As a Member or Substitute of the Central and Northern Area Planning Committee, please treat this as your summons to attend a meeting on WEDNESDAY 15 April 2015 at 6.00pm in the COUNCIL CHAMBER, TOWN HALL, MATLOCK DE4 3NN.

Yours sincerely

Sandra Lamb
Head of Corporate Services

AGENDA

SITE VISITS The Committee is advised a coach will leave the TOWN HALL, MATLOCK at 2.00pm 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 March 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.

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4.1 **APPLICATION NO. 14/00847/FUL (Site Visit)**

26 dwellings including garages and infrastructure at land off Moorcroft, Matlock.

4.2 **APPLICATION NO. 14/00436/FUL (Site Visit)**

Residential development of 64 dwellings with associated infrastructure at land at Bentley Bridge, Matlock.

4.3 **APPLICATION NO. 14/00890/OUT (Site Visit)**

Erection of four houses (outline) on land off Oak Tree Gardens, Tansley.

4.4 **APPLICATION NO. 15/00022/FUL (Site Visit)**

Erection of dwelling at land adjacent to Ivy House, Nottingham Road, Tansley.

4.5 **APPLICATION NO. 15/00026/FUL (Site Visit)**

Single/two storey extensions and change of use of outbuilding to domestic accommodation at Burnside, The Dale, Bonsall.

4.6 **APPLICATION NO. 15/00017/FUL (Site Visit)**

Erection of bungalow and rebuilding/extension of outbuilding to form garage and associated access on land adjacent to Ivonbrook House, Eversleigh Rise, Darley Bridge.

4.7 **APPLICATION NO. 15/00032/FUL (Site Visit)**

Single/two storey extensions at Isis, Moor Lane, Darley Dale.

4.8 **APPLICATION NO. 14/00866/FUL (Site Visit)**

Partial conversion of former hotel to create 4 flats with associated demolition and reconstruction of first floor front extension and external alterations including rear fire escape at 76 Jackson Road, Matlock, Derbyshire.

5. **APPEALS PROGRESS REPORT**

To note a report on appeals to the Planning Inspectorate.
NOTE
For further information about this Agenda or on the Public Participation initiative contact the Committee Team on 01629 761133 or e-mail committee@derbyshiredales.gov.uk.

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

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

SITE VISITS
Members will leave the Town Hall, Matlock at 2.00pm prompt for the following site visits:

<table>
<thead>
<tr>
<th>Time</th>
<th>Application No.</th>
<th>Description</th>
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<tbody>
<tr>
<td>2.10pm</td>
<td>14/00847/FUL</td>
<td>LAND OFF MOORCROFT, MATLOCK</td>
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<tr>
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<td>Requested by Officers to assess the impact of the development upon the locality and upon the amenity of neighbouring residents.</td>
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<tr>
<td>2.30pm</td>
<td>14/00436/FUL</td>
<td>LAND AT BENTLEY BRIDGE, MATLOCK</td>
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<td>Requested by Officers to assess the impact of the development on the character and appearance of the area and the amenity of neighbouring residents.</td>
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<tr>
<td>2.50pm</td>
<td>14/00890/OUT</td>
<td>LAND OFF OAK TREE GARDENS, TANSLEY</td>
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<tr>
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<td>Requested by Ward Member to assess the impact of the proposal on the character and appearance of the area and the amenity of neighbouring residents.</td>
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<tr>
<td>3.05pm</td>
<td>15/00022/FUL</td>
<td>IVY HOUSE, NOTTINGHAM ROAD, TANSLEY</td>
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<tr>
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<td>Requested by Officers to assess the impact of the proposal on the character and appearance of the listed building and the surrounding area.</td>
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<tr>
<td>3.30pm</td>
<td>15/00026/FUL</td>
<td>BURNSIDE, THE DALE, BONSALL</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Requested by Ward Member to assess the impact of the proposal on the character and appearance of the Conservation area.</td>
</tr>
</tbody>
</table>
4.05pm Application No. 15/00017/FUL
IVONBROOK HOUSE, EVERSLEIGH RISE, DARLEY BRIDGE
Requested by Ward Member to assess the impact of the proposal on the character and appearance of the area.

4.25pm Application No. 15/00032/FUL
ISIS, MOOR LANE, DARLEY DALE
Requested by Ward Member to assess the impact of the proposal on the amenity of neighbours in terms of overlooking, overshadowing and density of the development.

4.45pm Application No. 14/00866/FUL
76 JACKSON ROAD, MATLOCK
Requested by Ward Member to assess the impact of the proposal on the character and appearance of the Conservation Area and the amenity of neighbouring residents.

5.00 RETURN TO TOWN HALL

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.
14/00847/FUL

Land off Moorcroft, Matlock

Derbyshire Dales DC

Date: 02/04/2015

100019785
THE SITE AND SURROUNDINGS:
The site comprises two agricultural fields of some 0.1ha in size at the north western end of Moorcroft which, itself, is a small residential development just off Chesterfield Road on the northern edge of Matlock. The site is outside of the Settlement Framework boundary for Matlock.

The site is within the Settled Valley Pastures landscape type of the Dark Peak landscape character area. The fields in question are regular in shape and are situated on sloping ground that falls from heavily wooded high ground in the north west to the Chesterfield Road in the south east. They are contained on the south western and south eastern sides by existing residential development. On the north eastern side there is a belt of mature trees (mainly Beech with some Sycamore and Oak) which extends beyond the line of the site boundary and wraps part way round the north western edge. All these trees are protected under a Derbyshire County Council Tree Preservation Order.

Other trees, which are similarly protected, are the mature lime tree contained within a remnant field boundary hedge that separates the fields, and a group of trees on the south western side, which is largely contained within neighbouring private gardens. Additional groups of trees extend along much of the north western boundary. The boundary with existing development at Moorcroft comprises a mix of garden fences, hedges and other planting. The site is overlooked from Sandy Lane which extends onto and traverses higher ground to the west. The lane provides access to Sandy Lane Farm and is a Public Right of Way.

THE APPLICATION:
This full planning application has been submitted further to the granting of outline planning permission (ref: 13/00800/OUT) for 25 dwellinghouses on the site. This full planning application originally proposed 27 dwellings. However, this has now been reduced to 26 dwellings given the constraints of the site in the context of existing properties and protected trees.

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

- Design and Access Statement
- Arboricultural Method Statement & Tree Protection Plan
- Phase I and II Geo-Environmental Investigation Report
- Amended Biodiversity Management Plan.

The open market dwellinghouses would be detached, two storey units. They would each incorporate a double garage or garage space with additional car parking space. The affordable dwellinghouses are proposed to have a terraced form. Six of the dwelling units are proposed to be affordable dwellings provided by a Registered Social Landlord. The provision would amount to 24% on-site provision and a 21% off-site financial contribution. These would be sited at the western corner of the site and would have one car parking space each within a parking court, with two additional spaces for visitors.
In terms of materials, the applicant advises the following:
- walling to be a mix of artificial stone (similar to the existing houses on Moorcroft);
  along with facing brickwork for several plots to give some variance if this is deemed to be acceptable;
- roofs to be non-profiled, grey interlocking concrete mock bond to replicate slate and/or plain tile;
- windows – Upvc frames in white with horizontal bar at mid height;
- fascia/soffit – pvc in white; and
- rainwater goods – black half round pvc.

The applicant has submitted a Tree Survey (July 2014) and acknowledges that there are several protected, mature trees around the site. However, it is considered that some of these are in poor condition. The Tree Survey advises that very few of the Beech trees are suitable for retention in, or close to, a housing development because of their poor condition. Several trees are identified on adjacent land and it is considered that there is a need for sufficient space to be provided to allow them to grow without causing nuisance to the occupiers of any proposed dwellinghouses. The applicant considers that the layout of the proposed development can be undertaken whilst retaining the healthy mature and semi-mature trees on the site. Some new tree planting has been identified on layout plan.

The applicant has submitted an ecological survey (March 2015) and the applicant considers that there will be no adverse impact on protected flora or wildlife habitat.

RELEVANT HISTORY:
13/00800/OUT Residential development (Outline) - Granted
12/00733/OUT Residential development (Outline) - Refused – Appeal Dismissed
11/00742/OUT Residential Development (Outline) - Refused – Appeal Dismissed
11/00425/OUT Residential Development (Outline) - Withdrawn

CONSULTATIONS:
Town Council – No comments received.

Local Highway Authority – No objection subject to conditions.

Environment Agency – No objection – refer to standing advice.

Natural England – Comment:
- refer to standing advice with regard to protected species
- seek biodiversity and landscape enhancements.

DCC Countryside Officer – No objection – Comments:
- amended layout is acceptable from a tree perspective consider it to be the best fit that can be achieved
- recommend new tree planting as part of a landscape condition and ideally should include species beneficial to wildlife and in-keeping with landscape character
- have previously suggested the inclusion of additional habitat features to provide biodiversity gains for the scheme such as the inclusion of bat and swift boxes within building design
- soft landscaping should also include nectar rich plants to support a diverse range of invertebrates.
Derbyshire Wildlife Trust – No objections to the amended plans and information –
Comment:
- satisfied that a maintenance path separates the new hedgerow/tree planting from the curtilages of Plots 2 to 6 and that the retained treeline is outside the site boundary - addresses earlier concern with regard to the vegetation along the northern boundary
- the extent of wildflower grassland incorporated within the layout is somewhat economical – suggest that the two replacement trees are omitted from this part of the site in order to maximise the extent of wildflower grassland and reduce the amount of shade on the grassland habitat
- protection, retention, creation and management of habitats on the site should be carried out in strict accordance with the Biodiversity Management Plan prepared by RammSanderson dated March 2015 as a condition of any consent
- advise that the mitigation measures in respect of nesting birds as set out in section 6 of the Ecological Appraisal should be implemented in full as a condition of any consent
- all areas of retained vegetation should be protected from damage by the erection of adequate temporary fencing for the duration of the work as a condition of any permission.

DCC Crime Prevention Design Advisor – Comment:
- provides good surveillance over open space and parking provision.

REPRESENTATIONS:
Six letters of representation from five neighbours. The comments can be summarised as follows:
- greenfield site which attracts an abundance of wildlife and enhances the landscape
- land could be used for agriculture but not the wish of the current owners
- site has been made to look run down
- application form seems to be filled in incorrectly with respect to land contamination
- identified as a low priority site for development
- departure from the provisions of the Development Plan
- previous applications refused – as Local Plan has been called into question by the Planning Inspector, Committee will no longer have the same concerns and can assess the application in a fit and proper manner
- sets a precedent for eroding further the quality of the environment surrounding Matlock
- development considerably different to that approved with the outline planning permission and not in keeping with the 4 bedroomed properties on Moorcroft
- considerable departure from the layout of the outline planning application
- inappropriate development out of scale and incompatible to the local environment
- detrimental visual impact to neighbouring properties
- problem with sloping site and height of properties could be minimised with the use of terracing and retaining walls
- loss of amenity during construction and with activity thereafter
- loss of privacy, outlook and view
- insufficient space between Plot 27 and 4 Moorcroft
- loss of privacy to 4 Moorcroft in its relationship to Plot 1 and loss of light and overshadowing
- does not give adequate space between the development and the protected trees
- impacts on highway safety
- safety of children that currently play in the cul-de-sac
- road access width to site inadequate – may be appropriate to install a speed bump
- no secure cycling facilities
- lack of parking to affordable dwellings
- no bin store area
- a number of active and partially dormant watercourses on the site - impact on drainage and risk of flooding existing dwellings
- will place a significant strain on the mains sewer
- recognise need for affordable housing but four flats will have a significant impact on the character and quality of the area
- amount of social housing not in keeping with the area – outline planning permission gave option for alternative provision
- appears consultation procedures not dealt with correctly
- revised plan shows an improvement in the position of Plot 26 in that the outlook is retained as much as possible from the living room side window
- request the roof to the double garage on Plot 26 be of a hipped roof construction
- request boundary fence to be positioned between 4 Moorcroft and Plot 26 to be 1.2m high from the front and then increase in height to 1.8 m high from the point where the double garage is positioned and along to the end of this boundary line at this height
- if approved should do the following:
  - site the site office away from existing properties
  - clean the road daily during construction period
  - construct the dwelling closest to the entrance first (possible show home)
  - provide an appropriate stone wall along the boundary to the existing properties
  - restrict building works to week days
  - regularly monitor of noise and dust levels
  - provide space for contractor’s vehicles.

Matlock Civic Association – Object:
- object to the close proximity of dwellings to trees in the north eastern corner of the site
- lack of open space/play area and visitor parking
- affordable housing units are not well integrated into the layout
- hedges would make a pleasing boundary to the edge of the countryside.

POLICIES:
1. Adopted Local Plan (2005)
   SF4 Development in the Countryside
   SF5 Design and Appearance of Development
   H4 Housing Development Outside Settlement Frameworks
   H9 Design and Appearance of New Housing
   NBE5 Development Affecting Species Protected by Law or are Nationally Rare
   NBE6 Trees and Woodlands
   NBE8 Landscape Character
   NBE12 Foul Sewage
   NBE26 Landscape Design in Association with New Development
   NBE27 Crime Prevention
   L6 Outdoor Playing Space in New Housing Developments
   TR1 Access Requirements and the Impact of New Development
   TR8 Parking Requirements for New Development

2. Supplementary Planning Guidance
   Landscape Character and Design Supplementary Planning Document (July 2007)
3. National Planning Policy Framework


ISSUES:

1. **Introduction - Background**

Outline planning permission (ref: 13/00800/OUT) has previously been granted for the residential development of the field with 25 dwellinghouses. However, as the current application seeks full planning permission, it is considered that the principal matters for consideration are as follows:

- the principle of the site being developed for new housing
- the design and appearance of the development
- the impact on the amenity of neighbouring residents
- the impact on protected trees
- the impact on wildlife
- highway matters
- affordable housing provision
- community infrastructure provision
- open space/play space provision

2. **Principle of the Site being Developed for New Housing Provision**

Whilst the site has been granted outline planning permission, as this is a full planning application the principle of development must be reassessed in the light of up to date planning policy. The National Planning Policy Framework (NPPF) also advises that there is a presumption in favour of sustainable development.

Paragraph 11 states that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise. It advises that proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused, unless other material considerations indicate otherwise. The Development Plan includes the Adopted Derbyshire Dales Local Plan (2005).

However, the site is not located within the Settlement Framework boundary as defined by the Adopted Derbyshire Dales Local Plan (2005). Nevertheless, as the District Council is unable to demonstrate a 5 year housing land supply to meet its objectively assessed need, weight must now be given to allowing such development except where substantial material considerations may determine otherwise. This is advised in Paragraph 14 of the NPPF.

It also states that where the Local Plan is absent on this matter (as the existing Local Plan is) regard has to be given primarily to the National Planning Policy Framework. Paragraph 14 advises that there is a presumption for granting planning permission unless any adverse effects of doing so would significantly and demonstrably outweigh the benefits against other policies within the NPPF.

The outline planning permission was for 25 dwellinghouses. However, this has been increased by one dwelling with this full application which goes a little further towards meeting the District Council's housing land supply requirements. Given the above, it is considered that the proposals are broadly in accordance with national policies in the NPPF for the development of larger-scale housing as sustainable urban extensions.
3. **The Design and Appearance of the Development**

The proposed dwellings are considered to be a reflection of those constructed at Moorcroft, with a variety of dwelling types proposed, and it is intended to use artificial stone to match that development and provide a degree of integration between the two sites.

The applicant also proposes to introduce brickwork, which is a reflection of some of the houses to be found in the Chesterfield Road area. In this respect, a drawing detailing the proposals for the treatment of the elevations will need to be submitted as a condition on the approval of the materials.

Matlock Civic Association raise concern that the affordable dwellings are not well integrated in the site. However, it is considered that these should be set in a group for the benefit of the management by the Housing Association and that the parking court is better located in a more recessive location in the context of the overall character and appearance of the development.

4. **The Impact on the Amenity of Neighbouring Residents**

Some concerns were raised with the applicant with regard to the proximity of dwellings on Moorcroft. The applicant has sought to address this by relocating the dwellinghouse proposed at Plot 26 3.5m further away (8.5m in total) from 4 Moorcroft, and relocating the garage more towards the rear; this will create less impact on the neighbour’s side facing study window. It is considered reasonable, on the neighbour’s request, for the fence to the front part of the property to be set at 1.2m in height, but only as far as the parking bays in front of the garage, with the fence to the side of the parking bays and to the side and rear of the garage being 1.8m high; this would ensure adequate privacy to each property and retain some outlook to the side facing study window.

The amended plans have also introduced a bungalow at Plot 24. This is some 9m away from Pinecroft but, given that it is a bungalow sited on the north side of the existing property, it will not have a significant impact on light to that property. The outlook will be impacted upon to some extent with the 2m high boundary fence proposed, albeit this could be provided without the need for planning permission. In terms of privacy, the windows looking towards Pinecroft would be to the third bedroom and a bathroom and, in any event, the proposed fence would restrict overlooking between the two properties.

Plot 2 would be in relatively close proximity to 6 Moorcroft. However, given the nature of the side facing windows to 6 Moorcroft, and the angle of outlook, it is considered that there would not be such a significant impact on amenity to justify altering the proposal. Whilst there would be some impact on outlook from the north facing ground floor window to 6 Moorcroft due to the garage, this would be with a single storey garage to Plot 2. This is not considered to significantly harm light or outlook to 6 Moorcroft that would reasonably justify altering the proposal.

Notwithstanding the above, there would need to be conditions to remove permitted development rights for extensions to the dwellings, and the insertion of additional windows/doors, to ensure that matters of impact on light, outlook and privacy can be controlled in the future.
5. **The Impact on Protected Trees and Landscaping**

The applicant has amended the original proposals of this application and has reduced the number of dwellings by one unit. This is to address concerns initially raised by the County Council’s Arboricultural Officer with respect to the proximity of the protected trees within and surrounding the site. It has now been advised that the positioning of the dwellings is adequate to secure the future of the majority of the protected trees.

Notwithstanding the above, there would need to be conditions to remove permitted development rights for extensions to the dwellings, and the insertion of additional windows, to ensure that pressure is not placed on the protected trees and that such proposals can be controlled in the future.

In terms of landscaping, Matlock Civic Association has raised some concern with the provision of boundary fencing. However, such fencing is considered appropriate in the context of existing dwellinghouses and has been detailed to be screened by hedge planting along the north east boundary as part of the wildlife corridor. The land fall and protected trees along the north west boundary will provide some screening of the fences along that boundary. A condition can be attached to any grant of planning permission that details of the fences are submitted for approval.

6. **The Impact on Wildlife**

Derbyshire Wildlife Trust (DWT) has raised some concern with regard to the proximity of the curtilages of the gardens to the protected trees. To this end, the applicant has created a 3m wide buffer zone between the northern boundary and the garden curtilages to retain a wildlife area. In this respect, Derbyshire Wildlife has advised the proposals to be acceptable. Some concern has been raised with regard to the extent of wildflower grassland incorporated within the layout is somewhat limited. In this respect, DWT suggest that the two replacement trees proposed on the area of open space to the rear of Plot 1 are omitted from this part of the site in order to maximise the extent of wildflower grassland and reduce the amount of shade on the grassland habitat.

The DCC Countryside Officer has requested facilities for protected species such as bats to be incorporated into the design detail. This is considered a reasonable request and a condition can be attached to any grant of planning permission requesting details of such provision.

7. **Highway Matters**

The Local Highway Authority has advised on amendments that were required to the original submission to achieve adequate highway alignments and turning areas to meet their required standards. In this respect, the amended plans have addressed those concerns; conditions are now recommended on any grant of planning permission with regard to the following:

- the road extension to Moorcroft needs to be provided with appropriate geometry and 25m desirable forward visibility sightlines;
- space within the site curtilage for the storage of plant and materials, etc;
- vehicle wheel cleaning facilities;
- construction details of the residential estate road(s) and footway(s);
- visibility splays from each property;
- any gates arc shall not be permitted to open outwards over the adjoining public highway;
- details of arrangements for storage of bins and collection of waste;
- provision of parking spaces; and
- the garage accommodation shall be kept available for the parking of motor vehicles at all times.

8. **Affordable Housing Provision**
The District Council’s Head of Housing considers 25% on-site contribution and 20% off-site contribution to be appropriate on the basis that off-site contributions can play a significant role in helping to meet specific housing needs on other sites which would otherwise prove more problematic on the application sites.

In this respect, the applicant has proposed 6 plots as affordable housing (some 24%) and a financial contribution would need to be secured for the remaining 21% through a legal agreement.

9. **Community Infrastructure Provision**
Paragraph 72 of the NPPF seeks to ensure sufficient choice of school places being available to meet the needs of existing and new communities. DCC advise that the current and future projections show that the normal area primary and secondary schools are expected to have sufficient capacity in terms of school place provision to accommodate the additional pupils that would arise from this proposed development. Therefore, DCC do not require a contribution for the purpose of providing additional school places in relation to this proposed development.

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

10. **Open Space/Play Space Provision**
Policy L6 requires that new residential developments make provision for outdoor playing space and children’s play space. Larger residential developments generate their own demand for sport, recreation and children’s play space. The National Playing Fields Association standards set out the most appropriate manner in which to calculate open space provision, calculated at 2.4ha per 1000 persons. In this respect, the District Council will require developers to make an appropriate level of such provision on sites of 0.4ha or more. No meaningful area for open space is included as part of the layout. The requirement for equipped children’s play areas is calculated based on the number of dwellings proposed and the area of requirement per dwellinghouse.

It may be that the scale of any on-site equipped play area and associated open space will be of limited value. As such, Policy L6 does allow for financial contributions towards off-site provision to be made where it is not considered feasible to provide the required facilities on the site. This would be a pragmatic response in these circumstances whereby insisting on such facilities within the site would result in limited areas for open space and children’s play. The pooling of resources could also provide enhanced facilities for the site and wider community. Accordingly, a condition/legal agreement is required to secure appropriate off-site open space and play provision.

11. **Conclusion**
The Council have previously granted outline planning permission for residential development of this site. Whilst it is recognised that the application is for full planning permission, the characteristics that led to the granting of the outline planning permission have not changed, and the actual housing supply the Council needs to deliver has been
increased by an additional dwelling unit. Accordingly, having regard to the provisions contained in Paragraph 14 of the NPPF, there is a requirement to grant planning permission where a development plan is absent, silent or where relevant policies are out of date, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

The site will form an acceptable addition to the town’s housing stock located, as it is, immediately adjacent to the current Settlement Framework Boundary of the Adopted Local Plan. The design and appearance of the development is also considered appropriate to its context. The adverse impact of the development does not, in this case, outweigh the benefits and a recommendation of approval is considered to be appropriate.

**OFFICER RECOMMENDATION:**
That authority be delegated to the Development Manager to grant planning permission subject to the completion of a Section 106 Planning Obligation Agreement to secure appropriate on-site and off-site affordable housing provision, play space/open space provision and any other matters that cannot be dealt with by conditions, and 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 drawings and specification except as added to or amended by the information and drawings received on 13th, 16th, 25th and 31st March 2015 unless otherwise required by other conditions to which this permission is subject.
3. **Condition DM1** All Materials to be Approved – General
4. **Condition DM19** Heads, Cills, Jambs – Matching Materials
5. 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 buildings.
6. Prior to the commencement of development, details of the materials, treatment and/or colour of the window and door frames shall be submitted to and approved in writing by the Local Planning Authority. The window and door frames shall then be installed in accordance with the approved details and so retained.
7. Prior to the commencement of development, details of all gutters, downpipes and all other external pipework shall be submitted to and approved in writing by the Local Planning Authority. These items shall then be provided in accordance with the approved details and so retained.
8. Before the development commences details of the positioning of meter boxes on the exterior of the buildings shall be submitted for written approval of the Local Planning Authority and shall thereafter be provided in accordance with the approved details.
9. Notwithstanding the details on the approved drawings, no development shall commence on site until a scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority, the details of which shall include:-
a) measures for the protection of retained vegetation during the course of development;
b) all plant species, planting sizes, planting densities, the number of each species to be planted and plant protection;
c) finished site levels and contours; and
d) hard surfacing materials.

The landscaping scheme shall thereafter be carried out in accordance with the approved details.

10. Condition LA13a Landscape to be Carried out and Maintained

11. Condition LA5a Protection of Retained Trees

12. No development shall take place until a landscape management plan, including long-term design objectives, management responsibilities and maintenance schedules for all landscaped areas (except privately owned domestic gardens), shall be submitted to and approved in writing by the Local Planning Authority. The landscape management plan shall be carried out as approved and any subsequent variations shall be agreed in writing by the Local Planning Authority. The scheme shall provide:

i) details of maintenance regimes details of any new habitat created on site; and
ii) details of management responsibilities.

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

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

a) the numbers, type, tenure and location on the site of the affordable housing provision to be made which shall consist of not less than 24% of housing units/bed spaces with an off-site financial contribution based on 21% of the approved dwellinghouses;
b) the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
c) the arrangements for the transfer of the affordable housing to an affordable housing provider (or the management of the affordable housing) if no Registered Social landlord is involved;
d) the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
e) the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.
15. Unless otherwise agreed in writing with the Local Planning Authority, no development shall be commenced until an extension to Moorcroft has been provided to serve the site, laid out and constructed with appropriate geometry and 25m desirable forward visibility sightlines, the area in advance of the sightlines forming part of the highway and not part of any plot or other sub-division of the site. There shall be no other means of access to the site.

16. Before any other operations are commenced (excluding demolition/site clearance), space shall be provided within the site curtilage for the storage of plant and materials, site accommodation/loading and unloading of goods vehicles, parking and manoeuvring of site operatives and visitors vehicles, laid out and constructed in accordance with detailed designs to be submitted in advance to the Local Planning Authority for written approval and maintained throughout the contract period in accordance with the approved designs free from any impediment to its designated use.

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

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

19. The carriageways of the proposed estate roads shall be constructed in accordance with Condition 18 above up to and including at least binder level, prior to the commencement of the erection of any dwelling intended to take access from that road. The carriageways and footways shall be constructed up to and including binder course surfacing to ensure that each dwelling prior to occupation has a properly consolidated and surfaced carriageway and footway, between the dwelling and the existing highway. Until final surfacing is completed, the footway binder course shall be provided in a manner to avoid any upstands to gullies, covers or other such obstructions within or abutting the footway. The carriageways, footways and footpaths in front of each dwelling shall be completed with final surface course within twelve months (or three months in the case of a shared surface road) from the occupation of such dwelling, unless otherwise agreed in writing by the Local Planning Authority.

20. Individual driveway access points to the new estate streets shall be provided with minimum 2.4m x 17m visibility splays in each direction (measured up to 1m into the carriageway at the extremity of the splay), the area in advance of the sightline being maintained free from any obstructions to visibility over 1m high (600mm in the case of vegetation) relative to the nearside carriageway channel level.

21. Any gates, including any part of their opening arc shall not be permitted to open outwards over the adjoining public highway. Gates shall be set back within the curtilage or open into the site only.

22. No part of the development shall be occupied until details of arrangements for storage of bins and collection of waste have been submitted to and approved by the
Local Planning Authority. The development shall be carried out in accordance with the agreed details and the facilities retained for the designated purposes at all times thereafter.

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

24. The garage accommodation hereby permitted shall be kept available for the parking of motor vehicles at all times. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and/or re-enacting that Order) the garage/car parking space(s) hereby permitted shall be retained as such and shall not be used for any purpose other than the garaging of private motor vehicles associated with the residential occupation of the property without the grant of further specific planning permission from the Local Planning Authority.

25. No development shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The drainage strategy should demonstrate the surface water run-off generated up to and including the 100 year climate change critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include:

   • details of how the scheme shall be maintained and managed after completion;
   • sustainable drainage techniques or SuDS incorporated into the design;
   • details to show the outflow from the site is limited to the maximum allowable rate, i.e. greenfield site run-off;
   • that the surface water drainage system must deal with the surface water run-off from the site up to the critical 1% Annual Probability of Flooding (or 1 in a 100-year flood) event, including an allowance for climate change (i.e. for the lifetime of the development). Drainage calculations must be included to demonstrate this (e.g. MicroDrainage or similar sewer modelling package calculations which include the necessary attenuation volume);
   • detailed design details of any proposed above ground attenuation including cross-sections and plans
   • provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
   • include a timetable for its implementation; and
   • provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.
26. The development shall be carried out in accordance with the recommendations and mitigation measures proposed in the Biodiversity Management Plan received on 13th March 2015 and details of measures for additional habitat features to provide biodiversity gains for the development, such as the inclusion of bat and swift boxes within the building design, shall be submitted to and agreed in writing and provided prior to the occupation of each dwelling providing such facilities.

27. No trees or shrubs that may be used by breeding birds, shall be removed between 1st March and 31st August inclusive, unless a recent survey has been undertaken by a competent ecologist to assess the nesting activity on the site during this period, and details of measures to protect any nesting birds during this period have been first submitted to and approved in writing by the Local Planning Authority.

28. Condition GR9 Secure by Design

29. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification) no external alterations or additions, to include additional windows/doors, shall be made to any dwelling hereby approved and no buildings, extensions, gates, fences or walls (other than those expressly authorised by this permission) shall be carried out within the curtilage of any dwelling without the prior written approval of the Local Planning Authority.

Reasons:

1. Reason ST02a

2. To define the permission for the avoidance of doubt.

3-8 To ensure the satisfactory appearance of the development to comply with government guidance contained in the National Planning Policy Framework and Policies SF5 and H9 of the Adopted Derbyshire Dales Local Plan (2005).

9-10 To ensure the satisfactory appearance of the development to comply with government guidance contained in the National Planning Policy Framework and Policies SF5, H9 and NBE26 of the adopted Derbyshire Dales Local Plan (2005).


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

13. To safeguard the amenity of neighbouring residents to the development site to comply with government policy contained in the National Planning Policy Framework and the aims of Policies SF5 and H9 of the adopted Derbyshire Dales Local Plan (2005).
14. In order to secure the provision of affordable housing in accordance with government policy contained in the National Planning Policy Framework.


23-24. To ensure the provision of adequate off street parking provision in the interests of highway safety site to comply with government policy contained in the National Planning Policy Framework and the aims of Policy TR8 of the Adopted Derbyshire Dales Local Plan (2005).

25. To provide satisfactory surface water drainage provisions to comply with government policy contained in the National Planning Policy Framework.

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

27. In order to retain and enhance, via management, the biodiversity value of the area in order to compensate for the loss of grassland habitat to the development in accordance to comply with government policy contained in the National Planning Policy Framework and the aims of Policies NBE4 and NBE5 of the adopted Derbyshire Dales Local Plan (2005).

28. Reason GR9

29. To safeguard the character and appearance of the development, to ensure the adequate protection of protected trees and to safeguard the amenity of neighbouring properties to comply with government guidance contained in the National Planning Policy Framework and Policies SF5 and H9 of the Adopted Derbyshire Dales Local Plan (2005).

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

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

Pursuant to Sections 149 and 151 of the Highways Act 1980, the applicant must take all necessary steps to ensure that mud or other extraneous material is not carried out of the site and deposited on the public highway. Should such deposits occur, it is the applicant’s responsibility to ensure that all reasonable steps (eg; street sweeping) are taken to maintain the roads in the vicinity of the site to a satisfactory level of cleanliness.
Pursuant to Sections 219/220 of the Highways Act 1980, relating to the Advance Payments Code, where development takes place fronting new estate streets the Highway Authority is obliged to serve notice on the developer, under the provisions of the Act, to financially secure the cost of bringing up the estate streets up to adoptable standards at some future date. This takes the form of a cash deposit equal to the calculated construction costs and may be held indefinitely. The developer normally discharges his obligations under this Act by producing a layout suitable for adoption and entering into an Agreement under Section 38 of the Highways Act 1980.

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

Pursuant to Section 50 (Schedule 3) of the New Roads and Streetworks Act 1991, before any excavation works are commenced within the limits of the public highway (including public Rights of Way), at least 6 weeks prior notification should be given to the Strategic Director of Environmental Services at County Hall, Matlock (tel: 01629 580000 and ask for the New Roads and Streetworks Section).

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

2. Any works in, or within close proximity to, an ‘Ordinary Watercourse’ (i.e. an outfall that encroaches into the profile of the watercourse) will require consent under the Land Drainage Act (LDA), 1991 from Derbyshire County Council (DCC) Flood Risk Management Team. Upon receipt of any application (including the legislative fee) DCC has an 8 week legislative period at which to make a decision and either consent or object the proposals. If the applicant wishes to make an application for any works, contact Flood.Team@derbyshire.gov.uk.

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

4. NFA28: Wildlife and Countryside Act

5. NFA 30: Secure by Design

6. NFA 8: Section 106 Agreements

7. The Local Planning Authority have during the consideration of this application engaged in a positive and proactive dialogue with the applicant which has resulted in revised proposals which overcome initial concerns with the application relating to
the development layout in proximity to protected trees and residential properties and with regard to wildlife interests.

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

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 have during the consideration of this application engaged in a positive and proactive dialogue with the applicant which has resulted in revised proposals which overcame initial problems with the application relating to the highway layout, potential impact of the development on protected trees and wildlife interests and the proximity of proposed dwellings to existing dwellings.

This decision notice relates to the following documents:

- Site Location Plan 1:1250 received on 15th December 2014
- Design and Access Statement received on 15th December 2014
- Drawing No. MAT/PL/02 received on 15th December 2014
- Amended Drawing Nos. MAT/PL/KTNplot1/01, KTNplot2/01, MEDplot3,4,10/01, BROplot5/8/01Rev.A, ASNplot6/01, KTNplot7/01Rev.A, MEDplot9,11,12/01, ASHplot13/01, KTNplot14/01, ASHplot15/01Rev.A, ALDplot16-17/01, ALTplot18-21/01, PRO-MILplots 22-23/01Rev.A, CARplot24/01Rev.A, ASHplot25/01Rev.A, and ASNplot26/01Rev.A received on 1st April 2015
- Additional Information and Amended Drawing Nos. MAT/PL/03Rev. B and 04 received on 25th and 31st March 2015
- Arboricultural Method Statement and Tree Protection Plan received 15th December 2014
- Phase I and II Geo-Environmental Investigation Report received 15th December 2014
- Amended Biodiversity Management Plan received on 13th March 2015.
THE SITE AND SURROUNDINGS:
The area in which the application site is located is characterised by a series of pastoral fields divided by dry stone walls. Bentley Brook runs down the western side and forms the boundary with existing development. There is a dense growth of trees and other vegetation is associated with the line of the brook. The land slopes upwards from the brook to the east, initially quite gently then more steeply close to the eastern boundary.

The eastern boundary is defined by a high ridge, the site of the former Lumshill Quarry, which has now become thickly wooded. Chesterfield Road forms the north west boundary and this is defined by a roadside wall and narrow belt of trees of various species and different ages.

Quarry Lane defines the north western boundary which is characterised by a short line of cottages and an associated chapel. There are pastoral fields to the south and larger block of woodland associated with the brook to the south west.

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

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

There are constraints on development which include a public footpath routed along the track immediately to the south west of the cottages on Quarry Lane and the Lumsdale Conservation Area lies immediately to the south of the area. There are woodland and wetland habitats associated with Bentley Brook. The higher ground of the application site is open to middle and long distance views from the north and south.

THE APPLICATION:
Full planning permission is sought for the construction of 64 dwellings with associated public open space and infrastructure. This was originally submitted for 62 dwellings but the numbers have been increased by two to address matters of affordable housing provision addressed later in this report. The number of dwellings remains consistent with the 65 dwellinghouses approved with outline planning permission 13/00456/OUT.
Supporting documents are provided with the application, which include the following:

- Planning and Sustainability Statement
- Design Statement
- Geo-environmental Report
- Landscape and Visual Impact Appraisal
- Landscape Management Plan
- Transport Statement
- Phase 1 Habitat and Protected Fauna Survey
- Additional Survey Landscape Management Plan
- Draft Heads of Terms (Section 106 agreement)

The development would be set in two distinctive areas. Affordable housing, in the form of flats and terraced and semi-detached dwellinghouses, is proposed close to the site entrance at Chesterfield Road and to the south side of the access. A prominent, three storey building is proposed to the frontage; this is set on a lower level to the road height.

Detached, private dwellings would then be provided beyond the affordable dwellings, with the larger dwellinghouses set on the upper slope and up to the field separating the development from the woodland. Within this area there is also some 2.5/3 storey development proposed which has been introduced to address the contours of the site and to provide variety in the development. The dwellings would principally be constructed with locally sourced gritstone.

Within the site, there are areas of green, open space. This is particularly characterised by the open space set to the north of the access road and which abuts the rear gardens of Quarry Lane. A ‘village green’ is also proposed at the head of the main access into the site and forms a central feature to the development.

**RELEVANT HISTORY:**
14/00482/OUT Residential Development (Outline) – granted subject to completion of a S106 agreement
14/00120/OUT Residential Development (Outline) - Withdrawn
13/00456/OUT Residential Development of 65 dwellings with associated infrastructure (Outline) - Granted

**CONSULTATIONS:**
Town Council – Object:
- target proportion of affordable housing in the Local Plan should be able to be achieved
- recognises a sum has been set aside elsewhere in the District but are concerned that the needs of local people wishing to remain in Matlock are not being met.

Local Highway Authority – No objection subject to conditions.

Environment Agency – No objection subject to conditions with regard to sustainable drainage principles and the provision of a scheme detailing compensatory flood storage provision.

DDDC Head of Housing – Comment:
- consider a 25% on-site affordable housing provision and 20% off-site contribution to be appropriate.
Development Control Archaeologist – No objection but advise consultation with English Heritage with regard to impact on Scheduled Monument.

Conservation Advisory Forum – Comment:
- principle of development considered acceptable subject to being high quality
- proposed layout poor with no design cohesion
- current form not considered to be an asset to the context of the adjacent Conservation Area
- not characteristic of the way that historically the topography and character of the land had previously been developed, particularly with development encroaching up the hillside towards the ridgeline
- proposed ‘balancing ponds’ could form elements more in keeping with the mill-ponds further down the valley
- the character and appearance of existing development further down the valley could help inform the character and appearance of future development
- any proposed layout should reflect the quality of the associated Conservation Area
- recommended a planning/design brief to indicate how the proposed development could contribute to the town and surrounding area
- queried the design concept/brief for the proposed dwellings, particularly for those buildings adjacent to the Conservation Area boundary - appeared as an incoherent mix of traditional and sub-urban styles
- three-storey design facing onto the Conservation Area was considered inappropriate and a two-storey scale of development would be more appropriate in this location.

DCC Crime Prevention Design Advisor – Comment:
- concerned with level of permeability on site area adjacent to Chesterfield Road
- has identified areas where improvements could be made to safety and security.

DCC Environmental Services (Strategic Director) – No objection – Comment:
- Section 106 legal agreement required to secure a financial contribution of £600,000 to offset the loss of potential for playing fields on the site
- undertaking of a full ground investigation and ecology study required
- other service provisions and contributions requested.

Derbyshire Wildlife Trust – Comment:
- if the detailed design, when implemented, can clearly demonstrate that both development and landscaping of the site and green corridor will not result in any works to the trees (including crown reduction/pruning works) then no further survey work is required
- given that the principle of development has already been established by the outline permission, the purpose of any survey is to ensure that the specific trees with potential bat roosting are thoroughly investigated if they are to be impacted by the build out of the permission
- anticipate that a transect survey would be insufficient to demonstrate that reasonable effort has been used to discount roosting activity in these specific tree
- if any trees with bat roosting potential require removal or tree surgery work anticipate that the relevant surveys will be carried out including tree climbing work with appropriate equipment to investigate cavities and activity surveys targeted on these specific trees according to the BCT Guidelines.
DCC Public Rights of Way – Comment:
- ask that applicant be made aware of the legal alignment of Footpaths 7 and 33
- pleased to see Footpath 17 retained on its alignment and links made to Footpath 33
- request informatives be attached to any planning permission.

Peak and Northern Footpaths Society – Comment:
- site layout does not follow government guidance (DEFRA) that the footpath alignment should not use estate roads and preference should be given to estate paths through landscaped or open space areas
- seems to run over an estate road pavement with a wavy line for about a third of its length – not definitive line and would object to a diversion order
- no improvements detailed to the footpath bridge carrying Footpath 33 nor to footpaths outside the site – these will be used more intensively and developer should fund improvements
- a new footpath across the open space link to Footpath 33 and Lumsdale should be dedicated by the landowner.

REPRESENTATIONS:
Five letters of representation from neighbours, local residents and interested parties. The comments can be summarised as follows:

- out of keeping with the Local Plan and recommendation to prioritise brownfield sites
- other greenfield site development proposals have been refused
- overdevelopment and urban sprawl
- huge visual impact on the countryside
- impacts on wildlife
- density of development at entrance to the site seems unnecessarily high – would be possible to distribute this better on the site and reduce activity at the rear of Quarry Lane
- three storey properties not in keeping
- concerned garages and parking on southern area of the site will be inadequately screened from the footpath which borders the Lumsdale Conservation Area
- development far too close to beautiful area of dams and waterfalls at Lumsdale which received lottery funding for conservation
- concern with safety of the junction to Chesterfield Road
- substantial additional traffic on Chesterfield Road and impact on bus service reliability
- would like clarification whether the footpath along Bentley Brook is intended to open onto the footbridge or Lumsdale
- assume conditions will be imposed to minimise dirt and pollution during construction, etc
- would like assurances that open spaces will be maintained
- impact on public right of way
- inadequate period for consultation
- Methodist Church would request some off road parking to create parking for the local community to attend the church.
Matlock Civic Association – Comment:
- appears to be lack of design and materials information
- open paddock area adjacent to the woodland should be treated as hay meadow and its southern boundary to the housing should be a hedge.

POLICIES:

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

2. Derbyshire Dales Local Plan: Pre-Submission Draft (June 2013)
   Site Allocation Policy SA1 – Land at Bentley Bridge, Matlock

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

ISSUES:

1. Introduction

The site is one of the sites within the Matlock/Wirksworth Sub Area that had been identified in the emerging Local Plan as having potential for housing development. Having due regard to the policies of the Adopted Local Plan (2005) and government guidance contained in the National Planning Policy Framework (NPPF), the site characteristics and comments of consultees and representations received from the public, the key issues that arise in the consideration of this application are considered to be as follows:-
2. **Principle of the site being developed for new housing provision**

Whilst the site has been granted outline planning permission, as this is a full planning application the principle of development must be reassessed in the light of up to date planning policy. The National Planning Policy Framework (NPPF) also advises that there is a presumption in favour of sustainable development.

Paragraph 11 states that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise. It advises that proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused, unless other material considerations indicate otherwise. The Development Plan includes the Adopted Derbyshire Dales Local Plan (2005).

However, the site is not located within the Settlement Framework boundary as defined by the Adopted Derbyshire Dales Local Plan (2005). Nevertheless, the site was proposed as an allocated site for residential development in the emerging Local Plan, until this had to be withdrawn on the advice of the Local Plan Inspector, largely to address the objectively assessed need for further housing development within the District.

As such, as the District Council is unable to demonstrate a 5 year housing land supply to meets its objectively assessed need, weight must now be given to allowing for such development except where substantial material considerations may determine otherwise. This is advised in Paragraph 14 of the National Planning Policy Framework. It also states that where the Local Plan is absent on this matter (as the existing Local Plan is) regard has to be given primarily to the National Planning Policy Framework. Paragraph 14 advises that there is a presumption for granting planning permission unless any adverse effects of doing so would significantly and demonstrably outweigh the benefits against other policies within the NPPF.

Given the above, it is considered that the proposals are broadly in accordance with national policies in the NPPF for sustainable development and the development of larger-scale housing as sustainable urban extensions.
3. Impact of the Development on the Character and Appearance of the Landscape and the Setting of the Lumsdale Conservation Area

The principle of development has been approved with outline planning permission 13/00456/OUT. In approving the development, it was agreed to have some encroachment up the upper slopes of the application site, but also to retain a buffer of land, reflective of the size of a field, between the development and the woodland above. It was considered, given the constraints of providing infrastructure, open space, a buffer between the domestic curtilages of Quarry Cottages and a buffer area to Bentley Brook, that there was a need to have a degree of encroachment onto the upper slopes to provide the desired level of housing development.

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

It is considered that the development would be regarded in the context of the Conservation Area and will cause some visual harm to its setting. The scale of development will have impact on the arrested industrial development within the wider rural context. The site currently provides a green buffer between the rural landscape and urban townscape. However, this has to be balanced with regards to the need to provide for further housing development and this assessment was undertaken prior to the allocation of the site within the previously emerging Local Plan.

In terms of the character and appearance of the development, the individual dwelling in layout are responsive to the landscape. In terms of the design and materials, the dwellinghouses reflect the variety of house types found in this area; this consists of detached, semi-detached and terraced properties.

4. Housing Mix and the Requirement for Affordable Housing Provision

There have been protracted discussions with the applicant with regard to affordable housing who has now agreed to make the provision of on-site affordable dwellinghouses and a financial contribution to off-site provision to reflect the requirements of the Adopted Derbyshire Dales Local Plan. The District Council’s Head of Housing considered a 25% on-site contribution and 20% off-site contribution to be appropriate on the basis that off-site contributions can play a significant role in helping to meet specific housing needs on other sites which would otherwise prove more problematic on the application sites.

The on-site provision would equate to 15.5 units. However, part of the discussions on affordable housing has focussed on delivery on this site in combination with the adjoining site where 16 dwellings are to be accommodated. Through negotiation with the applicant, it has been agreed with Officers that the additional development approved with outline planning permission 14/00482/OUT, of a further 16 dwellinghouses, would not provide affordable housing on that site. Instead, the four requisite affordable dwellinghouses (25% of 16) would be added to the 15.5 proposed with this current application, thus creating a more characterful area for 19 affordable dwellings, based on the scale of the dwellings, which would also be more efficiently managed by a Housing Association. This equates in
total to a 30% on site provision on this site and will need to be addressed through a legal agreement to secure the delivery of such a provision.

Outline planning permission 14/00482/OUT is yet to be issued as it is subject to the completion of a S106 Agreement. It is considered reasonable that the legal agreement relating to application 14/00482/OUT be amended to require a 45% off-site financial contribution towards affordable housing in order to off-set the 30% on-site provision and 15% off-site financial contribution on this larger application site. This is considered the easiest mechanism for providing the requisite affordable housing provision across the two sites. Overall, across the two sites 45% affordable housing will be delivered, which meets the requirements of Plan policy

5. **Density of Development and Appropriateness in Context**

The application is for 64 dwellings within a site area of approximately 3.5 hectares. Normal development density would be expected to be approximately 30 dwelling units per hectare. Therefore, the site is considered reasonable in area to provide for a development of different house types to the extent that 64 dwellings could be accommodated within the constraints of the site with the necessary provision of associated infrastructure, open space and amenity space. It is considered that such density will be reflective of development densities found within the town.

6. **Impact on Amenity of Residents in the Locality**

The nearest dwellinghouse to the site are those at Quarry Lane. The applicant has taken the proximity of these properties into account and proposes an amenity area between these and the built form of the proposed development.

Given the depth of the garden plots to the dwellinghouses on Quarry Lane, the site layout is considered acceptable in terms of reasonably protecting the light, outlook and privacy to these properties. The distances to other properties overlooking the site are such that the proposals could not be refused on grounds of loss of amenity.

7. **Access Issues and Highway/Pedestrian Safety**

The means of access was approved with outline planning permission 13/00456/OUT. The Local Highway Authority is generally satisfied with the conclusions of the applicant’s Transport Survey and that the proposed scale of development can be accommodated on the existing highway network without detriment to its operation.

The proposals indicate the existing public right of way - FP7 Matlock, will be retained generally on its existing alignment through the site. The proximity of the site boundary to the public right of way – FP33 Matlock, offers opportunity to provide a meaningful connection between the site and the school. However, some upgrading of this route/footbridge will be required to accommodate the increased usage by pedestrians. This would fall outside the application site boundary as shown, but could be conditioned, given it relates to improvement of the public highway.
8. **Archaeological Issues**

The Development Control Archaeologist has advised that the site lies partly within the moor/common area enclosed in 1784 and that it may retain potential for hitherto unknown below-ground archaeology. The applicant therefore commissioned a geophysical survey which has identified very few features within the site, and those identified appear to relate to either post-medieval field boundaries, which can be seen on historic maps, or to land drains/soughs, also of no great age.

The Development Control Archaeologist advises that the level of confidence in the survey is likely to be fairly high because of the conducive sandstone geology, and that the site has very little archaeological potential. It is therefore recommended that there is no need to place any further archaeological requirement upon the applicant.

9. **Impact on Wildlife**

DWT and the Environment Agency advise of a number of conditions to ensure that the proposal is implemented to avoid infringements of the wildlife legislation.

10. **Impact on trees and landscape features**

There are a few trees to be found within the site which the applicant proposes to retain in the main. The layout plans detail additional tree planting to be provided and this can be secured through a condition on any grant of planning permission.

11. **Drainage**

Whilst the site is located adjacent to Bentley Brook, and parts of the site lie within Flood Zone 3 and Flood Zone 2, DCC have received no reported historical incidences of flooding within the proposed site boundary. It is recommended that Sustainable Drainage Systems (SuDS) be incorporated within the design of a drainage strategy, and to promote betterment or meet current greenfield runoff rates taking into account impacts of climate change; a condition can be attached in this respect.

The Environment Agency initially raised concern with regard to the potential proximity of the development to Bentley Brook. However, the site layout plan identifies a buffer zone of 10m from the bank top of the brookcourse. The buffer zone will help to reduce shading and will need to be free from all built development including lighting. To reduce light spill into the river corridor outside all artificial lighting will need to be directional and focused with cowlings. This can be addressed with a condition on any planning permission.

The buffer zone will also be kept free of gardens and landscaping. There is also a need to set floor levels to seek to protect against flooding. These matters can again be subject to condition.

12. **Provision of Community Infrastructure**

DCC has held a notified site on part of the application land as a future site for school playing fields (Policy CS1 of the adopted Local Plan). Paragraph 74 of the NPPF advises that playing fields should not be built on unless surplus to requirements or they would be replaced by equivalent or better provision in a suitable location. In this respect, pre-application discussions with the developer and DCC have resulted in an agreement to a
£600,000 contribution, which is notionally sufficient to provide for an artificial sports pitch and associated facilities. Within school premises regulations, such a pitch counts as at least double its actual area and effectively compensates the school for the loss of the potential expansion onto the notified site; this would need to be secured through a Section 106 legal agreement.

Paragraph 72 of the NPPF seeks to ensure sufficient choice of school places being available to meet the needs of existing and new communities. DCC advise that the current and future projections show that the normal area primary and secondary schools are expected to have sufficient capacity in terms of school place provision to accommodate the additional pupils that would arise from this proposed development. Therefore, DCC do not require a contribution for the purpose of providing additional school places in relation to this proposed development.

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

13. Open space provision

Paragraph 73 of the NPPF advises that access to open space and opportunities for sport and recreation can make an important contribution to the health and well-being of communities. In this respect, the applicant has detailed the provision of play facilities and open space to accommodate the needs of the occupiers of the residential development, which would also allow access to such facilities by the wider community.

14. Crime Prevention

The Crime Prevention Design Advisor has raised some concern with level of permeability on site area adjacent to Chesterfield Road and has identified areas where improvements could be made to safety and security. However, it is considered that there is a substantial degree of overlooking of the area of concern and this is not considered sufficient reason to justify altering the proposed layout; to do so would effectively place the public footpath adjacent to the brook behind a fence.

There are other recommendations which could be taken on board regarding lighting, gated accesses and additional windows to overlook parking spaces. However, it is considered reasonable to address such matters with a condition on any grant of planning permission as these will not significantly impact on the proposed development.

15. Conclusion

The Council have previously granted outline planning permission for residential development of this site. Whilst it is recognised that the application is for full planning permission, the characteristics that led to the granting of the outline planning permission have not changed and the actual housing supply the Council needs to deliver has been increased. Accordingly, having regard to the provisions contained in Paragraph 14 of the NPPF, there is a requirement to grant planning permission where a development plan is absent, silent or where relevant policies are out of date, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.
The site will form an acceptable addition to the town’s housing stock located, as it is, immediately adjacent to the current Settlement Framework Boundary of the Adopted Local Plan. The design and appearance of the development is also considered appropriate to its context. The adverse impact of the development does not, in this case, outweigh the benefits and a recommendation of approval is considered to be appropriate.

OFFICER RECOMMENDATION:

That authority be delegated to the Development Manager to grant planning permission subject to the completion of a Section 106 Planning Obligation Agreement to secure the appropriate on-site and off-site affordable housing provision (having regard to the requirements of planning application 14/00482/OUT), a financial contribution towards education facility provision, open space/play area provision and any other matters that cannot be dealt with by conditions, and 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 drawings and specification except as added to or amended by the information and drawings received on 10th September 2014, 1st, 13th, 16th October 2014 and 17th March 2015 unless otherwise required by other conditions to which this permission is subject.

3. Condition DM1 All Materials to be Approved – General


5. 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 buildings.

6. Prior to the commencement of development, details of the materials, treatment and/or colour of the window and door frames shall be submitted to and approved in writing by the Local Planning Authority. The window and door frames shall then be installed in accordance with the approved details and so retained.

7. All verges shall be given a plain mortared finish without the use of bargeboards.

8. Prior to the commencement of development, details of all gutters, downpipes and all other external pipework shall be submitted to and approved in writing by the Local Planning Authority. These items shall then be provided in accordance with the approved details and so retained.

9. Before the development commences details of the positioning of meter boxes on the exterior of the buildings shall be submitted for written approval of the Local Planning Authority and shall thereafter be provided in accordance with the approved details.

10. Notwithstanding the details on the approved drawings, 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 :-

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a) indications of all existing trees, hedgerows and other vegetation on the land;
b) all vegetation to be retained including details of the canopy spread of all trees and hedgerows within or overhanging the site, in relation to the proposed buildings, roads, and other works;
c) measures for the protection of retained vegetation during the course of development;
d) all plant species, planting sizes, planting densities, the number of each species to be planted and plant protection;
e) grass seed mixes and sowing rates;
f) finished site levels and contours; and
g) hard surfacing materials.

11. Condition LA13a Landscape to be Carried out and Maintained

12. Condition LA5a Protection of Retained Trees

13. No development shall take place until a landscape management plan, including long-term design objectives, management responsibilities and maintenance schedules for all landscaped areas (except privately owned domestic gardens), shall be submitted to and approved in writing by the Local Planning Authority. The landscape management plan shall be carried out as approved and any subsequent variations shall be agreed in writing by the Local Planning Authority. The scheme shall provide:

i) detail of the extent and type of new planting (NB planting to be of native species);
ii) details of maintenance regimes details of any new habitat created on site;
iii) details of treatment of site boundaries and/or buffers around water bodies; and
iv) details of management responsibilities.

14. Before the development commences, a management plan for the ‘field’ between the housing development and the woodland on the upper slopes shall be submitted to and approved in writing by the Local Planning Authority and shall thereafter be carried out in accordance with the approved details.

15. The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) Version 1.1 Dated January 2013 and the following mitigation measures detailed within the FRA:

- Finished floor levels are set no lower than 600mm above the corresponding 1:100 year flood level; and
- all development to be located outside within Flood Zone 1 and outside of the predicted.

16. No development shall take place until a plan detailing the protection and/or mitigation of damage to populations of bats, water voles and crayfish, all protected species under The Wildlife and Countryside Act 1981 as amended and their associated habitats during construction works and once the development is complete. Any change to operational, including management responsibilities, shall be submitted to and approved in writing by the Local Planning Authority. The protection plans shall be carried out in accordance with a timetable for implementation as approved. The scheme shall include the following elements:
• a crayfish survey completed within the site and 100m up and downstream of the development at an appropriate (optimal) time of the year and undertaken by a suitably qualified ecologist working to CIEEM standards;
• a bat survey completed at an appropriate (optimal) time of the year and undertaken by a suitably qualified ecologist working to CIEEM standards;
• a pre-commencement watervole survey within the site and extended to 100m up and downstream of the development at an appropriate (optimal) time of the year and undertaken by a suitably qualified ecologist working to CIEEM standards; and
• details of any proposed mitigation measures to ensure species are protected and their habitats enhanced.

17. Before the development commences, the following wildlife matters shall be addressed:

i) a survey to ensure that the status of badgers has not altered
ii) a reptile survey and a suitable clearance programme should reptiles be found
iii) all trees (10cm diameter at breast height) should be retained within the development, until such time as survey has been undertaken for the potential of the trees to support bat roosts
iv) avoid site clearance in the bird breeding season unless a survey is submitted to demonstrate that ground nesting seasons are not breeding.

No works shall commence until such details have been submitted to and approved in writing by the Local Planning Authority. In addition, the following mitigation measures shall be provided during the development process:

a) the length of Bentley Brook shall be temporarily fenced with high visibility fencing with a minimum stand-off of 10m; and
b) the area supporting Japanese knotweed shall be re-inspected and a construction method statement produced should the species have extended to within 10m of any working area of the site.

18. No works of construction shall take place on the site outside of the following hours:

- Monday to Friday 08.00 to 20.00
- Saturday 09.00 to 13.00
- Sunday/Bank Holidays No construction.

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

a) the numbers, type, tenure and location on the site of the affordable housing provision to be made which shall consist of not less than 30% of housing units/bed spaces with an off-site financial contribution based on 15% of the approved dwellinghouses;
b) the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
c) the arrangements for the transfer of the affordable housing to an affordable housing provider (or the management of the affordable housing) if no Registered Social landlord is involved;

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

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

20. No dwelling shall be first occupied until:-

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

b) the amenity areas and play area have been laid out, in the case of the play area equipped, in accordance with the approved scheme.

25. Before any other operations are commenced, a new estate street junction shall be formed to Chesterfield Road in accordance with the application drawing (Drawing No. 672-02-01 Rev A), laid out, constructed and provided with absolute minimum visibility splays of 2.4m x 100m to the north east of the proposed access and 2.4m x 97m to the south west (when measured 1m in from the carriageway edge at the visibility splay extremity), the area in advance of the sightlines being levelled, constructed as footway and not being included in any plot or other sub-division of the site.

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

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

28. Before any other operations are commenced details of the following matters shall be submitted to the Local Planning Authority for approval:

a) pedestrian crossing facilities across the A632 in order to access existing northbound public transport bus stops.

b) any excavations/fill within 5m of the public highway, including details of any temporary support to ensure the integrity of the public highway is maintained during and after the works take place.

c) detailed design at the point of intersection between the existing public right of way (FP7) and the proposed estate street to ensure pedestrian safety is preserved.

d) improvements to the existing public right of way (FP33) including an up-grade in terms of construction quality and lighting, to provide a connection into the proposed site, to reduce walking distances for future residents to key local facilities.
The approved details shall be fully implemented in a timescale to be agreed with the Local Planning Authority in advance of works commencing on site.

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

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

31. No dwelling shall be occupied until the proposed new estate street between each respective plot and the existing public highway have been laid out in accordance with the approved designs and constructed to at least base level, drained and lit in accordance with the 6C's specification for new adoptable estate streets. The estate streets being fully completed with the final surface course applied in a timescale to be agreed with the Local Planning Authority prior to the occupation of the 50th dwelling, unless otherwise agreed in writing by the Local Planning Authority.

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

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

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

35. No external lighting shall be erected on the properties fronting Chesterfield Road without details being first agreed with the Local Planning Authority. Precise details of the intensity, direction, spread of luminance and shielding of light sources (so as to minimise the risk of drivers on the highway being dazzled), shall be submitted to and approved in writing by the Local Planning Authority, the lighting thereafter being maintained in accordance with the approved scheme.
36. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, there shall be no vehicular access created to Quarry Lane in the future.

37. The dwellings, the subject of the application, shall not be occupied until space has been provided within the property curtilages for the parking and manoeuvring of residents (including secure/covered cycle parking), located, designed, laid out and constructed in accordance with the approved drawings and maintained throughout the life of the development free from any impediment to its designated use.

38. No development shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The drainage strategy should demonstrate the surface water run-off generated up to and including the 100 year climate change critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include:

- details of how the scheme shall be maintained and managed after completion;
- sustainable drainage techniques or SuDS incorporated into the design;
- details to show the outflow from the site is limited to the maximum allowable rate, i.e. greenfield site run-off;
- that the surface water drainage system must deal with the surface water run-off from the site up to the critical 1% Annual Probability of Flooding (or 1 in a 100-year flood) event, including an allowance for climate change (i.e. for the lifetime of the development). Drainage calculations must be included to demonstrate this (e.g. MicroDrainage or similar sewer modelling package calculations which include the necessary attenuation volume); and
- detailed design details of any proposed above ground attenuation including cross-sections and plans
- provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
- include a timetable for its implementation; and
- provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

39. Condition GR9 Secure by Design

Reasons:

1. Reason ST02a

2. To define the permission for the avoidance of doubt.
3-9 To ensure the satisfactory appearance of the development to comply with government guidance contained in the National Planning Policy Framework and Policies SF5 and H9 of the Adopted Derbyshire Dales Local Plan (2005).

10-11 To ensure the satisfactory appearance of the development to comply with government guidance contained in the National Planning Policy Framework and Policies SF5, H9 and NBE26 of the adopted Derbyshire Dales Local Plan (2005).


13-14. To ensure the proper management of landscaped areas and to protect wildlife, support habitat and secure opportunities for the enhancement of the nature conservation value of the site to comply with the aims of government policy contained in the National Planning Policy Framework and the aims of Policies SF5, H9, NBE4, NBE5, NBE6, NBE8 and NBE26 of the Adopted Derbyshire Dales Local Plan (2005).

15. To reduce the risk of flooding to the proposed development and future occupants to comply with government policy contained in the National Planning Policy Framework.

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

17. In order to retain and enhance, via management, the biodiversity value of the area in order to compensate for the loss of grassland habitat to the development in accordance to comply with government policy contained in the National Planning Policy Framework and the aims of Policies NBE4 and NBE5 of the adopted Derbyshire Dales Local Plan (2005).

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

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

20. To ensure the provision of an adequate level of play space facilities to the development site to comply with government policy contained in the National Planning Policy Framework.


37. To ensure the provision of adequate off street parking provision in the interests of highway safety site to comply with government policy contained in the National Planning Policy Framework.

38. To provide satisfactory surface water drainage provisions to comply with government policy contained in the National Planning Policy Framework.

39. Reason GR9

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

The Highway Authority recommends that the first 5m of the proposed access driveway should not be surfaced with a loose material (i.e. unbound chippings or gravel etc.). In the event that loose material is transferred to the highway and is regarded as a hazard or nuisance to highway users the Authority reserves the right to take any necessary action against the householder.

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

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

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

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

Pursuant to Section 278 of the Highways Act 1980 and the provisions of the Traffic Management Act 2004, no works may commence within the limits of the public highway without the formal written Agreement of the County Council as Highway
Authority. It must be ensured that public transport services in the vicinity of the site are not adversely affected by the development works. Advice regarding the technical, legal, administrative and financial processes involved in Section 278 Agreements may be obtained from Mr I Turkington in the Environmental Services Department at County Hall, Matlock (tel: 01629 538578). The applicant is advised to allow approximately 12 weeks in any programme of works to obtain a Section 278 Agreement.

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

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

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

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

2. Any works in, or within close proximity to, an ‘Ordinary Watercourse’ (i.e. an outfall that encroaches into the profile of the watercourse) will require consent under the Land Drainage Act (LDA), 1991 from Derbyshire County Council (DCC) Flood Risk Management Team. Upon receipt of any application (including the legislative fee) DCC has an 8 week legislative period at which to make a decision and either consent or object the proposals. If the applicant wishes to make an application for any works, contact Flood.Team@derbyshire.gov.uk.

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

4. NFA27: Badgers Act
5. NFA28: Wildlife and Countryside Act
6. NFA 30: Secure by Design
7. NFA 8: Section 106 Agreements
8. The Local Planning Authority have during the consideration of this application engaged in a positive and proactive dialogue with the applicant which has resulted
in revised proposals which overcame initial concerns with the application relating to matters of affordable housing provision and the design detail of some of the proposed dwellinghouses.

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. 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. This decision notice relates to the following documents:
Amended Drawing Nos. 2012-231-91, 9293, 94, 95 and 96 received on 1st October 2014 and additional Information received on 13th October 2014.
Amended Drawing Nos. 2012-231-03AH and 39D received on 17th March 2015
Planning and Sustainability Statement received on 30th June 2014
Urban Designs Statement received on 30th June 2014
Geo-environmental Report received on 30th June 2014
Landscape and Visual Impact Appraisal received on 30th June 2014
Amended Landscape Management Plan received on 16th October 2014
Transport Statement received on 30th June 2014
Phase 1 Habitat and Protected Fauna Survey received on 30th June 2014
Bentley Brook Additional Survey Landscape Management Plan received on 10th September 2014

BACK TO AGENDA
14/00890/OUT

Land off Oak Tree Gardens, Tansley

Derbyshire Dales DC
Date: 23/03/2015

100019785
THE SITE AND SURROUNDINGS:
The application site is an agricultural field, currently down to pasture on the edge of the open countryside. The land inclines steeply from west to east. The western boundary of the site comprises a timber post and rail fence with field gate. Other boundaries are hedgerows with mature trees.

THE APPLICATION:
Outline planning permission is sought to erect four dwellings on the land with access from the existing field gate to the north western corner of the site. Access is the only matter to be considered at this outline stage.

RELEVANT HISTORY:
None

CONSULTATIONS:
Town Council – No objection

Local Highway Authority – No objection. There is sufficient space to construct 4 dwellings with adequate access, parking and turning areas. Recommend conditions

DCC Flood Team – Strongly promote sustainable urban drainage systems (SUDs) be incorporated into the drainage strategy for the proposed development. Surface water discharge from the development should be as close to green field runoff rates as reasonably practical a full ground investigation based on British Geological Survey (BGS) should be carried out to fully explore the option of ground infiltration in preference to discharging to a surface water body or public sewer. The applicant is advised to investigate the potential for hidden water courses below ground prior to works being undertaken. Works should not adversely impact on existing water courses.

Derbyshire Wildlife Trust – The site is a field of semi-improved, unmanaged, species-poor grassland of low species diversity. The site does not support any habitats of substantive nature but the bramble does provide suitable bird nesting habitat. Therefore any clearance should take place outside of the bird breeding season, this should be secured by a planning condition. Although there was some limited evidence of badger foraging activity, there was no evidence of any badger setts and would therefore advise that that the development of the site would be unlikely to significantly compromise the availability of suitable foraging habitat for the local badger population. The Ash tree to the eastern boundary has to potential to support roosting bats. If it is feasible to retain the tree within a sufficient area to ensure health and safety concerns, we would advise that no further ecological survey work is required. If the tree is to be removed then a bat survey of the tree will be required.
REPRESENTATIONS:
Three letters of objection have been received from neighbouring residents which raise the following concerns:

Policy
The proposal will contravene local plan policies
The proposal does not meet the criteria for sustainability and therefore is contrary to the NPPF

Highway safety
Access would be dangerous due to the steep slope
The access would cause danger to children playing
The proposed access will be a dangerous junction with severely restricted visibility and steep gradient
Priority will not be given to pedestrians and cyclists due to the lack of pavements
The steepness of the access road exceeds the 1:20 inline recommended in Manual for streets
The steepness of the road is difficult in poor weather
Braking at the junction will be difficult in poor weather conditions
This access route is of dubious legality
This development will limit the existing parking provision

Character and Appearance
The development will be an eyesore seen from several locations within the village.
This is an intrusion into greenfield land.
The development would impact on nearby listed buildings and mature trees.
The scale of the development is incongruous
Buildings would dominate the skyline

Trees
The application should be accompanied by a full tree survey
Works could destroy the roots of trees within and close to the site

Wildlife
The area is a haven for wildlife; its loss would be unsustainable
There are badgers within the locality
An ecological survey is required

Flooding and landslip
The development of the land will lead to flooding on Oak Tree Gardens, Church Street and probably on the new development proposed on Tansley House Gardens due to run off
There is potential for landslip due to the steep nature of the site.
A professional report is included which raises concerns with potential for flooding from the site
The grassland currently forms a natural barrier to water run-off.
No geological assessment has been provided yet the site is steeply sloping and therefore at risk from slippage or subsidence
There is no existing watercourse
Run off gathers at the turning area to the top of Oak Tree Gardens
Water already runs over the wall to the turning area during severe weather
Global warming will worsen the situation
Amenity
The development due to its elevated position and proximity will seriously harm residential amenity through overlooking
The dwellings would dominate and overshadow existing properties

- The Matlock Civic Association noted an objection on the grounds that the site is outside of the Settlement Boundary where development should be resisted.

POLICIES:
Adopted Derbyshire Dales Local Plan 2005
SF5: Design And Appearance Of Development
H9: Design And Appearance Of New Housing
NBE5: Development Affecting Species Protected By Law Or Are Nationally Rare
NBE6: Trees And Woodland
NBE8: Landscape Character
NBE16: Development Affecting A Listed Building
NBE26: Landscape Design In Association With New Development
TR1: Access Requirements And The Impact Of New Development
TR8: Parking Requirements For New Development

National Planning Policy Framework and National Planning Policy Guidance

ISSUES:
The issues for consideration are the principle of the proposed development and the impact upon; landscape character, prevailing character and appearance, heritage assets, highway safety, residential amenity, trees, wildlife and flooding and land slippage.

This report will address each of these issues in turn:

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 consequently the Draft Local Plan was withdrawn from examination. Based on the Inspectors observations about the quantity of housing need, the Council cannot currently demonstrate a 5 year housing land supply. On this basis in accordance with paragraph 49 of the NPPF, the housing policies of the Adopted Derbyshire Dales Local Plan are considered out of date. Development in these circumstances 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 Local Planning Authorities should 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.

In work carried out on sustainability in formulating the Draft Local Plan Tansley was considered an area suitable for further expansion as a larger village close to Matlock with a school, village hall, public houses and public transport provision. Therefore development in this location would be considered generally in accordance with the principles of sustainable development in that the site is within walking distance of the services and facilities of Tansley.

There are three strands to sustainability which need to be met, 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 accommodation to meet the current housing need, although the impact upon the 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 the impact upon the natural and built environment.

Landscape Character
The village of Tansley tends to have built development located away from higher ground to the east and north with development on the lower slopes more directly associated with the water courses of the Knabhall and Tansley Brooks. The application site forms part of an existing small scale field pattern with the higher ground beyond this to the east. Therefore the loss of this green field has the potential to lead to some harm to the surrounding character of the landscape. The site itself is almost enveloped by existing development; it is a small site and for the most part could be regarded as infill. The site is steeply sloping leading to higher ground to the east. As a result of the topography of the site and the existence of built development to the north west and south; it is considered that provided the development of the site is carefully positioned so as to keep the built form away from the higher ground to the eastern boundary, along with a restricted ridge height, there is no reason why the development should not comfortably assimilate into its surroundings without causing undue harm to the character and appearance of the local landscape. With the restrictions noted above along with a restriction of development to the far southern corner of the site it is considered that the proposed development is acceptable in terms of the impact upon landscape character in accordance with Policy NBE8 of the Adopted Derbyshire Dales Local Plan and guidance contained within the NPPF.

Character and Appearance
At present the detailed design of the proposed dwellings is not a matter for consideration. The issue for consideration in terms of character and appearance is whether the site could be developed for 4 dwellings in a manner that is in keeping with the prevailing pattern of development. The dwellings surrounding the site vary significantly in terms of their design and appearance. Many of the surrounding properties are of a modern finish and such an approach to development on this site would be appropriate. It is therefore considered that the site can be developed in design terms in a way which would be in keeping with the prevailing pattern of development. In designing the dwellings it will be important to consider the overall height of the dwellings in terms of being in keeping with existing development but also in terms of assimilating into the built environment. A condition is therefore reasonable to restrict the overall height of the development.

Heritage Assets
There are two listed buildings located to the south west of the application site. The two dwellings known as The Beeches and The Grove are Grade II Listed buildings. As these dwellings are within close proximity of the application site their setting needs to be carefully considered in terms of the proposed development. The listed buildings have long rear gardens which separate the buildings from the application site. The gradient of the land also assists in this regard. Provided the development is restricted in this location and supplementary planting takes place along the common boundary it is considered that the proposal will not adversely impact upon the setting of the listed buildings.

Highway Safety
Concerns have been raised by local residents regarding the potential dangers to highway safety resulting from this proposal and the siting of the access. The Highway Authority
have considered the matter and concluded that there is sufficient space within the site to construct 4 dwellings with adequate access, parking and turning. Therefore the Highway Authority raised no objection to the proposal subject to recommended conditions relating to; a temporary access for construction purposes, storage of materials on site, wheel cleaning facilities, provision of access with visibility splays, details of proposed parking and turning areas, gradient and means to prevent discharge of water onto the road. Subject to these conditions the proposal is considered to be acceptable in terms of highway safety.

Residential Amenity
As the application site is close to existing residential properties there is concern that the development of the site will lead to overlooking and overshadowing of neighbouring properties. The application is in outline form and therefore the details of siting, height, windows and proximity cannot be considered. However, the size and location of the site appear adequate to develop the land without causing undue harm to residential amenity. No’s 9 and 12 Oak Tree Gardens are the properties most likely to be affected by the proposal being in close proximity. However, there is no reason to assume that a suitable form of housing could not be achieved at the site due to the proximity of those dwellings and gardens. It is therefore considered that the development of the land could be achieved without causing undue harm to the residential amenity of the neighbouring residents.

Trees
There are no protected trees on or surrounding the application site. However, there is local concern that the proposed development will lead to the loss of mature trees on the application site boundary. In order to ensure the longevity of the existing trees a condition shall be imposed requiring a landscaping scheme which shall include the retention of existing trees and hedgerows. The retention of these elements will help to ensure the site assimilates into the rural surroundings. In addition as noted above the area of the site where the mature tree is located should remain free from built development in order to ensure the dwellings follow the prevailing pattern of development. This will also help to ensure the longevity of the tree. The retention of non-protected trees outside of the application site is not a matter that can be resolved through this planning application.

Wildlife
The site is an open green field where there is some potential for wildlife to utilise the site. This is a concern of local residents who have noted that badgers use the site. The Derbyshire Wildlife Trust have considered the development of this green field and have concluded that clearance of the site should take place outside of the bird breeding season and that ideally the Ash tree should be retained as it has the potential for bat roosting. However, if the Ash tree to the eastern boundary is removed then a bat survey should be carried out. There are no concerns with regard to the loss of the site for Badger foraging. Subject to conditions the proposal is considered to be acceptable in terms of the impact on wildlife.

Flooding and Land Slippage
There is local concern that the loss of the field as open grass land will have the potential to lead to flooding of the locality from surface water run-off. The lack of information regarding the geology of the site is also a cause for concern for residents in that the steepness of the land could lead to land slippage. In terms of flooding the technical report submitted in behalf of the local resident has been forwarded to the Derbyshire Flood Team. The flood team have considered the potential for flooding from the site and have recommended ground investigations and the submission of a drainage strategy based on those ground investigations and the use of SUDs. Whilst issues of drainage and appropriate
construction methods to prevent land slippage will be dealt with under building regulations it is considered reasonable in this case to request a detailed drainage strategy be submitted prior to commencement given the concerns raised in relation to the drainage of the site.

Conclusion
The development will add to the supply of housing required within the district and in a location immediately adjoining Tansley at the scale proposed meets the criteria for sustainable development. The Council cannot currently demonstrate a 5 year housing land supply and under the terms of the NPPF this creates a presumption in favour of development provided the adverse impacts of development does not significantly and demonstrably outweigh the benefits. As there are no adverse impacts which will significantly and demonstrably outweigh the benefits, the proposal should be granted planning permission subject to conditions.

DELEGATED DECISION:
To grant planning permission subject to the following conditions:

1. Condition ST01a: Time Limit On Full

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

3. The ridge height of the proposed dwellings shall be no higher than 0.5m above the ridge height of the adjacent Fairbank House.

4. No development shall be commenced until a temporary access for construction purposes has been provided in accordance with a detailed design first submitted to and approved in writing by the Local Planning Authority. The access shall be retained in accordance with the approved scheme throughout the construction period, or such other period of time as may be agreed in writing by the Local Planning Authority, free from any impediment to its designated use.

5. Before any other operations are commenced, excluding construction of the temporary access referred to in condition 3 above, space shall be provided within the site for storage of plant and materials, site accommodation, loading, unloading and manoeuvring of goods vehicles, parking and manoeuvring of employees and visitors vehicles, laid out and constructed in accordance with detailed designs first submitted to and approved in writing by the local planning authority. Once implemented the facilities shall be retained free from any impediment to their designated use throughout the construction period.

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

7. Before any other operations are commenced a new vehicular access with a minimum width of 4.25m shall be formed to the fronting unadopted road at the end of Oak Tree Gardens and provided with visibility sightlines extending from a point 2.4 metres from the carriageway edge, measured along the centreline of the access to the extremities of the site frontage abutting the fronting access road in each direction in accordance with a scheme first submitted to and approved in writing by the Local Planning Authority.
Authority. The area in advance of the visibility sightlines shall be retained throughout the life of the development free of any object greater than 1m in height (0.6m in the case of vegetation) relative to adjoining nearside carriageway channel level.

8. No dwelling shall be occupied until details of the proposed parking and turning areas within the site to enable all residents/visitors/service and delivery vehicles to enter the site, turn and exit in a forward gear at all times have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be fully implemented and made available for use prior to the occupation of the development hereby permitted and shall thereafter be retained for use at all times.

9. The proposed access drive shall be no steeper than 1:14 for the initial 5m from the nearside carriageway edge and 1:10 thereafter.

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

11. The proposed dwellings shall be located on the part of the site which lies between no. 9 Oak Tree Gardens and the northern boundary of the property known as The Beeches. There shall be no dwellings located to the east of the garden to The Beeches.

12. Along with the submission of the reserved matters a detailed landscaping scheme shall be submitted which shall include the retention of existing trees and hedgerows on the site. Should the large tree to the south eastern boundary of the site require removal a full tree report will be required to justify this along with a bat survey to be carried out by a suitably qualified ecologist, these details shall be submitted to and agreed in writing by the Local Planning Authority prior to works commencing on site. Works shall be completed in accordance with the agreed details.

13. No works nor any removal of trees, shrubs or brambles shall take place between the 1st March and the 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds’ nests immediately before vegetation is cleared in each phase of the development and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on the site, any such confirmation shall be submitted to the Local Planning Authority for approval.

14. Prior to the commencement of development a detailed drainage strategy shall be submitted to and approved in writing by the Local Planning Authority. The drainage strategy shall include the use of SUD’s and be based on geological investigations of the site in order to explore the option of ground infiltration in preference to discharging to a surface water body or public sewer. Works shall be completed in accordance with the agreed details.

Reasons:

1. Reason ST01a
2. Reason ST03a

3. In order to ensure the development assimilates well into its surroundings without causing undue adverse impacts upon the character and appearance of the landscape in accordance with Policy NBE8 of the Adopted Derbyshire Dales Local Plan and guidance contained within the NPPF.

4-10. In the interests of highway safety in accordance with Policies TR1 and TR8 of the Adopted Derbyshire Dales Local Plan and guidance contained within the NPPF.

11. In order to ensure development is kept to the lower slope of the site in order to preserve the character and appearance of the local landscape and the setting of the adjacent listed buildings in accordance with Policies SF5, NBE8 and NBE16 of the Adopted Derbyshire Dales Local Plan and guidance contained within the NPPF.

12. To ensure appropriate landscaping of the site in the interest of landscape character and for the protection of bat species in accordance with policies NBE5, NBE6, NBE8 and NBE26 of the Adopted Derbyshire Dales Local Plan and guidance contained within the NPPF.

13. To ensure the protection of bird species in accordance with Policy NBE5 of the Adopted Derbyshire Dales Local Plan and guidance contained within the National Planning Policy Framework.

14. To ensure appropriate drainage of the site to prevent localised flooding in accordance with guidance contained within the NPPF.

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

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:
   - Location plan received 15.01.15
   - Design and access statement received 15.01.15
   - Indicative layout received 15.01.15
   - Site topographic survey received 15.01.15
   - Tansley SHLAA sites plan received 15.01.15
   - Ariel image of the site received 29.12.14

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

5. The Highway Authority recommends that the first 5m of the proposed access driveway should not be surfaced with a loose material (i.e. unbound chippings or gravel etc.). In the event that loose material is transferred to the highway and is regarded as a hazard or nuisance to highway users the Authority reserves the right to take any necessary action against the householder.

6. Pursuant to Section 163 of the Highways Act 1980, where the site curtilage slopes down towards the fronting access road and public highway, measures shall be taken to ensure that surface water run-off from within the site is not permitted to discharge out of the site. This usually takes the form of a dish channel or gully laid across the access immediately behind the back edge of the fronting access road, discharging to a drain or soakaway within the site.

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

8. Car parking provision should be made on the basis of (a maximum ratio of 1 parking space plus 1 space per 2 units for visitors per 1 bedroom dwelling, 2 spaces per unit for 2 – 3 bedroom dwellings and 3 spaces per unit, of which no more than 2 shall be in line, for a 4/4+ bedroom dwelling respectively). Each parking bay should measure 2.4m x 4.8m with adequate space behind each space for manoeuvring.
15/00022/FUL

Land adjacent to Ivy House, Nottingham Road, Tansley

Derbyshire Dales DC

Date: 02/04/2015

100019785

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Derbyshire Dales District Council,
Town Hall, Bank Road, Matlock, Derbyshire DE4 3NH.
Telephone: (01629) 761130.
Website: www.derbyshiredales.gov.uk
THE SITE AND SURROUNDINGS:
The site is an open area of greenfield land situated outside the settlement framework boundary for Tansley but in close proximity to existing residential development. There is a hedge screening the site to the south. A small stream runs through the site along the southern boundary. The Grade II Listed building known as Ivy House is situated to the north east of the site and the garden to this property is situated to the east of the site again with boundary hedging. The existing field access to the site is via Nottingham Road.

THE APPLICATION:
Planning permission is sought to erect a dwelling on the plot of land. The siting of the dwelling has had to be carefully positioned to retain access but also avoid the culvert which runs through the site. As the dwelling is to be located towards the eastern side of the site, a corner of the existing hedge will be altered to form a curved boundary to allow access through to the eastern end of the site where the parking area is proposed. The proposed dwelling is to be 1½ storey in height with accommodation within the roof space and the provision of dormer windows to the northern elevation facing towards Nottingham Road. There is also a gabled projection to this elevation with chimney.

The accommodation within the proposed dwelling will include: hall, living room, dining kitchen, utility, WC, en-suite and bedroom on the ground floor with three bedrooms, gallery and bathroom above. The dwelling is proposed to be of reclaimed stone with natural slate to the roof.

The proposed boundary treatments are: post and rail fencing with hedging to the north and a continuation of the boundary walling and beech hedge to the south.

During the application process the proposal has been amended to show the chimney stack reduced in height and removal of two roof lights.

RELEVANT HISTORY:
14/00404/OUT Erection of bungalow (Outline) – Permitted with conditions
13/00040/FUL Erection of dwelling and associated access – Refused

CONSULTATIONS:
Parish Council – Happy with the bungalow facing the A615

Local Highway Authority – Provided the area within the control of the applicant matches that of the outline application, no highway objection subject to conditions and footnotes being appended to any consent.

Conservation Advisory Forum – CAF acknowledged that the principle of a dwelling on this site had been approved and granted outline planning permission (with all matters reserved).

- CAF, therefore, considered the siting, form, scale, mass and design of the proposal. In considering these points the CAF had specific regard to the potential...
impact of these elements of the proposed building in its relationship to the listed building.

- CAF noted that the existing ancillary buildings to Ivy House were generally plain and modest in character which allowed Ivy House to be the dominant architectural element of the site.

- CAF considered that the siting of the proposed dwelling would compromise the listed building in that it has no relationship to the listed building and appears to drift in the area of open land which is to be is garden/curtilage. In this regard the new dwelling becomes a prominent and separate entity which will have a visual conflict with the listed building. CAF concluded that siting/orientation was fundamentally important and that the relationship of the new build to the listed building and its ancillary building should be clear and convincing rather than, as it is, appearing to be placed/sited without regard to its context and proximity to the listed building.

- In looking at the proposed design the following comments were made:
  - The design concept should use the precedent of the existing ancillary buildings to Ivy House rather than proposing a dormer bungalow building type/genre. This was considered to be a wholly inappropriate design type for this site/context.
  - The character and appearance of the new building should be informed by, but not directed by, the existing ancillary buildings to Ivy House. This will allow a building which presents a clear and convincing relationship to the site and its context.
  - The width of the proposed building is too wide and exacerbates the inappropriate building type/genre.
  - The projecting gable extension will be prominent and is located on the most prominent elevation of the building.

**REPRESENTATIONS:**

12 letters of support have been received from local residents which note the following:

- As the building will be of old stone it will blend in with the environment
- The design will suit the area
- The dwelling will enhance the aspect as seen in context with the listed building
- The applicants have always lived in the village and given employment to many, this should be taken into account along with their need for a retirement home at no cost to the community
- The adjacent bungalows have similar design; the proposal suits the plot and surroundings
- The proposal fits in well with Ivy House
- The design is sympathetic and fitting for the location
- The dwelling will mask the bungalows which are visible from Nottingham Road
- Cannot understand the requested alterations, the amendments would reduce the pleasure and amenity value of the dwelling from the occupants and neighbours point of view.
- The changes requested are totally unnecessary, petty and unreasonable
- Would strongly agree with the bungalow facing towards Nottingham Road
- We would like to see it built as drawn
- The design is preferable to a modern design
- Altering the aspect from north to south would impact upon privacy
- It is a pity that the planning of DDDC cannot see the benefits of a delightful stone building
• Hope this is considered favourably by the committee despite the Officer’s objection
• When viewed from Nottingham Road the new house will nestle into the established landscape

POLICIES:
Adopted Derbyshire Dales Local Plan 2005
SF5: Design And Appearance Of Development
H9: Design And Appearance Of New Housing
NBE8: Landscape Character
NBE16: Development Affecting A Listed Building
TR1: Access Requirements And The Impact Of New Development
TR8: Parking Requirements For New Development

National Planning Policy Framework and National Planning Policy Guidance

ISSUES:
Principle
Outline planning permission has been granted for the erection of a single storey dwelling on this site. In the outline submission all matters were reserved subsequent approval other than the access. Due to the extent of land controlled by the applicant the proposed access was considered to be acceptable. The site is outside of the existing settlement framework boundary for Tansley as defined by the Adopted Derbyshire Dales Local Plan. However, as the housing policies of the local plan are out of date and the Council cannot demonstrate an adequate housing supply, development of this site within the confines of built development of Tansley is considered to be acceptable. In view of this the issues to consider in this case are the visual impact of the development including the impact upon the setting of the listed building and the impact upon residential amenity.

Character and Appearance and Setting of Listed Building
The siting of the dwelling with associated driveway and garden is in close proximity to the Grade II Listed building Ivy House. Therefore the impact the development will have upon the setting of the listed building has to be carefully considered. Under the Outline application it was considered that subject to appropriate treatments to surfaces, landscaping and boundary treatments along with an appropriate design and siting of the dwelling, a single storey dwelling in the form of an outbuilding or other functional building could be accommodated on the site without harming the setting of the listed building.

Policy NBE16 of the Adopted Derbyshire Dales Local Plan notes that planning permission for development will only be granted where it does not have an adverse impact upon the special character or setting of a listed building.

This policy remains broadly in line with national guidance found in part 12 of the NPPF, although the national guidance goes further in terms of securing the protection of heritage assets.

Paragraphs 132 and 133 of the NPPF note that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation. In this case the heritage asset is the listed building. The more important the asset the greater the weight should be.
Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to a Grade II listed building should be exceptional. Where there is substantial harm, local planning authorities should refuse consent unless it can be demonstrated that the substantial harm is necessary to achieve substantial public benefits that outweigh that harm.

The current proposal for a dormer bungalow to be erected on the site bears no relationship to the adjacent listed building in terms of siting, design or form. The existing outbuildings associated with Ivy House are diminutive and of plain and simple design. This allows Ivy House to remain the architecturally dominant element of the site and surroundings. The proposal for the dormer bungalow set in the middle of the plot of land is considered to substantially harm the setting of Ivy House and will draw the eye as an inappropriate form of development visually in conflict with Ivy House.

It is clear that there is no public benefit to this scheme that would outweigh the substantial harm caused to the setting of this Grade II Listed building and therefore in accordance with the local and national planning policy, planning permission should be refused.

Residential Amenity
The siting of the dwelling as proposed due to its siting and design will not impact upon the amenity of any nearby residents. Whilst it has been noted by neighbours that changes to the design may impact upon their privacy this is not necessarily the case and would be carefully considered should the proposal have been significantly amended.

Highway Safety
In terms of highway safety the appropriate visibility splays can be achieved from the proposed access. This access was considered acceptable in the previous permission 14/00404/OUT, as this application is for full planning permission those previous conditions would need to be imposed again should the proposed development be found otherwise acceptable. The proposal meets the requirements of Policies TR1 and TR8 of the Adopted Derbyshire Dales Local Plan and guidance contained within the NPPF regarding highway safety matters.

Conclusion
In terms of the principle of development, the impact on amenity and highway safety the proposal is considered to be acceptable. However, the proposed development due to the combination of its siting and design would have a harmful impact upon the setting of the adjacent listed building. As such the development fails to meet the requirements of local and national planning policy and therefore should be refused.

OFFICER RECOMMENDATION:
To refuse planning permission for the following reason:

The design and positioning of the proposed dwelling as a dormer bungalow set in the middle of the plot will constitute an incongruous form of development poorly related to and detrimental to the setting of the Grade II Listed Ivy House. As such the proposal is contrary to the requirements of Policy NBE16 of the Adopted Derbyshire Dales Local Plan and guidance contained within the National Planning Policy Framework.
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:
Location plan received 15.01.15, Site plan received 15.01.15, Amended plans and elevations received 20.02.15, Amended blue edge received 23.02.15

BACK TO AGENDA
THE SITE AND SURROUNDINGS:
The application property is an old, detached, stone-built cottage, situated on the western side of Bonsall, close to the area known as Puddle Hill. It stands side-on to the lane and has a large front garden. It also has a high, stone-built roadside boundary wall which encloses the rear area.

THE APPLICATION:
This is a resubmission of a previously refused scheme (14/00706/FUL). The main difference is the reconfiguration of the large, elongated, two-storey rear extension which ran along the roadside boundary. This forms the main part of the application. It will extend out to the rear by a total of 14.5m, but it will be broken up into different elements. It will have a kitchen, office and double-garage on the ground-floor with en-suite bedrooms above. It will be built in stone to match the main house.

The rest of the application remains the same as previously proposed. The main house will be refurbished and altered internally. The out-building which stands to the side of the house will be refurbished and converted to a new living room with a glazed ‘link’ to the main house.

RELEVANT HISTORY:
14/00706/FUL Extensions, alterations and detached garage. Refused

CONSULTATIONS:
Local Highway Authority:
The existing access is substandard, but there have been no recorded accidents in the vicinity. No objections therefore on highway safety grounds. However, recommend the boundary wall is reduced in height along with other Conditions.

Parish Council:
Not received.

Conservation Advisory Forum:
Re-visited comments on the previous scheme in conjunction with the current scheme. Previously suggested that the garage could, perhaps, be integrated as the final part / end of the proposed extension to the main cottage. However, concluded that this suggestion did not work and created an over complicated footprint, elevation and roof plan, holistically creating an over-large extension to the existing cottage. This created an unwelcome aggrandisement and a significant alteration to the scale / mass of the existing character, appearance and form of the cottage to an inappropriate degree. Concluded that whilst the suggestion of re-locating the garage to the end of the extension had been tried, the outcome clearly does not work for this particular building and its context / setting.
Concluded that based on the potential impact of the current scheme, this would neither preserve nor enhance the character and appearance of the cottage or this part of the Bonsall Conservation Area.

**REPRESENTATIONS:**
None received.

**POLICIES:**
- Adopted Derbyshire Dales Local Plan (2005)
- SF5 Design And Appearance Of Development
- H2 Extensions to Dwellings
- NBE21 Development Affecting A Conservation Area

National Planning Policy Framework (NPPF)
- Chapter 7 Requiring Good Design
- Chapter 12 Conserving and Enhancing the Historic Environment

Bonsall Village Design Statement
Bonsall Conservation Area Character Appraisal

**ISSUES:**
The house stands side-on to the lane. The character and appearance of the principal elevation will remain largely unaltered by the proposed works. Although the proposed large rear extension will be visible from public view, the mass will be broken up and it will be viewed as a secondary element, standing behind the roadside boundary wall.

Whilst all extensions to this prominently located dwelling can be considered to affect the character and appearance of the Bonsall Conservation Area, the proposed scheme is considered to strike an appropriate balance between practical extension and safeguarding the contribution that this dwelling makes to the Conservation Area.

The other parts of the application, namely, the refurbishments and alterations to the outbuilding and the glazed ‘link’ are not considered to have an adverse impact on the character or appearance of the main house or on the surrounding area.

The request of the Local Highway Authority are noted. However, the wall forms part of the historical context of this part of the Bonsall Conservation Area. The proposed development in this case does not justify the removal of any parts of the wall because it will not lead to an additional use of an existing access.

Whilst objections have been received from the Conservation Advisory Forum, on balance, the scheme in the round, is not considered to have a significant adverse impact on the character and appearance of the house or on the wider Conservation Area, such that refusal would be justified in this case.

**OFFICER RECOMMENDATION:**
Planning Permission be granted conditionally.

1. Condition ST02a: Time Limit on Full.
Reason:

1. Reason ST02a.

Note to applicant:

This Decision Notice relates to the following documents:
Drawings numbered 827-01, 8027-04A and 8027-02L, received by the Council on 19th January 2015.

Following on from the previous refusal, the Local Planning Authority have engaged in a positive and proactive dialogue with the agent, which has resulted in revised proposals which overcame initial problems with the application relating to the design and appearance, reflected in the amended plans.

BACK TO AGENDA
15/00017/FUL

Adjacent to Ivonbrook House, Eversleigh Rise, Darley Bridge

Derbyshire Dales DC

Date: 23/03/2015

100019785
THE SITE AND SURROUNDINGS:
The application site is garden land which appears to be related to the adjacent Ivonbrook House although a boundary fence has been erected between Ivonbrook House and the application site. The site is outside of any settlement framework boundary but within the built up area of South Darley. Residential development surrounds the site with a Residential Nursing Home located to the rear of the site. The site has strong boundary treatments with prominent walling to the frontage of the site which is continuous along the street frontage and a further substantial boundary wall to the northern boundary of the site adjacent to no. 12. The site is relatively level and rises to Ivonbrook House. To the rear of the site access is gained from Lime Kiln Lane and there exists an outbuilding of some age and character of stone construction.

THE APPLICATION:
Full planning permission is sought to erect a dormer bungalow on the site of stone construction with tiles to the roof. The accommodation within the bungalow is: sun room, sitting room, study utility, hall, lobby, dining area, kitchen, bedroom and en-suite on the ground floor; with: landing, loft store/plant room, 2 bedrooms and 2 en-suites to the upper floor. The dwelling is proposed in an ‘L’ shape with the main entrance and porch detail fronting onto the rear of the site where the access is proposed. The main roof has a half hip to the northern elevation and a fully hipped roof structure to the southern elevation. A projecting gable is proposed to the eastern elevation onto Eversleigh Rise with two further projecting bays details with hipped roofs. A dormer window to the roof is also proposed on this elevation along with solar panels. The siting of the dwelling has been revised through the application process and is now proposed to be located 4m forward of the boundary to The Coach House towards the rear (west) of the application site.

Also proposed is the alteration and extension of the outbuilding to the rear (western) part of the site. The outbuilding exists on site and is wedged between Ivonbrook House and The Coach House, the site narrows at this point. This outbuilding is to be altered to create a garage to serve the proposed dwelling. The outbuilding is also proposed to be extended towards the east along the boundary with The Coach House, forming almost an ‘S’ shaped building.

The applicant’s agent has submitted a design statement which notes that the proposed dwelling envisages the construction of a new super-efficient low energy home. The statement also notes that the proposal is considered to be in accord with National Planning Policy.

RELEVANT HISTORY:
05/00929/FUL Erection of bungalow – Refused.
There were three reasons for refusal regarding this application and those related to: the site being outside of any settlement framework boundary, the siting of the proposed dwelling forward of neighbouring properties along with an incongruous design would harm...
the character and appearance of the street scene and the lack of information regarding the access which could not be properly considered.

DDD/0797/0423 Conversion of offices to dwelling house and two holiday flats, and erection of detached garage and conservatory – Permitted with conditions

WED/1193/0817 Conversion of offices to two dwellings – Permitted with conditions

CONSULTATIONS:
Parish Council: Concerns regarding the stone to be used and the roofing materials. The council has been informed that the stone is actually local Birchover stone and the roofing could be slate. No objection.

Local Highway Authority: Lime Kiln Lane is not a publicly maintainable highway. The proposal would not result in any significant increase in traffic movements. Exit visibility from the private access and Lime Kiln Lane are acceptable given the level of use. The applicant will need to contact the relevant refuse collection department regarding number of bins and dwell areas. Recommend conditions.

REPRESENTATIONS:
One letter has been received from a local resident in support of the application and raises the following points:
The decision must be finely balanced and you should consider overruling it. I would be most affected by the proposal being opposite the site. Whilst the character and appearance of the area is pleasant it is constantly evolving. The latest addition to the locality is the Derwent Bowmen clubhouse which is not the most attractive building in the Parish. This proposal is for a well-designed, energy efficient house in an already mature plot that would have little or no impact upon the character of the locality and should be welcomed. I would prefer my outlook to be an attractive new house rather than an overgrown plot of land.

POLICIES:
Adopted Derbyshire Dales Local Plan (2005)
SF4: Development In The Countryside
SF5: Design And Appearance Of Development
H9: Design And Appearance Of New Housing
NBE6: Trees And Woodland
NBE8: Landscape Character
TR1: Access Requirements And The Impact Of New Development
TR8: Parking Requirements For New Development

National Planning Policy Framework and National Planning Policy Guidance

ISSUES:
Policy Context
In July 2014 the Draft Derbyshire Dales Local Plan was submitted for examination in public. Following the first two days of the examination, the Inspector issued an interim report highlighting 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 if it progressed. Since then the Draft Local Plan has been subsequently withdrawn from examination. In view of this determination of proposals for development must refer back to the Adopted Derbyshire
Dales Local Plan (2005) where those Policies are in accord with the National Planning Policy Framework, as well as considering the Framework itself.

The housing policies of the Adopted Local Plan are out of date as they do not reflect the housing needs of the district and the Council cannot demonstrate the required 5 year housing supply, in view of this Paragraph 14 of the NPPF is relevant to this proposed development. Paragraph 14 notes that where the development plan is absent, silent or the relevant policies are out of date, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this framework taken as a whole or specific policies in the framework indicate development should be restricted.

Although at present South Darley is outside of a settlement framework it has been identified as a potential settlement in work associated with the emerging local plan because it represents a reasonably sustainable location for development.

Policy SF5 of the Adopted Derbyshire Dales Local Plan notes in part that: planning permission will only be granted for development where; the scale, density, massing, height, layout, access, materials of construction and landscaping preserves or enhances the quality and local distinctiveness of its surroundings.

Policy H9 of the Adopted Derbyshire Dales Local Plan notes that planning permission will only be granted for new housing development where, it is in scale and character with its surroundings and it has regard to distinctive landscape features.

In accordance with paragraph 215 of the NPPF due weight should be given to relevant policies in existing plans according to their degree of consistency with the framework. The above mentioned Adopted Derbyshire Dales Local Plan Policies are considered to be broadly in line with guidance contained within the NPPF particularly the Core Planning Principles and the desire to secure good design, therefore these policies should still be given some weight in the decision making process.

Whilst the NPPF favours sustainable development, there are three strands to the sustainable development which must be met. These are the economic, social and environmental roles.

In terms of the economic role this development would add to the local economy and contribute towards housing supply. For the social role the proposal would help towards providing homes for future generations. For the environmental role care needs to be taken to ensure the development contributes to protect and enhance the natural, built and historic environment; the proposed development raises concerns in this regard.

**Character and Appearance**

Whilst South Darley has a mixture of house types and patterns of development which contribute to its character, the area immediately surrounding the application site is of larger dwellings set back on their plots to create large open front garden areas some with mature planting and substantial boundary walls. Ivonbrook House is an imposing building of prominence within the locality due to its size and architectural quality and therefore the character of this immediate area is important to the character and appearance of the wider street scene.
The siting of the proposed dwelling forward of the dwellings to either side of the site encroaches into the open garden area to the frontage of the site. This encroachment into an otherwise open area of land forward of the imposing Ivonbrook House is considered to be contrary to the prevailing character and appearance of the area. The proposed dwelling would also be in close proximity to Ivonbrook House such that it would appear cramped into the remaining area of land. The siting of the building due to its proximity to Ivonbrook house and its forward position on the site is considered incongruous and harmful to the prevailing character and appearance of the area contrary to Policies SF5 and H9 of the Adopted Derbyshire Dales Local Plan and guidance contained within the NPPF.

In addition the proposal includes the significant alteration and extension of an existing outbuilding which was presumably formerly in use in connection with Ivonbrook House. This outbuilding whilst in need of some repair retains much of its original character which can more particularly be seen from the western elevation. The proposed alteration will result in the loss of the architectural detailing of this building and will therefore harm the character and appearance of both the building and the wider surroundings. This harm is contrary to the requirements of Policies SF5 and H9 of the Adopted Derbyshire Dales Local Plan and guidance contained within the NPPF.

In view of the harm caused by the development the environmental role of sustainability has not been met and therefore the proposal fails to meet the core principle of sustainability required by the NPPF.

Therefore whilst Paragraph 14 has a presumption in favour of sustainable development, the proposed development fails to meet the criteria for sustainable development. The harm caused to the prevailing character and appearance of the area as a result of the siting of the proposed dwelling, along with the harm caused to the existing outbuilding, will cause significant and demonstrable adverse impacts. This significant harm outweighs the benefits of the development in terms of the need for additional housing caused by the current lack of supply. The proposal therefore fails to meet the requirements of paragraph 14 and should be refused.

Conclusion
The proposed development has failed to meet the environmental role of sustainability in that the development will harm the prevailing pattern of development and the street scene within the locality. As such the proposal fails to meet the basic principle of sustainable development which is at the core of the NPPF and therefore fails to meet the requirements of Paragraph 14. This proposal raises no concerns with regard to ecology, impact on protected trees or residential amenity.

OFFICER RECOMMENDATION:
To refuse planning permission for the following reason:

1. The siting of a dwelling in this open front garden area would be harmful to the prevailing character and appearance of the locality which is characterised by larger dwellings set back on their plots to reveal larger open front garden areas. As such the proposal fails to meet the requirements of Policies SF5 and H9 of the Adopted Derbyshire Dales Local Plan and guidance contained within the National Planning Policy Framework.

2. The proposed alterations to the existing outbuilding will result in a loss of its architectural detailing and would therefore harm the character and appearance of the
building and the wider surroundings. As such the proposal fails to meet the requirements of Policies SF5 and H9 of the Adopted Derbyshire Dales Local Plan and guidance contained within the National Planning Policy Framework.

Footnotes:
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:
Planning statement received 13.01.15
Proposed dwelling elevations no. X01 received 13.01.15
Proposed dwelling floor plans no. X02 received 13.01.15
Proposed outbuilding floor plans and elevations no. X05 received 13.01.15
Existing outbuilding floor plan and elevations no. X04 received 13.01.15
Site section no. X03 received 13.01.15
Existing survey no. 14/1293-1 issue B received 13.01.15
Amended proposed site, block plan and landscaping plan no. SP01 Rev D undated
Amended location plan no. OS1 undated
Photo montage of proposed dwelling adjacent to Ivonbrook House undated
Proposed site section showing relationship between the proposed dwelling and The Coach House undated
Photograph of outbuilding with annotations no. OB/1, OB/2, OB/3, OB/4, undated

BACK TO AGENDA
15/00032/FUL

Isis, Moor Lane, Darley Dale

Derbyshire Dales DC

Date: 02/04/2015

100019785
THE SITE AND SURROUNDINGS:
The application property is a detached house, situated in a residential area, just to the north-west of Darley Dale. It is set back and not very visible or prominent from public view. It occupies an elevated position with houses to the south at a lower level.

THE APPLICATION:
This is a resubmission of a previously approved scheme (14/00382/FUL). The main difference between this and the previously approved scheme is on the south / east elevation. The previously approved scheme had an extension set 2.9m back from the existing elevation with a juliet balcony. The current proposal is to fill in this area, bringing the extension flush with the existing south elevation. The southern elevation will have a small first-floor window with a patio door below. Viewed from the east, it will appear as a two-storey lean-to section with a glazed first-floor section.

RELEVANT HISTORY:
14/00382/FUL Single / two-storey extensions. Granted

CONSULTATIONS:
Local Highway Authority: No objection.

Town Council: Object – impact on neighbours, overlooking, overshadowing and density of development.

REPRESENTATIONS:
None received

POLICIES:
Adopted Derbyshire Dales Local Plan (2005)
SF5 Design And Appearance Of Development
H2 Extensions to Dwellings

National Planning Policy Framework (NPPF)
Chapter 7 Requiring good design

ISSUES:
The main issues to assess are the impact that the revised scheme has, compared to the previously approved scheme, in terms of impact on the character and appearance of the house and on neighbouring amenity.

The main difference between this and the previously approved scheme is on the south / east elevation. The previously approved scheme had a juliet balcony on the south elevation, set back 2.9m from the existing southern elevation. The current proposal is to fill in this area,
bringing the extension flush with the existing south elevation with a small first-floor window and a patio door below. Viewed from the east, it will appear as a two-storey lean-to section with a glazed first-floor section. This alteration is not considered to have an adverse impact on the character or appearance of the main house. In terms of impact on the neighbour's amenity to the south, whilst the extension is closer to them, it is flush with the existing building and overlooking from the window, rather than a juliet balcony, arguably reduces the perception of impact.

The rest of the scheme remains as previously approved and is not considered to have such an adverse impact on the neighbour’s amenity to warrant rejection.

**OFFICER RECOMMENDATION:**
Planning Permission be granted conditionally.

1. Condition ST02a: Time Limit on Full.
2. Condition ST06: Amended Application (Revised Plans)… 12th February 2015… 1408/08 Rev.A…

Reasons:

1. Reason ST02a.
2. Reason ST06.

Note to applicant:

This Decision Notice relates to the following documents:
Drawing numbered 1408/04, received by the Council on 21st January 2015 and drawing numbered 1408/08 Rev. A, received by the Council on 12th February 2015.

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

BACK TO AGENDA
14/00866/FUL

76 Jackson Road, Matlock

Derbyshire Dales DC

Date: 23/03/2015

100019785
THE SITE AND SURROUNDINGS:
The building to which the application relates forms part of the former Jackson Tor Hotel dating from around the mid to late 1800’s. The part of the building to be altered occupies the basement/ground floor, first floor, second floor, third floor and attic/fourth floor of the old Hotel. The taller and more ornate part of the building which has already been converted does not form part of this application. This application relates to the lower part of the building to the east of the larger property and the frontage part of the building which contains the multi-paned windows. Works are on-going to these parts of the main property which are part of the former hotel. There are also three dwellings within the grounds. All of these properties are accessed via Jackson Road.

The site is surrounded by residential development. The building is located on steeply sloping ground and is within the Matlock Bank Conservation Area. Although not a listed building the building is very prominent within the immediate street scene and wider hillside.

THE APPLICATION:
It is proposed to create three flats on the same footprint to the second, third and fourth floors of the building. To access these flats an emergency stair is proposed to the rear elevation of the three storey building. A larger flat will be created on the first floor utilising the front and rear parts of the building and the ground floor/basement area within the frontage building for garaging to serve this larger flat. It is also proposed to create additional access via steps to the side of the building. Altogether 4 flats are proposed within this part of the building.

The main external alteration as part of these renovations is the fire escape to the rear elevation and the creation of a balcony and the rebuilding of the frontage part of the building on the first floor to allow for the creation of this balcony feature which will serve the larger first floor flat. Also proposed is the expansion of the garage access and a number of roof lights.

RELEVANT HISTORY:
03/10/0762 Change of use and conversion of hotel into 2 dwellings – Permitted with conditions
02/08/0603 Change of use of hotel into 7 apartments – Permitted with conditions
02/05/0401 Conversion of part of hotel into three dwellings – permitted with conditions
0290/0137 Extension to hotel – Permitted with conditions
MAT/274/10 Fire escape – Permitted
CONSULTATIONS:
Town Council – No objections subject to matching materials and the conversion having regard to the original design and appearance of this prominent building in the street scene.

Local Highway Authority – In order to maintain the existing level of emerging visibility in the eastern direction, the proposed planting area to the east of the access should not exceed 0.6m in height. Although one of the proposed parking spaces within the basement parking area is unlikely to be accessible due to the restricted space behind the space and the steps out of the building, 5 useable spaces for the 4No proposed dwellings is acceptable in this instance. Whilst the Highway Authority usually recommends 2 spaces be provided for 2/3 bedroom dwellings, any minor increase in the demand for on-street parking on the surrounding highway network is not a safety concern; more of an inconvenience to local residents.

Therefore, the Highway Authority has no objections subject to recommended conditions being included in any consent in the interest of highway safety.

DCC Rights of Way – There are no recorded rights of way affecting the site outlined in red. However, a claim has been made to add a footpath to the definitive map which runs along Jackson Tor Road to the north of the site. This needs to be brought to the attention of the developer as it could have implications for the future development of the site.

Peak and Northern Footpaths – No objection. The applicant must be aware that the path at the rear (northern side) of the building is shortly to be legally recognised as a public footpath with a width specified in the relevant legal order. The full width of this path must remain unobstructed and available for use at all times unless legally temporarily stopped up by an order obtained from the County Council.

REPRESENTATIONS:
Letter received from the Matlock Civic Association:
No objection in principle. Concerns at the possible lack of car parking associated with the proposal in an area where on street parking for work and employment uses already causes difficulties. It is also considered that there was a need for outside space associated with the dwellings.

Four letters of objection from neighbouring residents which raise the following points:
• The building work has been ongoing since 2003, it is hoped this will ensure works are finished.
• Concerned about the state of the land in front of the two houses which under permission 03/10/0762 was supposed to be for parking for 14 cars, and was conditioned as such but those conditions have been breached.
• Conditions previously applied should be adhered to.
• The outside areas should be properly laid out for the owners of the proposed flats and the existing houses.
• Finishing no.76 will allow works to be finally completed in no. 78.
• Works carried out have compromised the retaining wall to the car park
The steps and driveway are not shown on plans drg no. ending 02 and 03, drg 03 is inaccurate

The position of the steps to no. 78 will allow the occupier of that property to peer in through the windows when using the steps

The garden area agreed to the frontage of the site would be overlooked by the proposed development

The flat roof element should be set back to prevent overlooking into the property from the existing steps or garden area

The blocking in of the side elevation of no. 78 is not acceptable, compromises the existing permission

Creates maintenance issues in terms of guttering etc.

The flat roof will compromise views from no. 78

4 cars cannot be easily housed within the garage

There is insufficient parking

The access is adequate and does not require modification

There are errors in the application form

Where is the provision for bins?

Vehicles should park within the confines of the site

The earlier planning permission from 2003 allocated visitor parking for no’s 76 and 78, this is no longer provided

The western part of the front entrance has poor visibility and gradient

The area forward of the main building is proposed to be garden land not parking as shown on the submitted plans

One neighbour has written in to note that they have no objection but would like to see adequate parking provision within the site

POLICIES:
Adopted Derbyshire Dales 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
EDT4: Other Existing Employment Land And Business Premises
NBE21: Development Affecting A Conservation Area
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 for consideration are the principle of the development, the visual impact of the proposed works, impact upon amenity and the impact upon highway safety and parking.

Principle
Policy EDT4 of the Adopted Derbyshire Dales Local Plan seeks to protect business uses. In this case whilst the former use of the building was as a hotel, that used ceased some time ago and planning permission has already been granted and works commenced for the conversion of the whole building into two dwellings, one which has already been formed within the taller building element to the west and one within the part of the building
to which this application relates. Given the extant permission relating to the building there is no objection in principle with an alternative form of residential conversion.

**Visual Impact**
The site is within the Matlock Bank Conservation Area and although not a listed building this building is very prominent within the street scene. The part of the building to which this application relates is in its present condition considered to be a negative element within the Conservation Area. There are two main external elements to the proposal which will have an impact upon the character and appearance of the building and therefore the wider surroundings.

Firstly, there is the external stair to the rear of the building. Whilst this element is not attractive it is necessary to create the flats proposed. The location of the stair is hidden away from the main public views of the building. The rear elevation will be visible from the footpath location to the rear of this site. However, this element of the building is seen in context of the rear of the remainder of the building and this stair element is not considered to be of so adverse a visual impact that the proposal is not acceptable in this regard. Therefore on balance the stair element is considered to be acceptable.

Secondly, part of the frontage flat roofed element of the building is to be rebuilt and a balcony feature created. Whilst the design of this element is more modern and of a different style to the rest of the buildings, this is considered to be an appropriate design approach given the existing state of this part of the building which is a much later addition and has been significantly altered over the years. In order to ensure that all elements of this building work fit together it is considered that stringent conditions are required regarding detailing, windows and doors. Subject to such conditions the overall design and appearance of the proposed works are considered to be appropriate. Due to the prominence of the building, these improvements will enhance the overall appearance of the building and as such will enhance the overall character and appearance of the wider conservation area. The proposal is considered to be acceptable in accordance with policies SF1, SF5, H1, H9 and NBE21 of the Adopted Derbyshire Dales Local Plan and guidance contained within the National Planning Policy Framework.

**Amenity**
The neighbouring resident has raised concern that the proposed balcony feature will overlook the garden area to the frontage of the property. It should be noted that this garden area on the previous permission was to be mainly a driveway with a small grassed area and therefore has limited value as private garden, in addition this area is already overlooked by the existing multi-paned windows to this elevation. This garden area is to the frontage of the property and is already open to surroundings and therefore cannot be considered as a wholly private garden area. It is therefore considered that the creation of the balcony and the alterations to the windows on this elevation will not cause additional overlooking such that refusal of planning permission is warranted. The proposal is considered to be acceptable in accordance with policies SF1, SF5 and H9 of the adopted Derbyshire Dales Local Plan and guidance contained within the National Planning Policy Framework.

**Highway Safety and Parking**
Concern has been raised that there is insufficient off street parking to be created for the proposed development and that the visibility and gradient of the access is poor. The Highway Authority has considered the proposed parking layout and are of the view that whilst only 5 parking spaces could be reasonably provided rather than the 6 specified, this
is considered to be a reasonable number for the proposed development. The Highway Authority has no objection subject to conditions. Concerns have been raised regarding the proposed parking and how this conflicts with planning permission 03/10/0762. However this matter has been considered and there is no conflict with the previous permission.

Conclusion
The principle of residential development within the town of Matlock is sustainable. The proposed works will not adversely impact upon residential amenity. Adequate parking has been demonstrated. Subject to conditions the proposal is acceptable in accordance with Local and National Planning Policy.

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

1. Condition ST02a: Time limit on full

2. Prior to the commencement of development details (and samples if considered necessary) of all materials to be used on the external face of the building shall be submitted to and approved in writing by the Local Planning Authority. Works shall be completed in accordance with the agreed details.

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

4. Before any other operations are commenced the existing vehicular access to Jackson Road shall be modified in accordance with application drawing No CA/1164/14/22, with no object in the proposed planting area to the east of the access exceeding 0.6m in height in order to maintain the existing level of visibility in this direction. The land in advance of the visibility sightline to the east shall be retained throughout the life of the development free of any object greater than 0.6m height relative to adjoining nearside carriageway channel level.

5. No proposed residential unit shall be occupied until space has been laid out within the site in accordance with application drawing No CA/1164/14/22 for 5 cars to be parked within the site, with the hatched area behind the car parking spaces being kept clear at all times to enable all vehicles to turn so that they may enter and leave the site in forward gear.

6. The garage hereby permitted shall be kept available for the parking of motor vehicles at all times. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and/or re-enacting that Order) the garage hereby permitted shall be retained as such and shall not be used for any purpose other than the garaging of private motor vehicles associated with the residential occupation of the property without the grant of further specific planning permission from the Local Planning Authority.
7. No part of the development shall be occupied until details of arrangements for storage of bins and collection of waste have been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the agreed details and the facilities retained for the designated purposes at all times thereafter.

8. Along with detail of the materials noted in Condition 2 and prior to the commencement of development 1:10 or 1:20 details of the flat roof, all window frames and doors, finishes and recesses and balcony features including balustrade shall be submitted to and agreed in writing by the Local Planning Authority. Works shall be completed in accordance with the agreed details.

Reasons

1. Reason ST02a

2. To ensure a satisfactory form of development in accordance with Policies SF5, H9 and NBE21 of the Adopted Derbyshire Dales Local Plan and guidance contained within the NPPF.

3-7. In the interests of highway safety in accordance with Policies TR1 and TR8 of the Adopted Derbyshire Dales Local Plan and guidance contained within the NPPF.

8. To ensure a satisfactory form of development in accordance with Policies SF5, H9 and NBE21 of the Adopted Derbyshire Dales Local Plan and guidance contained within the NPPF.

NOTES TO APPLICANT:

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

2. 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.

3. This decision notice relates to the following documents:
   Design and access statement received 17.12.14
   Proposed site block plans and parking CA/1164/14/22 received 05.02.15
   Amended proposed east side elevation CA/1164/14/18 received 05.02.15
   Amended proposed front elevation CA/1164/14/17 received 05.02.15
   Amended proposed section AA CA/1164/14/15 received 05.02.15
Amended proposed fourth floor layout and roof plan CA/1164/14/14 received 05.02.15
Amended proposed second and third floor layout CA/1164/14/13 received 05.02.15
Amended proposed ground floor layout CA/1164/14/11 05.02.15
Existing site block plan and parking received 05.02.15
Old aerial photo CA/1164/14/24 received 05.02.15
Location plan CA/1164/14/01 received 17.12.14
Existing ground floor layout CA/1164/14/02 received 17.12.14
Existing first floor layout CA/1164/14/03 received 17.12.14
Existing second and third floor layout CA/1164/14/04 received 17.12.14
Existing fourth floor layout and roof plan CA/1164/14/05 received 17.12.14
Existing section AA CA/1164/14/06 received 17.12.14
Existing section BB CA/1164/14/07 received 17.12.14
Existing front elevation CA/1164/14/08 received 17.12.14
Existing rear side elevation CA/1164/14/09 received 17.12.14
Existing east side elevation CA/1164/14/10 received 17.12.14
Proposed first floor layout CA/1164/14/12 received 17.12.14
Proposed section BB & proposed/existing section CC CA/1164/14/16 received 17.12.14
Proposed rear side elevation CA/1164/14/19 received 17.12.14

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

5. The application site is affected by a public Right of Way, Restricted Byway 104 and Claimed Route 84. These routes must remain unobstructed on their legal alignment at all times and the safety of the public using them must not be prejudiced either during or after development works take place. Further advice can be obtained by calling 01629 533190 and asking for the Rights of Way Duty Officer. Please note that:-

• The granting of planning permission is not consent to divert or obstruct a public right of way.

• If it is necessary to temporarily obstruct a right of way to undertake development works then a temporary closure is obtainable from the County Council. Please contact 01629 533190 for further information and an application form.

• If a right of way is required to be permanently diverted then the Council that determines the planning application (The Planning Authority) has the necessary powers to make a diversion order.

• Any development insofar as it will permanently affect a public right of way must not commence until a diversion order (obtainable from the planning authority) has been
confirmed. A temporary closure of the public right of way to facilitate public safety during the works may then be granted by the County Council.

- To avoid delays, where there is reasonable expectation that planning permission will be forthcoming, the proposals for any permanent stopping up or diversion of a public right of way can be considered concurrently with the application for the proposed development rather than await the granting of permission.

BACK TO AGENDA
## PLANNING APPEAL – PROGRESS REPORT

Report of the Director of Planning & Housing Services

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

**OFFICER RECOMMENDATION:**

That the report be noted.
Appeal Decision

Site visit made on 24 February 2015

by Alison Partington  BA (Hons) MA MRTPI

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

Decision date: 3rd March 2015

Appeal Ref: APP/P1045/D/14/2229808
Carrlane Farm, Carr Lane, Riber, Derbyshire DE4 5JT

The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.

The appeal is made by Mr and Mrs N Gratton against the decision of Derbyshire Dales District Council.

The application Ref 14/00539/FUL, dated 22 July 2014, was refused by notice dated 29 September 2014.

The development proposed is described as “two storey/single storey extension and interior modifications to existing dwelling”.

Decision

1. The appeal is dismissed insofar as it relates to the single storey extension. The appeal is allowed insofar as it relates to the two storey extension and planning permission is granted for a two storey extension to existing dwelling at Carrlane Farm, Carr Lane, Riber, Derbyshire DE4 5JT in accordance with the terms of the application, Ref 14/00539/FUL, dated 22 July 2014, subject to the following conditions:

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

2) The development hereby permitted shall be carried out in accordance with the following approved plans insofar as relevant to that part of the development hereby permitted: OS and Block Plan Layout ID A.04; Existing Plans, Elevations and 3D View Layout ID A.01; and Proposed Plans, Elevations and 3D View Layout ID A.02.

3) The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.

4) The windows and doors hereby permitted shall be recessed in their openings to the same position as the existing windows and doors in the property.

Procedural Matter

2. Although the application and appeal forms describe the development as referred to at the top of this decision, internal modifications do not require planning permission and so I have omitted reference to them in the formal decision.
Main Issue

3. The main issue in the appeal is the effect of the proposed development on the character and appearance of the host property.

Reasons

4. The appeal property consists of an original L-shaped farmhouse and an attached agricultural building that has previously been converted as an addition to the farmhouse, under a permission which I understand was granted in 2002. The rear elevation of the building runs parallel to the road, with the front elevation facing into the farmyard. The elevations that can be seen from the public realm would be little altered by the proposal and as such they would not affect the positive contribution the buildings currently make to the character and appearance of the surrounding area.

5. The two wings that form the original farmhouse have a similar scale and mass, with neither being clearly secondary to the other. The proposed two storey extension would increase the depth and length of the wing that lies perpendicular to the road and the existing half dormer window on the east elevation would be replaced by twin gable features. However, the overall scale of the extension is modest, with its scale and mass respecting that of the rest of the building, and the resulting wing would not overly dominate the rest of the farmhouse. In addition, given the presence of half dormers on this part of the farmhouse, the gable end features would not appear out of keeping with the rest of the building.

6. The part of the farmhouse that was formerly a barn has a simple and functional appearance that retains its agricultural character. Window and door openings are limited, with a larger ratio of blank walling to openings than is found on the original farmhouse. The retention of the special character and appearance of agricultural buildings is a key requirement of the guidance found in The Conversion of Farm Buildings Design Guidance Supplementary Planning Document (adopted November 2005) (SPD).

7. The addition of a single storey extension to this elevation would result in it having a cluttered appearance that would be unsympathetic to the current clean and simple appearance that is associated with its former use. Moreover, the use of roof lights as well as windows in the extension significantly increases the amount of openings found in this part of the building, and, together with the reduction in the ratio of walling to window and door openings, results in the loss of the agricultural character of the building.

8. Notwithstanding the fact that the size and scale of the single storey extension means that it would appear subservient to the principal building, it would be an incongruous and alien addition to the building that would not respect its agricultural character and appearance.

9. Bringing these points together, I consider that the proposed two storey extension would preserve the distinctive character and appearance of the host property, but that the single storey extension would not. Of the policies referred to by the Council I consider Policy H2 of the Derbyshire Dales Local Plan (adopted November 2005) (DDLP), which seeks to ensure that extensions to dwellings would not have a detrimental impact on the character and appearance of the dwelling and its surroundings, to be most relevant to the
appeal. I consider that whilst the single storey extension would conflict with this, the two storey extension would not. As the two extensions are clearly severable, I consider that the two storey element can be allowed on its own.

Other Matters

10. The property is located immediately adjacent to Riber Conservation Area. As the proposed extensions would not be visible to a large extent from the public realm or the conservation area, I am satisfied that the proposal would not have any detrimental impact on the setting of the conservation area.

Conclusion and Conditions

11. For the reason set out above, I conclude the appeal should be allowed insofar as it relates to the two storey extension, but dismissed insofar as it relates to the single storey extension.

12. In addition to the standard implementation condition, it is necessary for the avoidance of doubt to define the plans with which the scheme should accord. In the interests of the character and appearance of the host property and the wider area, conditions are required to control the external appearance of the extension and to ensure the windows and doors are recessed in a similar way to those of the existing dwelling.

Alison Partington

INSPECTOR

BACK TO AGENDA