus having the potential to reduce car borne journeys. Therefore, as the site is considered to be in a generally sustainable location for development, the test in Paragraph 14 requires the decision-maker to assess if any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits.

The potential impacts have been assessed above. In this regard, and as advised by English Heritage, it is considered that the development would not cause harm to the setting of the Scheduled Ancient Monument. In terms of the proximity of the site to the Conservation Area boundary, there would be some impact. However, this has to be assessed in the context of the previously approved development and that there is a field buffer between the Conservation Area and the application site. In this respect, it is considered that the development would not cause significant or substantial harm that may otherwise justify a recommendation of refusal.

In this regard, it is considered that none of the issues raise such concern that, in granting permission for the development, it would result in such an adverse impact that doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of the National Planning Policy Framework.

In the final balance, whilst the release of development sites ahead of the Local Plan process running its course is understandably unpopular, the publication of the National Planning Policy Framework has changed the balance in decision-making to promote more housing and other forms of sustainable development.

In the current circumstances, and having due regard to the contents of paragraph 14, it is concluded that the benefits of granting permission for this generally sustainable development broadly accords with relevant Adopted Local Plan Policies which are consistent with the Framework and are not significantly and demonstrably outweighed by any adverse impacts. As such, the granting of outline planning permission is appropriate.
OFFICER RECOMMENDATION:
That authority be delegated to the Corporate Director to grant outline planning permission subject to the completion of a Section 106 Planning Obligation Agreement to secure the appropriate on-site affordable housing provision, a financial contribution towards education provision, a financial contribution towards community health provision, open space/play area provision, footpath improvement and any other matters that cannot be dealt with by conditions, and subject to the following conditions:

1. Condition ST01a: Time Limit on Outline

2. Condition ST03a: Submission of Certain Reserved Matters (delete (d) access)

3. Condition LA13a Landscape to be Carried out and Maintained

4. No development shall take place until a landscape management plan, including long-term design objectives, management responsibilities and maintenance schedules for all landscaped areas (except privately owned domestic gardens), shall be submitted to and approved in writing by the Local Planning Authority. The landscape management plan shall be carried out as approved and any subsequent variations shall be agreed in writing by the Local Planning Authority. The scheme shall include the following elements:
   i) detail extent and type of new planting (NB planting to be of native species);
   ii) details of maintenance regimes and details of any new habitats created on site;
   iii) details of treatment of site boundaries and/or buffers around water bodies; and
   iv) details of management responsibilities
   v) indication on the Masterplan and other supporting plans that a compensatory area is to be safeguarded for the purposes of nature conservation and biodiversity enhancement
   vi) demonstrable evidence that the applicant is willing to establish a resource mechanism which can secure changes to the agricultural practice and the necessary biodiversity improvements to the fields
   vii) a commitment to the protection and management of this remaining resource for a suitable period of at least 15 years.

5. Condition LA1 Tree Survey – Reserved Matters

6. Condition LA5a Protection of Retained Trees

7. Condition GR5 Agree Ground Level Slabs

8. Unless otherwise agreed in writing by the Local Planning Authority in consultation with the Environment Agency, there shall be no raising of ground levels or erection of any building, structure or any other such obstruction to flood flows on land at or below the 199 metres contour line as shown on the Topographical Survey (Drawing Number 16697_OGL Rev 3, dated 20/02/2012) included as Appendix D to the approved Flood Risk Assessment “Residential development at Bentley Bridge (An extension to the Approved Housing Site)” dated January 2014.
9. Development shall not begin until a 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:

(i) Utilisation of holding sustainable drainage techniques;
(ii) Limitation of surface water run-off to existing Greenfield rates;
(iii) The ability to accommodate surface water run-off on-site up to the critical 1 in 100 year event plus an appropriate allowance for climate change, based upon the submission of drainage calculations;
(iv) Provision of appropriate levels of surface water treatment; and
(v) Responsibility for the future maintenance of drainage features.

10. Condition GR9 Secure by Design

11. Before any other operations are commenced, a new estate street junction shall be formed to Chesterfield Road in accordance with the Drawing No. F14022/01, laid out, constructed and provided with absolute minimum visibility splays of 2.4m x 10m to the north east of the proposed access and 2.4m x 97m to the south west (when measured 1m in from the carriageway edge at the visibility splay extremity), the area in advance of the sightlines being levelled, constructed as footway and not being included in any plot or other sub-division of the site.

12. The sole means of vehicular access to the application site shall be from Chesterfield Road only. There shall be no other means of vehicular access to the site or via Quarry Lane.

13. Within 21 days of the permanent access being laid out and constructed to Chesterfield Road the existing agricultural vehicle access at the north east site boundary (to Chesterfield Road) shall be permanently closed to vehicular traffic and the footway margin reinstated with full height kerbs and raised footway construction, in accordance with a scheme first submitted to and approved in writing by the Local Planning Authority.

14. Before any other operations are commenced, details of the following matters shall be submitted to the Local Planning Authority for approval:
   a. pedestrian crossing facilities across the A632 in order to access existing northbound public transport bus stops.
   b. any excavations / fill within 5m of the public highway, including details of any temporary support to ensure the integrity of the public highway is maintained during and after the works take place.
   c. detailed design at the point of intersection between the existing public right of way (FP7) and the proposed estate street to ensure pedestrian safety is preserved.
   d. improvements to the existing public right of way (FP33) including an upgrade in terms of construction quality and lighting, to provide a connection into the proposed site, to reduce walking distances for future residents to key local facilities.
The approved details shall be fully implemented in a timescale to be agreed with the Local Planning Authority in advance of works commencing on site.

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

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

17. Notwithstanding the submitted information, a subsequent reserved matters or full application shall include designs of the internal layout of the site in accordance with the guidance contained in the County Council’s current residential 6C’s design guide. No dwelling shall be occupied until the proposed new estate street between each respective plot and the existing public highway have been laid out in accordance with the approved designs and constructed to at least base level, drained and lit in accordance with the 6C’s specification for new adoptable estate streets. The estate streets being fully completed with the final surface course applied in a timescale to be agreed with the Local Planning Authority prior to the occupation of any dwelling, or other such timescale as may be agreed in writing by the Local Planning Authority.

18. The premises, the subject of the application, shall not be occupied until new vehicular accesses have been created to the new estate street, laid out and constructed as may be agreed with the Local Planning Authority and provided with 2.4m x 17m visibility splays in either direction, or such other dimensions as may subsequently be agreed in writing by the Local Planning Authority, the area in advance of the sightlines being maintained throughout the life of the development clear of any obstructions to visibility over 1m in height (600mm in the case of vegetation) relative to the adjoining nearside carriageway channel level.

19. Prior to the commencement of the development hereby permitted, details of the means of refuse storage including details of any bin stores to be provided shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details and provided prior to the first occupation of the development and retained for such purposes at all times thereafter.

20. The premises, the subject of the application, shall not be occupied until the estate street has been provided with suitable turning arrangements to enable service and delivery vehicles to turn, all as may be agreed in writing with the Local Planning Authority in writing. In the case where interim turning arrangements are constructed these must remain available until any permanent estate street turning is available, in accordance with the approved estate street designs.
21. The premises, the subject of the application, shall not be occupied until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall set out proposals (including a timetable), to promote travel by sustainable modes which are acceptable to the Local Planning Authority, and shall be implemented in accordance with the timetable set out therein, unless otherwise agreed in writing by the Local Planning Authority. Reports demonstrating progress in promoting sustainable transport measures shall be submitted annually, on each anniversary of the date of the planning consent, to the Local Planning Authority for approval for a period of five years from first occupation of the development.

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

23. The premises, the subject of the application, shall not be occupied until space has been provided within the site curtilage for the parking and manoeuvring of residents vehicles (including secure/covered cycle parking), located, designed, laid out and constructed all as agreed in writing with the Local Planning Authority and maintained throughout the life of the development free from any impediment to its designated use.

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

25. The development shall not begin until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the local planning authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex 2 of the National Planning Policy Framework or any future guidance that replaces it. The scheme shall include:

   a) the numbers, type, tenure and location on the site of the affordable housing provision to be made which shall consist of not less than 25% of housing units/bed spaces with an off-site financial contribution based on 20% of the approved dwellinghouses;
   b) the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
   c) the arrangements for the transfer of the affordable housing to an affordable housing provider (or the management of the affordable housing) if no Registered Social landlord is involved;
   d) the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
   e) the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.
26. No dwelling shall be first occupied until:-
   a) a scheme for the laying out and equipping of amenity spaces and a play area,
      to include landscaping, boundary treatment and provision for future
      maintenance and safety checks of the areas and equipment, has been
      submitted to and approved in writing by the Local Planning Authority; and
   b) the amenity areas and play area have been laid out, and in the case of the play
      area equipped, in accordance with a phased scheme to be approved in writing
      by the Local Planning Authority.

27. The development hereby approved shall be carried in full accordance with the
    Phase I Habitat and Protected Fauna Survey submitted with the application
    documents. In addition, before the development commences, the following wildlife
    matters shall be addressed:
       i) a survey to ensure that the status of badgers has not altered;
       ii) a reptile survey and a suitable clearance programme should reptiles be found;
       iii) all trees (10cm diameter at breast height) should be retained within the
           development, until such time as survey has been undertaken for the potential
           of the trees to support bat roosts;
       iv) avoid site clearance in the bird breeding season unless a survey is submitted
           to demonstrate that ground nesting birds are not breeding.

   No works shall commence until such details have been submitted to and approved
   in writing by the Local Planning Authority. The area supporting Japanese Knotweed
   shall be re-inspected and a construction method statement produced should the
   species have extended to within 10m of any working area of the site.

28. Prior to the development commencing, an ecological management and aftercare
    plan for the site and the adjacent fields within the applicants ownership, as detailed
    in the red edged site plan (2012-231/2-00A), shall be submitted to and approved in
    writing by the Local Planning Authority to be approved prior to the commencement
    of the development and shall thereafter be carried out in accordance with the
    approved details.

29. Before the development commences, details for the protection during the
    construction process of all retained habitats, trees, hedgerows and walls by the use
    of temporary, high visibility fencing, to include restriction on the use of the southern
    two fields for any earth moving, temporary storage of materials and/or spoil and use
    as a construction compound, shall be submitted to and approved in writing by the
    Local Planning Authority. The development shall thereafter be carried out in
    accordance with the approved details.

Reasons
1. Reason ST01a
2. Reason ST03a
3. Reason LA13a (government policy contained in the National Planning Policy
   Framework and the aims of Policies SF5, H9, NBE6, NBE8 and
   NBE26 of the Adopted Derbyshire Dales Local Plan (2005)).
4. To ensure the proper management of landscaped areas, to retain and enhance (via management) the biodiversity value of the area in order to compensate for the loss of grassland habitat to the development and to protect wildlife, support habitat and secure opportunities for the enhancement of the nature conservation value of the site to comply with the aims of government policy contained in the National Planning Policy Framework and the aims of Policies SF5, H9, NBE4, NBE5, NBE6, NBE8 and NBE26 of the Adopted Derbyshire Dales Local Plan (2005).

5. Reason LA1 (government policy contained in the National Planning Policy Framework and the aims of Policies SF5, H9, NBE6 and NBE8 of the Adopted Derbyshire Dales Local Plan (2005)).

6. Reason LA5a: (government policy contained in the National Planning Policy Framework and the aims of Policies SF5, H9, NBE6 and NBE8 of the Adopted Derbyshire Dales Local Plan (2005)).

7. Reason GR5 (government policy contained in the National Planning Policy Framework and the aims of Policies SF5, H9, NBE6 and NBE8 of the Adopted Derbyshire Dales Local Plan (2005)).

8. To regulate encroachment of built development and raising of ground levels in the floodplain to comply with government guidance contained in the National Planning Policy Framework.

9. 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.

10. Reason GR9


23. To ensure the provision of adequate off street parking provision in the interests of highway safety and to comply with government policy contained in the National Planning Policy Framework and the aims of Policy TR8 of the adopted Derbyshire Dales Local Plan (2005).

24. To safeguard the amenity of neighbouring residents to the development site to comply with government policy contained in the National Planning Policy Framework and the aims of Policies SF5 and H9 of the Adopted Derbyshire Dales Local Plan (2005).

25. In order to secure the provision of affordable housing in accordance with government policy contained in the National Planning Policy Framework.

26. To ensure the provision of an adequate level of play space facilities to the development site to comply with government policy contained in the National Planning Policy Framework.
27. To protect protected species and their habitats within and adjacent to the development site to comply with government policy contained in the National Planning Policy Framework and the aims of Policies NBE4 and NBE5 of the adopted Derbyshire Dales Local Plan (2005).

28-29. To protect the ecology of the area to comply with government policy contained in the National Planning Policy Framework and the aims of Policies NBE4 and NBE5 of the adopted Derbyshire Dales Local Plan (2005).

NOTES TO APPLICANT:
1. The following advisory notes are provided by the Local Highway Authority for the applicant’s attention:

The Highway Authority recommends that the first 5m of the proposed access driveways 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.

Pursuant to Section 38 and the Advance Payments Code of the Highways Act 1980, the proposed new estate roads should be laid out and constructed to adoptable standards and financially secured. Advice regarding the technical, financial, legal and administrative processes involved in achieving adoption of new residential roads may be obtained from the Strategic Director of Environmental Services at County Hall, Matlock (tel: 01629 580000 and ask for Mr I Turkington).

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.

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

Pursuant to Sections 219/220 of the Highways Act 1980, relating to the Advance Payments Code, where development takes place fronting new estate streets, the Highway Authority is obliged to serve notice on the developer, under the provisions of the Act, to financially secure the cost of bringing up the estate streets up to adoptable standards at some future date. This takes the form of a cash deposit equal to the calculated construction costs and may be held indefinitely. The developer normally discharges his obligations under this Act by producing a layout suitable for adoption and entering into an Agreement under Section 38 of the Highways Act 1980.
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 Mr I Turkington in the Environmental Services Department at County Hall, Matlock (tel: 01629 538578). The applicant is advised to allow approximately 12 weeks in any programme of works to obtain a Section 278 Agreement.

Pursuant to Section 50 (Schedule 3) of the New Roads and Streetworks Act 1991, before any excavation works are commenced within the limits of the public highway, at least 12 weeks prior notification should be given to the Strategic Director of Environmental Services at County Hall, Matlock (tel: 01629 580000 and ask for the New Roads and Streetworks Section).

Construction works adjacent to the public highway will require Traffic Management and advice regarding procedures should be sought from Mr. D. Nicholson, Traffic Section (tel: 01629 580000).

Before any excavation works commence which may affect the integrity of the public highway, the written consent of the County Council as Highway Authority must be obtained (tel: 01629 580000 and ask for the County Council’s Structures Section).

Highway surface water shall be disposed of via a positive, gravity fed system (i.e. not pumped) discharging to an approved point of outfall (e.g. existing public sewer, highway drain or watercourse) to be sanctioned by the Water Authority (or their agent), Highway Authority or Environment Agency respectively. The use of soakaways for highway purposes is generally not sanctioned. DCC strongly promotes Sustainable Drainage Systems (SuDS) to be incorporated within the design of a drainage strategy, applying the SuDS management train. The applicant should also seek to promote betterment or meet green-field runoff rates taking into account the impacts of climate change.

2. The Environment Agency does not consider oversized pipes or box culverts as sustainable drainage. Should infiltration not be feasible at the site, alternative above ground sustainable drainage should be used. Further information on SuDS is available in the CIRIA publication C697 ‘The SuDS Manual’ and in the joint Defra and Environment Agency publication entitled ‘Rainfall Runoff Management for Developments’ (Project Number SC030219).

3. A licence will be required from Natural England to survey for, and, where any proposals are made as a last resort, to re-locate legally protected species. For further information and guidance on European Protected Species and licensing procedures see the Wildlife Management and Licensing Guidance from Natural England. Further information and guidance on UK protected species and licensing can be found under the Defra web pages for the Wildlife and Countryside Act 1981.

4. NFA28: Wildlife and Countryside Act

5. NFA 30: Secure by Design
6. The Local Planning Authority, prior to the submission of the application, engaged in a positive and proactive dialogue with the applicant which resulted in the submission of a scheme that overcame initial concerns relating to the extent of the area of development and the impact on the surrounding area.

7. 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. 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.

8. This decision notice relates to the following documents:
   Site Location Plan 1:1250 received on 21st July 2014
   Drawing Nos. 2012-231/2-01A, 03 and 04B received on 21st July 2014
   Planning, Design and Access Statement received on 21st July 2014
   Geophysical Survey Report received on 21st July 2014
   Preliminary Landscape Appraisal received on 21st July 2014
   Landscape and Visual Impact Appraisal received on 21st July 2014
   Flood Risk Assessment received on 21st July 2014
   Phase 1 Desk Study Site Investigation Report received on 21st July 2014
   Transport Assessment received on 21st July 2014
   Trip Generation Assessment received on 21st July 2014
   Draft Heads of Terms (Section 106 agreement) received on 21st July 2014
35 Jackson Road, Matlock
THE SITE AND SURROUNDINGS:
The application property is an old, detached, stone-built house, situated at the end of a lane and stands just to the north-east of All Saints Parish Church.

THE APPLICATION:
The proposal is for a two-storey side extension which will require the removal of the current subordinate side extension as well as the current garage. The proposed new extension will cover almost the whole of the side elevation of the house with only a negligible set down and recess from the front and rear elevations. It will extend out to the side by 6m.

RELEVANT HISTORY:
01/10/0754 Erection of conservatory extension on front elevation. Refused
0390/0212 Garage. Granted

CONSULTATIONS:
Local Highway Authority:
No objection.

Town Council:
Not received.

Conservation Advisory Forum:
Members objected to the proposed scheme.
The proposed extension was considered to be too high at 2 storeys and overly long, resulting in an extension on an extension, which makes the original cottage too linear. It was recommended that any side extension should be reduced in height, possibly reduced in length and set further back to respect the host building.
CAF considered that the position and scale of the proposed garage should relate well to the house and the general configuration of buildings at the site and would prefer for this structure to be retained (Members queried whether an extension could be proposed which links the house to the garage).

REPRESENTATIONS:
None received.

POLICIES:
National Planning Policy Framework (NPPF)
Chapter 7 Requiring Good Design
Chapter 12 Conserving and Enhancing the Historic Environment
Adopted Derbyshire Dales Local Plan (2005)
SF1 Development Within Settlement Framework Boundaries
SF5 Design And Appearance Of Development
H2 Extensions to Dwellings
NBE21 Development Affecting A Conservation Area

Other:
Matlock Bank Conservation Area Character Appraisal

ISSUES:
The main issues to assess are the impact that the proposed two-storey side extension will have on the character and appearance of the house and also the impact that it will have on the surrounding area.

The property currently appears as a traditional, proportionate house that fits in well in its context. It appears to date from the 19th Century and has been extended to form a double-fronted aspect. The overall form, scale and mass are considered to be acceptable. Public views of the dwelling are however relatively limited as it is accessed down a narrow track to the rear of All Saint’s Church.

The proposed extension elongates the house, giving it a linear form which detracts from the character and appearance of the main house to some degree.

Extensions usually work best on host buildings when they are subordinate so that they do not conflict with it. In this case however, the step down and back is negligible. This has the disadvantage in that it creates a linear form. The applicants would appear to have the option of other solutions that might lessen this linear format and better respect the existing building. Although the dwelling has limited public visibility, it does contribute to the character and appearance of the Conservation Area and in this respect, an inappropriate extension will fail to safeguard this heritage asset.

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 and 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 will conflict with Local Plan Policy SF5 – Design And Appearance Of Development, because the scale and layout does not preserve or enhance the quality or local distinctiveness of the surroundings. The scheme does not reinforce a sense of place and it is not well related to surrounding properties or land uses.

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 and its surroundings.
The proposal 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.

The proposal will also conflict with Chapter 7 of the NPPF where the Government attaches great importance to the design of the built environment. 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.

Paragraph 134 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. In this case therefore, the harm caused by the proposed extension to the heritage asset (the Conservation Area), is not counterbalanced by any public benefit and the balance of consideration is therefore against the scheme.

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

The proposed side extension will appear as a large addition which detracts from the character and appearance of the house by reason of extending it into an inappropriate linear form, uncharacteristic of this traditional type of building. The harm caused to the character and appearance of the dwelling will have an adverse impact on the wider Conservation Area. It therefore conflicts with Policies SF1, SF5, H2 and NBE21 of the Adopted Derbyshire Dales Local Plan (2005) and Chapter 7 of the NPPF.

Note to applicant:

Both prior to the submission of the application and during the consideration of it, the Local Planning Authority attempted to engage in a positive and proactive dialogue with the applicants and the agent. It was considered that the proposal would amount to over development. Unfortunately however, there did not appear to be an acceptable compromise. The Local Planning Authority therefore considered the merits of the submitted application and judged that there was no prospect of resolving the fundamental planning problems with it through negotiation. On this basis, the requirement to engage in a positive and proactive manner was considered to be best served by the Local Planning Authority issuing a decision on the application at the earliest opportunity and thereby allowing the applicant to exercise their right to appeal.

This Decision Notice relates to the following documents:
14/00498/OUT

Land to the North West of Snitterton Road

Derbyshire Dales DC

Date: 23/10/2014

100019785
THE SITE AND SURROUNDINGS:
The site occupies an area of extended verge running on the southern side of Snitterton Road close to its junction with Matlock Spa Road. It lies immediately north of Halldale Quarry. The site is within the Settlement Framework boundary for Matlock and is designated as an industrial/business site in the adopted Local Plan.

This elongated site is closely associated with the steep, engineered bund which forms the northern edge of the quarry. The bund is well vegetated and is effective in screening the former quarry works in public views from the north. At the eastern end of the site the land is relatively level and approximately 1m above the road level. The site widens at the western end where it slopes down to the road.

A number of derelict structures (old quarry buildings and an empty water tank) still occupy parts of the site, but it is generally overgrown with regenerated and regenerating trees and understorey shrubs. Vegetation is developed to such an extent that it is now not only part of the screen, but also contributes considerably to the attractive, rural, wooded character of Snitterton Road at this point. In combination with woodland on the northern side of the road, it forms a wooded buffer zone between Matlock and the wider countryside.

THE APPLICATION:
Outline planning permission is sought for the erection of four dwellinghouses on the site. Details of the proposed accesses have been submitted but appearance, landscaping, layout and scale are all Reserved Matters. There are structures on the site which would be demolished to facilitate the development.

Whilst indicative, the dwellinghouses are proposed to be two storey units constructed of natural stone with blue slate/tile roofing. They are proposed to have traditional form with ridged and gabled roof forms. The applicant illustrates that each house will incorporate an integral or detached double garage and parking space for two cars.

The applicant advises that the site is presently rough ground which has seen tree colonisation across much of it. Whilst it is noted that the site is subject to Policy EDT1 (Land For General Industrial And Business Development) of the Adopted Local Plan (2005), that with pre-application with Officers the area is considered more suitable for a modest degree of residential development subject to appropriate contextual design.

The applicant has also submitted a habitat survey and great crested newt survey.
RELEVANT HISTORY:

Application Site
11/00434/OUT  Erection of 6 Detached Houses (Outline) - Refused

Adjoining Site
14/00541/OUT  Mixed residential and commercial development comprising of 220 dwellings, 400m2 of A3 floorspace (Restaurant and Café), and 6400m2 of B1 floorspace (offices) – to be determined

10/00039/OUT  Redevelopment of site for mixed use development comprising Use Class B1 Office and Workshop Space, Use Class C2 CCRC/medical facility, Use Class C1 Hotel and Hiker's Hostel, car showrooms, cinema and internal leisure uses, ancillary Use Class A1 and A3 uses, car parking, landscaping and approximately 40 acres of managed ecological habitat (Outline) - Granted

CONSULTATIONS:

Town Council – Object:
- not an area identified for development in the Local Plan
- elevated situation will be damaging to the entire setting of the whole town
- whilst adding to housing stock, does not contribute to the goals of increasing affordable housing

Head of Regulatory Services (Environmental Health) – Comment:
- require conditions to address matters of potential site pollution

Local Highway Authority – No objection to amended drawings subject to conditions.

Natural England – Comment:
- no objection with respect to designated sites in locality
- Local Planning Authority should ensure it has sufficient information with regard to local sites
- refer to standing advice with regard to protected species
- should seek to provide biodiversity and landscape enhancement

Derbyshire Wildlife Trust – Comment:
- trees would provide suitable foraging opportunities and support for the design of a sensitive lighting scheme to avoid impact on foraging bat
- presence of a small breeding population of great crested newt within a pond approximately 120 metres from the proposed development - the habitat on the application site is considered suitable to provide foraging, sheltering and hibernating opportunities for this European Protected Species and essential that appropriate mitigation is put forward and agreed as part of the determination process
- advise that further details should be provided in respect of a commitment to the provision of sufficient great crested newt terrestrial habitat within the development, and that this further information should be provided for consideration as part of the determination process in order to enable the Local Planning Authority to discharge its duties with regard to the requirements of the Habitats Regulations
- not aware of any records for reptiles in the immediate locality and previous surveys of the adjacent area failed to record any reptiles and are therefore satisfied that no further surveys are required
- woodland vegetation present on the site is also considered to provide ideal habitat for
  nesting birds - advise that all trees to be retained as part of the development should
  be protected from damage by the erection of adequate temporary fencing for the
duration of the works.

Crime Prevention Design Advisor – No comments to make.

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

- plans not a true representation of Snitterton Road – road is extremely narrow
- lack of footpath
- little or no turning area near to houses – commercial vehicles will have to drive to
  the end of the lane to turn around or turn into Limestone Croft which would cause
  disruption and potential damage which is also an issue during the construction on
  the site
- should be accompanied by new traffic management measures, including a 20mph
  or 30 mph speed limit, which should be conditional on any permission
- should be no urbanisation of the area with widening of road, road signs or new
  street lighting
- pavement could lead to narrowing of highway
- acceptable if only at number of dwellings proposed as road is already treacherous
- development should be sympathetically landscaped with the retention of some
  mature trees to provide screening from neighbouring properties or would be
  against proposal
- loss of privacy if trees felled
- impact on bats and flora and fauna
- no account of pole mounted electricity transformer located on Plot 4

Matlock Civic Association – No objection in principle but concerned with the impacts on
trees within and adjacent to the site and that such trees should be protected.

POLICIES:
1. Adopted Local Plan (2005)
   SF1   Development Within Settlement Framework Boundaries
   SF5   Design and Appearance of Development
   H1   New Housing Development Within Settlement Framework Boundaries
   H9   Design and Appearance of New Housing
   EDT1  Land for General Industrial and Business Development
   NBE5  Development Affecting Species Protected by Law or are Nationally Rare
   NBE6  Trees and Woodlands
   NBE7  Features Important in the Landscape
   NBE8  Landscape Character
   NBE26 Landscape Design in Association with New Development
   TR1   Access Requirements and the Impact of New Development
   TR8   Parking Requirements for New Development

2. Supplementary Planning Guidance
   Derbyshire Dales District Council’s Landscape Character and Design Supplementary

3. National Planning Policy Framework
ISSUES:
1. Introduction - Policy
At the current time, the District Council has decided, based upon the initial conclusions of the Local Plan Inspector, that it would not be appropriate to proceed with the examination in public of the Draft Derbyshire Dales Local Plan (2014) and this has now been withdrawn from consideration. Therefore, determination of the planning application needs to be considered in accordance with guidance contained in the National Planning Policy Framework and those policies of the Adopted Derbyshire Dales Local Plan (2005) which are consistent with it. The principal policies for consideration of this application are those contained in the Adopted Derbyshire Dales Local Plan (2005). In this respect, the particularly relevant Local Plan Policies are summarised below.

The site lies within the Settlement Framework Boundary of Matlock. Policy SF1 in the Adopted Local Plan states that permission will be granted if the proposal will make full and effective use of Brownfield land in preference to greenfield sites, preserves and/or enhances the character and appearance of the settlement, is well related to surrounding properties and land uses, has appropriate means of access and does not result in the loss of local services and facilities. Policy SF5 addresses design and appearance of development and 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, it reinforces a sense of place, it is well related to surrounding properties and land uses, minimises the fear of crimes and maximises the energy efficiency of the buildings.

Policy H1 states that residential development within 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. Policy H9 aims to achieve high quality housing design, the policy outlines that planning permission will only be granted for new housing development where it is in scale and character with its surroundings and does not have a detrimental impact upon amenities.

The proposed site is situated within an area identified for General Industrial and Business Development. Policy EDT1 states that industrial and business development will be granted planning permission in a number of identified sites of which Halldale Quarry is one. Given that the site is situated within land defined by Policy EDT1, evidence should be submitted to justify why the identified site is not suitable for employment use. Furthermore given that planning permission has been granted for employment generating uses within the main body of Halldale Quarry, consideration will need to be given to any potential adverse impact that the approved development may have on this proposal.

As the proposal is sited in a wooded location, the impact of development on the protected species needs consideration with regard to Policy NBE5. In addition, the surrounding trees and woodland should be considered. Policy NBE6 states that planning permission will only be granted for development likely to have a direct or indirect adverse impact upon trees and woodlands where it can be demonstrated that the justification for the development outweighs the woodlands importance for nature conversation or amenity value.
Policy NBE7 regarding landscape features also needs to be considered with respect to the proposals positioning. This policy indicates that planning permission should only be granted for proposals likely to have an adverse impact upon landscape features such as hedgerow, walls, streams and ponds, where it can be demonstrated that the development outweighs their importance to the character and appearance of the immediate and wider landscape. If the proposal is considered acceptable, then the Policy requires that suitable conditions and/or Section 106 obligations would need to be imposed to ensure that any trees lost as a result of development are replaced on a basis of three replacements for each one lost and measures to safeguard the long term protection and management of important landscape features.

Policy NBE8 regarding landscape character further outlines that planning permission will only be granted for development that protects or enhances the character, appearance and local distinctiveness of the landscape.

Policy TR1 outlines that new development requiring vehicular access should be accessible to a road system and to an adequate standard to accommodate the anticipated traffic generated by the development safely without detriment to the character of the road network. Policy TR8 further dictates that planning permission will only be granted for new development provided that sufficient parking provision is provided in accordance with Council standards outlined within Appendix 4 of the Adopted Local Plan.

Derbyshire Dales District Council’s Landscape Character and Design Supplementary Planning Document (Adopted July 2007) seeks to protect and enhance the character and appearance of features important in the landscape, provides detailed guidance on landscape issues and encourages an integrated approach to development which includes comprehensive consideration of landscape issues.

In conclusion, the main issue regarding the proposal is whether the development of four dwellinghouses is suitable within a location defined for General Industrial and Business Development within the Adopted Local Plan (2005). The impact of the proposal on the natural environment will also need to be considered to ensure the proposal would not have a detrimental impact on the character, appearance and quality of the natural environment and the surrounding landscape. There are also matters of impact on wildlife and highway safety which need to be considered.

3. Impact on Character and Appearance of the Area

Whilst the former use of the site appears to have been used for industrial purposes in association with Halldale Quarry, the land has become overgrown with trees and shrubs for some time, to the extent that the site could be regarded as having had an abandonment of use. Whilst the site is within a wider land area designated in the Adopted Local Plan (2005) for industrial and business development (Policy EDT1), this does not mean that all parts of the site can be developed without having an adverse impact on the rural landscape.

The site currently provides a substantive green visual buffer between Cawdor Quarry and the development proposals allowed with outline planning permission at Halldale Quarry (re:10/00039/OUT). However, there is approval as part of the Cawdor Quarry scheme for housing immediately to the north on the northern side of Matlock Spa Road, which will change the context to some degree. The proposed development would result in the loss of a number of trees and other vegetation which make a positive contribution to the character of Snitterton Road and the outskirts of Matlock. However, it is considered that,
with the number of dwellings now proposed, there could be a greater retention of existing trees, with the planting of additional trees and landscaping as appropriate.

In this respect, the dwellinghouses could be absorbed into the landscape and the screen that has developed on this side of Halldale Quarry could be protected and thus not bring the unattractive, engineered bund into public view. Development of the site, on such a scale, is not considered to significantly erode the rural character of this part of Snitterton Road, particularly given the recently developed dwellinghouses nearby at Limestone Croft and the site context to approved future development at Cawdor Quarry. In this respect, whilst there will be some impact on local and wider visual amenity, this would not be so significant to warrant refusal of planning permission. This would be subject to appropriate landscaping being approved at the Reserved Matters stage of the application process.

The substantive screen planting around the quarry needs to be protected to assist with facilitating the redevelopment of Halldale Quarry. Whilst a number of trees would need to be removed on the application site, it is considered an appropriate landscaping scheme can mitigate some of this loss and the proposed development will achieve the protection of the landscaping screen to some degree.

4. Highway Safety Issues
The Local Highway Authority raised initial concerns with respect to visibility splays relating to the access to Plot 4. This issue has been addressed by the applicant and the Local Highway Authority has now advised of no objection to the proposal subject to conditions.

5. Ecology Matters
Derbyshire Wild life Trust (DWT) advise that the Extended Phase 1 Habitat Survey submitted by the applicant was undertaken at a sub-optimal time and it is not possible to gain an accurate overview of the nature conservation interest. An assessment of the trees and the buildings on site concluded that they lacked suitable features to support roosting bats; DWT agree that there is negligible potential for roosting bats on the site and that no further survey work is required. However, DWT are of the opinion that the trees would provide suitable foraging opportunities and, therefore, support the recommendation for the design of a sensitive lighting scheme to avoid impact on foraging bats.

The desk study has identified the presence of a small breeding population of great crested newt within a pond approximately 120 metres from the proposed development. The habitat present on the application site is considered suitable to provide foraging, sheltering and hibernating opportunities for this European Protected Species. Subsequently, a targeted great crested newt survey of the pond was undertaken in accordance with best practice guidance which confirmed the presence of a small population of great crested newt. The report has stated that a European Protected Species Licence will be required to enable the development to proceed without committing an offence, together with a bespoke package of mitigation. Given the above, DWT advise that it is essential that appropriate mitigation is put forward and agreed as part of the determination process.

Broad mitigation measures put forward in the ecological report include the erection of exclusion fencing to prevent the entry of great crested newt onto the site during the construction phase, the capture of any existing great crested newt on the site and their re-location to an agreed receptor area and the retention and enhancement of suitable terrestrial habitat on the site, including the creation of a pond. Whilst DWT advise that
these measures are appropriate, they are not confident that adequate provision has been made to secure sufficient great crested newt terrestrial habitat as part of the development.

DWT advise that further details should be provided in respect of a commitment to the provision of sufficient great crested newt terrestrial habitat within the development, and that this further information should be provided for consideration as part of the determination process in order to enable the Local Planning Authority to discharge its duties with regard to the requirements of the Habitats Regulations. DWT advise that it is important that the retention and enhancement of sufficient terrestrial habitat, including the creation of a pond, is indicated on the layout plans submitted at this outline stage with further details submitted as part of the landscaping scheme associated with any reserved matters application. DWT advise that it might not be possible to achieve a sufficient extent of great crested newt terrestrial habitat to fulfil the EPS licence requirements and, as such, further input from the ecological consultants would be required to inform the layout in order to be confident that an EPS licence would be granted.

However, notwithstanding the above, it is the view of Officers that the requirements of DWT are unduly onerous. The application site forms part of the far greater Halldale Quarry site and is on the outer edge of this. It is considered that the protection of the great crested newts can be addressed through a condition proposed by DWT, which is that a detailed mitigation and monitoring strategy, in line with the information contained in the Method Statement to be submitted as part of the EPS licence application, should be submitted to and approved in writing by the Local Planning Authority. In addition, it may be inappropriate to address this matter at the current time as, by the time the reserved matters application has been submitted, the circumstances relating to the application site and the Halldale Quarry site may have altered.

Suitable habitats for reptiles were also identified within the site. However, DWT are not aware of any records for reptiles in the immediate locality and previous surveys of the adjacent area failed to record any reptiles. DWT are therefore satisfied that there are unlikely to be any impacts upon reptiles as a result of the proposed development and that no further surveys in respect of reptiles are necessary.

The woodland vegetation present on the site is also considered to provide ideal habitat for nesting birds. DWT therefore advise that, to ensure breeding birds are protected from harm, a condition should be attached to any permission. It is advised that all trees to be retained as part of the development should be protected from damage by the erection of adequate temporary fencing for the duration of the works.

6. Pollution Issues
The Head of Regulatory Services (Environmental Health) has advised that, given the part industrial use of the site and its location adjacent to the former Cawdor Quarry landfill site, that if planning permission was granted a condition would be required that a site investigation is undertaken in order to protect any residents from hazards that may be brought to light by the development of the land.
7. Conclusion
Whilst the site is within an area designated in the Adopted Local Plan (2005) for industrial and business development, not all land within that allocation is necessarily capable of development without detracting from the approved development and the character and appearance of the open countryside. The emerging Local Plan also referred to the site being considered for a mix of residential and commercial development, albeit this Plan has been withdrawn from consideration. In addition, it is considered that a commercial development of the site would be likely to detract from the character and appearance of Snitterton Road in this largely rural setting with interspersed residential properties.

The context of this scheme also has to be considered against paragraph 14 of the emerging National Planning Policy Framework which asserts the presumption in favour of sustainable development which for decision-takers as meaning:

- Approving development proposals that accord with the development plan without delay; and
- Where the development plan is absent, silent or relevant policies are out-of-date granting permission unless:-
  - any adverse impact of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the framework taken as a whole; or
  - specific policies of the framework indicate that development should be restricted.

The District Council is required to meet the primary objectives of the National Planning Policy Framework which include significantly boosting the supply of housing land. In this regard, there is a specific requirement to update annually a supply of specific deliverable sites sufficient to provide for 5 years' worth of housing land against the housing requirement for the area with an additional buffer of 20% to ensure choice and competition in the market. As such, this site offers opportunity to meet an element of that requirement without causing significant harm to the environment and it is recommended that outline planning permission be granted.

OFFICER RECOMMENDATION:
Outline planning permission be granted subject to the following conditions:

1. Condition ST01a Time Limit on Outline
2. Condition ST03a Submission of Certain Reserved Matters (delete (b) and (d) )
3. The access arrangements hereby approved shall be carried out in accordance with Drawing No. 2087/002 received on 29th July 2014 and with Amended Drawing No. 2087/003B received on 13th October 2014.
4. Condition LA13a Landscaping to be Carried Out and Maintained
5. Condition LA4 Trees – Protection by Fencing During Construction
6. Condition SD12 Land Affected by Contamination – Submission of Remediation Scheme

7. Condition SD13 Land Affected by Contamination – Prior to Commencement

8. Prior to the commencement of any works on the site, a detailed mitigation and monitoring strategy in line with the information contained in the Method Statement submitted as part of the EPS licence application, shall be submitted to and approved in writing by the Local Planning Authority. The strategy should include the requirement to obtain a Natural England European Protected Species licence, a copy of which should be provided to the Local Planning Authority, once obtained. All works shall then proceed in accordance with the approved strategy with any amendments agreed in writing.

9. No removal of trees or shrubs, brambles, ivy and or demolition of buildings or structures that may be used by breeding birds shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of the vegetation and buildings for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the Local Planning Authority.

10. 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.

11. Before any other operations are commenced (excluding Condition No 10 above) the new vehicular accesses shall be created to Snitterton Road in accordance with the revised application drawings, laid out, constructed and provided with 2.4m x 43m visibility splays in either direction, the area in advance of the sightlines being maintained throughout the life of the development clear of any object greater than 1m in height (0.6m in the case of vegetation) relative to the adjoining nearside carriageway channel level.

12. The premises, the subject of the application, shall not be occupies until a 2m wide footway has been constructed on Snitterton Road across the entire length of the application site in accordance with the application drawings.

13. There shall be no gates or other barriers within 5m of the nearside highway boundary and any gates shall open inwards only.

14. The proposed access driveways to Snitterton Road shall be no steeper than 1 in 15 for the first 10m from the nearside highway boundary and measures shall be implemented to prevent the flow of surface water onto the adjacent highway. Once provided any such facilities shall be maintained in perpetuity free from any impediment to their designated use.
15. Throughout the period of construction within any phase vehicle wheel cleaning facilities shall be provided and retained within the site. All construction vehicles shall have their wheels cleaned before leaving the site in order to prevent the deposition of mud or other extraneous material on the public highway.

16. The premises, the subject of the application, shall not be occupied until space has been provided within the application site in accordance with the revised application drawings for the parking and manoeuvring of residents’ vehicles, laid out, surfaced and maintained throughout the life of the development free from any impediment to its designated use.

Reasons:
1. Reason ST02a
2. Reason ST03a
3. In the interests of highway safety to comply with Policy TR1 of the Adopted Derbyshire Dales Local Plan (2005) and with government guidance contained in the National Planning Policy Framework.
4. Reason LA13 (Policies SF1, SF5, H1, H9, NBE6 and NBE8 of the Adopted Derbyshire Dales Local Plan (2005), Derbyshire Dales District Council’s Landscape Character and Design Supplementary Planning Document (Adopted July 2007),and government guidance contained in the National Planning Policy Framework).
5. Reason LA4 (Policies SF1, SF5, H1, H9, NBE6 and NBE8 of the Adopted Derbyshire Dales Local Plan (2005), Derbyshire Dales District Council’s Landscape Character and Design Supplementary Planning Document (Adopted July 2007),and government guidance contained in the National Planning Policy Framework).
8-9. To protect protected species and their habitats within and adjacent to the development site to comply with government policy contained in the National Planning Policy Framework and the aims of Policies NBE4 and NBE5 of the adopted Derbyshire Dales Local Plan (2005).
16. To ensure the provision of adequate off street parking provision in the interests of highway safety site to comply with government policy contained in the National

NOTES TO APPLICANT:

This decision notice relates to the following documents:

Site Location Plan 1:1250 received on 29th July 2014
Drawing No. 2087/002 received on 29th July 2014
Planning and Design Statement received on 29th July 2014
Extended Phase 1 Habitat Survey received on 29th July 2014
Great Crested Newt Survey received on 29th July 2014
Amended Drawing No. 2087/003B received on 13th October 2014
14/00479/FUL

Peak Village Estates Ltd, Chatsworth Road, Rowsley

Derbyshire Dales DC

Date: 23/10/2014

100019785
THE SITE AND SURROUNDINGS:
The application relates to the existing shopping centre at Peak Village and its associated car park. The centre is located just off the A6 through Rowsley outside of any settlement framework boundary. Existing residential development lies within close proximity of the site to the northeast and east. Part of the site is within the flood zones 2 and 3. The application site includes a field to the north of the existing car park known as Riverside Meadows.

THE APPLICATION:
Planning permission is sought to use the pedestrian areas within the Peak Village for outdoor assembly and leisure uses and outdoor markets. Minimal information was submitted with the application; through the determination of the application further information has been provided.

The applicants letter dated the 18th September 2014 and received 22nd September 2014, notes that:

- Peak Village wants to have the ability to hold a variety of events to boost footfall, provide added value to visitors and grow awareness of the centre for reasons of competition and to attract customers.
  These events could include but not be limited to:
  Vintage Markets, Christmas Markets, Farmers Markets, Exhibitions, Music and Dance Events such as Morris Dancing, Fetes and Mini Festivals, Arts and Crafts Lessons and Activities, Activities and Fun Days for Children.
  It is difficult to be more specific due to the many different possibilities.

- Markets are not intended to be carried out weekly, we would not charge on entry to the markets, events are likely to take place at a weekend, ideally set up times would be from 07.30.
  No increase in noise is anticipated, there would be no amplified noise, the buildings of Peak Village act as a natural sound barrier.

- Parking remains more than adequate to cope with a large increase in numbers, introduced a new parking payment system where customers get 4 hours free parking and then pay for additional time, this should avoid queueing into the centre. Much concern is noted regarding Chatsworth Road, particularly when Chatsworth House hold events, Peak Village should not be penalised for the success of Chatsworth. A vintage themed event took place in May 2014 which did not raise concerns with residents.

- Further information from the applicant has been submitted noting the following:
  The centre currently attracts around 500,000 visitors per year; historically the number has been nearer 700,000. 750,000 is an aspirational figure given the parking available and the customer dwell time. The best footfall within the last year on one day was 2500. The weekday trade could be as little of 900 in the winter to 1800 in the
summer. Coach groups are also included in the numbers. The following is a list if events we may hold in 2015:
April: Gardening event featuring stalls and workshops
April: Easter celebration with egg hunt
May: Arts and crafts weekend with stalls
May: Traditional fete with stall and games and Morris dancers
July: Vintage and collectables with stalls and activities
September: Magic fest a day of entertainment
November: Christmas lights switch on weekend with market and activities
The organiser uses a database of stall holders and independent traders and will usually need 25 stalls to make the event a success.

RELEVANT HISTORY:
Numerous applications relating to alterations and amalgamation of units within Peak Village.

13/00684/FUL Change of use of land to facilitate use for outdoor market and car boot sales every Sunday from 1st October to 31st March between 10.00am and 5.30pm – Refused for the following reasons:

1. The proposed development if permitted, involving the creation of a large car boot sales area, would introduce a significant increase in traffic generation at this site which has the potential to cause queue's and delays on the surrounding highway network, thereby leading to danger and inconvenience to other highway users. In addition no adequate provision is included in the application proposals for the parking of a sufficient number of vehicles within the site to accommodate the potential number of visitors the proposals are likely to generate, which would be likely to result in parking on the surrounding public highway, contrary to the best interests of highway safety. As such the proposal is contrary to Policies TR1 and TR8 of the Adopted Derbyshire Dales Local Plan and Policy Development Management Policy 22 of the Pre Submission Draft Local Plan.

2. The proposed car boot and market is likely to result in additional noise and disturbance to local residents detrimental to their residential amenity. As such the proposal is contrary to the Core Planning Principles of the National Planning Policy Framework, Policy SF5 of the Adopted Derbyshire Dales Local Plan and Development Management Policy 9 of the Pre Submission Draft Local Plan.

3. The site is adjacent to an important riverbank habitat where there is potential for protected species. In this respect, the applicant has failed to provide any information regarding the potential harm this proposal will have upon the riverbank habitat and protected species within the overflow parking area. As such the proposal is contrary to guidance contained within Part 11 of the National Planning Policy Framework, Policies NBE4 and NBE5 of the Adopted Derbyshire Dales Local Plan and Development Management Policy 7 of the Pre Submission Draft Local Plan.

04/09/0839 Use of land as farmer's market for 12 days in a calendar year – Permitted with Conditions
CONSULTATIONS:
Parish Council – Object: concern about the likely increase in traffic this proposal will have in an already congested and hazardous highway, the only entrance into the Peak Village site. The Parish supports the comments of Mr Fowkes.

Highway Authority – There are no grounds to refuse the application on safety grounds as the small market stalls are unlikely to increase traffic generation or parking demand by any significant level. Whilst there may be traffic concerns on the surrounding highway network, these are existing scenarios which should be dealt with separately to this application.

Environment Agency – The proposal is of low environmental risk and therefore we have no detailed comments to make

Peak and Northern Footpaths – No objection

Environmental Health – Originally raised concerns and requested further information. Following the submission of that information the comments were:
It would appear that they would wish to have up to 12 weekends per year. I am not sure if these are in addition to any other events they intend to hold.
In order to ensure that noise is not a problem, it would be prudent to stipulate the precise number of outdoor events they are allowed to run in total.
As for the set uptimes, I would have concerns about a 07.30 start time. This should be restricted to 08:00 hours Monday to Saturdays and 09:00 hours on Sundays. This restriction time should also apply to vehicles entering the site to set the stalls up.
Finally, I would recommend that a temporary permission be granted for a year to see if there are any problems.

REPRESENTATIONS:
A total of 11 letters of representation have been received from local residents, the concerns raised are summarised below:

Traffic
- Additional traffic into Rowsley which is already congested.
- Traffic chaos is continual in Rowsley
- There is often gridlock in the area
- Aggressive behaviour, abuse and noise from drivers
- Emergency vehicles already struggle to get through the traffic
- Rowsley is referred to the Local Authority’s strategic transport issues report (2010) under ‘hot spot’ which noted seasonal congestion at the A6/B6012 junction associated with seasonal traffic from Chatsworth House
- Over the years congestion associated with Chatsworth House has increased due to the many events, Peak Village was built 20 years ago and the surrounding road no longer have the additional capacity
- Limited visibility and passing places
- Whilst the applicant claims the car park is underutilised residents monitored that during last winter and weekend afternoons the car park was at 75% capacity
- The Design and Access Statement mentions coning Hinckley Court, residents do not want this
- A traffic assessment should accompany the application
14/00479/FUL (Continued)

- The hours of operation are unclear
- Conditions are needed to control events and times, refer to paragraph 206 of the NPPF
- Traffic could spill over into the flood plain
- Vehicles drive on the pavements causing a hazard
- Placing cones will override the S106 requirements
- Without specific dates it is difficult to know whether events will clash with those at Bakewell or Chatsworth making traffic issues even worse
- Banners put up on the site are an eyesore and distraction to drivers
- Vehicles park on Hinckley Court as they do not wish to get out of the car park at busy times
- Visitors use the entrance to Sunnybank as turning area
- The junction onto the A6 is poorly designed

**Proposed uses**

- The application is vague and non-specific
- It is difficult to know how these events will be delivered
- Although peak village is underperforming there is no evidence to suggest that this proposal will provide economic viability
- Care should be taken as to what will be sold, should not become a car boot type event and should be in accordance with the legal agreement
- There needs to be definition of the events
- It is likely the events would be held every weekend
- Would not object to strictly controlled events

**Amenity issues**

- The proposal will cause noise and disturbance to residents
- There will be additional litter
- Early set up times will disturb residents
- Trader have previously behaved in an aggressive and antisocial manner
- ‘Live’ music is proposed this would impact upon residents
- Additional traffic pollution for residents
- The proposal will also impact upon the proposed Matlock/Bakewell Cycle link which will have a significant impact on Rowsley being a proposed hub
- The fear is that as the same operators as last time will be running these events that this will be the winter fill in when the Tansley car boot event isn’t running
- Concern about the massively wide pre advertising of the event that went on with application 13/00684/FUL
- The 0730 set up time is far too early

A further 2 letters were received from one resident who had already commented, the concerns are as noted below:

- No definition of fete or festival
- Assertions made regarding noise and parking are made without any evidence to back them up no specific information on timing or event format
- The recent magic event caused traffic problems
- Installation of parking meters will cause more parking and congestion in the area.
- Walkers and cyclists may park on nearby roads.
POLICIES:
1. Adopted Derbyshire Dales Local Plan (2005)
   - SF4: Development In The Countryside
   - SF5: Design And Appearance Of Development
   - EDT2: Existing Strategic Employment Land And Business Premises
   - EDT11: Retail Uses Within Employment Areas
   - TR1: Access Requirements And The Impact Of New Development
   - TR8: Parking Requirements For New Development


ISSUES:
The issues for consideration are the principle of the proposed uses, the impact upon highway safety and the impact upon residential amenity.

Principle
The Peak Village site is an allocated employment site within the Adopted Derbyshire Dales Local Plan (ADDP). Policy EDT11 of the ADDP requires that within employment areas planning permission will only be granted for retail development where; a) it involves a specialist retail use unsuited to a town or edge of centre location b) it would serve the needs of those employed within the existing areas c) it does not create unacceptable problems in terms of its relationship to neighbouring uses within or beyond the employment site.

This policy is considered to be in accordance with paragraphs 17 and 28 of the NPPF where it is noted in para 17 that planning should drive and support sustainable economic development, to deliver businesses and thriving local places the country needs. It goes on to note that every effort should be made to meet the business needs of an area and respond positively to wider opportunities for growth, encourage multiple benefits from the use of land in urban and rural areas and focus development in sustainable locations. Para 28 notes that plans should support sustainable growth and expansion of all types of business and enterprise in rural areas and support rural tourism and leisure developments that benefit business in rural areas.

Whilst this site is a rural area it is a sustainable area as there are numerous services, businesses and facilities in the locality which is on a major transport route served by public transport. It is considered that the proposed additional use of the site is in accordance with the policy requirements noted above.

The applicant has noted that the creation of these additional events and markets will support Peak Village which is currently underperforming. Although no evidence has not been provided by the applicant, it is considered that such proposed uses would not significantly increase the footfall to Peak Village generally and that visitors to the proposed events and markets would be attracted by those specific uses not by the existing retail units.

Highways
It is noted that parking meters have been installed at the site. It is considered that the installation of the parking meters does not require planning permission as their installation is in accordance with the permitted use of the land. In addition there are no planning conditions or notes within the legal agreement relating to Peak Village which would prevent parking meters from being installed. The applicant has noted that it intended that
customers will be able to park for free for up to 4 hours but will have to pay for any additional time beyond that.

The concerns the residents have regarding parking and congestion are noted. However, the Highway Authority do not consider the proposal will cause any significant increase in congestion or parking demand and therefore do not object to the proposal. The proposal is therefore considered to be acceptable in accordance with Policies TR1 and TR8 of the Adopted Derbyshire Dales Local Plan.

Amenity
Paragraph 17 of the NPPF seeks to ensure a good standard of amenity for all existing and future occupants of land and buildings. This is in accord with policy EDT11 of the ADDLP where it states that retail development should not create unacceptable problems in terms of its relationships with neighbouring uses.

In this case the impact the development will have upon the amenity of neighbouring residents has to be carefully considered given the very real concerns of local residents. It is considered that in order to alleviate any potential impact upon amenity, the numbers of events and markets to be held should be restricted, along with the set up and finish times, in accordance with the advice of the Council’s Environmental Health Officers. In addition and given the previous concerns raised regarding events and markets at Peak Village, the request for a temporary one year permission is also considered reasonable in order to be able to assess the impact of the uses for a trial period. This will help in assessing any future application to extend the use beyond that one year period. Subject to such conditions it is considered that the proposal will be sufficiently controlled to allow these events and markets to take place without causing harm to residential amenity.

Conclusion
Peak Village will benefit from a limited number of specific events to enhance its vitality and viability. However, this should not be at the cost of the amenity of nearby residents. The scheme as submitted strikes a reasonable balance and the one year permission proposed will allow review of the impacts in the future.

OFFICER RECOMMENDATION:
To grant planning permission subject to the following conditions:

1. Notwithstanding the submitted details the use hereby permitted shall cease on or before the 5th November 2015

2. This permission shall relate only to the shopping area of Peak Village in accordance with the A4 red edged site plan received 13.08.14 and shall not spill out into the car parking areas or green fields surrounding the site.

3. Condition IC17: No public address system (restrict amplified noise)

4. Set up of the events and markets and access to the site shall be restricted to the hours of 0800 Monday to Saturday and 0900 on Sundays and Bank/Statutory holidays with no works taking place before these times. All events shall cease by 1700 with all equipment removed from the site by 1730. There shall be no working at the site in connection with the uses beyond 1730.
5. The numbers of additional events including markets (excluding the existing farmer's markets permission) shall be limited to cover no more than 12 days between the 5th November 2014 and the 5th November 2015.

Reasons:

1. To monitor the events and markets in the interests of residential amenity in accordance with the requirements of Policy EDT11 of the Adopted Derbyshire Dales Local Plan and in accordance with guidance contained within the National Planning Policy Framework.

2. To clarify the limit of the permission in the interests of highway safety and residential amenity in accordance with the requirements of Policies TR1, TR8 and EDT11 of the Adopted Derbyshire Dales Local Plan and in accordance with guidance contained within the National Planning Policy Framework.

3-5. In the interests of residential amenity in accordance with the requirements of Policy EDT11 of the Adopted Derbyshire Dales Local Plan and in accordance with guidance contained within the National Planning Policy Framework.

Footnotes:
The Local Planning Authority have during the consideration of this application engaged in a positive and proactive dialogue with the applicant which has resulted in a clarification of the proposals which overcame initial concerns with the application relating to highway safety and residential amenity.

This decision notice relates to the following documents:
A4 Site plan received 13.08.14 showing red edge restricted to the shopping areas of Peak Village only.
Additional clarification request dated 18.09.14 received 22.09.14
Email from Kat Jacquin received 15.10.14
Email from R Taylor dated 16.10.14
## PLANNING APPEAL - PROGRESS REPORT

Report of the Director of Planning & Housing Services

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

**OFFICER RECOMMENDATION:**

That the report be noted.
The Planning Inspectorate

Appeal Decision

Site visit made on 22 September 2014

by Jonathan Hockley BA(Hons) DipTP MRPI
an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 20 October 2014

Appeal Ref: APP/P1045/A/14/2217332
Stones of Wirksworth Ltd, Wood Street, Wirksworth, Matlock DE4 4DW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr D & Mr A Stone against the decision of Derbyshire Dales District Council.
- The application Ref 13/00906/FUL, dated 20 December 2013, was refused by notice dated 6 March 2014.
- The development proposed is enlargement of retail unit and conversion of builders’ storage building to B1 office unit and 7 apartments. Demolition of workshop and erection of replacement building for 4 apartments.

Decision

1. The appeal is allowed and planning permission is granted for enlargement of retail unit and conversion of builders’ storage building to B1 office unit and 7 apartments. Demolition of workshop and erection of replacement building for 4 apartments at Stones of Wirksworth Ltd, Wood Street, Wirksworth, Matlock DE4 4DW in accordance with the terms of the application, Ref 13/00906/FUL, dated 20 December 2013, subject to the conditions set out in the schedule at the end of my decision.

Application for costs

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

Procedural Matter

3. There is a discrepancy between drawings 012 revision D and 013 revision E in that the front elevation of proposed block 2 is shown to have a window at first floor level illuminating bedroom 1, not shown on the proposed first floor plan. Since the first floor plan otherwise shows no window to the bedroom in question, this is presumed to be an error and I have based my decision on the elevation drawing.

Main Issue

4. The main issue in this case is whether the proposal would preserve or enhance the character or appearance of the Wirksworth Conservation Area.

Reasons

5. Wirksworth is an attractive small market town, and the Conservation Area (the WCA) covers a large part of the town and surrounding significant areas of historic landscape. The appeal site lies just to the south of the town centre and
has two frontages; onto St John’s Street, the main road running roughly from north to south through the town, and onto Wood Street, a side road running off St John’s Street to the east. Around St John’s Street the WCA is characterised by a range of attractive brick built and rendered buildings, including retail at ground floor and full residential buildings. Wood Street has a different character, with commercial and light industrial uses leading to an area of residential housing located just outside the WCA.

6. The site is in use as a builder’s storage yard, and contains two buildings; a large old red brick cinema fronting St John’s Street which has been converted internally for storage, offices, and disused shops on the frontage, and a disused builders and joiners shop and storage building to the rear of the site which has a gable frontage to Wood Street. The eastern boundary of the site abuts short residential gardens to properties on Nether Gardens.

7. The Wirksworth Conservation Area Appraisal (Derbyshire Dales District Council, Wirksworth Town Council and Wirksworth Civic Society, April 2001) divides the WCA into 11 sub-areas. The appeal site lies within sub area 3, St John’s Street. The appraisal singles out the builders and joiners shop on the appeal site as an inappropriate building within the WCA, and states that in particular its yellow roof detracts from views of the town from surrounding areas.

8. The proposal would renovate and extend the old cinema building, refurbishing the shop on the ground floor frontage, providing offices above and 7 apartments behind. The façade of the cinema would be maintained. The old cinema and the adjacent building, the Memorial Hall are set back off the main road frontage. The Wirksworth Civic Society and the County Council consider that the proposal represents an opportunity to demolish the cinema and return the street pattern to a pre 1930’s time, where the building line ran closer to the road. However, I consider that the cinema represents an important chapter in the town’s history. Although not a listed building, the property is not without merit and is clearly a former cinema. Its removal would adversely affect the character of the WCA. I also note in this respect that the District Council are in favour of preserving the façade of the building.

9. At present the sides and rear of the former cinema are falling into disrepair, with render falling off in places. To allow for windows for the proposed apartments, three main additions in the form of metal clad protruding bays are proposed on the south elevation of the building, along with two on the rear elevation. These additions are triangular when viewed in plan form, allowing the windows to be angled towards the rear of the site. These features would largely be hidden from St John’s Street by an existing staircase on the front façade of the building. Whilst these features would be unashamedly modern, they would enliven the plain design of the side of the former cinema and have the potential, with correct materials and the repair of the remainder of the building, to significantly improve the character and appearance of the property. The metal cladding would also assimilate well with the existing metal roof of the former cinema when viewed from Wood Street.

10. The existing builders and joiners shop at the rear of the site is an unattractive gritstone blockwork building, with a shallow pitched yellow metal roof. The building, particularly when combined with the surrounding builders yard detracts significantly from the appearance of the WCA. The proposal seeks to demolish this property and construct a new building on a very similar footprint.
The proposed apartments would have a steeper pitched roof, more resonant of properties on St John’s Street and of the church on the corner of this street and Wood Street. The proposal would have the same protruding bays as the proposed conversion of the cinema would have to provide angled windows. These angled windows would allow the design theme of the proposed converted cinema to be carried through the site, whilst angling views away from the most closely sited rear windows of the properties on Nether Gardens.

11. The majority of the proposal would be faced with red brick, although the western elevation would be largely rendered, and the abutments would be metal clad. The metal cladding would be replicated by a central protruding feature on the front gable (not timber, as the Council suggest). The metal element would match with the remainder of the site and provide a clue as to the former industrial use of the site. The materials chosen as a whole would respond well to the location and the character of the area, reflecting the former use of the site and the agricultural type shed opposite the appeal site, with the red brick matching the residential areas to the east and on St John’s Street.

12. The plans also indicate a metal profile roof, although submissions from the appellant indicate their willingness for this to be a tiled roof should it be necessary. I consider that a tiled roof, whilst different from the former cinema building, would be a more attractive addition to the building, would match the properties on St John’s Street and would also improve views of the town and WCA from the surrounding hills. The new proposed building and the surrounding re-surfaced parking area would significantly enhance the appearance of the WCA.

13. When taken as a whole, I therefore conclude that the proposal would enhance the character and appearance of the Wirksworth Conservation Area. The proposal would comply with Policies SF1, SF5, H1, H9 and NBE21 of the Derbyshire Dales Local Plan (November 2005) which together seek to ensure that new proposed residential development in a Conservation Area makes full use of, and enhances the built environment, is related to surrounding properties and land uses, is in scale and character and respects the character and appearance of the setting of a settlement and preserves or enhance the character or appearance of the Conservation Area. In this regard I have not considered explicitly the policies referred to in the decision notice of the Council’s Pre-Submission Draft Local Plan as I note that the Plan has not yet been subject to examination and that the Council specifically state that the Draft Plan is not introduced to this appeal.

14. The proposal also complies with the National Planning Policy Framework, which states in paragraphs 17 and 131 that planning should always seek to secure high quality design and that in determining applications, account should be taken of the desirability of sustaining and enhancing the significance of heritage assets and the desirability of new development making a positive contribution to local character and distinctiveness.

Other Matters

15. Local residents raise concerns over the possibility of overlooking from both the proposed conversion of the cinema and the new proposed building. However, the shape of the protruding bays and the windows they contain would help to make sightlines between the proposal and the closest existing dwellings on Nether Gardens angled and reduce the likelihood of this occurring. This would
also assist in reducing any light pollution. I do not consider that the light that would be emitted from the proposed apartments would be significant enough to adversely affect neighbour’s living conditions in a town centre location.

16. The Civic Society raises the concern of the loss of the employment use. However, it appeared from my site visit that little employment use remains of the site. The yard and buildings appeared to be used for storage only and the retail units at the front of the former cinema do not appear to have been used for some time. In addition to this, I am mindful that the residential use, particularly of the rear of the site would potentially improve levels of noise and disturbance for nearby residents. The proposal’s improvement and retention of the St John’s Street retail unit and office use above would also potentially assist in bringing employment back to the site frontage.

17. A neighbouring resident states concerns over the height of the new proposed building on site. However, although the ridge of this proposed apartment building would be higher than the existing unit, the eaves levels would be lower. Consequently the bulk of the building when viewed from the west would be reduced.

18. Concerns are also raised over the location of proposed bin stores. These appear to have gone through several proposed locations during the evolution of the design of the proposal, and given this I note that the Council have suggested conditions concerning their precise design and location. This would help to alleviate any potential impact of the bin stores on the living conditions of nearby residents.

Conditions and Conclusion

19. I have imposed conditions concerning implementation and compliance with plans, in the interests of proper planning and for the avoidance of doubt. I have also imposed conditions concerning the submission of materials samples including render colour, the construction of a material sample panel on site, full construction details of all proposed windows and doors in the scheme, including their colour, materials, recess and mouldings. I have amalgamated some of the Council’s conditions in this regard in order to be more precise. All such conditions relating to the appearance of the proposal are necessary in the interests of the character and appearance of the Conservation Area. Given my conclusions in paragraph 11 above I have confirmed within this condition that materials for the proposed roof of the building fronting Wood Street also are required to be approved, and that the detail shown on the approved plans relating to this issue is not agreed.

20. I have also imposed conditions requiring the submission of hard and soft landscaping details, together with proposals of replacement within 5 years should it prove necessary, and for the approval of boundary treatments. Such conditions are also necessary in the interest of the character and appearance of the Conservation Area.

21. In the interests of the living conditions of nearby residents I have imposed conditions restricting construction times on the site and for details of this construction to be provided and agreed. For the same reason I have imposed a condition confirming the proposed obscure glazed windows at the site. Given the town centre location of the scheme and number of proposed units I have also imposed a condition concerning crime prevention measures. As the site is
a builders yard, I have also imposed a condition concerning a site investigation and remediation if necessary, although I have simplified the Council's recommended conditions in this regard.

22. The Highways Authority had no concerns on the proposal, subject to the imposition of conditions concerning vehicular access from Wood Street. However, it appears that the majority of their requirements are already shown on the plans. I have thus altered and amalgamated the proposed conditions to relate specifically to those matters not shown on the plans, namely for pedestrian visibility splays. I have also imposed conditions relating to the closure of previous St John's Street access, both in the interests of highway safety. In a similar vein and for the same reason I have included conditions concerning the construction details of the proposed access and parking areas, and restricting the use of vehicular/pedestrian gates on the site.

23. Finally, as noted above, I have included a condition relating to the proposed bin store on site, allowing the details of this facility to be provided and approved in writing prior to the first occupation of an apartment on the site.

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

Jon Hockley
INSPECTOR

SCHEDULE OF 19 CONDITIONS

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

2) The development hereby permitted shall be carried out in accordance with the following approved plans: 818-001; 818-007 Rev F; 818-008 Rev B; 818-009 Rev B; 818-010 Rev A; 818-011 Rev D; 818-012 Rev D; 818-013 Rev E; 818-014 Rev A; 818-015 Rev C; 818-016 except in respect of the roof material shown on plan No 818-013 Rev E and except in so far as may otherwise be required by other conditions to which this permission is subject.

3) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the buildings hereby permitted, including new roofs, have been submitted to and approved in writing by the local planning authority. Samples shall include details of the colour(s) of the render to be used in the proposed buildings. Development shall be carried out in accordance with the approved details.

4) No development shall take place until a 2 metre square sample panel of the materials submitted in accordance with Condition (3), including samples of type of pointing (mortar mix and method of application) has been erected on site for inspection and approval. Development shall be carried out in accordance with the approved details.
5) No development shall take place until full details of the proposed windows and doors have been submitted to and approved in writing by the local planning authority. Details submitted shall include details of colour, material, design, pattern, positioning and recess within the walls of all proposed windows, doors and rooflights, and construction details of the windows and doors (fully dimensioned vertical and horizontal sections at a scale of 1:5 and mouldings at a scale of 1:1). Development shall be carried out in accordance with the approved details.

6) No development shall take place until there has been submitted to and approved in writing by the local planning authority a scheme of hard and soft landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development. Details shall also include all plant species, planting sizes and densities, number of each species to be planting and their protection, means of enclosure and hard surfacing materials.

7) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written approval to any variation. All hard landscaping shall be carried out in accordance with the details approved under Condition (7).

8) No development shall take place until there has been submitted to and approved in writing by the local planning authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the buildings are occupied. Development shall be carried out in accordance with the approved details.

9) Demolition or construction works shall not take place outside 0800 hours to 2000 hours Mondays to Fridays and 0900 hours to 1300 hours on Saturdays nor at any time on Sundays or Bank Holidays.

10) Prior to the first occupation of the buildings hereby permitted, a scheme detailing measures to minimise the risk of crime to meet the specific security needs of the application site and the development shall be submitted to and approved in writing by the local planning authority. The scheme shall be carried out in accordance with the approved details.

11) No development shall take place until a site investigation of the nature and extent of contamination has been carried out in accordance with a methodology which has previously been submitted to and approved in writing by the local planning authority. The results of the site investigation shall be made available to the local planning authority before any development begins. If any contamination is found during the site investigation, a report specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the local
planning authority. The site shall be remediated in accordance with the approved measures before development begins.

If, during the course of development, any contamination is found which has not been identified in the site investigation, additional measures for the remediation of this source of contamination shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures.

12) No development shall take place, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
   i) the parking of vehicles of site operatives and visitors
   ii) loading and unloading of plant and materials
   iii) site accommodation
   iv) storage of plant and materials used in constructing the development.

13) Subsequent to the implementation of the development, a pedestrian visibility splay measured at a 45 degree angle from a point 2m along the back edge of the footway either side of the entrance into the site and 2m deep into the site shall be kept clear of any object greater than 0.6m in height relative to the adjoining carriageway level.

14) No development shall take place until details have been submitted to and approved in writing by the local planning authority of alterations to any existing vehicular access to St John’s Street made redundant by the proposal. Details shall include a physical barrier approved in connection with Condition (8) to the access and for the existing vehicle crossover to be reinstated with full height kerbs and appropriate construction, as footway (or verge). Vehicular access to the development shall only be taken from Wood Street. Development shall be carried out in accordance with the approved details.

15) No dwelling shall be occupied until the proposed new access between each respective plot and the existing public highway space has been laid out within the site in accordance with drawing Nos 818-007 Rev F and 818-015 Rev C, at least 4.1 m wide, constructed to base level and drained in accordance with the County Council’s specification for private development roads. The access shall be fully surfaced and completed within 6 months of occupation of the 10th dwelling unless otherwise agreed in writing with the local planning authority.

16) There shall be no gates or other barriers at the vehicle access point within 6m of the nearside highway boundary and any gates shall open inwards only. No pedestrian gates, or any part of their opening arc shall be permitted to open out over the public highway.

17) No dwelling shall be occupied until space has been provided within the site in accordance with drawing No. 818-007 Rev F for the parking and manoeuvring of residents, service and delivery vehicles (including the secure covered cycle parking) laid out, surfaced and maintained throughout the life of the development free from impediment for its designated use.
18) Notwithstanding the details on the approved drawings, this permission does not grant approval for the two proposed bin stores. No development shall take place until details have been submitted to and approved in writing by the local planning authority of a bin storage facility. The approved bin store shall be provided prior to occupation of the dwellings and shall thereafter be retained and maintained for the life of the development.

19) Before the first occupation of the buildings hereby permitted the windows on the western elevation of the Wood Street building shall be fitted with obscured glass and shall be permanently retained in that condition.
Costs Decision

Site visit made on 22 September 2014

by Jonathan Hockley BA(Hons) DipTP MRTP
an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 20 October 2014

Costs application in relation to Appeal Ref: APP/P1045/A/14/2217332
Stones of Wirksworth Ltd, Wood Street, Wirksworth, Matlock DE4 4DW

- 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 Stone for a full award of costs against Derbyshire Dales District Council.
- The appeal was against the refusal of planning permission for enlargement of retail unit and conversion of builders' storage building to B1 office unit and 7 apartments. Demolition of workshop and erection of replacement building for 4 apartments

Decision

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

Reasons

2. This application was made with reference to the former Circular 3/09. This has now been superseded by the government’s Planning Practice Guidance (PPG). Having regard to the circumstances of this particular case, neither party would be prejudiced by basing my decision on the latter, which is what I have done. The PPG advises that costs may be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.

3. The applicant considers that the Councillors at the Planning Committee provided vague, unsubstantiated and incoherent reasons as to why the development would be harmful to the Wirksworth Conservation Area, and that this is reflected in the appeal statement, which is claimed to contain no clear justification, reasonable planning grounds or relevant evidence for the Council’s decision to refuse the application.

4. However, the Council have prepared an appeal statement seeking to justify their decision. In particular, paragraphs 3.12, 3.13 and 3.15 of their statement expand upon the reason for refusal and provide further justification for their decision. Paragraph 3.12 also expands on the process of how the decision was arrived at. Although I differ in the conclusion I have reached on the appeal itself, I do not consider therefore that the Council have behaved unreasonably in this matter.

5. Any dissatisfaction with Councillor’s conduct at the Planning Committee meeting itself should appropriately be made in the first instance through the Council’s own complaints procedure.

www.planningportal.gov.uk/planninginspectorate
6. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated.

Jon Hockley

INSPECTOR