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23 February 2015

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 3 March 2015 at 6.00pm in the COUNCIL CHAMBER, TOWN HALL, MATLOCK DE4 3NN.**

Yours sincerely

A handwritten signature in black ink, appearing to read "Sandra Lamb", with a stylized flourish at the end.

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.

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

3 February 2015.

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.

	Page No.
4.1 APPLICATION NO. 14/00889/FUL (Site Visit) Extensions to agricultural building land off Alders Lane, Tansley.	5 - 10
4.2 APPLICATION NO. 14/00843/FUL (Site Visit) Erection of dwelling and detached garage (resubmission of planning application 14/000126/FUL) land to the rear of Whiteleas, Oaksedge Lane, Tansley.	11 - 18
4.3 APPLICATION NO. 14/00819/FUL (Site Visit) Two semi-detached dwellings at Barnes Croft, Canterbury Road, Wirksworth.	19 - 26
4.4 APPLICATION NO. 14/00519/FUL (Site Visit) Hand car wash, storage container and fencing at land adjacent to Peak Village Outlet, Rowsley.	27 - 35
4.5 APPLICATION NO. 14/00820/FUL (Site Visit) Redevelopment of site to provide restaurant/food takeaway and bulk wine retail store with associated parking (revisions to planning permission 14/00249/FUL) at 43 Bakewell Road, Matlock.	36 - 49
4.6 APPLICATION NO. 14/00882/FUL Change of use of dwellinghouse to office (Use Class B1) and erection of detached garage at 10 Imperial Road, Matlock.	50 - 58
5. APPEALS PROGRESS REPORT To note a report on appeals to the Planning Inspectorate.	59 - 64

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

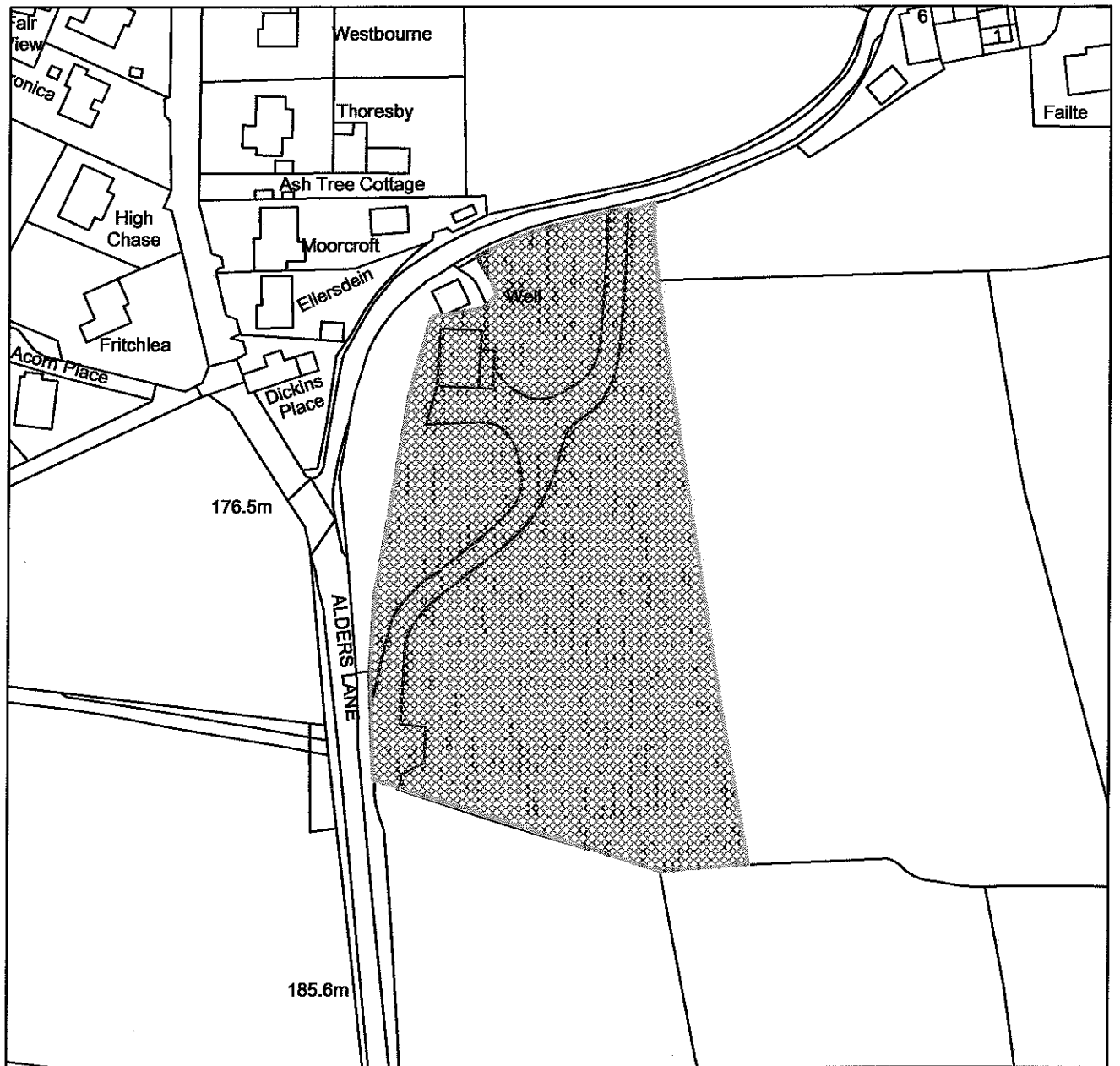
COMMITTEE SITE MEETING PROCEDURE

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.

14/00889/FUL

Land off Alders Lane, Tansley



Derbyshire Dales DC

1:1,489

Date: 23/02/2015

100019785

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

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

**14/00889/FUL EXTENSIONS TO AGRICULTURAL BUILDING LAND OFF ALDERS
LANE, TANSLEY FOR MR P STOKE**

Application Type: Full
Parish Council: Tansley

Date of Receipt: 29.12.14
Case Officer: Mrs H. R. Frith

THE SITE AND SURROUNDINGS:

The application relates to an existing agricultural building located in a flattened out area of land on the outskirts of Tansley. There is an earth bund to the north of the site adjacent to Thatcher's Lane which restricts views of the site from the north. The main access into the site is via Alders Lane to the south west of the site. The land rises to the south leading to open countryside. Residential properties are located to the west of the site within approximately 25m of the existing building.

THE APPLICATION:

Planning permission is sought to erect two extensions to the existing building. One extension would be to the eastern elevation in the form of a lean-to structure measuring 13.75m by 6.1m with the roof line leading from the existing eaves line of the building. This extension is proposed to house the sheep.

The second extension is to the southern end of the building to match the existing height and width of the building with measurements of 8.9m by 6.1m. This extension is proposed to house fodder.

Both extensions are proposed to be of design and materials that will complement the existing with concrete cladding to the lower walling, and profile sheeting above and to the roof in a dark green colour.

The applicant has provided detailed information relating to the land farmed by the applicant. The applicant currently owns 5 acres and rents a further 27 acres within the locality. The applicant currently uses the land to graze sheep but now wishes to alter the operation of the farming enterprise to rear and lamb 20 sheep and produce fodder. The applicant requires appropriate housing and storage for this alteration to the needs of the agricultural use.

The applicant's agent has confirmed that vehicle access to the site will continue to be via the Alders Lane access.

RELEVANT HISTORY:

14/00036/FUL Extensions to agricultural building for livestock and fodder storage – Withdrawn

12/00709/FUL Retention of farm track – Refused

10/00792/FUL Engineering operations to re-profile existing earth bund – Granted with conditions

DDD/0399/0126 Retention of field access – Granted with conditions

DDD/1295/0799 Erection of dwelling (Outline) – Refused

AN/WED/93/24 Agricultural storage building - Granted subject to a condition that the building will not be used for the keeping of livestock.

CONSULTATIONS:

Parish Council –

- Concerns over how access will be gained to the proposed extension to the agricultural storage buildings
- A flooding issue at this site has already been the subject of serious complaints from the PC and the problems have not been addressed or enforced.
- There are already enforcement issues regarding the planning decisions from this applicant on Alders Lane (removal of gate posts further up the lane)
- Please see original planning application which was for the storage of agricultural equipment, some planning conditions have not been addressed.

Local Highway Authority – No objections subject to agricultural use in support of existing farming activities on surrounding controlled farmland.

DDDC Environmental Health – Confirmed that the housing of sheep is not a cause for concern in terms of noise, nuisance or pests. Would recommend conditions to ensure the building is not used to house pigs or chickens and that a maximum of 30 be housed as any significant increase in numbers of sheep would require reassessment.

Coal Authority – Recommend including standing advice on any permission

REPRESENTATIONS:

One letter of objection has been received from a local resident which raises the following concerns:

- This is a significant change from an inert storage facility to an active business
- The change will cause noise from machinery and animals and would be through the day and night in what is a very quiet and tranquil environment.
- During lambing would the number of sheep increase from 20 to 60+ with associated noise
- What mitigation measures for the potential smell, rodents and flies associated with the storage of feed and manure.

POLICIES:

Adopted Derbyshire Dales Local Plan 2005

SF4: Development In The Countryside

SF5: Design And Appearance of Development

EDT13: Buildings Associated With Agriculture, Forestry Or Other Rural Based Enterprise

NBE8: Landscape Character

TR1: Access Requirements And The Impact Of New Development

National Planning Policy Framework (NPPF) and National Planning Policy Guidance

ISSUES:

The above mentioned policies of the Adopted Derbyshire Dales Local Plan can still be taken into consideration in the determination of this application as they are consistent with the requirements of the NPPF in accordance with paragraph 215.

Principle

The applicant has put forward a justification for the proposed extensions in accordance with the change to the operation of the farming enterprise. The proposed extensions are modest and in association with the existing building and meet the principle requirements of being reasonably necessary for the purposes of agriculture. The proposal therefore meets the principle requirements of Policies SF4 and EDT13 of the Adopted Derbyshire Dales Local Plan.

Landscape Impact

The proposed additions to the building are reasonably modest in scale. The existing building is well screened within the landscape by existing tree planting and an earth bund which was installed before the associated planning permission in 2010. The lean-to structure will be of lower height than the existing building and due to this will not be of any significance in terms of visual impact when viewed from Thatchers Lane from the north and will be extremely well screened from Alders Lane. The southern extension to the height of the existing building will be screened by the existing building from the north and has marginal potential to be seen in association with the existing building from Alders Lane. It is therefore considered that the proposal is acceptable in terms of the minimal impact it will have upon landscape character. The proposal therefore meets the requirements of Policies SF4, EDT13 and NBE8 of the Adopted Derbyshire Dales Local Plan (ADDLP).

Amenity

Concern has been raised by a neighbouring resident that the proposed use of the extension to the east of the building to rear and lamb 20 head of sheep will have a detrimental impact upon their amenity in terms of noise, smells and pests. However, the Council's Environmental Health Officer has considered the matter and subject to conditions regarding the use of the building for housing pigs and chickens and a restriction on the total number of sheep, there is no concern regarding the proposal in terms of the impact upon neighbouring residents. It is therefore considered that the impact upon the neighbour is acceptable in accordance with guidance contained within the NPPF.

Enforcement issues

The enforcement and flooding issues raised by the Parish Council relate to the site as follows:

- The earth bund was granted planning permission in 2010 subject to conditions. A complaint was received regarding the compliance with conditions which was investigated in 2011 and no breach of planning control was found.
- The applicant has erected gate posts on the land and a complaint was received regarding the siting of these posts. The posts are permitted development and therefore no enforcement action could be taken.
- The flooding relates to the installation of drainage from the site. There is no planning breach for which enforcement action could be taken in association with the drainage/flooding issue.

The planning components of all of these matters are considered to be resolved and no further action is to be taken by the Local Planning Authority. These matters should not impact upon the determination of this application.

Conclusion

The proposal is reasonably required for the purposes of agriculture and will have minimal landscape impact. Subject to conditions the proposal will not harm residential amenity and therefore refusal on these grounds cannot be justified.

OFFICER RECOMMENDATION

To grant planning permission subject to the following conditions:

1. Condition ST02a: Time Limit on Full
2. There shall be no pigs or chickens housed within the extended building.
3. Animals shall only be housed in the lean-to extension on the eastern elevation.
4. With the exception of 4 weeks in any calendar year during lambing time there shall be no more than 30 sheep housed within the extension to the building hereby permitted.

Reasons:

1. Reason ST02a
- 2-3. For clarification and to protect residential amenity in accordance with guidance contained within the National Planning Policy Framework.
4. To protect residential amenity in accordance with guidance contained within the National Planning Policy Framework.

NOTES TO APPLICANT:

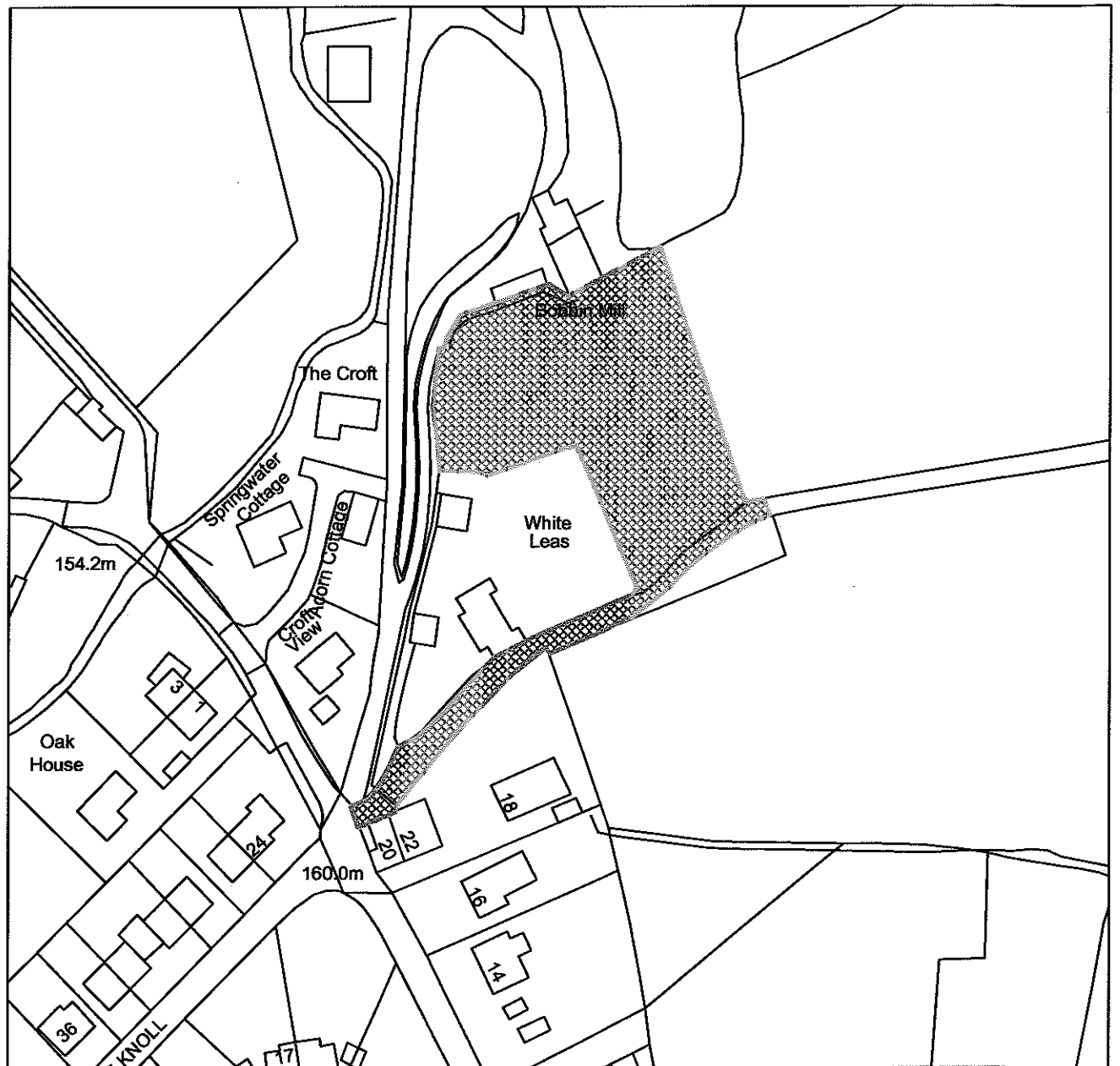
1. The Local Planning Authority have during the consideration of this application engaged in a positive and proactive dialogue with the applicant which has resulted in revised proposals which overcame initial queries as to the present use of the land and buildings.
2. The Town and Country Planning (Fees for Applications and Deemed Applications, Requests and Site Visits) (England) Regulations 2012 (SI 2012/2920) stipulate that a fee will henceforth be payable where a written request is received in accordance with Article 30 of the Town and Country Planning (Development Management Procedure) Order 2010. Where written confirmation is required that one or more Conditions imposed on the same permission have been complied with, the fee chargeable by the Authority is £97 per request or £28 where the related permission was for extending or altering a dwelling house or other development in the curtilage of a dwelling house. The fee must be paid when the request is made and cannot be required retrospectively. Further advice in regard to these provisions is contained in DCLG Circular 04/2008.

3. This decision notice relates to the following documents:
 - Design and Access Statement received 29.12.14
 - Local Requirements Statement received 29.12.14
 - X4 letters regarding rental agreements received 29.12.14
 - Elevation details no. 1063-001 received 29.12.14
 - Block plan no. 1063-002 received 29.12.14
 - Additional information contained in a letter from the Agent dated 19.02.15 and received 20.02.15

BACK TO AGENDA

14/00843/FUL

Land to the rear of White Leas, Oaksedge Lane, Tansley



Derbyshire Dales DC

1:1,250

Date: 19/02/2015

100019785

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

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

**14/00843/FUL ERECTION OF DWELLING AND DETACHED GARAGE
(RESUBMISSION OF PLANNING APPLICATION 14/000126/FUL)
LAND TO THE REAR OF WHITELEAS, OAKSEGE LANE,
TANSLEY MR. AND MRS. D. SMITH**

Parish Council: Tansley
Application type: Full

Date of receipt: 08.12.15
Case Officer: Mr. G. Griffiths

THE SITE AND SURROUNDINGS:

The application site is an area of land which has been previously identified as being garden. It is located to the rear of existing dwellinghouses and the village lies to the south and west with the Bobbin Mill to the north. The land to the east of the site is open fields, and the land to the south east, on which a stable building has been erected and an agricultural storage building has been approved, is also owned by the applicant.

The site is outside of the Settlement Framework boundary for Tansley identified in the Adopted Derbyshire Dales Local Plan (2005).

THE APPLICATION:

Full planning permission is sought for the erection of a two storey dwellinghouse in an L shaped form. It is proposed to measure 12.9m wide by 6.25m deep and 7.4m high. It is proposed to have a front projection measuring 8.5m deep by 6.9m wide and 6.4m high. There is a lean-to porch proposed on the front elevation which would measure 3.6m wide by 1.4m deep and 3.6m high. To the rear, there is proposed to be a lean-to projection measuring 5.3m wide by 2.7m deep and 5m in height.

The dwellinghouse is proposed to be constructed with reclaimed gritstone walls and a slate roof with solar slate and solar panels. The windows/doors would be hardwood/softwood treated frames with triple glazing.

The dwellinghouse is proposed to provide a lounge, kitchen/dining room, utility, pantry, bedroom/study with en-suite on the ground floor with three bedrooms, bathroom and ensuite on the first floor.

A garage and car port building is proposed to be detached from the dwellinghouse and measure 6.7m wide by 6.3m deep and 4.2m high and be constructed with reclaimed gritstone walls and timberwork with a slate roof.

The applicant proposes the existing landscaping be retained, with the removal of only two trees and has submitted an arboricultural statement. The applicant advises that the details of the hardsurfacing would be submitted for approval as a condition on any grant of planning permission.

The applicant has submitted a Design and Access Statement to justify the development in the context of local and national planning policies and guidance. The applicant also states that the site was part of the garden to Whiteleas which the applicants owned and occupied until June 1997 when Whiteleas, and its current curtilage, was sold off. The applicant refers to a planning appeal being allowed for a Certificate of Lawful Existing Use where the application site was formally identified as a 'private garden.'

The applicant refers to the site being identified as being included within the Settlement Framework boundary in the emerging Local Plan. Whilst it is noted that the Plan has currently been withdrawn from consideration, the applicant considers that the ultimate adoption of the Plan will include the site within the Settlement Framework boundary for the village.

RELEVANT HISTORY:

14/00126/FUL	Erection of dwelling and detached garage – Withdrawn
11/00340/CLEUD	Certificate of Lawful Existing Use or Development - Storage of materials and equipment associated with maintenance of garden and touring caravan – Granted
07/00947/CLEUD	Certificate of Lawfulness for an Existing Use - Curtilage to dwelling (Use Class C3) – Granted
04/03/0162	Certificate of Lawfulness for an Existing Use - Private garden and vehicular access – Refused – Appeal Allowed
03/07/0532	Certificate of lawful existing use (residential curtilage) – Refused
0896/0520	Incorporation of agricultural land within residential curtilage - Granted

There are several permissions granted for stables and an agricultural building on the applicant's neighbouring land.

CONSULTATIONS:

Parish Council – Object:

- site is currently outside of the Settlement Framework Boundary.

Local Highway Authority – Comment:

- access is substandard in terms of exit visibility and construction but not considered that the additional traffic movements associated with one additional dwelling would result in a significant impact on highway safety
- turning of suitable dimensions will be required for service/delivery vehicles as may otherwise be required to leave vehicle on highway for overly long period of time in order to carry goods from highway over a long distance or reverse along the driveway
- applicant will need to consult refuse collection department to ascertain details of what will be acceptable for number and location of bins
- if a large refuse vehicle needs to enter the site will need a swept path analysis
- bin storage should not obstruct the private drive, parking or turning provision
- dwell area for bins on collection days is recommended
- guidance recommends access width of at least 3.7m to allow the necessary access by a fire engine where any proposed development in excess of 45m from the highway - applicant should consult building control and/or the Fire Authority regarding suitability of a sprinkler system
- sufficient space in curtilage to provide an acceptable level of parking and turning
- request previously recommended conditions.

Further comment:

- any of the proposed locations should be acceptable subject to no obstruction of the access albeit presume that the applicant has consulted with the refuse collection department and that these locations are acceptable to them.

Coal Authority - Comment:

- does not fall within the defined Development Low Risk Area and include standing advice in an informative to the applicant.

REPRESENTATIONS:

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

- significant increase in traffic along access with particular concern during the construction phase
- access is extremely narrow with large vehicles passing to side of the house – risk of wall being struck and damage to foundations
- increased traffic flow will impact on pedestrian safety walking to and from neighbour's property
- poor visibility and greater volume of traffic will significantly increase risk of vehicle collision along shared drive and junction to the public road
- loss of amenity caused by increase in traffic driving past house
- usage of access in the evening and night is currently minimal – would be very significant loss of amenity with increased noise and vehicle lights at those times
- significant loss of privacy given proximity of access to neighbour's property
- no reference to how connection of sewage to the main system will be achieved.

Two letters of support for the application from Tansley residents. The comments can be summarised as follows:

- site is secluded and not visible from anywhere
- understand the proposed building is in the settlement boundary
- believe plot included in settlement framework boundary in emerging plan
- as the Council is under pressure to build more houses, the application should be approved
- applicant has been an active member of the community for more than 20 years and consider it appropriate for him to build a house and live within the community once again.

POLICIES:

1. Adopted Local Plan (2005)
 - SF4 Development in the Countryside
 - SF5 Design And Appearance of Development
 - H4 Housing Development Outside Settlement Framework Boundaries
 - H9 Design And Appearance Of New Housing
 - NBE6 Trees And Woodland
 - NBE26 Landscape Design in Association With New Development
 - TR1 Access Requirements And The Impact Of New Development
 - TR8 Parking Requirements For New Development
2. National Planning Policy Framework
3. National Planning Practice Guidance

ISSUES:

The issues to consider are the principle of residential development on this site, visual impact, impact upon the amenities of neighbouring residents and highway safety and parking issues. These matters are addressed below.

Principle

In July 2014 the Draft Derbyshire Dales Local Plan was submitted for examination in public. The Planning Inspector at the examination decided that the proposed housing numbers did not meet the Objectively Assessed Need and there had not been sufficient collaboration with other Local Authorities and therefore the Plan would be found to be unsound. Since then the Draft Local Plan has been withdrawn from examination and, due to the lack of a five year housing supply, the housing policies of the Adopted Derbyshire Dales Local Plan are considered out of date. It should be noted that, in the process of taking the emerging Plan forward, the application site was proposed to be included in the revised Settlement Framework boundary.

Given the above, development has to now be considered in accordance with paragraph 14 of the National Planning Policy Framework (NPPF) which notes that, where the relevant policies of the development plan 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 on the NPPF taken as a whole.

In accordance with the NPPF, development in this location, on the fringe of a settlement, would be considered generally in accordance with the principles of sustainable development in that the site is within easy walking distance of the main services and facilities of the village centre. Whilst residential development of this site is not in accordance with Policies SF4 and H4 of the Adopted Derbyshire Dales Local Plan (2005), as the site is outside of a defined Settlement Framework boundary, these Policies are considered somewhat out dated in this case and the development would, in principle, accord with the NPPF.

There are three strands to sustainability, the economic, social and environmental roles. In this case the economic role is fulfilled by creating additional housing in a sustainable location to meet the existing housing need. The social role is met in that this would provide accommodation to meet the housing need. In terms of the environmental role, the site is deemed a garden area, albeit not attached to any immediate dwellinghouse, and the erection of the dwellinghouse would have limited environmental impact. In this respect, further consideration needs to be given as to whether this location is acceptable in terms of visual impact.

Visual Impact

The general design of the proposed dwellinghouse is considered acceptable. It would sit comfortably within a reasonably large domestic curtilage. The design of the building seeks to reflect traditional barn vernacular to some extent, albeit not wholly successfully. Nevertheless, the design, materials, scale and form of the building are considered appropriate in this backland setting adjacent to open fields.

Impact on Amenity

The proposed dwellinghouse is sited at a more than adequate distance from neighbouring dwellinghouses to not result in a significant loss of light, outlook or privacy.

There may be some impact on the neighbours at Whiteleas and 20 and 22 Oaksedge Lane with vehicles passing along the shared access. However, the applicant currently has access to the land and buildings to the rear of these properties and there is unlikely to be such an increase in comings and goings that would significantly harm the amenity of the neighbouring residents to an extent that would reasonable justify refusal of planning permission.

Landscaping

The applicant advises that the existing landscaping would be retained, albeit it is noted on the application drawings that two trees (a leylandii and an apple tree) are proposed to be felled to provide space for the garage building. However, the arboricultural report advises that the trees are of little merit and their loss is not considered significant. No additional planting is proposed but, given the nature of the land as a garden and the interrelationship with the neighbouring properties, no additional landscaping is considered necessary.

Access and Parking

The planning application has been considered by the Local Highway Authority which advised that they had some concerns with regard to the travel distances from the public highway to the dwellinghouse for service/delivery and with regard to refuse collection. The applicant has therefore submitted details of areas, within their control, that are relatively close to the highway.

The Local Highway Authority has advised that any of the proposed locations should be acceptable, subject to no obstruction of the access. However, this is on the basis that the applicant has consulted with the refuse collection department and that these locations are acceptable to them. This will need to be clarified with a condition on any grant of planning permission prior to the commencement of the development.

In this respect, the Local Highway Authority has advised of no objection to the proposal subject to conditions with respect to storage/parking/manoeuvring space being provided on site during construction, the provision of car parking and manoeuvring space, that the access is not gated and a bin storage and bin dwell area be provided.

Conclusion

The site is considered to be in a relatively sustainable location as defined by the National Planning Policy Framework and, in its design, scale, character and appearance, the dwellinghouse would meet with the aims of Policies SF5 and H9 of the adopted Local Plan and guidance contained within the NPPF. It is appreciated that the site is currently outside of the Settlement Framework boundary for Tansley, albeit there was a clear intention to include the site within the boundary as part of the emerging Local Plan.

Nevertheless, the development has to now be considered in accordance with paragraph 14 of the National Planning Policy Framework (NPPF) which notes that, where the relevant policies of the development plan 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 on the NPPF taken as a whole. In this respect, there are considered to be no substantive reasons for refusal of the dwellinghouse in principle.

Whilst there may be some impact on the amenity of the neighbour at Whiteleas with the potential for increased comings and goings, this is not considered to be of such a significant increase above the existing comings and goings associated with the agricultural land and the application site maintenance that would justify a substantive reason for refusal of planning permission. By being resident on the site, some of the comings and goings would not need to occur. As such, it is recommended that planning permission be granted.

OFFICER RECOMMENDATION:

Planning permission be granted subject to the following conditions:

1. Condition ST02a Time Limit On Full.
2. The development hereby approved shall be carried out in accordance with the original submitted documents and drawings except as amended by the drawings 2013/021/01 Rev A and 2013/021/02 Rev. A received on 26th January 2015 and except insofar as may otherwise be required by other conditions attached to the permission.
3. Samples of all materials to be used in the construction of the external surfaces of the dwelling and the hardsurfacing materials shall be submitted to and approved in writing by the Local Planning Authority before the commencement of development. The development shall thereafter be constructed in accordance with the approved details.
4. All window and door frames (including garage doors) shall be recessed in their openings a minimum of 80mm behind the front face of the external walls of the building.
5. Before any operations are commenced, space shall be provided within the site curtilage for site accommodation, storage of plant and materials, parking and manoeuvring of site operative's and visitor's vehicles together with the loading/unloading and manoeuvring of goods vehicles, designed, laid out and constructed all as may be agreed with the Local planning Authority in advance of construction work commencing and maintained free from impediment throughout the duration of construction works.
6. The premises the subject of this permission shall not be occupied until the parking and turning provision has been in accordance with the revised application drawings, laid out and constructed as may be agreed in writing with the Local planning Authority and maintained thereafter free from any impediment to its designated use.
7. The access shall not be gated, to allow all vehicles, including service/delivery vehicles access to the turning facility, unless otherwise agreed in writing with the Local Planning Authority.
8. Before the development commences, the applicant shall provide confirmation of the adequacy of the bin dwell area for use on refuse collection days which shall be provided within the site curtilage and clear of all access, parking and turning areas and shall be retained thereafter free from impediment to the designated use.

Reasons:

1. Reason ST02a.
2. To define the permission for the avoidance of doubt.
3. To ensure a satisfactory external appearance of the development and the use of appropriate materials in accordance with the government guidance contained in the National Planning Policy Framework and in accordance with the aims of Policies SF5, H9 and NBE26 of the Adopted Derbyshire Dales Local Plan (2005).

4. To ensure a satisfactory external appearance of the development and the use of appropriate materials in accordance with the government guidance contained in the National Planning Policy Framework and in accordance with the aims of Policies SF5 and H9 of the Adopted Derbyshire Dales Local Plan (2005).
5. In the interest of highway safety.
6. To ensure the provision of adequate off-street parking and manoeuvring space in the interest of highway safety to comply with Policies TR1 and TR8 of the Adopted Derbyshire Dales Local Plan (2005).
7. In the interest of highway safety to comply with Policy TR1 of the Adopted Derbyshire Dales Local Plan (2005).
8. In the interest of highway safety to comply with Policies TR1 and TR8 of the Adopted Derbyshire Dales Local Plan (2005).

NOTES TO APPLICANT:

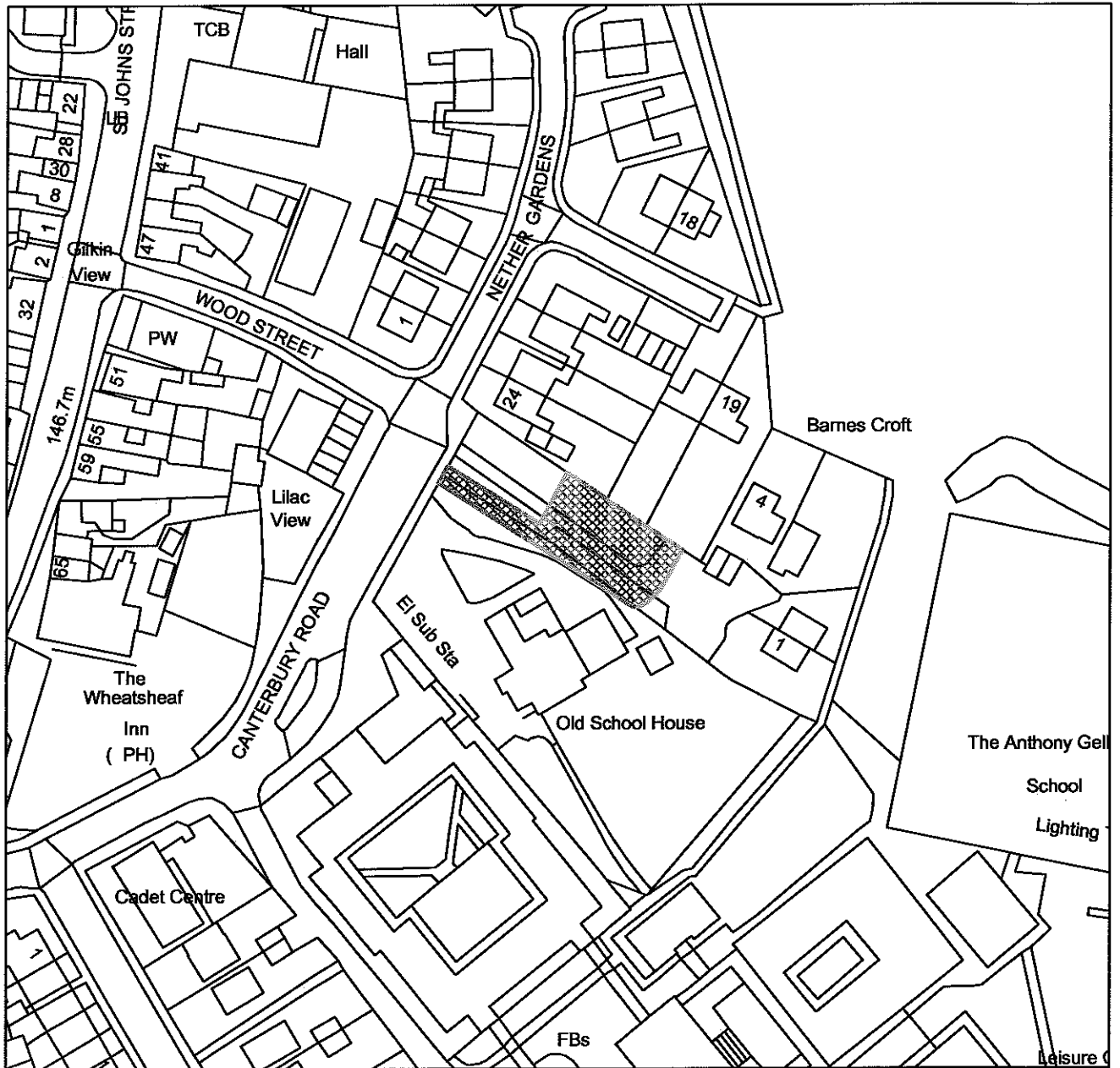
1. NFA29: Coal Mining Development Referral Areas
2. The Town and Country Planning (Fees for Applications and Deemed Applications, Requests and Site Visits) (England) Regulations 2012 (SI 2012/2920) stipulate that a fee will henceforth be payable where a written request is received in accordance with Article 30 of the Town and Country Planning (Development Management Procedure) Order 2010. Where written confirmation is required that one or more Conditions imposed on the same permission have been complied with, the fee chargeable by the Authority is £97 per request. The fee must be paid when the request is made and cannot be required retrospectively. Further advice in regard to these provisions is contained in DCLG Circular 04/2008.
3. The Local Planning Authority have prior to, and during, the consideration of this application, engaged in a positive and proactive dialogue with the applicant which has resulted in proposals which overcame initial concerns with the application relating to its design and appearance and with regard to addressing matters of planning policy.
4. This decision notice relates to the following documents:

Site Location Plan 1:1250 received on 8th December 2014
Design and Access Statement received on 8th December 2014
Arboricultural Survey received on 8th December 2014
Amended Drawing Nos. 2013/021/01 Rev A and 2013/021/02 Rev. A received on 26th January 2015
Details of bin storage received on 20th February 2014.

BACK TO AGENDA

14/00819/FUL

Barnes Croft, Canterbury Road, Wirksworth



Derbyshire Dales DC

1:1,250

Date: 19/02/2015

100019785

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14/00819/FUL

**TWO SEMI-DETACHED DWELLINGS AT BARNES CROFT,
CANTERBURY ROAD, WIRKSWORTH FOR MR D GARNER**

Application Type: Full
Town Council: Wirksworth

Date of Receipt: 28.11.2014
Case Officer: Mrs H. R. Frith

THE SITE AND SURROUNDINGS:

The application site is part of an elongated parcel of land where planning permission has recently been granted on the western most end of the plot for a new dwelling which was allowed on appeal. This application site relates to the eastern most part of the plot leading towards the dwellings situated to the end of Barnes Croft. The site is accessed from Canterbury Road close to the junction with Nether Gardens and Wood Street. The land is relatively level and laid to grass with a stone wall running along the northern boundary. To the south of the site is the garden area of the Old School House which contains a number of TPO trees within the grounds close to the boundary with Barnes Croft. The site is within easy walking distance of the shops and services within Wirksworth Town Centre.

THE APPLICATION:

Planning permission is sought to erect a pair of semi-detached dwellings running parallel with the access road and fronting towards the east with a canopied porch above the entrance doors. Unit B is the one closest to the northern boundary and Unit C is adjacent to the existing access road. The dwellings are proposed to have a living area and kitchen on the ground floor with two bedrooms and bathroom on the upper floor. The dwellings are proposed to have a stepped roof design with front gablet detail to the northern most property and with both dwellings having a bay window with entrance door to the rear (western) elevation. To either side elevation a small window is proposed on the upper floor to allow light into each bathroom.

Parking to unit B is proposed to the western end of the site with two spaces in alignment running vertically across the site. The parking to Unit C is split with one parking space to the western end of the site and one space to the eastern end of the site. A bin storage area is proposed to the north eastern corner of the site. The whole of the access road and the turning area is within the control of the applicant.

Unit B is located 0.8m in from the northern boundary whilst Unit C is 0.8m in from the access driveway and each unit has a width of 4.5m and depth of 9m.

In relation to the protected trees adjacent to the site the applicant's agent has noted in the supporting statement that:

Previous investigations by trial holes conducted by the applicant and Rodney Helliwell Arboricultural Consultant, has demonstrated no tree root growth extends to the north of and along the length of the access drive. This has been further demonstrated by the trial holes undertaken again by Rodney Helliwell on behalf of the owner of no.1 Barnes Croft, in regard to the proposed 3m extension to no.1 within 6 meters of protected trees and which has now been approved. It is also specified in the Design and Access Statement that additional tree planting is proposed but this is not noted on the submitted plans.

RELEVANT HISTORY:

13/00479/FUL Erection of dwelling – Refused: Allowed on appeal

The Inspectors findings were as follows:

- In terms of character and appearance the property would be seen in context with the neighbouring dwelling and the trees rather than as part of a wider street scene. Due

to the distance to the neighbouring house and the distance across the driveway the dwelling would not appear cramped.

- In terms of amenity, the proposal would have some impact in terms of loss of light but the impact upon habitable rooms would be marginal, therefore no material harm.
- In terms of impact upon protected trees, excavation works at the distance shown would be unlikely to damage roots. The side of the house would be beyond the canopy spread. There would be some overshadowing to the back garden and the rear of the house but this would not be oppressive given intervening distances.

11/00006/FUL Erection of dwelling – Refused

The Reasons for refusal were as follows:

1. The erection of the proposed dwelling on this site of restricted width would lead to a cramped and incongruous form of development which will harm the prevailing character and appearance of the locality and in terms of its design is also poorly related to the character and appearance of the dwellinghouses in the street scene and, as such, the proposal is contrary to Policies SF1, SF5, H1 and H9 of the Adopted Derbyshire Dales Local Plan (2005).
2. The siting of the dwellinghouse would lead to a significant loss of light and outlook to 24 Nether Gardens thus harming the amenity of the occupiers of this property. As such, the proposal is contrary to Policies SF1, SF5, H1 and H9 of the Adopted Derbyshire Dales Local Plan (2005).
3. The proposed development could have an adverse impact on the health of a tree protected by a Tree Preservation Order and lead to pressure to severely prune or fell the tree due to dense shading of the property and the perceived threat of a large mature tree only 8 metres from habitable accommodation. As such, the proposal fails to comply with Policy NBE6 of the Adopted Derbyshire Dales Local Plan (2005).

09/00659/FUL Erection of two storey dwelling – Refused - Appeal Dismissed

The Reasons for refusal were as follows:

1. The erection of the proposed dwelling house on this site of restricted width would lead to a cramped and incongruous form of development which will harm the prevailing character and appearance of the locality. The proposal is therefore contrary to Policies SF1, SF5, H1 and H9 of the Adopted Derbyshire Dales Local Plan (2005).
2. The revised access to the proposed development could have an adverse impact on the health of trees protected by a Tree Preservation Order. The proximity of the trees, which would be some 10 metres from proposed dwelling house, could also result in pressure for their severe pruning or felling due to dense shading of the property and the perceived threat of such large trees. As such, the proposal fails to comply with Policy NBE6 of the Adopted Derbyshire Dales Local Plan (2005).

The appeal was dismissed for the following reasons:

- The siting of the dwelling towards the rear of no. 24 would not relate well to the street scene where the dwellings on Nether Gardens sit much closer to the road frontage.
- Although the width of the plot has been increased this does not overcome the objection to the cramped appearance of the site.
- Overall the proposal would have an adverse impact upon the character and appearance of the surrounding area.
- The Sycamore is an attractive tree which contributes to the overall quality of the environment. Works so close to the tree may affect its health. This matter has not been substantially resolved. The concern that pressure will be imposed to fell or prune the tree would not be justified and therefore is not given weight in the appeal.

08/00774/FUL Erection of two storey dwelling and associated car parking – Refused for the following reasons:

1. The erection of the proposed dwellinghouse on this site of restricted width would lead to a cramped and incongruous form of development which will harm the prevailing character and appearance of the locality and in terms of its design is also poorly related to the character and appearance of other dwellinghouses in the area and, as such, the proposal is contrary to Policies SF1, SF5, H1 and H9 of the Adopted Derbyshire Dales Local Plan (2005).
2. The siting of the dwellinghouse would lead to a significant loss of light and outlook to 24 Nether Gardens thus harming the amenity of the occupiers of this property. As such, the proposal is contrary to Policies SF1, SF5, H1 and H9 of the Adopted Derbyshire Dales Local Plan (2005).
3. The proposed development could have an adverse impact on the health of a tree protected by a Tree Preservation Order and lead to pressure to severely prune or fell the tree due to dense shading of the property and the perceived threat of a large mature tree only 8 metres from habitable accommodation. As such, the proposal fails to comply with Policy NBE6 of the Adopted Derbyshire Dales Local Plan (2005).

08/00566/FUL Erection of two storey dwelling and associated parking – Refused for the following reason:

The erection of the proposed dwellinghouse on this restricted site would lead to a cramped and incongruous form of development which will harm the prevailing character and appearance of the locality. As such the proposal is contrary to Policies SF1, SF5, H1 and H9 of the Adopted Derbyshire Dales Local Plan (2005).

The appeal was dismissed for the following reasons:

The dwelling would look cramped exacerbated by it being located to one end of the plot this would be out of keeping with the relatively spacious layout of housing in this area to the north of the school.

08/00256/FUL Erection of 2 no. bungalows and associated access alterations- Refused for the following reason:

The proposed construction of 2 bungalows on this restricted site is a cramped and incongruous form of development which will harm the prevailing character and appearance of the locality. As such the proposal is contrary to Policies SF1, SF5, H1 and H9 of the Adopted Derbyshire Dales Local Plan (2005).

CONSULTATIONS:

Town Council:

No Objection.

Local Highway Authority:

Based on initial queries from the Highway Authority additional plans were submitted to demonstrate appropriate levels of parking within the applicant's ownership. In response to these revised plans the Highway Authority have noted given the extent of controlled land the access and egress from the proposed parking spaces is acceptable. The applicant will need to discuss bin collection with the refuse collection

organisation. A bin dwell area may be required. The applicant needs to clarify where refuse collection will take place.

REPRESENTATIONS:

Two letters in support of the proposed development have been received which make the following points:

- The proposal gives a sense of progress and contrasts favourably with its surroundings
- This will integrate the community of Barnes Croft to create a courtyard setting
- The proposal will sit well with the adjacent trees
- This will make a valuable contribution to the existing shortfall of housing stock
- Welcome completion to the Barnes Croft development making valuable use of space and creating a family zone at the end of Barnes Croft

Two letters of objection to the proposed development have been received which make the following points:

- The recently approved dwelling will have a very small back garden causing lack of amenity space all round
- The parking areas have not been shown adequately with turning space
- This is overdevelopment which will look cramped and incongruous and at odds with the prevailing character and will look constrained in form
- The dwellings will overshadow the neighbouring gardens and will have a detrimental impact upon the amenity of those residents
- If allowed working hours should be restricted and full HSE measures put in place along with vehicle management
- Incompatible with existing development
- Parking is a contentious issue at Barnes Croft which this application will exacerbate

POLICIES:

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

NBE6: Trees And Woodland

TR1: Access Requirements And The Impact Of New Development

TR8: Parking Requirements For New development

National Planning Policy Framework (NPPF) and National Planning Policy Guidance

ISSUES:

The issues to consider are the principle of residential development on this site, visual impact, impact upon the amenities of neighbouring residents, highway safety and parking and the impact upon protected trees. These issues are addressed below.

Principle

In July 2014 the Draft Derbyshire Dales Local Plan was submitted for examination in public. The Inspector at the examination decided that the proposed housing numbers did not meet the Objectively Assessed Need and there had not been sufficient collaboration with other Local Authorities and therefore the Plan would be found to be unsound. Since then the Draft Local Plan has been withdrawn from examination and due to the lack of housing supply the housing policies of the Adopted Derbyshire Dales Local Plan are considered out of date. Therefore development has to be considered in accordance with

paragraph 14 of the national planning policy framework which notes that where the relevant policies of the development plan are out of date grant permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies on this framework taken as a whole.

Development in this location would be considered generally in accordance with the principles of sustainable development in that the site is within easy walking distance of the main services and facilities of the town centre. Development of this site is also in principle accepted in accordance with the policies of the Adopted Derbyshire Dales Local Plan, whilst the housing policies are considered out of date in this case the development would in principle accord with these policies and the NPPF.

There are three strands to sustainability, the economic, social and environmental roles. In this case the economic role is fulfilled by creating additional housing in a sustainable location to meet the existing housing need. The social role is partly met in that this would provide modest accommodation to meet the housing need. However, the impact upon residential amenity of neighbouring residents has to be considered in more detail. In terms of the environmental role further consideration is needed as to whether this location is acceptable in terms of visual impact and the impact upon residential amenity.

Visual Impact

The general design of the proposed dwellings does not raise particular concern. The main issue in terms of visual impact is the cramped nature of the development. Such concern has been raised on previous appeals on this site. In the most recent appeal decision the Inspector found that the creation of a single unit on this width of site was not such a concern in terms of cramped development that a refusal would be warranted in this regard.

This case whilst similar in terms of location is for two dwellings rather than the one recently approved, but on the same narrow plot of land upon which earlier appeals have been dismissed for development being cramped.

The overall width of the site not including the access road is only 10.5m, with each dwelling measuring approximately 4.5m in width, with 0.5m between Unit B and the existing boundary wall to the north and the side elevation of Unit C being directly onto the access road. Generally in this area dwellings have a width of around 6m with distances of around 2m to the boundaries, the restrictive widths in this case demonstrate the narrowness of the development and the site.

It is considered that the proposed development of two very narrow dwellings on a narrow strip of land creates an incongruous form of development contrary to the prevailing pattern of development in the locality. As such the proposal fails to meet the requirements of policies SF1, SF5 and H9 of the Adopted Derbyshire Dales Local Plan. These policies can still be taken into consideration in accordance with paragraph 215 of the NPPF in that these policies are in accordance with the requirements of the NPPF in terms of achieving high quality design appropriate to the locality which is in accordance with the Core Principles and Part 7 of the NPPF. The development fails to meet the environmental role of sustainability contrary to guidance contained within the NPPF.

Amenity

The location of the dwellings with minimal side windows will ensure adequate distances between the existing and proposed dwellings such that any impact in terms of overlooking would not be such that refusal would be warranted. In order to ensure protection from

additional windows in the future restrictive planning conditions could be attached to any permission should the development be otherwise found to be acceptable.

The proposed dwelling Unit B is proposed to be only 0.8m from the northern boundary of the site. Immediately beyond the boundary wall are the gardens to 19 and 20 Nether Gardens. It is considered that a dwelling of the height and depth proposed in such close proximity to the boundary will be overbearing and oppressive to the residents of those properties and will have a detrimental impact upon their amenity in this respect. The proposed dwellings are sited to the south of the gardens to no's 19 and 20 Nether Gardens. The proposed dwellings in this location and in such close proximity to the boundary have the potential to overshadow the gardens to no's 19 and 20. Whilst the proposed dwelling is located at the end of long gardens it will present a tall and oppressive wall which will detract from the enjoyment of a sizeable portion of the gardens of these properties. The proposal therefore fails to meet the requirements of Policy H9 of the Adopted Derbyshire Dales Local Plan and fails to meet the social role of sustainability contrary to guidance contained within the National Planning Policy Framework.

Highway Safety

The access is considered adequate to serve the existing and proposed development. On the revised plans it has been adequately demonstrated that sufficient off street parking and manoeuvring space can be provided for each of the proposed dwellings and the existing approved dwelling to the western most end of the site. The Highway Authority is satisfied with this provision subject to a condition requiring a bin dwell area. It is therefore considered that the proposal meets the requirements of policies TR1 and TR8 of the Adopted Derbyshire Dales Local Plan and the requirements of paragraph 32 of the NPPF.

Trees

The impact development on this narrow strip of land will have upon the health of the protected trees and the potential for pressure to fell such trees due to the proximity of dwellings has been debated in previous applications. In this case the applicant has failed to demonstrate where the trees are located on the adjoining site and has not demonstrated what the impacts of the development will be on the those trees. Despite this it is considered that as a result of the Inspectors findings on the previous appeal for the dwelling to the west of the site, it is considered that the proximity to trees in this case will be no worse than that already allowed for the dwelling to the rest. As such it is not considered that a refusal regarding the potential pressure to fell any of the protected trees would be upheld on appeal.

Conclusion

Whilst this is a sustainable location the proposal fails to meet the social and environmental roles of sustainable development in that the development of this narrow strip of land for two narrow dwellings will result in an incongruous form of development detrimental to the prevailing character and appearance of the area. Also the proximity of the proposed dwellings to the boundary of the site will result in an overbearing and oppressive form of development that it will also cause overshadowing of the gardens to no's 19 and 20 Nether Gardens. As such the proposal does not meet the requirements of the relevant policies of the Adopted Derbyshire Dales Local Plan and guidance contained within the NPPF.

OFFICER RECOMMENDATION:

Planning permission be refused for the following reasons:

1. The development of this narrow strip of land with two dwellings of restricted width would result in an incongruous form of development harmful to the prevailing character and appearance of the locality. As such the proposal fails to meet the requirements of policies SF1, SF5 and H9 of the Adopted Derbyshire Dales Local Plan and guidance contained within the NPPF.
2. The siting of dwellings in such close proximity to the northern boundary of the site will result in a gable wall that is overbearing and oppressive upon the occupants of no's 19 and 20 Nether Gardens and will result in overshadowing of and reduced amenity of a sizeable part of their gardens. As such the proposal will harm the amenity of the neighbouring residents contrary to the requirements of Policy H9 of the Adopted Derbyshire Dales Local Plan and guidance contained within the NPPF.

NOTES TO APPLICANT:

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

This decision notice relates to the following documents:

Letter from the agent dated 12th January 2015 and the red edge and blue edge plan and revised block plan no. DG.14.04.PB both submitted with this letter

Design and access statement received 10.12.14

Original red edge site plan received 10.12.14

Side elevations no. DG.14.03.P received 10.12.14

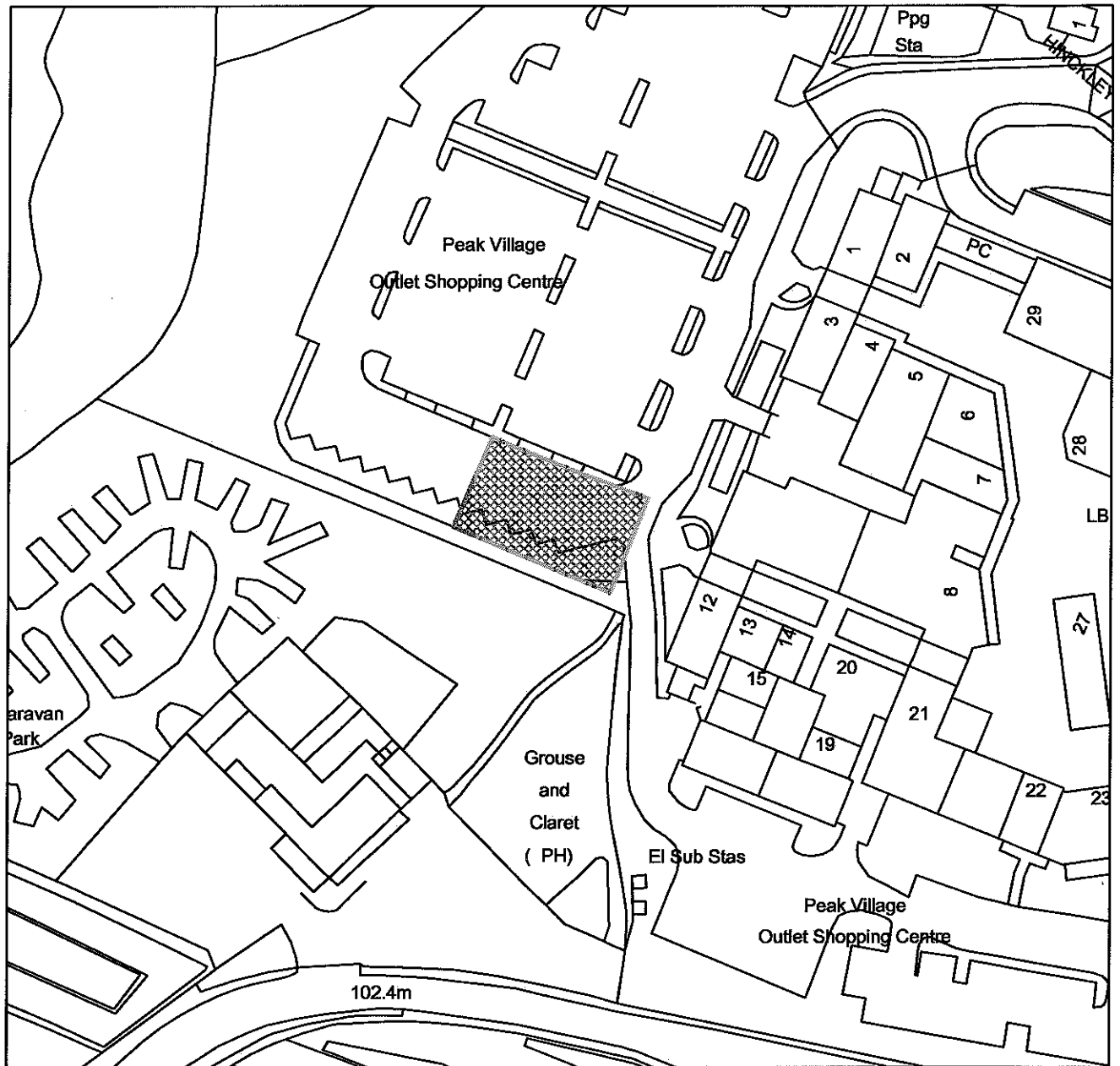
Floor plans no. DG.14.01.p received 10.12.14

Front and rear elevations no. DG.14.02.P received 10.12.14

BACK TO AGENDA

14/00519/FUL

Land adjacent to Peak Village Estates



Derbyshire Dales DC

1:1,250

Date: 19/02/2015

100019785

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14/00519/FUL HAND CAR WASH, STORAGE CONTAINER AND FENCING AT LAND ADJACENT TO PEAK VILLAGE OUTLET, ROWSLEY

Parish Council: Rowsley
Application type: Full

Date of receipt: 08.08.14
Case Officer: Mrs H Frith

THE SITE AND SURROUNDINGS:

The application site relates to the south end of the main car park which serves the Peak Village Outlet. There is mature planting to the rear of the proposed site which currently provides part of the coach parking area and is hard surfaced.

The site is located close to the village of Rowsley on the edge of the District close to the border with the Peak District National Park. The site is accessed from Chatsworth Road.

THE APPLICATION:

Planning permission is sought to fence off a small area of this coach park end of the main car park to use the area as a hand car wash. It is also proposed that a container will be installed on the site partly screened by fencing and planters. The hours of operation are intended to be 0900 to 1700 Monday to Friday, 0900 to 1700 on Saturdays and 0900 to 1600 on Sundays and Bank Holidays.

A detailed noise assessment was submitted through the application process by Clover Acoustics.

RELEVANT HISTORY:

Numerous applications relating to the development of Peak Village

CONSULTATIONS:

Town Council – Objects for the following reasons:

1. Concerned about the disposal of waste water and its potential dispersal into local water courses, reassurance is sought regarding the applicant's proposal to store and dispose of the residue
2. Concerned about the likely increase in traffic this development will generate on an already congested and hazardous highway (Chatsworth Road), the only entrance to the Peak Village site.

The PC fully supports the concerns raised by local resident

Local Highway Authority – No highway objections – See also previous informal highway comments

Environmental Health – The compressors must be kept in suitable housing that provides adequate acoustic attenuation. Details of their design must be submitted for approval by the Local Planning Authority. It should include information on the level of noise reduction each of the enclosures will achieve taking into account the overall noise levels produced by the operation at the nearest noise sensitive properties.

Alternatively, calculations must be submitted showing that the level of attenuation from the container will be the same or no greater than that which exists at the current site.

The site currently operates 4 jet washers, 4 compressors and a Hoover. The operation should be restricted to this level of equipment as any increase will lead to increase in noise levels

There shall be no radios playing or other amplified music or speech at any time
The hours of operation should be restricted to 0900 to 1700 Mondays to Saturdays, 1000 to 1600 on Sundays and Bank Holidays.

Further clarification from the applicant's noise expert was then submitted noting that the machinery referred to would be placed inside the container with a 200mm thick lining (Maxi board) as a sound barrier which will result in less noise than at the current site.

DDDC Environmental Health Officer was satisfied with this additional information subject to the restrictions noted above.

Environment Agency – Following ongoing discussion with Severn Trent the following comments have been received from the Environment Agency:
The discharge to the sewer from the car wash will be trade effluent rather than surface water. We understand that the applicant has had a meeting with Severn Trent Water regarding this aspect of the proposal. In order for the proposal to go ahead, it must be confirmed that Severn Trent Water are happy to accept trade effluent from the car wash into their sewer. Therefore we have no objections, in principle, to the proposed development subject to condition.

Peak and Northern Footpaths – Object. The car wash facility would be situated adjacent to the public footpath no. 7. The queuing of vehicles back over the width of the footpath at busy times would be unavoidable. This would block the path and make use of the path impossible. It is quite likely that walkers would have to move out of the way of vehicles in what is already an area where there is a great deal of manoeuvring of vehicles and hence potential hazards for walkers.

DCC Public Rights Of Way – Please make the applicant aware of the legal alignment of the path. The rights of way section has no objections to the proposal as it does not appear to affect the route. However, the applicant should be advised of the requirements in terms of the footpath which includes the need for the path to remain open and unobstructed along its legal alignment.

REPRESENTATIONS:

8 Letters of objection have been received which raise the following points:

Parking

- Will this operate as in Matlock as a drive through, how will this affect the remaining coach parking?
- The proposed facility will take up approximately half of the allocated coach parking
- Will coach parking be provided elsewhere on the site?
- Coach travel will alleviate traffic congestion on these busy roads
- Sufficient coach parking should be maintained to encourage this method of travel
- There needs to be a replacement drop off/pick up point for coaches

Congestion

- If a drive through then consideration should also be given to the impact upon flow on the rest of the car parking areas and the surrounding road networks, the peak village car park is not designed for such a facility
- The success of the Matlock car wash is the location next to a main road
- At peak village queuing cars for the car wash are likely to cause disruption across the whole site, Hinckley Court and onto Chatsworth Road and the A6.
- The impact of this application should be looked at alongside the recent permission for markets at Peak Village
- How many more vehicles will this add to the local road network
- The roads in Rowsley cannot take any more traffic; estimate based on staffing numbers that the increase in traffic to this car wash could be in the region of 35,000 vehicles per year

Safety

- The site of the car wash is close to a busy public right of way and a car park crossing used regularly by local school children, what considerations have been given to pedestrian safety?

Environmental Issues

- The proposed container is to be sited a short distance from the river and close to an area of the car park classified as flood plain, what provisions will be put in place for accidental spillage of chemicals into the river where there are protected species?
- Over the last 15 years the car park has flooded during periods of heavy rainfall, the Environment Agency should be given a say
- There is potential for noise disturbance from the site, e.g. Matlock car wash has a very loud radio playing
- A previous car wash set up on this site and there was noise disturbance from the pressure washers, any similar operation would cause a disturbance to residents and visitors to the Grouse and Claret caravan site.
- There will be pollution from surface water run off
- Will trade effluent from the washing of cars be capture in surface drains and discharge via an interceptor into the River or will it discharge into the main sewers
- No explanation of how drainage will be dealt with is detailed
- What will the effluent volume of the number of vehicles be?

Appearance

- If permitted conditions should be imposed ensuring that the containers and any other associated structures are removed should the venture not be successful.
- If permitted landscaping of the site should be considered.
- The proposal is out of keeping with its surroundings
- What is a 'rural type' fence and how will a shipping container be disguised? And how is this in keeping with the locality?

Other

- The creation of jobs is good but are these just being transferred from another site?
- The industrial site opposite would be a better location for such use
- It will bring no financial benefit to the village
- Very little or no employment opportunities created, the Matlock business is non local labour with zero hour contracts

- The letters of support are from people who will suffer none of the consequences of the proposal

14 Letters of support have been received which make the following points:

- Want to support the request of express hand car wash to relocate to Peak Village
- The development of McDonalds is driving out the car wash service, a new site is needed, they are young men working very hard to make a living
- A vital replacement service to keep our cars clean and our vision better
- Good service, disappointing they need to move. It is right they are supported in finding a new location
- They keep my fleet of vans clean and tidy, keep them in work
- This move has been forced on them, this gives local employment
- As a planning decision to redevelop their site has resulted in them having to relocate, you have a moral obligation to grant planning permission.
- Peak Village seems underutilised at present; relocation to this site should increase economic activity at this site to the benefit of all

POLICIES:

Adopted Local Plan (2005)

SF4: Development In The Countryside

SF5: Design And Appearance of Development

EDT2: Existing Strategic Land And Business Premises

EDT15: New Build Industrial And Business Development Outside Of Settlement Frameworks

TR1: Access Requirements And The Impact Of New Development

TR6: Pedestrian Safety

TR8: Parking Requirements For New development

National Planning Policy Framework and National Planning Policy Guidance

ISSUES:

Principle of the development

The National Planning Policy Framework has a policy presumption in favour of sustainable development. Whilst this application site is not within a defined settlement framework boundary it is close to Rowsley and Darley Dale and is on a major through route in the locality being served off of the A6. There is existing activity at the site with the shopping village and this development will hopefully provide a boost to this facility. It is likely that the car wash will be used by those on other existing trips and will not necessarily result in a significant number of isolated trips into this fringe of settlement location. The relocation of the existing business from the site in Matlock will also ensure the preservation of these employment opportunities. Therefore the use of this site for a carwash is considered to be acceptable in principle in accordance with guidance contained within the National Planning Policy Framework.

Character and appearance

The nature of the proposed use being a car wash does not lend itself to development that is generally aesthetically pleasing. In this case a container is proposed to be sited to one end of the existing car park. In order to minimise the visual intrusion of such a unit it is considered that this should be finished in a dark green colour as the unit would be seen against a backdrop of existing trees. In addition the applicant is proposing fencing around the site to allocate the area of the car wash. The details of this fencing are required by

condition to ensure an appropriate form of fencing. The applicant has also proposed to install a number of planted containers to further minimise any adverse visual impact.

There is a footpath located in the Peak District National Park to the far west of the site from where it will be possible to view the proposed car wash facility. However, from this distant view the proposed facility would be seen against the backdrop of Peak Village shopping centre and its associated car park. It is therefore considered that the proposal will not cause any harm to the character and appearance of the adjacent Peak District National Park.

In addition it is likely that the proposed use will require some directional signage. Signage is not to be considered under this application and would be subject to further approval via advertisement consent. However, it needs to be acknowledged at this stage that there is a likely need for signage which will have some visual impact which will require future assessment.

Subject to conditions it is considered that whilst there may be some minimal visual harm caused by the development, overall it will provide a valued service for local people and will preserve the jobs associated with the use. Therefore in terms of the impact upon character and appearance the proposal is considered to be acceptable in accordance with Policy SF5 of the Adopted Derbyshire Dales Local Plan and guidance contained within the National Planning Policy Framework.

Parking and congestion

Concern has been raised by local residents that the proposed use will compromise coach parking within the existing car parks of Peak Village. The car parking areas to Peak Village are large and are rarely full to capacity. It is therefore considered that sufficient space within the car parks will be available for any coach parking and manoeuvring should this development take place. In addition if the site operators find that a change is needed to the layout of the car park as a result of this development then it would be to their advantage to ensure this is carried out. The Highway Authority has no objection to the proposal.

Concern has been raised by local residents that the use of this part of the site for a car wash will lead to further congestion on the local road network. Whilst it is acknowledged that this is a serious concern for local residents that has been raised on more than one occasion it is not considered that the development of the car wash facility on this end of the car park will lead to such congestion of the road network that a refusal on these grounds would be warranted. This is not a concern raised by the Highway Authority.

Pedestrian safety

Concern has been raised by Peak and Northern Footpaths and local residents regarding the impact the development will have upon footpath no. 7 which is close to the site. It should be noted that the County Footpaths Officer has no objection to the proposal. Whilst the proposed development may increase vehicle activity close to the footpath there are pavements within Peak Village which appear to be on the alignment of the footpath and which could be used safely despite any traffic movements from proposed and existing activity. It is considered necessary to ensure the applicant is aware of the rules regarding development near footpaths and this should be added as a footnote on any permission. In addition it is considered reasonable for the applicant to provide a number of measures regarding traffic movements close to the alignment of the footpath and this can be secured via condition. Again the Highway Authority did not raise any concern with regard to pedestrian safety.

Noise

Concern has been raised regarding the potential for noise nuisance from the proposed car wash. A detailed noise report has been submitted and assessed by the Council's Environmental Health Officer who is satisfied with the details submitted subject to conditions. Therefore in terms of potential for noise nuisance the development is acceptable subject to the conditions noted in the recommendation below.

Pollution

Concerns have also been raised regarding the potential from pollution from run off from the site. Initially the Environment Agency wanted a dialogue to take place between the applicant and the Water Authority regarding the matter of drainage from the site. Whilst this has taken place it is apparent that appropriate drainage methods may take a long time to resolve with the Water Authority for which the applicant has to go through a formal application process. Therefore it has been agreed that the Water Authority and the Environment Agency are satisfied that the details of drainage from the site can be satisfactorily resolved via condition. Subject to this condition the proposal is considered acceptable as any potential for pollutants will be appropriately dealt with.

Conclusion

The development is in an area of existing activity and the car wash is likely to benefit from traffic passing the site. The proposal will preserve jobs and is considered to be sustainable. The concerns raised in terms of noise and pollution can adequately be resolved via condition. Although there are local concerns regarding parking and congestion these are not matters which are considered to warrant a recommendation of refusal. The proposal is therefore considered to be acceptable subject to conditions.

OFFICER RECOMMENDATION

Planning permission be granted subject to the following conditions:

1. Condition ST02a: Time limit on full
2. The development hereby permitted shall not be commenced until such time as a scheme to dispose of trade effluent has been submitted to, and approved in writing by the Local Planning Authority. The scheme shall be implemented as approved prior to works commencing.
3. Prior to the commencement of development detailed measures as to how to protect pedestrian safety along footpath no. 7 will be submitted to and approved in writing by the Local Planning Authority. The measures shall be carried out in accordance with the agreed details.
4. Notwithstanding the submitted details the hours of operation should be restricted to 0900 to 1700 Mondays to Saturdays, 1000 to 1600 on Sundays and Bank Holidays.
5. There shall be no radios playing or other amplified music or speech at any time.
6. The site shall operate no more than 4 jet washers, 4 compressors and a Hoover.
7. Works on site shall be carried out in strict accordance with the Noise Assessment by Clover Acoustics and the details contained in the Agent's email of the 10th November 2014.

8. The proposed container shall be finished in a dark green colour (BS 14 C 40) within 28 days of being installed on site.
9. Prior to the car wash being brought into use detail of the proposed fencing noted in the submitted details and details and number of planters shall be submitted to and agreed in writing by the Local Planning Authority. These agreed structures shall then be installed on site in accordance with the agreed details prior to the commencement of the use.

Reasons:

1. Reason ST02a
2. To protect the water environment
3. To ensure pedestrian safety in accordance with Policy TR6 of the Adopted Derbyshire Dales Local Plan guidance contained within the National Planning Policy Framework.
- 4-7. In the interests of preserving the amenity of nearby residents in accordance with guidance contained within the National Planning Policy Framework.
- 8-9. To ensure an appropriate finished form of development which has minimal visual impact in accordance with Policy SF5 of the Adopted Derbyshire Dales Local Plan and guidance contained within the National Planning Policy Framework.

NOTES TO APPLICANT:

1. Note from the Environment Agency: Please be aware that the silt trap will need to be emptied as it becomes full to ensure it continues to work effectively.
2. Your attention is drawn to the attached map which shows the legal alignment of footpath no.7.
3. Please note in regard to footpath no.7 that:
 - The route must remain open and on its legal alignment at all times
 - There should be no disturbance to the surface if the path without prior authorisation from the Rights of Way Inspector for the area
 - Consideration should be given to members of the public using the path at all times
 - A temporary closure of the footpath may be granted to facilitate public safety during the construction phase subject to certain conditions. Further information may be obtained by contacting the rights of Way section.
 - If a structure is to be erected adjacent to the public footpath, it should be installed within the site boundary so that the width of the right of way is not encroached upon.
4. The Local Planning Authority prior to the submission and during the consideration of the application engaged in a positive and proactive dialogue with the applicant relating to issues of pollution, drainage and noise.
5. With effect from the 6th April 2008, the Town and Country Planning (Fees for Applications and Deemed Applications) (Amendment) (England) Regulations 2008

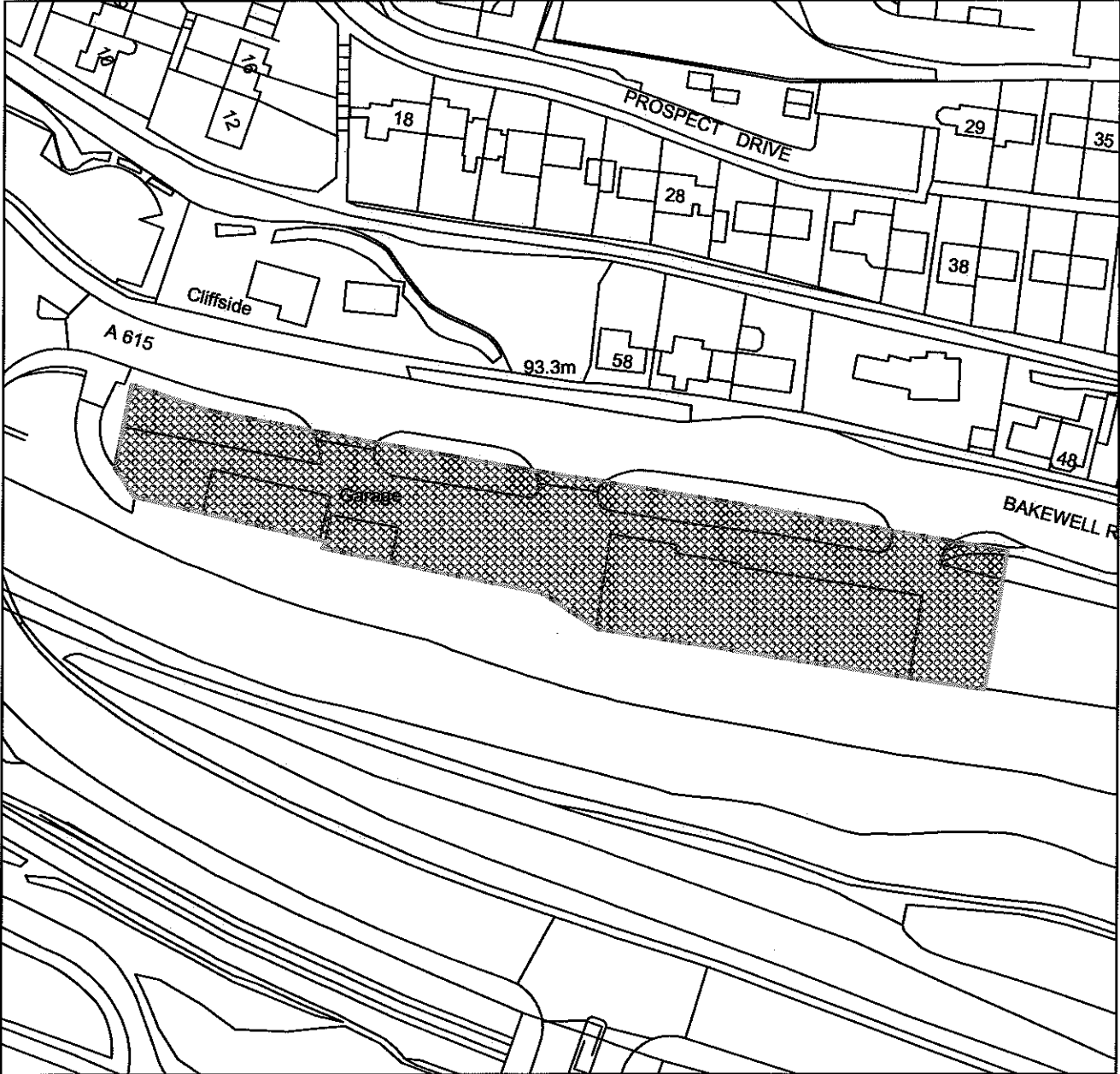
(SI 958/2008) stipulate that a fee will henceforth be payable where a written request is received in accordance with Article 21 of the General Development Procedure Order. Where written confirmation is required that one or more conditions imposed on the same permission have been complied with, the fee chargeable by the Authority is £97 per request or £28 where the related permission was for extending or altering a dwelling house or other development in the curtilage of a dwelling house. The fee must be paid when the request is made and cannot be required retrospectively. Further advice in regard to these provisions is contained in DCLG Circular 04/2008.

6. This decision notice relates to the following documents:
 - 1:2500 location plan received 09.09.14
 - 1:1250 site plan received 09.09.14
 - 1:500 block plan received 09.09.14
 - X3 photomontage of the container unit and planters received 26.08.14

BACK TO AGENDA

14/00820/FUL

43 Bakewell Road, Matlock



Derbyshire Dales DC

1:1,250

Date: 19/02/2015

100019785

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Derbyshire Dales District Council,
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Telephone: (01629) 761100.
website :www.derbyshiredales.gov.uk

14/00820/FUL REDEVELOPMENT OF SITE TO PROVIDE RESTAURANT/FOOD TAKEAWAY AND BULK WINE RETAIL STORE WITH ASSOCIATED PARKING (REVISIONS TO PLANNING PERMISSION 14/00249/FUL) AT 43 BAKEWELL ROAD, MATLOCK FOR WILLIAM TWIGG (MATLOCK) LTD.

Town Council: Matlock
Application type: Full

Date of receipt: 19.12.14
Case Officer: Mr. G. Griffiths

THE SITE AND SURROUNDINGS:

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

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

The site was a petrol filling station with showroom and car repair garage. The site was purchased by the applicant in 2002 when the filling station use was terminated and the fuel storage tanks removed. Since this closure, the main building at the eastern end of the site has had a variety of uses including car sales, motorcycle sales and repair, children's indoor play area and vintage car hire. The eastern end of the building also had a restaurant and bar use. The building at the western end of the site was used for car repair and maintenance – both buildings have now been demolished. The smaller building being used for the car wash operation remains and occupies the space between the two former buildings detailed above.

The highway verge supports a group of four semi-mature Ash trees near the roundabout and a line of four semi-mature Lime trees located between the centre and eastern side of the site. The site is within a commercial area but with residential properties on the opposite side of the road. The site is within the settlement framework boundary of Matlock.

THE APPLICATION:

This application is a resubmission of planning permission 14/00249/FUL for the redevelopment of site to provide restaurant/food takeaway and bulk wine retail store with associated parking. However, the current application has been submitted to include part of the roadside verge.

The developer initially proposed, as part of this revised application, alterations to the parking areas associated with the development which required the removal of the Ash trees on the verge near to the roundabout and the provision of a retaining wall to facilitate additional parking/manoeuvring space. Further to discussions with Officers, and given the level of objection to such a proposal, the scheme has now been amended to retain this part of the verge and the trees. The existing Lime Trees are also proposed to be retained with the further planting of four Lime trees in the verge area between the proposed accesses.

In terms of other matters, the proposed development remains essentially the same as that which has been approved. The principal alteration is that part of the roadside verge either side of the proposed accesses would to be extended into with car parking to improve vehicle circulation on the site. This would entail encroachment into the verge of some 3m. The applicant proposes to retain some 6.3m of the verge and to plant the four Lime trees on it. There are also lighting columns and a crash barrier proposed in the verge

RELEVANT HISTORY:

14/00810/ADV	Internally illuminated pole sign - Refused
14/00526/ADV	Illuminated & non-illuminated freestanding signage - Granted
14/00309/ADV	Internally illuminated pole sign – Withdrawn
14/00308/ADV	Internally illuminated and non-illuminated signage
14/00249/FUL	Redevelopment of site to provide restaurant/food takeaway and bulk wine retail store with associated parking - Granted

CONSULTATIONS:

Town Council – Object:

- the trees form part of an important visual gateway to the town
- their loss would impact on the character and appearance of the site
- if there is a need for car parking spaces, the area should be redesigned to avoid tree loss
- if trees are removed, they should be replaced.

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

Environment Agency – No objection subject to conditions regarding the flood wall, siting of the substation, surface water drainage and ground levels.

Director of Community Services (Environmental Health) – No objection.

Development Control Archaeologist – No objection.

REPRESENTATIONS:

Fifteen letters of objection from neighbours. The comments can be summarised as follows:

- street should have a strong tree lined edge
- verge was laid out in when the A6 was widened, probably in the 1960's, to create a tree-lined approach to the town centre
- tree line extends from the ARC to The Dimple with only modest interruption
- avenue-like appearance helps to maintain the identity and individual character of Matlock
- trees at the roundabout should not be removed – these were protected from damage during the raising of the highway to facilitate the new bridge over the River Derwent
- provide a seasonal screening of the business uses along the southern side of Bakewell Road
- critical that trees are retained and wine store redesigned or implemented in line with current approval
- need to recognise importance of trees in terms of wider environmental concerns such as carbon emissions, global warming and the provision of wildlife habitat
- provides respite screening for residents on the north side of Bakewell Road
- trust the trees will be protected by a Tree Preservation Order regardless of their relative arboricultural quality
- understand Tree Officer believes trees are unworthy of a TPO

- verges should stay and the area be subject to a conservation order
- this particular section of verge is important as it forms the gateway to Matlock
- shocked that McDonalds should be considering this treatment of the frontage
- trees take years to establish
- trees do a good job of cleaning the air and cut down traffic noise
- eventual damage to trees by traffic
- question need for additional parking and turning circle
- Council should at least impose comprehensive conditions to protect trees
- very poor proposed development woefully short of quality required for this gateway location
- will be an eyesore
- poor standardised buildings which are anywhere
- pay no regard to design traditions of the area
- must demand significantly better from the architects regarding site layout with inherently poor buildings with little regard for urban and landscape design quality
- impact on the environment, lighting, refuse and noise pollution are inevitable
- noise from 'local noisy car brigade'
- reasons for McDonalds include tourists, more money and a place for food
- reasons against are litter, small businesses will shut down, traffic, car wash will shut down and their food makes people unhealthy
- impact of additional traffic on structure of neighbour's dwellinghouse
- decrease in property value
- will be rats due to food waste
- Council bend over backwards to large companies
- wonder what kick back is to the Council
- mixed business/residential area – why is every decision to the benefit of business and not residents?
- highway safety issues
- won't provide proper well paid jobs
- will put tourists off the town
- wine store will attract drunks and alcoholics to hang around
- McDonalds are unethical in their dealings.

A copy of an objection to the stopping up order sent to National Transport Casework Team has been submitted

One letter from a Derbyshire resident stating can see no objection to the redevelopment of this key town centre site and that this former garage site is an eyesore to the approaches to Matlock

Matlock Civic Association – Object to original proposals:

- seen to endanger the group of trees at the roundabout
- these trees and the grass slope make an impressive green entrance at this important gateway to the town
- any development which threatens them should be resisted
- should be subject to a Tree Preservation Order or similar protection
- alternative of substitute trees would lose the character of this stretch of greenery and would not ameliorate the inevitable harshness of the commercial buildings

Comment on amended proposals:

- welcome the belated change of heart by the applicants

- appears that the latest revised proposals more or less revert to the scheme already approved,
- have no problem with the additional paving area proposed, provided the materials are suitable for the site and preferably permeable
- since the application for Stopping Up of the highway verge is still being considered by the Dept. for Transport, it appears that McDonald's will wish to have full control over the verge in order to carry out further landscaping - all the more necessary that stringent conditions to ensure retention of all existing trees, but preferably a TPO, are imposed as a condition of any planning consent granted
- should any of the existing trees on the site and especially on the verge be lost or removed and should McDonald's fail to plant additional trees, as well as shrubs, to both frame and provide screening of their car park, the visual appearance will be devalued significantly
- the prominent group of four trees close to the roundabout currently offer seasonal screening of the business uses along the south side of Bakewell Road, both existing and proposed - critical that these trees are retained and augmented
- important that the District Council recognises the importance of the trees in terms of the wider environmental concerns such as carbon emissions, global warming and the provision of wildlife habitats, as well as setting an example to the wider community and offering some respite in terms of screening for residents on the north side of Bakewell Road
- more fundamental reason for protecting these particular trees collectively is their amenity value and the positive contribution which trees make to the visual and aesthetic quality of Matlock's townscape
- urge Council to (a) request an accurate survey of the trees on the entire site, i.e. mainly on the Bakewell Road verge (b) protect the trees by means of a Tree Preservation Order, and (c) approve the current planning application, but with a condition to retain all the trees, and (d) impose a landscaping condition to require the submission of a suitable tree and shrub planting scheme.

POLICIES:

1. Adopted Local Plan (2005)
 - SF1 Development within Settlement Frameworks Boundaries
 - SF5 Design and Appearance of Development
 - SF8 Catering for the Needs of People with Disabilities in Development and Redevelopment
 - EDT4 Other Existing Employment Land And Business Premises
 - EDT8 Design And Appearance Of New Industrial And Business Premises
 - EDT11 Retail Uses within Employment Areas
 - NBE6 Trees And Woodlands
 - NBE26 Landscape Design In Association With New Development
 - S6 The Design and Appearance of Shops and Commercial Premises
 - S7 Shopfront Security
 - S8 Development to Realise the Potential of the River Derwent
 - TR1 Access Requirements and the Impact of New Development
 - TR8 Parking Requirements for New Development
2. National Planning Policy Framework
3. National Planning Practice Guidance

ISSUES:

1. Introduction - Background

The principle of redevelopment of the site was established when planning permission was granted in August 2014 (ref: 14/00249/FUL). Planning policy was similar, albeit policies of the emerging Local Plan were referred to which has now been withdrawn from consideration. Nevertheless, the policies of the Adopted Derbyshire Dales Local Plan (2005) remain consistent with the National Planning Policy Framework.

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

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

The matters for consideration with the current planning application are how the proposals will impact on the highway verge that is now proposed to be incorporated into the application site.

2. Impact on the Character and Appearance of the Area.

The development proposed is similar to that previously granted planning permission. The key alteration is the inclusion of the verge within the application site and the potential impact on trees. During the consideration of the planning application, the applicant has noted the local concern raised with regard to the impact on trees and the verge and has shown these to now remain.

The existing Ash and Lime trees have been considered for protection with a Tree Preservation Order. However, it is considered that some of the trees have a rather limited life span and, whilst they have a group value, individually they are not of the highest quality and therefore should not be protected in such a manner. However, it is considered reasonable to retain the trees as a condition on any planning permission and that any removal of the trees in the future is fully justified and appropriate replacements are provided.

As such, the principal issue for consideration is the encroachment of the parking area into what is the central verge section of the site. Whilst the verge would be reduced to accommodate improved circulation of vehicles on the site, it is not considered that this substantially harms the site frontage to an extent that would justify refusal of planning permission; 6m or so of verge would remain. In addition, the applicant proposes to introduce trees to this area which would add to the continuity of this tree lined frontage. In

this respect, the proposals are considered to preserve the character and appearance of the site.

A crash barrier is proposed along the inside of the verge adjacent to the McDonalds restaurant. Details of this will be required to be submitted for approval but the principle is considered acceptable. The applicant also proposed five lighting columns along the verge which will assist with public safety on the site.

3. Highway Matters

The Local Highway Authority has considered the amended proposal and raised no objection. It requires that the previous conditions are attached to any planning permission and a further condition with regard to the demarcation of the highway boundary/application site. It has also requested an informative be attached to any planning permission that no works may commence until the land in question has been stopped up.

4. Conclusion

Given the above, it is considered that the proposals will preserve the character and appearance of the area, although conditions will be required as per the previous planning permission. There is also the requirement for additional conditions to include the protection of the trees, details of the crash barrier and the lighting columns and the demarcation of the highway boundary to be submitted for approval.

OFFICER RECOMMENDATION:

Planning permission be granted subject to the following conditions:

1. Condition ST02a Time Limit on Full
2. The development hereby approved shall be carried out in accordance with the originally submitted drawings and specifications except as amended by the drawings and specifications received on 4th February 2015 and except insofar as may otherwise be required by other conditions attached to this permission.
3. Condition DM1 All Materials to be Approved – General
4. No development shall commence on site until a scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority, the details of which shall include :-
 - (i) the retention of all trees within the application site and associated land within the applicants owned land within the blue edged area of the approved drawings, unless otherwise agreed in writing by the Local Planning Authority
 - (ii) all plant species, planting sizes, planting densities, the number of each species to be planted and plant protection;
 - (iii) means of enclosure;
 - (iv) the crash barriers
 - (v) hard surfacing materials;
 - (vi) minor artefacts and structures (e.g. furniture, other storage units, etc.)
 - (vii) the lighting columns and all means of external lighting within the application site.

Any proposals to remove a tree(s) shall be first be agreed in writing by the Local Planning Authority, in accordance with an arboricultural report from a certified arboriculturalist, and the tree(s) shall be replaced in the next planting season with others that are semi-mature and of similar species, unless otherwise agreed in writing by the Local Planning Authority. All hard landscaping and means of enclosure shall also be carried out in accordance with the approved details prior to any part of the development first being brought into use or in accordance with a programme to be agreed in writing with the Local Planning Authority.

5. Notwithstanding the submitted information, before the development commences the following matters relating to site contamination shall be addressed and details submitted to approved in writing by the Local Planning Authority:

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

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

6. The retail unit shall only be used for the bulk sale (minimum 6 bottles) of alcoholic and non-alcoholic beverages and ancillary goods unless otherwise agreed with in writing by the Local Planning Authority on an application made to it.
7. The use of the restaurant/takeaway premises shall be restricted to uses only within Class A3 of the Town and Country Planning (Use Classes) Order (2005).
8. The use of the restaurant/takeaway premises shall be restricted to the hours of 06.00 to 23.00.
9. Within one month of the date of this permission a survey of the existing flood wall that runs along the southern boundary of the site shall be undertaken and submitted to the Local Planning Authority. The survey shall be carried out by a suitably qualified Structural Engineer and shall assess the condition of the existing flood wall. All recommendations made by the survey shall be fully implemented in accordance with a timetable to be agreed in writing by the Local Planning Authority in consultation with the Environment Agency.
10. Prior to the commencement of development, a plan showing the final position of the new substation, which maintains the Environment Agency's access arrangements to the flood defence wall, shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Environment Agency. The substation shall be constructed in accordance with the approved plan.
11. 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:
 - a) Surface water drainage system(s) designed in accordance with CIRIA C697 and C687 or the National SuDS Standards, should the latter be in force when the detailed design of the surface water drainage system is undertaken.
 - b) Limiting the discharge rate generated by all rainfall events up to the 100 year plus 30% (for climate change) critical rain storm ideally to Greenfield rates for the site but as a minimum so that it will not exceed the run-off from the undeveloped site and will not increase the risk of flooding off-site.
 - c) Provision of surface water run-off attenuation storage in accordance with the requirements specified in '*Science Report SC030219 Rainfall Management for Developments*'.
 - d) Detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details on any attenuation system, and the outfall arrangements. Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods.
 - e) Details of how the on-site surface water drainage systems shall be maintained and managed after completion and for the lifetime of the development, to ensure long term operation to design parameters.

12. Finished ground floor levels shall be set no lower than 93.23 metres above Ordnance Datum for the proposed building 'A' wine store and 92.99 metres above Ordnance Datum for the proposed building 'B' restaurant/food takeaway unless otherwise approved in writing by the Local Planning Authority in consultation with the Environment Agency.
13. No development shall take place until a construction management plan/construction method statement has been submitted to and been approved in writing by the Local Planning Authority. The approved plan/statement shall be adhered to throughout the construction period. The plan/statement shall provide for:
 - a. Parking of vehicles for site operatives and visitors
 - b. Storage of plant and materials and site accommodation
 - c. routes for construction traffic
 - d. method of prevention of mud / debris being carried onto the public highway
 - e. proposed temporary traffic restrictions
 - f. arrangements for loading / unloading and turning vehicles within the site.
 - g. Site access arrangements and any hoarding.
 - h. Phasing of works on site / construction program.
14. Before any other operations are commenced, the existing accesses to Bakewell Road, A6 shall be modified in accordance with the approved application drawings, laid out, constructed and each provided with minimum 2.4m x 63m visibility splays in either direction (the sightlines being measured up to 1m into the carriageway at the extremity of the sightline), the area in advance of the sightlines being maintained clear of any object greater than 1m in height (0.6m in the case of vegetation), relative to adjoining nearside carriageway channel level.
15. Within 21 days of the permanent accesses being laid out and available for use the existing eastern access shall be permanently closed, in accordance with details shown on drawing number BRDM-URS-XX-XX-DR-CE-01 Rev P3, with full height kerbs and the margin behind reinstated as footway/verge, all as may be agreed with the Local Planning Authority in consultation with the Highway Authority. For the avoidance of doubt the developer will be required to enter into a Highways Act 1980 Agreement (Section 278) with the Highway Authority in order to comply with the requirements of this condition.
16. Before any other operations are commenced details of safe pedestrian crossing facilities, across Bakewell Road in the vicinity of the site, shall be submitted to and approved in writing by the Local Planning Authority. The approved pedestrian crossing facilities being laid out and constructed in full prior to the fast food restaurant/premises being taken into use. For the avoidance of doubt the developer will be required to enter into a Highways Act 1980 Agreement (Section 278) with the Highway Authority in order to comply with the requirements of this condition.
17. Before any other operations are commenced details of the boundary treatment alongside Bakewell Road, and more specifically measures to prevent glare from car headlights affecting existing highway users, shall be submitted to and approved in writing by the Local Planning Authority. The approved details being implemented in full prior to the premises being taken into use.

18. The premises, the subject of this permission, shall not be taken into use until the fronting footway alongside Bakewell Road, linking into the site, as shown on drawing no BRDM-URS-XX-XX-DR-CE-01 Rev P3, has been laid out, constructed to adoptable standard and is available for use, all as may be agreed with the Local Planning Authority. The facilities thereafter shall be retained throughout the life of the development free from any impediment to their designated use. For the avoidance of doubt the developer will be required to enter into a Highways Act 1980 Agreement (Section 278) with the Highway Authority in order to comply with the requirements of this condition.
19. The premises, the subject of the application, shall not be taken into use until space has been provided within the site, in accordance with the approved application drawings, for the parking and manoeuvring of visitors, customers, staff and delivery vehicles, all to be laid out, constructed and appropriately marked, as may be agreed with the Local Planning Authority. The facilities thereafter shall be retained throughout the life of the development free from any impediment to their designated use.
20. Before any other operations are commenced details of secure cycle parking for the premises, the subject of the application, shall be submitted to and approved in writing by the Local Planning Authority. The approved cycle parking being implemented in full prior to occupation of the premises (which they serve).
21. Before any other operations are commenced details regarding the demarcation of the highway boundary/application site shall be submitted to the Local Planning Authority for approval. The approved works shall be carried out in full accordance with the approved details within 6 months of works commencing on site, or prior to occupation of any unit the subject of the application, whichever the sooner, all as may be agreed in writing with the Local Planning Authority.

Reasons:

1. Reason ST02a
2. To define the permission for the avoidance of doubt.
3. To ensure the satisfactory appearance of the development to comply with Policies SF1, SF5, EDT8 and S6 of the Adopted Derbyshire Dales Local Plan (2005) and government guidance contained in the National Planning Policy Framework.
4. To ensure the satisfactory appearance of the development and to safeguard the amenity of the area to comply with Policies SF1, SF5, EDT8, NBE6 and NBE26 of the Adopted Derbyshire Dales Local Plan (2005) and government guidance contained in the National Planning Policy Framework.
5. To ensure that risks from land contamination to the future users of the land and buildings are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with government guidance contained in the National Planning Policy Framework.

6. In the interests of maintaining the vitality and viability of Matlock town centre in accordance with the government guidance contained in the National Planning Policy Framework.
7. In the interests of maintaining the vitality and viability of Matlock town centre in accordance with the government guidance contained in the National Planning Policy Framework.
8. In the interests of the amenities of neighbouring residents to comply with Policies SF1 and EDT8 of the Adopted Derbyshire Dales Local Plan (2005) and government guidance contained in the National Planning Policy Framework.
9. To safeguard the structural integrity of the flood wall for the benefit of the proposed development and future users to comply with government guidance contained in the National Planning Policy Framework.
10. To protect the Environment Agency's access to maintain the existing flood defence wall to comply with government guidance contained in the National Planning Policy Framework.
11. 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.
12. To reduce the risk of flooding to the proposed development and future users to comply with government guidance contained in the National Planning Policy Framework.
13. In the interests of highway safety and to comply with Policy TR1 of the Adopted Local Plan Derbyshire Dales Local Plan (2005) and government guidance contained in the National Planning Policy Framework.
14. In the interests of highway safety and to comply with Policy TR1 of the Adopted Derbyshire Dales Local Plan (2005) and government guidance contained in the National Planning Policy Framework.
15. In the interests of highway safety and to comply with Policy TR1 of the Adopted Derbyshire Dales Local Plan (2005) and government guidance contained in the National Planning Policy Framework.
16. In the interests of highway safety and to comply with Policy TR1 of the Adopted Derbyshire Dales Local Plan (2005) and government guidance contained in the National Planning Policy Framework.
17. In the interests of highway safety and to comply with Policy TR1 of the Adopted Derbyshire Dales Local Plan (2005) and government guidance contained in the National Planning Policy Framework.
18. In the interests of highway safety and to comply with Policy TR1 of the Adopted Derbyshire Dales Local Plan (2005) and government guidance contained in the National Planning Policy Framework.

19. To ensure the provision of adequate parking facilities in the interests of highway safety and to comply with Policy TR8 of the Adopted Derbyshire Dales Local Plan (2005) and government guidance contained in the National Planning Policy Framework.
20. To ensure the provision of adequate cycling facilities to comply with government guidance contained in the National Planning Policy Framework.
21. In the interests of highway safety and to comply with government guidance contained in the National Planning Policy Framework.

NOTES TO APPLICANT:

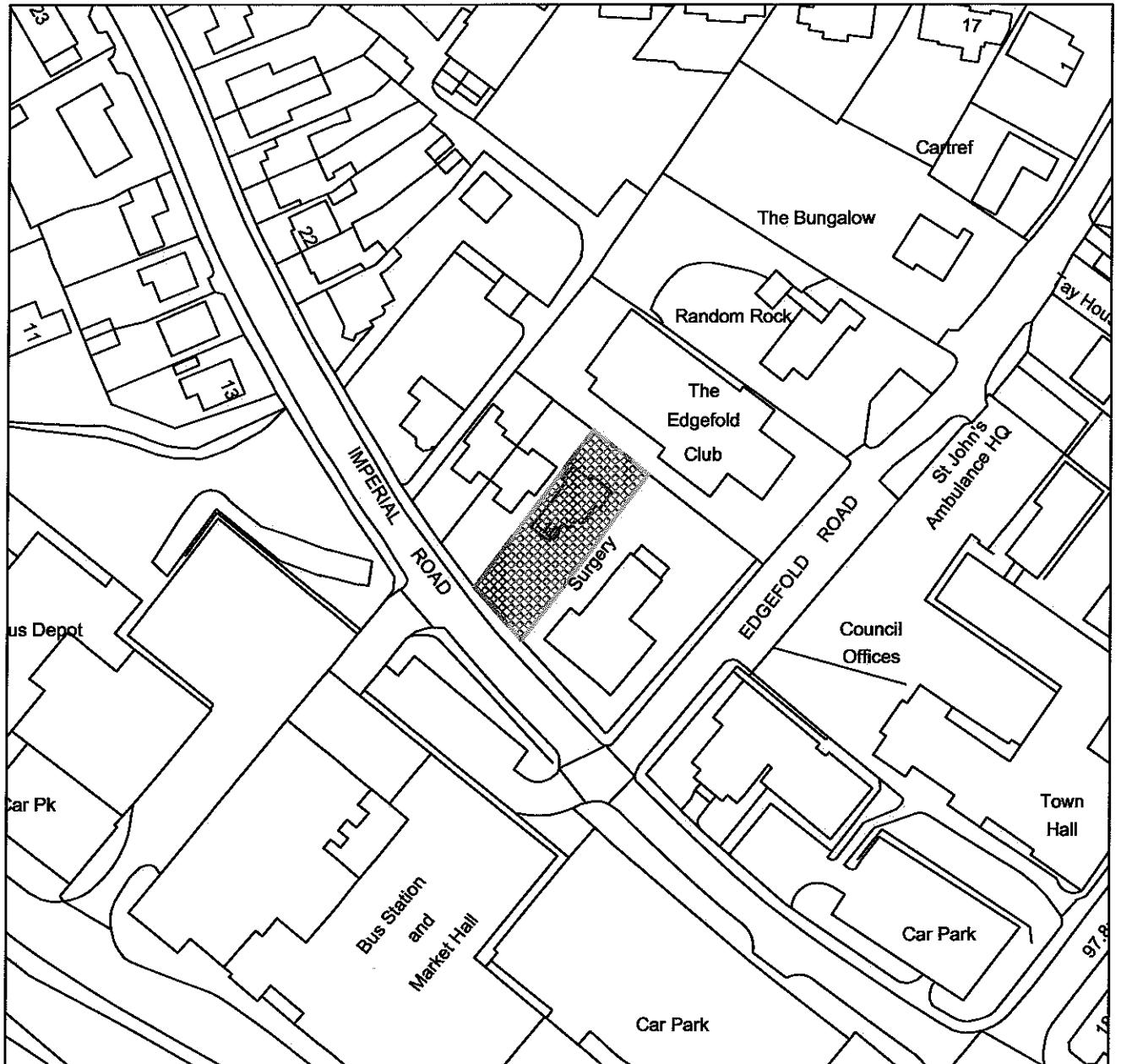
1. When seeking to discharge the above planning condition, it should be noted that the Environment Agency does not consider oversized pipes or box culverts as forms of sustainable drainage. Should infiltration not be feasible at the site, alternative sustainable drainage should be used, with a preference for above ground solutions.
2. The proposed development works above entail the use of land which currently forms part of the public highway. No works may commence until the land in question has been stopped up. Pursuant to Section 247 of the Town and Country Planning Act 1990, a stopping up application should be made to the Government Office. As part of the consultation process associated with such applications, the Highway Authority and other interested parties will be given the opportunity to object to the proposed stopping up. It should be noted that the Highway Authority's acceptance of the proposals for planning purposes does not preclude an objection being raised by the Authority at this stage.
3. Pursuant to Sections 149 and 151 of the Highways Act 1980, the applicant must take all necessary steps to ensure that mud or other extraneous material is not carried out of the site and deposited on the public highway. Should such deposits occur, it is the applicant's responsibility to ensure that all reasonable steps (e.g. street sweeping) are taken to maintain the roads in the vicinity of the site to a satisfactory level of cleanliness.
4. Pursuant to Section 163 of the Highways Act 1980, where the site curtilage slopes down towards the public highway measures shall be taken to ensure that surface water run-off from within the site is not permitted to discharge across the footway margin. This usually takes the form of a dish channel or gulley laid across the access immediately behind the back edge of the highway, discharging to a drain or soak-away within the site.
5. Pursuant to Section 278 of the Highways Act 1980 and the provisions of the Traffic Management Act 2004, no works may commence within the limits of the public highway without the formal written Agreement of the County Council as Highway Authority. It must be ensured that public transport services in the vicinity of the site are not adversely affected by the development works. Advice regarding the technical, legal, administrative and financial processes involved in Section 278 Agreements may be obtained from the Strategic Director of the Economy, Transport and Environment Department at County Hall, Matlock (telephone: 01629 538578). The applicant is advised to allow approximately 16 weeks in any programme of works to obtain a Section 278 Agreement.

6. Pursuant to Section 50 (Schedule 3) of the New Roads and Street Works Act 1991, before any excavation works are commenced within the limits of the public highway (including public Rights of Way), at least 6 weeks prior notification should be given to the Strategic Director of the Economy, Transport and Environment Department at County Hall, Matlock (telephone: 01629 533190 and ask for the New Roads and Street Works Section).
7. Under the provisions of the New Roads and Street Works Act 1991 and the Traffic Management Act 2004, all works that involve breaking up, resurfacing and/or reducing the width of the carriageway require a notice to be submitted to Derbyshire County Council. Works that involve road closures and / or are for duration of more than 11 days require a three month notice; developers' works will generally fall into this category. Developers and Utility companies (for associated services) should prepare programmes for all works that are required for the development, such that these can be approved through the coordination, noticing and licencing processes. This will require developers and Utility companies to work to agreed programmes and booked slots for each part of the works. Discussions should therefore take place with Derbyshire County Council's Highway Noticing Section, at County Hall, Matlock at the earliest stage possible.
8. Construction works are likely to require Traffic Management and advice regarding procedures should be sought from David Nicholson, Traffic Management - telephone 01629 538685.
9. The Town and Country Planning (Fees for Applications and Deemed Applications, Requests and Site Visits) (England) Regulations 2012 (SI 2012/2920) stipulate that a fee will henceforth be payable where a written request is received in accordance with Article 30 of the Town and Country Planning (Development Management Procedure) Order 2010. Where written confirmation is required that one or more Conditions imposed on the same permission have been complied with, the fee chargeable by the Authority is £97 per request. The fee must be paid when the request is made and cannot be required retrospectively. Further advice in regard to these provisions is contained in DCLG Circular 04/2008.
10. The Local Planning Authority, prior to the submission of the application and during its consideration, engaged in a positive and proactive dialogue with the applicant which resulted in the submitted scheme and amendments with respect to address highway matters.
11. This decision notice relates to the following documents:
 - Drawing Nos. 2124-20 and 23 received on 19th December 2014
 - Amended Drawing Nos. 2124-115 received on 4th February 2015
 - Amended Certificate of Ownership received on 21st January 2015
 - Noise Impact Assessment received on 19th December 2014
 - Kitchen Extract Schematic received on 19th December 2014
 - Construction Phase Plan received on 19th December 2014
 - Flood Risk Assessment received on 19th December 2014
 - Wall Condition Survey received on 19th December 2014
 - Design and Access Statement received on 19th December 2014
 - Transport Assessment received on 19th December 2014.

BACK TO AGENDA

14/00882/FUL

10 Imperial Road, Matlock



Derbyshire Dales DC

1:1,250

Date: 19/02/2015

100019785

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

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

14/00882/FUL CHANGE OF USE OF DWELLINGHOUSE TO OFFICE (USE CLASS B1) AND ERECTION OF DETACHED GARAGE AT 10 IMPERIAL ROAD, MATLOCK FOR AMBER PASS LTD.

Town Council: Matlock
Application type: Full

Date of receipt: 28.07.14
Case Officer: Mr. G. Griffiths

BACKGROUND

This planning application has been submitted further to the decision of the Central and Northern Area Planning Committee to refuse to grant planning permission for the change of use of the dwellinghouse to an office (Use Class B1) and erection of detached garage (ref: 14/00493/FUL). The application was refused for the following reason:

- 1. The introduction of an office building, due to the increased noise and general disturbance associated with increased levels of activity from comings and goings, will have a detrimental impact on the residential amenity of the area and, as such, the proposal is contrary to policies SF1, EDT5 and EDT6 of the Adopted Derbyshire Dales Local Plan (2005).*

The applicant has taken the above decision to appeal and this is pending consideration. In the meantime, the applicant has resubmitted the application with further information in support of the proposal and which is set out below.

THE SITE AND SURROUNDINGS:

The dwellinghouse is a 4 bedrooomed, detached property set to the north east of Imperial Road. To the northwest there are residential properties, to the south east is a doctor's surgery and to the north is The Edgefold Club. To the south east, across Imperial Road, is the public car park which also serves the Co-operative supermarket. The property is within the Settlement Framework boundary for Matlock.

THE APPLICATION:

Full planning permission is sought to change the use of the dwellinghouse to an office (Use Class B1). This would include the following:

Ground Floor - two offices, filing room, kitchen, utility, shower room, wc, hall and lobbies

First Floor - three offices and a bathroom

No external alterations are proposed to the building other than the repairs and renovations currently being undertaken.

Planning permission is also sought for the erection of a detached garage. This is proposed to be located towards the rear, north east corner, of the site. It is proposed to measure 5.1m deep by 3.05m wide and 3.355m to its apex (eaves height 2.35m). The garage would be constructed with facing brick and slates to match the existing dwellinghouse, with an 'up and over' garage door.

It is proposed to provide parking for six vehicles. To the front of the building, it is proposed to erect a retaining wall alongside the car park; the brickwork is proposed to match that of the rear of the dwellinghouse. No further details have been submitted of landscaping.

The applicant has also submitted the following information in support of the application. It is the intention to relocate the current office of a family run business from Ashover to Matlock. The current office is within a former farm house which it is intended to convert back to residential use upon relocation of the business. The proposed office would be used by two directors and a supporting member of staff. The applicant advises that the business is not the type that will result in many visitors to the premises; it is a Class B1 use and should not be equated to a Class A2 use. The applicant has advised that the premises would be operated in accordance with normal working hours.

The applicant advises that there will be less car parking at night than associated with a dwellinghouses but there would be more parking during the day. However, the applicant considers the overall impact of the car parking will be no different to the use of the property for residential purposes.

The applicant considers that the type of curtains that would be hung in the window would be the principal potential visual impact and would accept a condition in this respect to ensure the property blends into the streetscene. The applicant has also advised that they do not intend any advertisements other than a discrete name board which would not require Express Advertisement Consent.

RELEVANT HISTORY:

- 14/00493/FUL Change of use of dwellinghouse to office (Use Class B1) and erection of detached garage – Refused – Appeal Pending
- 13/00443/FUL Change of use of premises from residential dwelling (Use Class C3) to children’s day nursery (Use Class D1) – Refused – Appeal Dismissed
- 07/01022/FUL Single storey rear extension - Granted

CONSULTATIONS:

Town Council – Object:

- change of use to office space will materially change the character of the street, set a precedent, encroach onto a residential area and be an impact on housing stock when office accommodation available locally
- concerns also over parking and access/egress.

Director of Community Services (Environmental Health) – Comments as previous:

- have studied the decision made by the Planning Inspector regarding the previous planning application for a children’s day nursery and concerns over the level of activity of people coming and going and the impact of noise generated by its use as children’s nursery, specifically noise from the playground.
- the number of people who would work at an Office would be limited due to the size of the building
- would have a limiting effect on the impact to nearby residents
- given the activities taking place in the building, do not believe that these are likely to cause nuisance to other properties
- recommend restrictions on operating hours, as well as any deliveries to the premises.

Local Highway Authority – No objection subject to a condition on parking space provision.

REPRESENTATIONS:

A total of six letters of representation from neighbours. The comments can be summarised as follows:

- residential street from turn of the 20th Century
- Imperial Road acts as a buffer between the expanding town and the town being a place to live
- planning policies emphasise need to respect character and appearance and to minimise detrimental impact
- miscellaneous 'hotch potch' on Bank Road and Lime Grove Walk – do not want Imperial Road to look like this
- shortage of properties accommodating larger families in Matlock – current use ideally suited
- plenty of vacant properties in the town which would be more appropriate for office use
- should not be eroding current housing stock when there is a shortage in the town and nationally
- the fact that existing offices will be turned into residential accommodation does not alter the housing situation in the Derbyshire Dales area
- recent applications for housing on undeveloped, greenfield sites
- would open the door to creeping commercialisation into residential area
- with a business as large as Amber Pass, cannot accept that there will not be a significant number of visitors
- proposal encompasses more office and parking space than the three staff members would require
- car park would not be in keeping with other residences in the road
- highway safety issues with vehicles entering and exiting the site
- further on-street parking necessary for visitors
- business classification would make property extremely valuable when the area is developed as part of the Bakewell Road development and to expand on the proposed B1 use
- the line of residential use on one side of the road and commercial use on the other needs protecting
- applicant's willingness to consider types of window dressing means admittance that the area is residential
- house has received £10,000 of public money for facilities for previous resident's husband's needs
- previous owner has advised a local resident that she was horrified by proposal to turn the front of this attractive property and gardens into car parking
- mixing development types brings down the value of surrounding domestic property
- question why application was accepted when previous application refused
- wording of previous rejection notice not as strong as would have liked to have seen
- Case Officer has stated that allowing change of use would set a precedent for further developments
- Members and Officers have a responsibility to be vigilant and show a duty of care for the well-being of the town
- planners are public servants and should be representing the people who pay their salaries – how you can consider eroding the residential nature of Imperial Road like you have on Bank Road is totally baffling.

Matlock Civic Association – Object:

- opposed to loss of a dwelling in the area
- could set a precedent for further non-residential uses on Imperial Road
- properties exist elsewhere in the town centre suited for office purposes.

POLICIES:

1. Adopted Local Plan (2005)
 - SF1 Development within Settlement Framework Boundaries
 - SF5 Design And Appearance of Development
 - EDT5 Industrial and Business Development within Settlement Frameworks
 - EDT6 Conversion and re-use of Buildings for Industrial and Business Development within Settlement Frameworks
 - NBE26 Landscape Design In Association With New Development
 - TR1 Access Requirements and the Impact of New Development
 - TR8 Parking Requirements for New Development
2. National Planning Policy Framework
3. National Planning Practice Guidance

ISSUES:

1. Introduction - Policy

The key issues to be assessed are considered to be the impact of the proposed change of use on the amenity of neighbours, the impact that the change of use of the building may have on the character and appearance of the area and matters of highway safety. In this respect, the Policies detailed below are considered relevant.

The site lies within the Settlement Framework Boundary of Matlock. Policy SF1 in the Adopted Local Plan (2005) states that planning permission will be granted if the proposal will make full and effective use of brownfield land in preference to greenfield sites, preserves or enhances the character and appearance of the settlement, is well related to surrounding properties and land uses, is well related to the public transport network and does not result in the loss of important local services and facilities.

Policy SF5 seeks to ensure that the design and appearance of the development is acceptable. This is reflected in Policies EDT5 and EDT6 which advise that planning permission will be granted for the conversion of existing buildings to business use where this is in keeping with the surroundings and does not have a detrimental impact upon the character and appearance of the building. Policy NBE26 also seeks to secure appropriate landscaping for a development site where necessary.

Policy TR1 states that development requiring to be served by vehicles should be accessible to a road network of adequate standard to accommodate the anticipated traffic generated by the development safely and without detriment to the character of the road network. Policy TR8 requires the provision of adequate parking facilities in association with development.

2. Policy Principle

The property marks the end of the dwellinghouses along Imperial Road where they meet with the outer fringe of the town centre. However, the use of the property has to be considered on its planning merits. It is considered that, at the location of the dwellinghouse, the area is not overtly residential given the proximity of the Co-operative car park, doctors surgery and social club.

It is the case that the District Council is required to provide sites for substantial residential development going forward to meet government planning policy requirements. However, this does not substantiate protecting every dwellinghouse from alternative uses in order to meet these requirements, and this would go against the grain of allowing a degree of flexibility in considering alternative uses of buildings to meet social, environmental and economic objectives with respect to sustainable development. The applicant has stated that, if the office were to be approved, their existing office would revert to a dwellinghouse, albeit this cannot be reasonably required through a planning condition. Nevertheless, it is considered that the principle of the change of use is in line with government guidance subject to other material considerations being adequately addressed.

3. Design and Appearance

There are no significant external alterations proposed to the building other than the current renovations. The applicant has advised that this would not be significant and it is considered unreasonable to require particular curtains as a condition of any planning permission. Signage would be limited to the deemed consent of the Advertisement Regulations and any further or larger signage would be controlled through the requirement for Express Advertisement Consent.

The applicant has submitted a site layout plan but this provides little information with regards to surface treatments and landscaping. There would be a rather extensive hardstanding proposed with an access sloping to the highway and for the parking of five vehicles. This could be undertaken as permitted development if the property were to remain as a dwellinghouse. Nevertheless, as part of any approval of this application, it is reasonable to require details of the surfacing materials and drainage. It is also considered reasonable to require a landscaping scheme be submitted to ensure a satisfactory appearance to the property.

4. Amenity Issues

The principal concern is the impact that the change of use could have on local residents. The District Council's Environmental Health Section has assessed the decision made by the Planning Inspector regarding the previous planning application for a children's day nursery. However, the proposal is now for a Use Class B1 office use on the site. Such a use does not allow for members of the public to call unannounced and any visits would be expected to be by appointment. The number of people who would work at the office would also be limited due to the size of the building. The applicant has advised that the proposed office would be used by two directors and a supporting member of staff and that the business is not the type that will result in many visitors to the premises; it would be a Class B1 use and should not be equated to a Class A2 use. However, it is not considered that any grant of planning permission could reasonably restrict the number of people working at the premises.

As such, the use of the premises as an office is considered to have a limited impact on the amenity of nearby residents. There may be some noise and disturbance from arrivals and departures but these would largely be commensurate with that of a residential use. Nevertheless, it has to be recognised that Imperial Road already experiences a reasonable degree of traffic. In this context, it is considered that the traffic generation, and the comings and goings related to the proposed office, would not cause such a significant loss of amenity to the local residents to the extent that refusal of the application could be justified.

However, it is considered reasonable to restrict the hours of operation, as well as any deliveries to the premises, to avoid disturbance in the early morning, evening and during weekends and holiday times. In this respect, it is considered reasonable to restrict the hours of operation to the following times:

Monday to Friday 08:00 to 18:00 hours
Saturdays 09:00 to 13:00 hours
No work or deliveries on Sundays and Bank Holidays

Given the above, it is considered that the proposals are in broad compliance with Policies SF1, EDT5 and EDT6 of the adopted Local Plan in relation to safeguarding residential amenity.

5. Highway Issues

The Local Highway Authority has advised of no objection to the proposal given the provision of off-street parking spaces and given that the premises is in a town centre location. Given the above, it is considered that the proposals comply with Policies TR1 and TR8 of the adopted Local Plan.

6. Conclusion

The premises is a detached property in an edge of town centre location close to other commercial properties, public transport and parking facilities. In this respect, is considered to be an acceptable and sustainable location for use as an office.

The site is adjacent to, and close to, residential properties and, with the previous planning application for the children's nursery, the Planning Inspector had concerns with regard to the loss of amenity to the occupiers of 12 Imperial Road associated with comings and goings from such a use of the site. The Planning Inspector did not raise concern with regard to the visual impact of those proposals on the character and appearance of the area.

Notwithstanding the above, the proposal is a modest office use which it is considered would not cause so significant an impact on neighbour's amenity to reasonably justify refusal of this application or harm the character and appearance of the area given the Planning Inspector's previous comments. Therefore, given the above, it is recommended that planning permission be granted subject to conditions on hours of operation, parking provision and landscaping.

4-5. To ensure the satisfactory appearance of the development to comply with Policies SF1, SF5, EDT5, EDT6 and NBE26 of the Adopted Derbyshire Dales Local Plan (2005) and government guidance contained in the National Planning Policy Framework.

NOTES TO APPLICANT:

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

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 enabled an assessment of the impact of the proposals on the surrounding area to be made.

This decision notice relates to the following documents:

Site Location Plan 1:1250 received on 23rd December 2014

Drawing Nos. N6227-01^A, 03^C and 04 received on 23rd December 2014

Design and Access Statement and Planning Statement received on 23rd December 2014

Additional Planning Statement received on 23rd December 2014

BACK TO AGENDA

PLANNING APPEAL - PROGRESS REPORT

Report of the Director of Planning & Housing Services

REFERENCE	SITE/DESCRIPTION	TYPE	DECISION/COMMENT
ENF/13/00072	The Three Stags, Darley Dale	WR	Appeal dismissed – copy of appeal decision attached
ENF/13/00083 13/00594/FUL (linked together)	24 Chapel Hill, Cromford	PI	Appeal being processed
14/00379/PDA	Barns 1 and 2 Home Farm, Whitelea Lane, Tansley and Barn 3 Home Farm, Whitelea Lane, Tansley	WR	Appeal dismissed – copy of appeal decision attached
14/00089/OUT	Asker Lane, Matlock	PI	Appeal being processed
14/00538/AGR	Rear of 11A Little Bolehill, Bolehill	WR	Appeal being processed
14/00493/FUL	10 Imperial Road, Matlock	WR	Appeal being processed
14/000539/FUL	Carrlane Farm, Carr Lane, Riber	HH	Appeal being processed

WR - Written Representations

IH - Informal Hearing

LI - Local Inquiry

PI – Public Inquiry

HH – Householder

OFFICER RECOMMENDATION:

That the report be noted.

BACK TO AGENDA



Appeal Decision

Site visit made on 5 January 2015

by **A U Ghafoor BSc (Hons) MA MRTPI**

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

Decision date: 16 February 2015

Appeal Ref: APP/P1045/C/13/2210914

Land at The Three Stags Heads, 33 Main Road, Darley Bridge DE4 2JY

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Mr James Collins against an enforcement notice issued by Derbyshire Dales District Council.
 - The Council's reference is PLS/AJ/JP/023.02.
 - The notice was issued on 19 November 2013.
 - The breach of planning control as alleged in the notice is without planning permission, the construction of a wooden fence marked in green on the attached plan.
 - The requirement of the notice is to remove the unauthorised fence in its entirety from the land.
 - The period for compliance with the requirements is 28 days.
 - The appeal is proceeding on the grounds set out in section 174(2) (c) of the Town and Country Planning Act 1990 as amended.
-

Decision

1. The appeal is dismissed and the enforcement notice is upheld.

Reasons

2. In this ground of appeal, the onus is upon the appellant to show that, on the balance of probabilities, the matters alleged in the notice do not constitute a breach of planning control. Section 55 (1) of the Town and Country Planning Act 1990 as amended ('the Act') includes in the definition of the word '*development*' the carrying out of building or other operations on or over land. There is no dispute between the appeal parties that the construction of the wooden fence amounts to development for planning purposes; I have no reason to disagree.
3. Article 3, Schedule 2, Part 2, Class A – minor operations - of the Town and Country Planning (General Permitted Development) Order 1995 as amended ('*the GPDO*') permits development the erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure subject to conditions and limitations.
4. The wooden fence is located between a small yard enclosed by low stone walls and a field behind the appeal building, which is used as a Public House ('PH'). On three sides of the field the boundary is defined by hedgerow and trees. At the time of my site visit the wooden fence panels had been physically removed though its frame remained in situ. In front of the panel a builder's metal fence has been erected. The council states the fence's overall height is '*some 2.6m*'. This has been verified at the site visit and revised measurements agreed between the parties, which I shall adopt.

5. The overall height of the whole timber fence is 2.25m. I note that the fence is not located adjacent to the highway; however, its height exceeds the limitation imposed by paragraph A.1 sub-section (b). This states that development is not permitted by Class A, Part 2, if the height of any other fence or means of enclosure erected or constructed would exceed two metres above ground level.
6. There is an added complexity. The Three Stags Head PH is a grade II listed building. The council assert that the field in which the wooden fence has been erected is within its curtilage. They state the field had been used as a play area and boules pitch; the photographic evidence shows the location of outdoor furniture such as chairs and picnic tables. The appellant considers that the area forms a separate field behind the listed building. He asserts the land is in separate ownership and has not been used as a play area.
7. Curtilage defines an area of land in relation to a building and not a use of land, and falls to be assessed as a matter of fact and degree. It can be confined to a small area about a building but does not necessarily have to be always small. It should have an intimate association with the land which is undoubtedly within the curtilage necessary to make the area under consideration part and parcel of that undoubted curtilage land, but physical enclosure of the land is unnecessary. A curtilage must serve the purpose of a building in some necessary or useful manner and considerations such as the physical layout of the land, past and present ownership and use or functions are relevant.
8. I have reviewed all of the appellant's arguments about the ownership and use of the disputed area. However, as a matter of fact and degree, the land upon which the wooden fence has been constructed can reasonably be described as curtilage to the PH. This is because there is a small gravel area behind the PH and this yard is partly enclosed by a low-level stone wall adjacent to the access driveway and adjoining properties; there is no dispute that the yard falls within the curtilage of the PH. The wooden fence, which extends in a north-south direction, divides the yard from the field but the whole area forms an enclosed parcel of land. The field is modest and serves a reasonably useful function as curtilage to the PH, given its proximity and connection with the yard. Visually, the field has a close and intimate association with the building because of its positioning and setting. The area is physically connected to land which has an intimate relationship with land that is undoubtedly within the curtilage, due to its location and layout. The evidence presented appears to show that the field was used in connection with the use of the building as a PH. On the particular circumstances the development also conflicts with Part 2, Class A paragraph A.1 (d) of the GPDO.
9. Pulling all of the above points together, in all probability, the alleged development does not benefit from a deemed planning permission by virtue of the GPDO. Planning permission is required for the construction of a wooden fence and it has not been obtained. The alleged matter constitutes a breach of planning control. Therefore, ground (c) must fail.

Other Matters and Conclusion

10. The need for the wooden fence has been explained; it is not directly visible from the highway. Nonetheless all of these matters are not pertinent to this appeal as they go to the planning merits of the development. There is no ground (a) appeal.
11. For all of the above reasons and having considered all other matters, I conclude that the appeal fails. Consequently, I have upheld the enforcement notice.

A U Ghafoor

Inspector

Appeal Decisions

Site visit made on 11 February 2015

by Sarah Colebourne MA, MRTPI

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

Decision date: 17 February 2015

Appeal Ref: APP/P1045/A/14/2225296 (Appeal A)

Barns 1 & 2, Home Farm, Whitelea Lane,

Tansley, Matlock, Derbyshire, DE4 5FL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval under Schedule 2, Part 3, Class MB of the Town and Country Planning (General Permitted Development) Order 1995 (as amended).
 - The appeal is made by Mr G Neville against the decision of Derbyshire Dales District Council.
 - The application Ref 14/00379/PDA, dated 21 May 2014, was refused by notice dated 17 July 2014.
 - The development proposed is the change of use of agricultural buildings to dwellings.
-

Appeal Ref: APP/P1045/A/14/2225299 (Appeal B)

Barn 3, Home Farm, Whitelea Lane,

Tansley, Matlock, Derbyshire, DE4 5FL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval under Schedule 2, Part 3, Class MB of the Town and Country Planning (General Permitted Development) Order 1995 (as amended).
 - The appeal is made by Mr G Neville against the decision of Derbyshire Dales District Council.
 - The application Ref 14/00380/PDA, dated 21 May 2014, was refused by notice dated 17 July 2014.
 - The development proposed is the change of use of an agricultural building to a dwelling.
-

Decision

1. Both appeals are dismissed.

Procedural Matters

2. The Council raises objections to both proposals with regard to their rural location. In Appeal A (barns 1 and 2) it also objects to the siting of the buildings in terms of the amenity of the future occupants with regard to noise, smells and pests from the farming operation. In Appeal B (barn 3) it objects to the siting of the proposals in terms of the effect on the setting of the barn and the character and appearance of the landscape with regard to the proposed driveway, parking/turning area and amenity space. However, these works would not be covered by class MB of the GPDO and I have not taken them into consideration in my decision.
3. The provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) (the GPDO) require the local planning

authority to assess the proposed development solely on the basis of its impact in terms of transport and highways, noise, contamination, flooding and whether the location or siting of the building makes it otherwise impractical or undesirable for the building to change use. They also require regard to the National Planning Policy Framework (the Framework) (insofar as it is relevant to the prior approval) as if the applications were planning applications. I have determined the appeals on this basis.

Main Issue

4. The main issue is whether the proposals satisfy the requirements of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) (the GPDO) with regard to being permitted development for the change of use from agricultural buildings to dwellings.

Reasons

5. Home Farm is primarily a dairy farm in a rural location to the north of the village of Tansley. Barns 1 and 2 are sited adjacent to the farm house around a yard and barn 3 is sited within a field in an elevated, open and prominent location on the opposite side of the road.
6. The National Planning Policy Framework (the Framework) seeks to avoid isolated new houses in rural areas in the interests of sustainable development whilst promoting the retention and development of local services and community facilities in villages. Home Farm is sited just over 1km from the centre of Tansley, where there is a good range of services, which include a bus service, a school and pubs. However, most of the road between the barns and the village is an unlit, country lane with no bus service or footways. The future occupants of the dwellings would, therefore, be largely dependent on private vehicles for transport and the location is therefore unsustainable. I have not been told that any of the services or facilities within the village are under threat of closure and am not persuaded that these small developments would support their retention sufficiently as to outweigh their unsustainable location.
7. The Framework indicates that one of the few special circumstances for permitting such homes within the countryside is where the development would re-use redundant or disused buildings and lead to an enhancement of the immediate setting. However, all of the barns are in reasonable or good condition and are currently in use. I am not persuaded that the removal and renovation of other farm buildings is dependent on these proposals or that this overrides the unsustainable location. Nor have I been provided with any compelling information regarding any other special circumstances that would justify an exception to national policy.
8. The Framework requires that decisions should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development. The plans show that an existing cowshed to the rear of barn 2 and a silo between barns 1 and 2 would be demolished. At my visit I saw that the nearest remaining farm buildings to the rear of these barns are used for dry calving, hay and storage. The closest point of these buildings is some 40m from the rear elevation of barn 1. Most of the principal habitable room windows and the amenity areas of the dwellings would be to the front and I am satisfied that the siting of the proposal would not result in undue loss of amenity for the future occupants in terms of noise.

Conclusion

9. Whilst I have found that there would be no significant loss of amenity in terms of noise from the proposals, this is outweighed by my findings that both proposals are in an unsustainable location. Both proposals would, therefore, be impractical and undesirable and fail to satisfy the requirements of the GPDO with regard to being permitted development for the change of use from agricultural buildings to dwellings.
10. For the reasons given above and having regard to all representations made, I conclude that both appeals should be dismissed.

Sarah Colebourne

Inspector

BACK TO AGENDA