16 June 2015

To: All Councillors

As a Member or Substitute of the Planning Committee, please treat this as your summons to attend a meeting on WEDNESDAY 24 JUNE 2015 at 6.00pm in the Council Chamber, Town Hall, Matlock.

Yours sincerely

Sandra Lamb
Head of Corporate Services

AGENDA

SITE VISITS The Committee is advised a coach will leave the Town Hall, Matlock at 2.15pm 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 MEETINGS

Planning Committee – 16 June 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.

4.1 APPLICATION NO. 15/00150/FUL (Site Visit)  
Livestock building at The Spinney, Chesterfield Road, Matlock.

4.2 APPLICATION NO. 15/00200/FUL (Site Visit)  
Erection of dwelling and detached garage at 1 Hawleys Court, Hawleys Close, Matlock.

4.3 APPLICATION NO. 15/00303/FUL (Site Visit)  
Two storey extension to front, side and rear, external stair and raised patio areas at 161 Smedley Street, Matlock.

4.4 APPLICATION NO. 15/00104/FUL (Site Visit)  
Replacement single-storey side and rear extension at 19 Dimple Road, Matlock.

4.5 APPLICATION NO. 15/00210/FUL (Site Visit)  
Surfacing of access drive with tarmacadam at land adjacent to 11A Little Bolehill, Wirksworth.

4.6 APPLICATION NO. 15/00209/FUL (Site Visit)  
Erection of dwelling at land adjacent to 15 Bowling Green Lane, Wirksworth.

4.7 APPLICATION NO. 15/00034/OUT (Site Visit)  
Residential development (Outline) for up to 13 dwellings at land off Park Lane, Two Dales.

4.8 APPLICATION NO. 14/00847/FUL  
25 Dwellings including garages and infrastructure at land off Moorcroft, Matlock.

4.9 APPLICATION NO. 15/00095/ADV  
Display of 6.5 metre high freestanding totem sign at land at Bakewell Road, Matlock.
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 Garry Purdy (Chairman), Tony Millward BEM (Vice Chairman), Jason Atkin, Richard Bright, Sue Burfoot, Sue Bull, Albert Catt, Tom Donnelly, Graham Elliott, Richard FitzHerbert, Helen Froggatt, Neil Horton, Tony Morley, Mike Ratcliffe, Lewis Rose OBE, Peter Slack and Andrew Statham.

Substitute Members
Deborah Botham, Jennifer Bower, Martin Burfoot, Phil Chell, Ann Elliott, Chris Furness, Alyson Hill, Angus Jenkins, Vicky Massey, Jean Monks, Joyce Pawley, Mark Salt, Andrew Shirley, Jacquie Stevens, John Tibenham, Jo Wild

SITE VISITS
Members will leave the Town Hall, Matlock at 2.15pm prompt for the following site visits:

2.25pm Application No. 15/00150/FUL
THE SPINNEY, CHESTERFIELD ROAD, MATLOCK
Requested by the Ward Member to assess the impact on the character and appearance of the area.

2.40pm Application No. 15/00200/FUL
1 HAWLEYS COURT, HAWLEYS CLOSE, MATLOCK
Requested by Officers for Members to assess the impact of the proposal on the character and appearance of the area.

3.05pm Application No. 15/00303/FUL
161 SMEDLEY STREET, MATLOCK
Requested by Ward Member to assess the impact on the amenity of neighbouring residents.

3.20pm Application No. 15/00104/FUL
19 DIMPLE ROAD, MATLOCK
Requested by Ward Member to assess the impact on the amenity of neighbouring residents.

3.45pm Application No. 15/00210/FUL
LAND ADJACENT TO 11A LITTLE BOLEHILL, WIRKSWORTH
Requested by Ward Member to assess the impact of the proposal on the character and appearance of the countryside and the Wirksworth Conservation Area.
4.05pm  Application No. 15/00209/FUL  
LAND ADJACENT TO 15 BOWLING GREEN LANE, 
WIRKSWORTH

Requested by Ward Member to assess the impact of the proposal on the character and appearance of the Wirksworth Conservation Area.

4.30pm  Application No. 15/00034/FUL  
LAND OFF PARK LANE, TWO DALES

Requested by Officers to assess the impact of the development upon the character and appearance of the locality, highway safety matters and upon the amenity of neighbouring residents.

5.00pm  RETURN TO TOWN HALL, MATLOCK

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.
15/00150/FUL

The Spinney, Chesterfield Road, Matlock

Derbyshire Dales DC

Date: 11/06/2015

100019785
THE SITE AND SURROUNDINGS:
The application site is situated in a rural area to the north of Matlock, just off the main Chesterfield Road (A632), opposite Matlock Golf Course. It is an area of open countryside with a wooded area on the north-western boundary. The main house is at the northern end of the site and there is a neighbouring property close by.

THE APPLICATION:
The proposal is for the erection of a livestock building. It is proposed to be positioned on the north-western field boundary and will be viewed against a backdrop of trees. The proposed dimensions of the building are 4m by 19m and 4.6m high.

RELEVANT HISTORY:
08/00602/FUL  Erection of agricultural machinery / fodder storage building.  Refused and Appeal dismissed

CONSULTATIONS:
Local Highway Authority:
No objection.

Town Council:
No comment.

REPRESENTATIONS:
None received.

POLICIES:
Adopted Derbyshire Dales Local Plan (2005)
SF4  Development In The Countryside
SF5  Design And Appearance Of Development
EDT13  Buildings Associated With Agriculture, Forestry Or Other Rural Based Enterprise
NBE8  Landscape Character

National Planning Policy Framework (NPPF)
Chapter 3  Supporting a prosperous rural economy.
Chapter 7  Requiring Good Design
Chapter 11  Conserving and enhancing the natural environment

ISSUES:
Although the applicant does not come from a farming background, he lives in a rural area and has kept sheep for the last year or so. His plan is to expand the number of sheep, once he has suitable accommodation for them in winter time.
The applicant has calculated the optimum size of the building required, proportionate to the size of the landholding. This is based on advice from the National Sheep Association which recommends a density of 10 sheep per acre. As the fields cover 6 acres, this could potentially equate to up to 60 sheep. It also recommends accommodation levels of 1.2 sq/m per sheep. On this basis, the proposed floor area is 72sq/m.
The proposal is considered to support the existing agricultural activity on site and will allow for its reasonable expansion. It is therefore considered to be commensurate with the agricultural needs. The proposed building has a simple, functional design and being positioned against the backdrop of trees, is not considered to appear unduly prominent in the wider landscape.

A previous application for an agricultural building at the far end of the field was refused due to its isolated siting amongst other reasons. This was also dismissed on Appeal where it was suggested to re-locate the proposed building closer to the main house. The current proposal has followed this advice and there appears to be a reasonable justification for the proposal, such that it can be considered essential for the purposes of agriculture on the holding.

OFFICER RECOMMENDATION:
Planning Permission be granted conditionally.

1. Condition ST02a: Time Limit on Full.

2. The building hereby approved shall only be used in accordance with the details submitted in the application, unless otherwise agreed in writing by the Local Planning Authority. If it becomes no longer required for the use specified, the building shall be removed from the land within 6 months.

Reasons:

1. Reason ST02a.

2. The building is only justifiable due to the specific nature of the application. Any alternative use would need to be considered on its merits to protect non-essential encroachment into the open countryside in accordance with Policies SF4, EDT13 and NBE8 of the Adopted Derbyshire Dales Local Plan (2005).

Note to applicant:

This Decision Notice relates to the following documents:
Drawings numbered 1, 2 and 3, received by the Council on 9th March 2015.

Prior to the submission of the application, the Local Planning Authority engaged in a positive and proactive dialogue with the applicant, which resulted in the submission of a scheme that took into consideration its context within the surrounding area.

BACK TO AGENDA
15/00200/FUL ERECTION OF DWELLING AND DETACHED GARAGE AT 1 HAWLEYS COURT, HAWLEYS CLOSE, MATLOCK FOR MS MARIE DUNCAN

Town Council: Matlock  Date of Receipt: 23.03.15
Application Type: Full  Case Officer: Mrs H. Frith

THE SITE AND SURROUNDINGS:
The application site is the garden area to no. 1 Hawleys Court. The garden area is well screened by existing planting and is a relatively level site. The garden to no. 1 Hawleys Court has a level change through the site resulting in the definition of this proposed plot. The site is adjacent to the boundary of the Lumsdale Conservation Area. To the north, south and west of the site is existing residential development of relatively modern dwellings. To the east is the large garden of a nearby dwelling which contains mature planting.

THE APPLICATION:
Planning permission is sought to erect a detached dwelling with 4 bedrooms, which would be a one and a half storey dwelling with accommodation contained within the roof space. The property would be positioned at an angle on the site fronting towards the east. Access is proposed through the existing stone boundary wall to the south eastern corner of the site with a detached garage proposed to the north eastern corner of the site.

RELEVANT HISTORY:
05/00349/OUT  Erection of dwelling (outline) – Refused for the following reasons:
1. The proposed development would be uncharacteristic of the residential development pattern in the locality of detached properties situated within spacious gardens. The new dwelling would appear unrelated to the open character of the immediate locality, to the detriment of the street scene of this part of Asker Lane and the prevailing local sense of place. As such the proposal is contrary to General Development Strategy Policy 2 and Environment Policy 17 of the Derby and Derbyshire Joint Structure Plan, Policies DC.16, H.9 and H.10 of the adopted Derbyshire Dales Local Plan and Policies SF6 and H2 of the Revised Deposit Draft Derbyshire Dales Local Plan.

2. The proposed development, if permitted, would result in the creation of a new vehicular access to Asker Lane which will introduce traffic movements to and from the public highway at a point where exit visibility is severely restricted due to third party land thereby leading to a potential danger and inconvenience to other highway users. As such the proposal is contrary to Policy DC.32 of the adopted Derbyshire Dales Local Plan and Policy TR1 of the Revised Deposit Draft Local Plan.

WED/1087/0705  4 Bungalows and garages - Refused - Appeal allowed

Reasons for refusal:
1. In the opinion of the Local Planning Authority the development of this site located as it is on a ridge above the Lumsdale Conservation Area would lead to skyline development which would detract from the character of the area. Furthermore the shape of the site make it difficult to achieve a rational grouping of dwellings and would lead to a ribbon of buildings in a situation where they would have most impact on the Conservation Area.
2. To add further to and consolidate development on the western slope of Lumsdale adjacent to the existing development on the ridgeline would exacerbate an already unsatisfactory situation.

WED/0986/0575  5 dwellings – Refused - Appeal dismissed
Reasons for refusal:
1. The Local Planning Authority consider this site should be retained as an undeveloped buffer of open space between the Lumsdale Conservation Area and the adjoining Residential development.

2. Development of the site would be clearly visible on the skyline when viewed from within the Lumsdale Conservation Area which adjoins the site and would have a detrimental effect on its appearance.

WED/0784/0500  Residential development – Permitted with conditions (Relating to the development of Hawleys Court and the uppermost part of Highfield Drive)

WED/0283/0147  Residential development – Refused – Appeal dismissed (Relating to the development of Hawleys Court and the uppermost part of Highfield Drive)

CONSULTATIONS:
Town Council – No comments

Local Highway Authority – The proposals include a new vehicular access to be constructed to Asker lane at a point where emerging visibility to the east is below standard due to third party land. However, this is the non-critical direction and, during a recent site visit it was evident that the majority of vehicle speeds approaching the site from the east are suppressed to approximately 20mph due to the bend in the road. Given the site location at the end of the built up residential area, passing vehicles volumes are also low.

It is estimated that vehicle speeds approaching from the west are slightly higher at approximately 25mph, adequate emerging visibility can be achieved in this direction provided it is maximised from a 2.4m minor road distance, as it overlooks land within the red edge. There are therefore no grounds for an objection based on highway safety grounds. Recommend conditions and footnotes.

REPRESENTATIONS:
Five letters of objection have been received from two local residents:
• The proposed access is dangerous
• School children walk in this area, this will cause harm to pedestrian safety
• The recommended visibility splays will not be achieved, the road is narrow, on a bend and on a steep incline
• Access should be provided from Hawleys Court
• The proposal was refused in 2005, what has changed
• This part of the site should have been developed originally
• This development is not needed, development is already proposed at Asker lane and Moorcroft, local infrastructure cannot cope.
• The height of the dwelling is not in keeping with surroundings being at 5.6m ridge height, higher than the existing bungalows
• Is this a house in disguise, not actually a bungalow.
The dwelling will overshadow existing neighbours and is completely out of proportion to existing dwellings.

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
NBE6: Trees And Woodland
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
National Planning Practice Guidance

ISSUES:
The issues to consider are the principle of residential development on this site, visual impact upon surroundings/Conservation Area, impact upon the amenities of neighbouring residents, highway safety and parking and the impact upon trees within the Conservation Area. These issues are addressed below.

Principle
In July 2014 the Draft Derbyshire Dales Local Plan was submitted for examination in public. The Inspector at the examination decided that the proposed housing numbers did not meet the Objectively Assessed Need and there had not been sufficient collaboration with other Local Authorities and therefore the Plan would be found to be unsound. Since then the Draft Local Plan has been withdrawn from examination due to the lack of an extant 5 year housing land supply in accordance with paragraph 49 of the NPPF, in view of this the housing policies of the Adopted Derbyshire Dales Local Plan are considered out of date. Therefore development has to be considered in accordance with paragraph 14 of the National Planning Policy Framework which notes that where the relevant policies of the development plan are out of date a Local Planning Authority should grant permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this framework taken as a whole.

There has been a previous application for development on this site as detailed above under reference 05/00349/OUT which was refused. As explained above the policy situation has moved on since the 2005 application and it is necessary to re-examine the proposal in light of the policies of the National Planning Policy Framework and those local plan policies which remain consistent with the NPPF. It now has to be considered whether any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the framework as a whole or specific policies in the framework indicate the development should be restricted.

Development in this location would be considered generally in accordance with the principles of sustainable development in that future residents of the site could readily access the services and facilities of Matlock. This area has previously been defined as within a settlement which clarifies the sustainable nature of the area and therefore in principle residential development in this location would be acceptable subject to the specifics of the proposal not raising other significant environmental concerns.
Impact on Character and Appearance of the Locality
The application site forms part of a larger garden to a detached property situated to the north of the site. Due to this division of the garden, the site is constrained and of limited depth. As a result of this constrained plot the siting of the dwelling is at odds with the prevailing character and siting of dwellings within the locality. The prevailing character of the built development is of dwellings fronting the street scene and of dwelling situated more comfortably in larger plots.

In addition at the point of the application site development becomes more sporadically placed on the approach to the Conservation Area. The development of this site would introduce a dense pattern of development at a point where the character and appearance of the locality becomes more rural with mature planting. This development would not only lead to the loss of the planting along the street frontage but also has the potential to lead to a loss of planting on the adjacent site due to the proximity of the proposed garage building to the trees. These trees have a level of protection due to being located within the Conservation Area. Whilst the loss of the planting would not in itself justify refusal of the application, this matter demonstrates that the development of this site would lead to harm to the character and appearance of the locality contrary to Policies SF1, SF5, H1, H9 and NBE6 of the Adopted Derbyshire Dales Local Plan and guidance within the National Planning Policy Framework.

Amenity
In terms of residential amenity it is considered that whilst the property is in close proximity to its neighbour to the west, as there are no windows or dormer windows in the roof, only roof lights, the proposal will not have an adverse impact in terms of overlooking. In terms of overshadowing the overall height of the bungalow is approximately 5.5m with a separation distance between the properties of approximately 11m. With the rear of the proposed dwelling facing the side elevation of the neighbouring property it is considered that the potential for overshadowing will be minimal and as such a refusal on these grounds would not be warranted. The proposal is considered to be acceptable in terms of the impact upon residential amenity in accordance with Policies SF1 and H9 of the Adopted Derbyshire Dales Local Plan and guidance contained within the NPPF.

Highway Safety
Whilst the access is below the standard normally required in a 30mph area (See comments of the Highway Authority above), in view of the restricted vehicle speeds likely due to the bend in the road and steep incline, it is considered that the reduced visibility splay is acceptable in this case. It should be noted that since the previous refusal in 2005 the guidance to which the Highway Authority refers has changed. Consideration now has to be given to Manual for Streets published in 2007 and the more up to date version, Manual for Streets 2 published in 2010. It is therefore reasonable to come to a different highway conclusion in this case.

On the submitted plans it has been adequately demonstrated that sufficient off street parking and manoeuvring space can be provided for the dwelling. It is therefore considered that the proposal meets the requirements of policies TR1 and TR8 of the Adopted Derbyshire Dales Local Plan and the requirements of Paragraph 32 of the NPPF.

Conclusion
Whilst the development is considered to be within a sustainable location, consideration has to be given as to whether the development will cause significant and demonstrable
harm or be contrary to any specific policies contained within the National Planning Policy Framework in accordance with Paragraph 14 of the NPPF.

In this case the proposed development would be uncharacteristic of the residential development pattern in the locality of detached properties situated within spacious gardens. The new dwelling would appear unrelated to the character of the immediate locality, to the detriment of the street scene of this part of Asker Lane and the prevailing local sense of place. As such the proposal is contrary to Policies SF1, SF5, H1, H9 and NBE6 of the Adopted Derbyshire Dales Local Plan. The proposal is likewise contrary to the environmental role of sustainability, the core principles and Part 7 of the National Planning Policy Framework. The harm identified that would result to the character and appearance of the locality is in this instance considered to significantly and demonstrably outweigh the argument in favour of developing this sustainably located housing site.

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

The proposed development would be uncharacteristic of the residential development pattern in the locality of detached properties situated within spacious gardens. The new dwelling would appear unrelated to the character of the immediate locality, to the detriment of the street scene of this part of Asker Lane and the prevailing local sense of place. As such the proposal is contrary to Policies SF1, SF5, H1 and H9 of the Adopted Derbyshire Dales Local Plan and guidance contained within the National Planning Policy Framework.

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

2. This decision notice relates to the following documents:
   Design and access statement received 23.03.15
   Proposed floor plans no. D.15.01 received 23.03.15
   Proposed elevations no. D.15.02 received 23.03.15
   Block plan no. D.15.03 received 23.03.15
   Garage details no. D.15.04 received 23.03.15

BACK TO AGENDA
15/00303/FUL

161 Smedley Street, Matlock

Derbyshire Dales DC

Date: 11/06/2015

100019785
THE SITE AND SURROUNDINGS:
The application property is a relatively modern, link-detached house, situated in a residential area in north-western Matlock. It is stepped down and back from the road and lies within the Matlock Bank Conservation Area.

THE APPLICATION:
The main parts of this application are a raised front porch, a two-storey side extension and a single-storey rear extension with sitting out area above.

On the front (north-east) elevation, it is proposed to add a new main front porch entrance, offset to the side at first-floor level, above the existing main entrance. This is due to the drop in land levels, so rather than having to walk down a set of steep steps to the front door, it will just be a couple of steps up from the existing garage which will remain unchanged at the side.

To the side of the property and flush with the front elevation, is proposed a two-storey side extension, with a set of external steps leading off the side wall and down to the back garden.

To the rear (south-west) elevation, a single-storey rear extension with raised patio above, will traverse the existing rear elevation and proposed two-storey side extension.

RELEVANT HISTORY:
None.

CONSULTATIONS:
Local Highway Authority:
No objection.

Town Council:
Object. Overlooking, loss of privacy, scale and impact on neighbours.

REPRESENTATIONS:
Objections have been received from the next-door neighbour at 159 Smedley Street which can be summarised as follows:
The proposal would have a severe adverse effect on residential amenity by reason of scale, overlooking, overshadowing, loss of light and loss of privacy, which are in contravention of Local Plan Policies. The scale and position of the development would affect the Conservation Area - blocking views of the Derwent Valley from Smedley Street between the houses. The raised patio area removes privacy from the next-door garden area with no reasonable remedial measure. The new living room and kitchen will be at first-floor level. The development contravenes a section of the Human Rights Act. Concerned about possible nuisance caused by external lighting and remedial measures which may need to be taken.

POLICIES:
Adopted Derbyshire Dales Local Plan (2005)
H2 Extensions to Dwellings
ISSUES:
This area of Smedley Street is characterised by a range of house designs, with the neighbouring properties on either side having undergone historical alterations, including modified entrances and rear balconies. Both of these design elements have influenced the proposed application in this case.

The current application may be broken down into 3 basic elements – the raised front porch, the two-storey side extension and the single-storey rear extension incorporating balcony above.

The house is already stepped down and back from the road and in the context of the adjoining ‘link’ house, the proposed raised front porch is not considered to have an adverse impact on the appearance of the house or on the surrounding area.

Viewed from the front, the proposed two-storey side extension is considered to appear proportionate to and inkeeping with the character and appearance of the main house. Given the variety in the streetscene, a flush extension is appropriate in this case.

It is not anticipated that the external steps will be used on a regular / intensive basis, so any perceived loss of privacy as a result of these is considered to be of a fleeting / temporary nature and not considered to be so significant as to warrant refusal. The proposed windows in the new gable-end will also be obscure glazed.

In design terms, the proposed rear elevation is considered to be less sensitive because it is less visible from public view. Although there will be large areas of glazing, the predominant outlook will be over the applicant’s own back garden and towards the distant views. An element of overlooking already exists between neighbouring properties due to the sloping nature of the site and the relatively low-level boundaries. The one component of the scheme that would result in some increased potential for more direct overlooking is the balcony element which incorporates space for sitting out. This could result in a perception of being overlooked by the neighbours to the east. To address this, it is suggested that a more robust and higher boundary treatment is incorporated to this side of the balcony in order that, from a sitting position, the garden area of the neighbour cannot be viewed over this eastern enclosure.

On balance therefore, both individually and cumulatively, the different elements of the scheme are not considered to appear disproportionate or to have so adverse an impact on the house or on the surrounding area to warrant a recommendation of refusal.

OFFICER RECOMMENDATION:
Planning Permission be granted conditionally.

1. Condition ST02a: Time Limit on Full.
2. Prior to works commencing, details of the permanent enclosure of the south-eastern side of the balcony shall be submitted to and approved in writing by the Local Planning Authority. The enclosure to a height of 1.5m shall then be built in accordance with the approved details and so retained.

Reasons:

1. Reason ST02a.

2. In order to protect residential amenities in accordance with the aims of Policy H2 of the Adopted Derbyshire Dales Local Plan (2005).

Note to applicant:

Article 21 of the Town and Country Planning (General Development Procedure Order) 1995 provides for written confirmation to be obtained from a Local Planning Authority that a Condition or limitation attached to a grant of Planning Permission has been complied with.

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.

This Decision Notice relates to the following documents:

Prior to the submission of the application, the Local Planning Authority engaged in a positive and proactive dialogue with the applicant, which resulted in the submission of a scheme that took into consideration its context within the surrounding area.

BACK TO AGENDA
15/00104/FUL

19 Dimple Road, Matlock

Derbyshire Dales DC

Date: 11/06/2015

100019785

Crown Copyright and database rights (2015) Ordnance Survey (100019785)

Derbyshire Dales District Council,
Town Hall, Bank Road, Matlock, Derbyshire DE4 3NN.
Tel: 01629 733131.
Website: www.derbyshiredales.gov.uk
THE SITE AND SURROUNDINGS:
The application property is a link-detached house, situated in a residential area in north-western Matlock. It is set back from the main Dimple Road.

THE APPLICATION:
The proposal is to remove the flat-roof garage which stands at the side of the house and replace it with a single-storey, wraparound side / rear extension. It will extend out to the side by 1.4m and will extend out to the rear by 3.1m. It will also allow a pedestrian access down the side of the dwelling.

RELEVANT HISTORY:
None.

CONSULTATIONS:
Local Highway Authority:
No objection. Can additional on site car parking be provided to compensate for the loss of garage parking?

Town Council:
No objection.

REPRESENTATIONS:
Objections received from the next-door neighbour (number 17) which can be summarised as follows:
- Size – 80% of the existing ground-floor living space seems excessive – not inkeeping with surrounding properties.
- Loss of view and light.
- Problems for routine maintenance.
- What additional disabled benefits are provided that are not already there? The proposal has nothing to do with a disability. Where does disability come in? The applicant seems perfectly capable of mowing lawns at two terraces, sawing and cutting logs / timber for a wood burning stove and carrying out a business from a shed located at the bottom of the garden.
- Previous extensions have already been built. The proposed extension would lead to an additional loss of light. It would also lead to a loss of view which in turn would affect the future saleability of the house.
- The removal of the flat-roof garage will lead to maintenance / access difficulties.
- Potential noise issues.
- Questions over utility services and meters.

POLICIES:
Adopted Derbyshire Dales Local Plan (2005)
H2 Extensions to Dwellings

National Planning Policy Framework (NPPF)
Chapter 7 Requiring Good Design
ISSUES:
The proposal amounts to a subordinate, single-storey wraparound side / rear extension which will break the ‘link’ with the neighbouring property by allowing pedestrian access down the side. The proposal will change the character and appearance of the house and its surroundings – it was originally built as a link-detached house, with the ‘link’ being the flat roof garage which is to be removed and replaced with the lean-to side extension.

Viewed from the front, the proposed extension will appear as a subordinate, single-storey side extension which is not considered to have an adverse impact on the house or on the surrounding area.

The proposed extension will have some impact on neighbouring amenity in terms of overshadowing / loss of light to their rear elevation. However, this is considered to be of a modest additional nature and not to such a significant degree that would warrant a recommendation of refusal. The subordinate, lean-to design, combined with the 0.8m gap with the neighbour are considered to keep any adverse impact to a minimum. Whilst the proposed extension will be visible from the neighbour’s window, this does not provide a reason to refuse the scheme.

Although the design is not particularly inkeeping with the character or appearance of the main house, the majority of the extension will be tucked away and not visible or prominent from public view, such that any harm to the character and appearance of the area is not significant.

The objection has been taken into consideration whilst processing this application, but the issues raised are not considered to not provide sufficient grounds to oppose the application.

Further to the question raised by the Local Highway Authority, it is not considered that any additional on site car parking could be provided due to the restricted nature of the site frontage. However, this is a location close to the main amenities of the town and the reduction of available parking would not be a sound basis on which to reject this scheme.

OFFICER RECOMMENDATION:
Planning Permission be granted conditionally.

1. Condition ST02a: Time Limit on Full.

Reasons:

1. Reason ST02a.

Note to applicant:

This Decision Notice relates to the following documents:
Drawings numbered 1 and 2, received by the Council on 23rd 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.
15/00210/FUL

Land Adjacent to 11A Little Bolehill, Bolehill

Derbyshire Dales DC

Date: 11/06/2015

100019785
THE SITE AND SURROUNDINGS:
The application site is a sloping area of agricultural land with a plateau on the eastern part of the site. On the plateau there is a barn which was granted planning permission in 1999; the barn has been constructed in blockwork and is still to be fully faced with stone. There is a meandering access track up the slope of the field on the western side of the site which links to the lane into Little Bolehill. This has been aligned in part with cypress trees.

The field in which the barn is set comprises some 1.4ha. This is in the applicant’s ownership and lies directly opposite Nos. 14, 16 and 18 Little Bolehill and extends to the rear of 11 and 11A Little Bolehill. The site lies in open countryside within the Wirksworth Conservation Area and close to the boundary of the Bolehill Conservation Area.

THE APPLICATION:
Full planning permission is sought to resurface the access track with tarmacadam. This would constitute twin tracks along the access except for the area at the hairpin bend in the track where the applicant wishes to tarmac across to allow for vehicles to better manage the corner with the need for manoeuvring.

It is proposed that edging kerbs will retain the access at points where erosion is most likely but that grass cover will be maximised by the retention of soil cover over the kerbs and along the centre of the track, leaving only two 850mm wide tracks where the tarmac will be apparent.

The applicant advises the ongoing use of the driveway has resulted in continuous blockage of the drainage channels and there is the potential for debris to be carried onto the public highway. In addition, the intended lawful business use of the field barn renders the current access arrangements impractical. The applicant considers that the proposal will allow a form of construction that will maintain the character and appearance of the rural landscape whilst providing a sustainable driveway surface.

It is proposed that the access would be aligned with indigenous hedgerow to ensure the tracks will not be visible to any degree beyond the site boundary. The applicant has also submitted details of improved surface water drainage gullies which he has already acquired.

RELEVANT HISTORY:
14/00760/VCOND Variation of Condition 4 of Planning Permission 09/00085 to allow modified landscaping scheme for access track supplementing existing planting with native hedge planting - Refused
14/00538/AGR Agricultural Prior Notification – erection of fodder store – Refused – Appeal dismissed
13/00704/AGR Agricultural Prior Notification – Erection of agricultural storage building – Appeal APP/P1045/A/14/2216629 against non-determination dismissed
CONSULTATIONS:

Town Council – No objection.

Local Highway Authority – Comment –means of draining the access appear acceptable but require details of location.

REPRESENTATIONS:

Five letters of representation from neighbours. The comments can be summarised as follows:

- have been numerous applications relating to development at the site
- driveway already a considerable scar on the landscape
- inappropriate in the setting of the Conservation Area
- would suburbanise and gentrify a rural track
- established ‘tramline track’ would be unlikely to survive tarmacing
- track was supposed to be grassed over and conifers removed and planted with native trees – conditions have neither been met or enforced
- a valuable green area would be lost forever if access tarmaced
- would be an eyesore in the landscape when viewed from afar
- has been an increase in surface water run-off from the unabsorbent surface, silting of drains and ice on the highway in winter
- impact of lorries delivering tarmac would have impact on the roads, the environment and residents
- unstable hillside – crack in the retaining wall to the south side of the road and numerous signs of subsidence along the whole land
- believe building used as an office and awaiting connection of toilet facilities
- would encourage yet further storage of large items of farming and construction equipment
- would encourage yet further development of the plot
- if approved, Committee will be voting against conditions they applied in the first instance
- consider this a further attempt to whittle away the resolve of local people and to further destroy the rural nature of the site.
POLICIES:
1. Adopted Local Plan (2005)
   SF4   Development in the Countryside
   NBE8  Landscape Character
   NBE21  Development Affecting a Conservation Area
   TR1   Access Requirements And The Impact Of New Development

2. National Planning Policy Framework

3. National Planning Practice Guidance

ISSUES:
In granting planning permission DDD/1298/0814/C for the access track to the field barn, concerns were raised with regard to the impact that such a track would have on the character and appearance of the field. In this respect, Condition 1 of that permission stipulated:

1. The track and its immediate adjoining banks shall be maintained with grass-covered surfaces in perpetuity unless otherwise agreed in writing by the Local Planning Authority.

This condition was required to protect the character and appearance of the Conservation Area and the then designation of the area as a special landscape area. Latterly, an application was submitted in 2007 (ref: 07/01024/VCOND) for the retention of the access without compliance with Condition 1 of planning permission DDD/1298/0814/C to allow a variation of surface treatment of the access which was for twin tracks with stone chippings for the surface which was approved.

However, at this point, the applicant had also planted cypress trees along part of the access. In this respect, a Condition was added in granting the variation of Condition (ref: 07/01024/VCOND) which stated:

4. Within 2 months of the date of the permission, the existing boundary planting along the access shall be removed and/or replaced with planting of native hedge species in accordance with details to be first submitted to and approved in writing by the Local Planning Authority and shall be retained as such for the life of the development.

This condition was essentially reiterated in the granting of the variation of conditions relating to 09/00985/VCOND. Condition 4 states:

4. The existing boundary planting along the access shall be removed and/or replaced with the native hedge planting within the first planting season after the date of this permission in accordance with the details submitted in the agent's letter dated 21 April 2009 and shall be retained as such for the life of the development.

These conditions were required to protect the character and appearance of the Conservation Area and the open countryside. The cypress trees, which are now of some size and height, are subject to a planning appeal to seek their retention which is yet to be determined, albeit subject to the Planning Inspector’s site visit on 16th June 2015.
Nevertheless, consideration needs to be given to the impact that the access track would have on the character and appearance of the site if it were to be tarmaced. The upper part of the access track cannot be easily viewed locally, or from a distance, and therefore the introduction of tarmac on the upper part would have little visual impact.

Whilst, the lower part, up to the hair pin bend, would be apparent in views from the public highway at the access point, the applicant has sought to mitigate this with a twin track appearance and proposes further landscaping. It is considered that this twin track appearance, with the use of tarmac, can be found on many rural tracks within the District and will not lead to such harm to the character and appearance of the open countryside and the Conservation Area that a reason for refusal of the application could be sustained.

As such, it is considered unnecessary to landscape to the side of the access and it is recommended that planning permission be granted with a Condition regarding the positioning of the drainage gullies, to restrict surface water run-off onto the highway, are submitted for agreement in writing.

OFFICER RECOMMENDATION:
Planning permission be granted subject to the following condition:

1. Condition ST02a Time Limit on Full

2. Before the tarmaced access is provided, precise details of the positioning of the drainage gullies shall be submitted to and agreed in writing by the Local Planning Authority and shall thereafter be provided in accordance with the approved details and retained and maintained as such for the life of the access.

Reason

1. Reason ST02a

2. To ensure the adequate provision for surface water drainage in the interests of highway safety to comply with Policy TR8 of the Adopted Derbyshire Dales Local Plan (2005) and government guidance contained in the National Planning Policy Framework.

NOTES TO APPLICANT:
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.

This decision notice relates to the following documents:

Block Plan 1:500 received on 8th April 2015
Supporting Design and Access Statement received on 8th April 2015
Additional Information received on 21st May 2015
Land Adjacent to 15 Bowling Green Lane, Wirksworth

Derbyshire Dales DC

Date: 11/06/2015

100019785
THE SITE AND SURROUNDINGS:
The site is a narrow plot of land located in an elevated position to the west of Bowling Green Lane within the Wirksworth Conservation Area. The site is currently used as garden land and is elevated above a retaining wall fronting onto Bowling Green Lane with pedestrian access gate being within the wall and a stepped access to the land behind the wall. To the western side of the site is a grassed bank with trees above. To the far west of the site at a higher level is the Almark garage site. Residential properties are located to the north, east and south of the site.

THE APPLICATION:
Planning permission is sought to erect a flat roof, one bedroom dwelling on the piece of garden land. The dwelling is proposed to be in the form of a single storey property situated behind a retaining wall structure that is intended to be in keeping with the retaining walls within the locality. Light would filter into the building through a glazed roof projection, internal courtyard and narrow windows situated within the wall structure facing towards the east. The wall type structure would be of stone to match the retaining walls within the vicinity of the site. Access to and from the dwelling would be to either end of the building to the north and south. The existing pedestrian access leading from Bowling Green Lane would remain unaltered. Vehicle access to the site is proposed to the west of the site from the car park of the Almark garage site above.

A Design and Access Statement has been submitted giving the Architect’s justification for the proposal, which makes the following key points:

- Initial advice from DDDC was that this site could potentially be developed for housing subject to a design proposal which fitted into the locale.
- The characteristic common to dwellings in the area is the network of footpaths or ginnels which link them all.
- Without exception ginnels have high limestone walls on both sides which offer limited views across town.
- Pre application discussion took place with ideas amended to incorporate the ‘wall’ concept, moving the building to the back of the site to leave a sense of openness.
- Windows were introduced to the ‘wall’ for reasons of view, light and ventilation.
- The angled roof light would not appear prominent due to the topography of the site.
- Access and parking will be off West End.
- Historic maps of the area show evidence of previous development on this land and the site is therefore arguably brownfield land.
- This is a sustainable location, capable of development with adequate amenity space.
- The design has evolved though consideration of the character of the surrounding area.
- The proposal will create a stunning sustainable home in a discrete and low key manner.
RELEVANT HISTORY:
04/04/0304 Erection of replacement gates (Article 4) - Refused
06/00006/FUL Rebuilding collapsed section of wall and insertion of access – Permitted with conditions
09/00620/FUL Erection of retaining wall - Permitted with condition
14/00590/FUL Two storey extension – Refused
14/00877/FUL Erection of dwelling - Withdrawn

CONSULTATIONS:
Town Council – No objection.
Local Highway Authority – No objection subject to conditions previously suggested.
Conservation Advisory Forum –
(Comments received on withdrawn application 14/00877/FUL which was identical to the current application proposal)
The CAF considered that the plans as submitted were not considered detailed enough to appreciate the development proposals for a new dwelling in the Conservation Area, however, they scrutinised the information submitted and made the following comments:
• The open parcels of land within this part of Wirksworth are important attributes of its special character and appearance. Within the jumble of buildings these areas of open land, gardens or allotments etc. are distinctive characteristics of the area. CAF considered the principle of development on this site is therefore questionable for reasons of potential, harmful, impact on character and appearance of the Conservation Area.
• CAF considered that the proposal, in general terms, was not acceptable with regard to its impact on this important open site/garden; its potential prominence in the street scene & its position and scale. In design terms the CAF acknowledged the concept of a stealth house but considered that it was over-large and potentially over-dominant, the form and shape of the front wall was not convincing as a retaining wall, the proposed introduction of vertical windows was unconvincing and represented an abstracted row of buildings & the angled roof lighting may present a sun-glare element when viewed from Wash Green. CAF concluded that the concept had not, therefore, been executed with any great sympathy for the site and its context.
• CAF concluded that the proposed new dwelling would be detrimental to the special character and appearance of the Conservation Area.

REPRESENTATIONS:
Two letters of support which note:
Wirksworth is an urban area not a rural area. The frontages of the locality are predominantly built up or walled. Open elements are important where they provide public space or views available to the public. The openness of this site does not contribute much to the character of the town. The sense of the wall and the retention of the open character results in an excellent development solution. The design is thoughtful and unobtrusive and will make good use of the land.

Six letters of objection which note:
If this application were to be approved this would undermine the previous decisions made by the planning committee on applications 12/00656/FUL and 13/00569/FUL which were
upheld on appeal. The Inspector’s decisions in those cases give a clear steer to refuse further applications in this area of the town and therefore protect its heritage. The building is low level and well-designed but will set a precedent in this area where the infrastructure is not sufficient to sustain further development. This is a garden and its development would result in the loss of valuable open space. Any open space in this densely populated area is precious and should be protected. It is possible that 4 cars could be seen from the ginnels around the site. The Inspector concluded on application 13/00569/FUL that ‘a new house into this part of the Conservation Area would significantly erode its character and appearance and would cause real harm to the heritage asset’.

Recent appeal decisions give the Council confidence that the principle of new dwellings within garden areas as inappropriate is established, robust and defensible. This principle takes precedence over any design considerations put forward by the applicant. The appeal decision clearly underlines the importance of open space within the conservation area as a whole. The applicant is seeking to distinguish the site from those appeal decision on the basis that it is not within the Puzzle Gardens. There is no definition of the area of the Puzzle Gardens but the characteristics identified as being important are equally present in The Dale, Bowling Green Lane and Crown Yard. This area has a dense and delicate infrastructure. This site is also elevated and therefore has greater potential for harm. Development of the important open areas is clearly substantial harm requiring substantial public benefit to outweigh such harm. There is no such benefit in this case. The site is not previously developed land but garden land. The development will not contribute to the strategic housing supply issues in Derbyshire Dales. This is not sustainable development within the meaning of the NPPF. Approval would undermine previous appeal decisions and the Council’s ability to resist similar proposals in the future.

Highway safety concerns arise due to the increase in vehicle activity. The Fire Brigade have left leaflets on inappropriately parked vehicles.

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
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
National Planning Practice Guidance

ISSUES:
Principle
In principle the development on this site which is in the fringe of Wirksworth town centre is acceptable as a sustainable location for housing in accordance with Policy SF1 and H1 of the Adopted Derbyshire Dales Local Plan (ADDLP). Policies SF1 and H1 of the ADDLP form the basis of assessing this application, as these policies are broadly in line with the core planning principles of the National Planning Policy Framework (NPPF). In terms of the framework the proposal meets the economic and social roles of sustainability as the proposal would provide modest accommodation to meet housing requirements in a location close to local services and facilities. The environmental role of sustainability
requires further consideration in terms of the impact the proposed development would have upon the character and appearance of the Heritage Asset which in this case is the Wirksworth Conservation Area.

Amenity
The erection of a dwelling on this site can be achieved without having any adverse impact upon the amenity of neighbouring residents due to the juxtaposition of nearby properties.

Highway Safety
Access to the site is already available through the Almark Garage site access off West End. Whilst parking on this site may displace parking for no. 15 Bowling Green Lane, there is no objection to the scheme on highway grounds due to a reduction in parking bearing in mind the proximity of the town centre. The existing visibility splays to the Almark Garage site are considered to be adequate to serve the proposed dwelling. The proposal is therefore acceptable in accordance with Policies TR1 and TR8 of the Adopted Derbyshire Dales Local Plan and guidance contained within the NPPF.

Impact on the Heritage Asset
The site is located within the Wirksworth Conservation Area which is a designated heritage asset. Therefore development which affects the asset needs to be considered in accordance with paragraphs 131, 132 and 133 of the NPPF and Policy NBE21 of the ADDLP which is broadly in line with the NPPF.

Recent appeal decisions (APP/P1045/A/14/2214974 and APP/P1045/A/13/2197583) for residential development on the nearby Puzzle Gardens have dismissed proposals for new residential development due to the proposed development eroding the open spaces of the Conservation Area thereby resulting in harm to the Heritage Asset. In this case the character of the area is very similar to that of the Puzzle Gardens in that dwellings are immediately associated with the footpath network which is characterised by high retaining walls forming narrow alleyways. The application site is a visual break in the network of footpaths and dwellings with the formation of a garden area at a higher ground level above the retaining walls with a back drop of trees. It is considered that to infill this visual break would be at odds with the character of the area and would inherently harm the character and appearance of the Conservation Area.

The Architect has attempted to design the dwelling in such a way that attempts to minimise the visual impact of the development. The design is an attempt to ‘hide’ the dwelling behind a retaining wall type structure. Whilst the design ethos is understood and it is appreciated that the design has been carefully thought through in this regard, the resultant design is not considered to be a convincing proposal in its context. The retaining type structure would not actually be retaining and therefore is not an authentic structure. The scale and form of the wall does not coalesce with surrounding walling and any assimilation into the area is further undermined by the inclusion of narrow window openings and a projecting glazed roof element.

Therefore both in principle and in design terms the proposal is considered to be a form of development that would significantly harm the Heritage Asset contrary to one of the core principles of the NPPF and guidance in Part 12, and contrary to Policies SF1 and NBE21 of the Adopted Derbyshire Dales Local Plan.
Conclusion
Whilst the LPA is lacking a demonstrable 5 year housing supply and the development of the site would add to the supply of housing, this benefit is significantly and demonstrably outweighed by the harm caused to the Heritage Asset. In principle the utilisation of this elevated plot for housing would harm the character and appearance of the Conservation Area. The incongruous design concept would cause further harm to the locality. As such the proposal fails to meet the requirements of the environmental role of sustainability and as such is contrary to national and local planning policy.

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

1. The open gaps within the tightly built fabric are intrinsic to the character of the townscape in this part of the Wirksworth Conservation Area. The proposed development will lead to the loss of the sense of openness of the site and introduce development in a prominent and elevated position. Development in this manner is considered incongruous to its context and as such the proposal will lead to substantial harm to the existing character and appearance of this part of the Wirksworth Conservation Area contrary to the requirements of the National Planning Policy Framework and Policies SF1, H1 and NBE21 of the Adopted Derbyshire Dales Local Plan.

2. The proposed design of the dwelling is alien to the prevailing character of the area and the scale and design detailing of the front wall is such that it fails to assimilate with its context thereby resulting in a form of development which would cause substantial harm to the character and appearance of the Conservation Area. The proposal therefore fails to meet the requirements of the National Planning Policy Framework and Policies SF5, H9 and NBE21 of the Adopted Derbyshire Dales Local Plan.

NOTES TO APPLICANT:
Although pre application discussion had taken place, 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:
Design statement dated December 2014 received 14.04.15
Proposed plan no. 755.01 Rev F received 14.04.15
Site location plan no. 755.03 Rev B received 02.04.15
Block plan no. 755.04 Rev B received 02.04.15
Existing plan and sections no. 2014/977 sheet 2 received 14.04.15
Site plan received 14.04.15

BACK TO AGENDA
15/00034/OUT

Land off Park Lane, Two Dales

Derbyshire Dales DC

Date: 11/06/2015

100019785

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Derbyshire Dales District Council,
Town Hall, Bank Road, Matlock, Derbyshire DE4 3NH.
Telephone: (01629) 741190
website: www.derbyshiredales.gov.uk
THE SITE AND SURROUNDINGS:
The site is a grassed field in open countryside on the northern edge of Two Dales outside the Settlement Framework boundary. The field slopes quite steeply down from north to south. It is in private ownership and there is no public access to it.

The site is bounded on its south eastern side by Park Lane, which becomes Hallmoor Road as it skirts round the site on its eastern side. To the north, the boundary is defined by a timber post and rail fence associated with the neighbouring property at Hall Moor House where there is also a stable block and a belt of mature trees that extends along the boundary.

In the west the field extends up to a stone wall which separates the field from gardens associated with properties at The Park and others to the north; tree and shrub planting within the gardens is extensive and creates a well vegetated belt along this side.

The most prominent feature within the street scene associated with the site is the substantial stone wall and associated native species hedgerow alongside the roads. In terms of landscape character, the site is within the Settled Valley Pasture landscape type of the Dark Peak landscape character area. The site and its surroundings are typical of the type in the following respects:

- Moderate to steep lower valley slopes dissected by stream valleys
- Pastoral farming with extensive improved pasture
- Wooded character associated with tree belts along streams and cloughs, scattered hedgerow trees and tree groups around settlement and farmsteads
- Small irregular fields enclosed by mixed species hedgerows and occasional dry stone walls
- Network of winding lanes with irregular verges, sometimes sunken on steeper slopes.
- Enclosed landscape with views filtered by trees.

The field is at the foot of the long steep slope that runs along the northern side of Two Dales, Darley Dale, Matlock and beyond marking the sharp transition from the high moorland to the valley of the river Derwent. The slope is densely wooded particularly where local streams have cut deeply into it on their way to the river. The roads that climb the hill (including Park Lane and Hallmoor Road) are few in number, narrow, winding and, sometimes, very steep.

Historically, the slope has been difficult to develop and settlement was concentrated in the lower parts of the valley with only isolated farmsteads on the higher ground. Later, larger dwellings in extensive grounds were established in considerable numbers across some of, even, the higher parts of the slope. Nevertheless development here remains fragmented and generally maintains a high degree of tree cover.
More recently, extensive and more densely concentrated residential developments have pushed northwards from the valley floor. The application site sits between the more fragmented development on the middle to higher parts of the slope and more concentrated development below. It is in an area/belt on the edge of the settlement which is very mixed in terms of land use with remnant farmland, wooded slopes, recreational amenities and open spaces, residential developments and some industry.

The site is overlooked by some residential properties on Park Lane, Hallmoor Road and The Park and it is quite prominent within the view from the south along Park Lane. As the road starts to climb the hill, it cuts into the slope and views into the site from it are, generally, screened by the roadside wall. Views to it from further afield, and even within the close neighbourhood, are effectively screened or heavily filtered by trees, shrubs, hedgerows and other planting on the hillside or within private gardens. Longer views from the east and, possibly, the south are seen within the context of extensive existing development.

The site is adjacent to what is thought to be the location of Darley Hall or Nether Hall (Derbyshire HER 9815), dating from the 14th century or earlier and representing a medieval precursor to the current Darley Hall dating from around 1796 and standing a little way to the south. It is thought that the medieval hall stood approximately on the site of Nether Hall Farm, with a stone barn of possible 17th century date (HER 9822) surviving to the south.

THE APPLICATION:
Outline planning permission is sought for the erection of up to 13 dwellings. All matters, are reserved for later consideration albeit details of the positioning of the access to the site have been submitted. The applicant has submitted a drawing detailing 13 detached dwellinghouses with garages; however, this is submitted for illustrative purposes only. Nevertheless, this details that, save for the location of the access proposed off Park Lane (to the north-east of Porteous Close) the existing boundary treatments will remain including the roadside wall and hedge. Additional planting is shown on the northern and western boundaries.

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

- Planning Statement
- Design and Access Statement
- Landscape and Visual Impact Assessment
- Visual Receptor Assessment Plan
- Geophysical Survey
- Phase 1 Habitat and Protected Fauna Survey
- Tree Survey
- Tree Constraints Plans
- Topographical Survey
- Highway Impact Statement

RELEVANT HISTORY:
None
CONSULTATIONS:

Town Council – Object:
- outside settlement boundary on previously undeveloped greenfield site
- development outside settlement boundary can only be for certain developments – not open market housing
- the Local Plan would refuse the proposal
- development does not meet local needs assessed objectively as stated in the NPPF - the number of houses built in Darley Dale in the last 15 years has been almost double national population growth and not based on assessed need
- no indication of affordable housing or play area
- unsustainable on economic, social and environmental grounds as no surplus of jobs and will create no new jobs, impact on facilities such as health care, schools, utilities and infrastructure and harm to the environment through building and will harm views of Hallmoor/Hallmoor Woods
- NPPF seeks high quality design – not in a position to judge and would not acquiesce to this being a reserved matter
- visual intrusion to residents and walkers
- highway safety concerns regarding constraints of highway – single track in places and heavily parked
- no demonstration that development is required by people currently working in Darley Dale – considerable number of residents will commute along restrictive roads
- photographs submitted with the application are not representative of traffic and parking in the area.

Local Highway Authority – No objection - Comment:
- site observations suggest that very limited levels of traffic use this route at present, from the considerable level of development already served by Park Lane and beyond
- on street car parking is a pre-existing issue that the development site itself would not contribute to or exacerbate
- parking at undesirable locations and around junction areas could be controlled through parking restrictions - these could be investigated and funded by the developer
- meaningful improvements to the junction of Park Lane and Chesterfield Road within the constraints of the existing highway network would be difficult to achieve
- no accident records indicating an inherent accident problem or safety concern at this junction that would otherwise be materially exacerbated by the proposed development
- would prefer to secure a 25m visibility sightline to the north east of the site, which would appear to be achievable with very little alteration to the layout presented on Drg. No. F14126/01 Rev C. - visibility exceeds the minimum requirements in the opposite direction due to the alignment of Park Lane at this location.

DDDC Head of Housing – Comment:
- there have been several recent developments of affordable housing in the Darley Dale and Two Dales area
- these have taken up much of the housing need and would not be too concerned about seeking an onsite contribution.
DCC Strategic Planning
- no financial contributions are requested
- the requirements of the NPPF and Developer Contributions Protocol set out at Annex A are access to high speed broadband services for future residents and new homes designed to Lifetime - both could be dealt with via informative notes attached to the planning permission
- Derbyshire Fire and Rescue Service should be consulted with regard to the installation of domestic sprinkler systems
- Councillor Longden visited the site and wished to highlight the need for ensuring sufficient school provision and the provision of affordable housing.

Environment Agency – Comment:
- application does not fall under a high risk to the environment or one that is able to offer significant environmental benefit and therefore we do not wish to comment further on these proposals
- planning application falls under the standing advice for surface water management for developments of less than 1 ha that take place in flood zone 1.

DCC Flood Risk Management Team – Comment:
- there have been no reported incidences of flooding within close proximity to the proposed development
- recommend site specific ground investigation is undertaken to ascertain the water conditions on the site
- refer to the need to safeguard protected species
- strongly promote SuDS to be incorporated into the design of the drainage strategy
- land should be checked for watercourses/drainage features that may be present within the site

Development Control Archaeologist – Comment:
- the geophysical survey for the site shows little or nothing of interest except for the north-east corner of the survey area where there appears to be a rectangular building
- the nature of the responses suggests that this is of 20th century origin and probably associated with the farm buildings to the north, or even a mink breeding operation which was apparently described to the applicant by a local resident
- the geophysical survey therefore shows little or no archaeological potential within the site
- recommend, on balance, that there is no need to place a further archaeological requirement on the applicant.

DCC Countryside Officer – No comments received

REPRESENTATIONS:
Matlock Civic Association – Object:
- understood that the site is outside of the Settlement Boundary on the current Local Plan
- development should be resisted as a green field site
- would have an adverse impact on the character of this part of Two Dales

Thirty five letters of representation from neighbours, local residents and a Derbyshire resident. The comments can be summarised as follows:
Policy and Sustainability
- not located within the defined Settlement Boundary
- while up-to-date Local Plans and Neighbourhood Plans are being compiled, existing policies must still be adhered to and unsuitable proposals should be refused
- desirable to have an up-to-date Local Plan, not mandatory – outdated plan should carry significant weight
- previously developed land should be used before greenfield site
- medical, educational and utilities infrastructure already stretched in the area
- would become dormitory accommodation for professionals commuting to larger towns
- pollution would increase due to the increased number of vehicles and vehicle movements
- there are other locations in Darley Dale where houses could be built.

Housing Need
- no evidence to suggest that large numbers of houses are needed in this rural location
- dwellinghouses built in Darley Dale in the last 15 years is almost twice the national growth in population
- large developments are already underway in nearby locations
- lack of jobs to support occupiers of dwellinghouse
- proposal makes no minimum contribution to affordable housing and would not meet genuine local needs.

Impact on Character and Appearance of the Area
- does not protect and conserve the quality of the area’s natural and cultural assets (and their settings) or improve the quality of the built environment
- impact on view of the hillside
- impact on drystone wall which is an important feature
- additional light pollution in a currently natural setting linking to open countryside
- a significant loss of valuable open pasture land used by horses
- a further housing estate would not be in keeping with the special character and beauty of the area
- would detract from the architectural and historical aspect of neighbouring property at Wheatley Houses
- if approved should have regard to development being built in materials to blend with the existing housing on that side of the road.

Impact on Landscape
- attractive piece of pasture land and a green-field site
- highly visible from the nearby approach lanes and from vantage points popular with walkers, cyclists and horse riders
- irreversible intrusion into the landscape and a loss to the character of the village for ever
- village is struggling to retain its identity as the surrounding area is developed
- threatens to merge it into the other local settlements - would create urban sprawl
- would adversely change the character of this small, historic and unique village
- would set a dangerous precedent for further developments on the extended green-field area of Darley Hillside
- would detract from the unique character of the village making it a less attractive location for tourists and outdoor enthusiasts.
Highway Access and Traffic Management
- Transport Statement restricted to the immediate area of the development and findings are flawed
- Inappropriate time for impact assessment to be undertaken
- significant increase in number of cars, delivery vehicles and service vehicles gaining access to the village
- frequent congestion
- negative impact on the local road network, the safety of road users including cyclists, horse riders and pedestrians and the adverse impact on the environment and amenity of the local community
- impact of additional traffic on Chesterfield Road junctions – highway safety concerns
- would greatly increase the risk of injury and the potential for a road related fatality in the village
- narrow footpaths, if any
- existing road network around Two Dales is very restricted
- Hallmoor Road used as a ‘rat run’ at school start and finishing times
- heavy vehicle traffic – refuse collection, community bus, mobile library and traffic associated with the tree nursery, log sales, off-site tree surgery and land work business at Hall Dale Lane
- increase in courier and supermarket deliveries
- ambulances regularly have to park and collect people from the old persons bungalows
- several “blind spots” on the highway network in the close vicinity of the proposed development
- existing properties on Park Lane rely on very limited on-street parking
- emergency vehicles, municipal service vehicles, general delivery vehicles and residents’ vehicles experience difficulty accessing parts of the village at key times during the day
- children regularly play in the street around Wheatley Gardens - increase in vehicle movements would put their safety at greater risk
- children and elderly particularly at risk crossing roads
- serious incidents at Chesterfield Road junction and at the garage by Warney Road junctions in the last 10 years and near misses of accidents
- not all accidents/incidents are reported
- traffic survey does not accurately reflect the true nature of traffic movement within the locality
- would create more congestion and pollution
- now no Crossing Warden at Park Lane/Chesterfield Road junction.

Drainage
- prevalence of springs along the hillside
- impact on the potential diversion of any spring water and how this may impact on the local ground and surface water run-off - potential to worsen the existing situation further
- field acts as a ‘sponge’ mopping up water that runs down from the Woodland Trust escarpment
- land above the site is prone to slip and fear this would be exacerbated by the development
- water drains onto the highway and freezes – highway safety issue.

Amenity
- loss of outlook for neighbouring residents
- restriction of views over the surrounding and distant countryside
- Light levels in to rooms will be compromised if houses are built in the field in line with the proposals in close proximity to the site boundary.
- If built at the current ground levels, the elevation of the buildings will be intrusive and over-bearing to the level of the existing surrounding properties.
- Increase to the general background noise levels and also creates the potential for specific noise nuisance from the activities of new residents who will reside there.
- Loss of privacy and reduction of residential amenity.
- Increase in traffic noise in a quiet residential area.
- Impact of development during construction.
- Council need to consider the responsibilities under the Human Rights Act with regard to a person’s peaceful enjoyment of their possessions.
- Access should be realigned to avoid car headlights shining into existing houses on Park Lane and query why existing access cannot be used.

Impact on Wildlife:
- Loss of local habitat for native flora and fauna.
- Removal of any hedgerows for wildlife would happen over time as the gardens for the houses were developed.

Other Matters:
- DCC have incorrectly referred to site having previously been granted outline planning permission.

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
   - H11 Affordable Housing Within The Settlement Frameworks Of Other Settlements
   - H12 Alternative Provision For Affordable Housing Outside Settlement Frameworks
   - H13 Affordable Housing Exceptional Sites In Rural Areas
   - NBE5 Development Affecting Species Protected by Law or are Nationally Rare
   - NBE6 Trees and Woodlands
   - NBE8 Landscape Character
   - NBE16 Development Affecting a Listed Building
   - NBE26 Landscape Design in Association with New Development
   - L6 Outdoor Playing Space in New Housing Developments
   - TR1 Access Requirements and the Impact of New Development
   - TR8 Parking Requirements for New Development

2. National Planning Policy Framework
3. National Planning Practice Guidance
ISSUES:

1. Introduction - Policy

The National Planning Policy Framework (NPPF) advises that there is a presumption in favour of sustainable development and 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) and normally regard would be given to Policies SF4 and H4 of the Adopted Local Plan which restrict residential development outside of Settlement Framework boundaries. However, the District Council is currently unable to demonstrate a 5 year housing land supply to meets its objectively assessed need and these policies cannot be given weight.

Given the above, Paragraph 49 of the NPPF states that housing applications should be considered in the context of sustainable development and that relevant policies for the supply of housing should not be considered up-to-date if the Local Planning Authority cannot demonstrate a five-year supply of deliverable housing sites. Therefore, Policy H4 of the Adopted Local Plan (2005) can be attributed no weight given that this seeks to restrict residential development, except in exceptional circumstances such as for affordable housing or essential rural worker’s dwellings, where such development is outside of Settlement Framework boundaries. This is also the case with regard to Policy SF4 as this limits the housing that can be allowed in the countryside to specific classes and does not envisage meeting needs outside the Settlement Framework.

Given the above, the District Council has to have particular regard to Paragraph 14 of the NPPF in the decision making process. This states that where the Local Plan is absent on this matter (as the existing Local Plan now is given the lack of identified housing land supply), regard has to be given primarily to the National Planning Policy Framework. Paragraph 14 therefore 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. As such, there is a presumption in favour of the development unless other material considerations determine otherwise. One such matter is that of sustainability which is the ‘Golden Thread’ running through government guidance contained in the NPPF which is assessed below.

However, there are several Local Plan Policies that remain consistent with the NPPF. In considering the site’s development potential, regard has to be given to Policies SF5 and H9 of the Adopted Local Plan (2005) with regard to the character and appearance of the development.

It is necessary to consider whether there are any environmental constraints that would necessitate consideration and Policy NBE5 advises that where the proposals may have an impact on protected species, planning permission will only be granted if it can be demonstrated that there is an overriding need for the development. Policy NBE6 seeks to protect trees from development that may impact directly or indirectly upon them and Policy NBE8 advises that planning permission will only be granted for development that protects and enhances the character, appearance and local distinctiveness of the landscape. The
application site is also in close proximity to The Cottage, a Grade II listed building, and as such the proposals need to have regard to Policy NBE16.

In order for the development of the site to be acceptable, it is also necessary to determine whether the site can be served by a safe and secure access, and therefore be able to satisfy Policy TR1, and provide adequate off-street parking to comply with policy TR8. Developments of such a scale should also provide for open space and children’s play space within the site in accordance with Policy L6.

The matters detailed above are addressed as follows.

2. **Sustainability**
The site is on the fringe of Darley Dale and, in the context of the Council having to look outside Settlement Framework boundaries to meet its housing needs, this site has reasonably close access to shops, employment and services such that it can be considered locationally sustainable. The development itself would provide for economic benefit with employment in the construction process and would assist with sustaining local services. In this respect, the proposed development would meet with the requirements for social and economic sustainability.

However, the development is proposed on a greenfield site and will have an impact on environmental sustainability which would include the character and appearance of the landscape, relationship to a heritage asset, drainage and wildlife. The development of the site would also have the potential to impact the amenity of nearby residents and highway safety and, therefore, these elements of social sustainability require consideration. In addition, the proposed density of development is rather low and the site could physically contain more dwellinghouses to off-set the need for further greenfield site development. These matters are addressed below.

3. **Impact on Character and Appearance of the Area**
There are concerns with the application in connection with the impact the development is likely to have on the character of the local landscape. The site is in open countryside, outside the settlement framework boundary. By the time Park Lane reaches the area (beyond Porteous Close) it has changed from being a residential feeder road to a country lane, it is narrow and older properties on the southern side start to dominate the street scene, along with the stone wall and hedge on its northern side. The effect is enhanced as it becomes Hallmoor Road, particularly as it narrows considerably and turns a blind corner before climbing the hill in the east.

The proposed development, by extending development into the area, breaking through the wall to create an access to acceptable highway standards, adding street lighting and erecting potentially prominent structures that overtop the boundary walls, will have an adverse impact on the character of the landscape. The perception of the landscape within the view from the south along Park Lane will be affected and development will have an adverse impact on the visual amenity of properties in the immediate vicinity of the site.

On the other hand, the surrounding area is characterised by mixed land use including residential development. The proposed development is quite modest in its extent and would represent a small intrusion into an area that is partially characterised by housing. This would be particularly the case if the density of development was appropriate, the retention of the roadside wall and hedge could be guaranteed long term, the hedge/wall combination was extended into the access, boundary planting was reinforced and
maintained, and properties were pulled back from the boundaries so they are not intrusive in the existing street-scene, especially along Hallmoor Lane.

In this respect, it is considered that any development of the site would have to be relatively low density, as proposed, in order to accommodate the built form in a manner that would retain a degree of openness into the surrounding countryside. It is envisaged that this would be a transitional site of residential development; from the tighter form of residential development on Park Lane into the more sporadic built form that permeates into the open countryside.

It is considered that all these matters could be addressed with a Reserved Matters application. As such, it is considered that development of the site is unlikely to result in significant adverse impact on visual amenity, except some impact for those residents immediately overlooking the site, or be detrimental to the character and appearance of the area to an extent that could otherwise sustain refusal of the application.

4. Impact on Heritage Assets

The Cottage, on the junction of Park Lane and Wheatley Road, is a Grade II listed building dating from the 17th Century. In this respect, consideration needs to be given to protecting the setting of such a building of special historical and architectural interest.

The open aspect of the application site opposite it does provide an undeveloped part of the setting to the listed building. Nevertheless, it is not considered that the development of the site will be adversely harmful to the setting of the listed building. However, it would be preferable to retain a degree of open setting to the building, reflective of the distance detailed on the illustrative plan, by ensuring development is set back on the site to help preserve views to and from this heritage asset. This would need to be addressed with the Reserved Matters application and does not pre-suppose the acceptability of the indicative layout.

In terms of archaeology, the Development Control Archaeologists advises that the applicant’s geophysical survey for the site shows little or nothing of interest, except for the north-east corner of the survey area where there appears to be a rectangular building. As such, it is recommended that there is no need to place a further archaeological requirement on the applicant.

5. Impact on Trees

The property to the north of the application site has a belt of mature trees aligning the boundary. These are protected with Tree Preservation Order DCC/TPO/088/A17. In this regard, assessment needs to be made as to whether the development of the site would impact upon, or place a threat to, the future of the trees. In this respect, the trees are on the north side of the application site and would therefore not lead to a significant compromise to the amenity of any of the properties to an extent that they would be placed under pressure to be removed. It is also considered that any development of the site could be undertaken outside of the root protection area and there would therefore be no physical impact on the trees. Nevertheless, these matters would have to be addressed with the submission of a detailed scheme with a Reserved Matters application.

6. Impact on Protected Species

It is considered that the development proposals would not significantly impact on wildlife. The field itself is managed and maintained and would have little likelihood of containing protected flora or fauna. The development proposals would be expected to retain the
boundary hedges and it is considered that any impacts on protected species, such as nesting birds, could be addressed through a condition on any grant of planning permission and would also be addressed the requirements of the Wildlife and Countryside Act.

7. Drainage
With regard to drainage, there are evidently problems with surface water run-off onto the public highway. DCC Flood Risk Management Team advise that the development would be required to be a compliant Sustainable Urban Drainage Scheme (SUDS) which is a matter that would be addressed through the necessary Building Regulations requirements. Nevertheless, it is considered reasonable to attach a condition to any grant of planning permission with regards to establishing the drainage of the site having regard to existing site conditions. the Environment Agency has not raised any site specific concerns.

8. Impact on Neighbour’s Amenity
There are residential properties along Park Lane, Porteous Close and Hallmoor Road that will be overlooked by development of the site. However, it is considered that reasonable separation distances could be achieved with the number of dwellings proposed to not impact significantly upon the light, outlook and privacy of the neighbours to an extent that would reasonably justify refusal of outline planning permission; such matters would have to be assessed in more detail with the Reserved Matters application.

Concern has been raised with regards to headlights impacting on the amenity of properties to opposite side of Park Lane to the proposed access point. However, given that only up to thirteen dwellings are proposed on the site, this impact is not considered of such harm to warrant refusal of the application; Park Lane will already experience a degree of traffic along it at night and any impact that may already exist would not be significantly added to by the additional vehicles associated with the application site.

9. Highway Matters
Concern has been raised with the increase in traffic in the area associated with the development. The Local Highway Authority has given this their consideration and advises that the scale of development proposed would not normally warrant any further assessment of transport matters for planning application purposes. However, a Highway Impact Statement has been submitted in support of the application and updated accident data has now been provided by the applicant which reveals that there have been no recorded injury accidents at the Park Lane junction with Chesterfield Road in the 5 year period up to October 2014 (the latest information available from Derbyshire Constabulary).

The Highway Impact Statement is based on a development of 20 no. dwellings, not the 13 no. identified on the application form and supporting illustrative layout plan. This part of the document has not been updated and the applicant’s agent confirms this is for robustness and to allow flexibility for any minor changes to the proposals. Although it is acknowledged that if only 13 no. dwellings are constructed, this will obviously reduce the overall level of vehicular activity associated with the site. The Local Highway Authority consider this level of vehicle movements almost likely to be imperceptible against the background of existing traffic.

An indicative estate street layout has been produced. However, the application is in outline form and access cannot be fully approved at this point in time as this would consent the road layout through the site. In this respect, as the development layout is likely to be subject to alteration with the reserved matters, access must also be set aside. Nevertheless, the point of access to the site is acceptable to the Local Highway Authority
to meet with the requirements of highway safety and thus the principle of development can be approved with regard to highway safety matters with further comments on layout etc, being made at reserved matters/full application stage.

Therefore, based on the evidence and information currently available, the Local Highway Authority has advised that it would be unlikely that it would be in a position to defend a reason for refusal of planning permission on technical grounds, on the basis that the development would result in severe harm on the highway network (with reference to Paragraph 32 of the NPPF).

10. **Affordable Housing Provision**
Had the site been within the Settlement Framework boundary for Darley Dale, an affordable housing provision would be required based on 33% of dwellings being affordable dwellings, in accordance with Policy H11. The applicants are considering the site to be sustainable in the context of Darley Dale in their justification for development. Therefore, it is considered that the aims of Policy H11 should equally apply in this context. Whilst the applicant has proposed making an off-site financial contribution in lieu of such provision, this would be contrary to Policy H11 which would require on site provision of at least four affordable units if the site were deemed sustainably located; this has not been proposed.

Nevertheless, the District Council’s Head of Housing has advised that there has been a relatively large number of affordable dwellings built within Darley Dale (Olympian Way, Greenaway Lane, Poppyfields being such recent developments). In this respect, having regard to the fact that 13 dwellings are not a major strategic contribution to the District Council’s housing needs, a financial contribution to off-site provision is considered appropriate for the phased delivery of affordable housing in the context of Policy H12. The District Council would normally expect such contributions to be £25,450 per unit created, which would be a total of £330,850 for thirteen dwellinghouses.

11. **Play Space and Open Space Provision**
Under the terms of Policy L6 of the Adopted Local Plan, sites of 0.4 hectares or greater are required to make provision for outdoor play space. The application site, whilst above this threshold, is modest in size such that no meaningful open space or children’s play area provision could be provided on the site. In this respect, it is considered reasonable to require a financial contribution to off-site play provision within Darley Dale that would still benefit the residents of the site.

There are still monies held by the District Council from the Greenaway Lane school residential development to be attributed, and schemes are currently being considered at Darley Dale Primary School and the Whitworth Centre; it is considered that a contribution to either of these schemes, or other alternatives that may come forward as being appropriate, would benefit from such a contribution and would directly relate to the residents of the application site. Such a payment would be expected to be £500 per dwellinghouses.

12. **Conclusion**
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 (2005). In addition, given the above assessment, it is considered that 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 an appropriate off-site affordable housing contribution, play space/open space provision, the securing and implementation of roadside parking restrictions at existing junctions, and other locations, all as may be agreed with the Local Highway Authority (with funding of up to a maximum of £5000 being met by the applicant) and any other matters that cannot be dealt with by conditions, and subject to the following conditions:

1. Condition ST02a: Time Limit on Outline
2. Condition ST03a Submission of Certain Reserved Matters
3. 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.
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. No development shall take place including any works of demolition until a construction management plan or construction method statement has been submitted to and been approved in writing by the Local Planning Authority. The approved plan/statement shall be adhered to throughout the construction period. The statement shall provide for:
   a. Parking of vehicles of site operatives and visitors
   b. routes for construction traffic
   c. method of prevention of debris being carried onto highway
   d. proposed temporary traffic restrictions
   e. arrangements for turning vehicles
6. Before any other operations are commenced a detailed design for the permanent estate street junction to Park Lane shall be submitted to and approved in writing by the Local Planning Authority. The access shall comprise a carriageway 4.8m wide minimum flanked by 2m wide footways and be provided with a minimum 2.4m x 33m visibility splay to the south west and a 2.4m x 25m splay to the north east, or such other dimensions as may subsequently be agreed in writing by the Local Planning Authority, the visibility splays being measured up to 1m into the carriageway at the extremity of the sightline. The area in advance of the sightlines shall form part of the estate street or extended highway margin and not form part of any plot or other subdivision of the site.
7. Prior to the first occupation of any dwelling on the site the permanent estate street junction to Park Lane shall be laid out and constructed in accordance with the details approved under condition 6 above. For the avoidance of doubt the developer will be required to enter into a Highways Act 1980 Agreement (Section 278) with the Highway Authority in order to comply with the requirements of this condition.

8. Notwithstanding the submitted information a subsequent reserved matters or full application shall include design of the internal layout of the site in accordance with the guidance contained in the “Manual for Streets” document issued by the Departments for Transport and Communities and Local Government.

9. 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.

10. 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.

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

12. Within 28 days of the junction, the subject of condition 7 above, being constructed (or other such period of time as may be agreed with the Local Planning Authority) all other means of access to Park Lane (existing or temporary) shall be permanently closed and the existing vehicle crossover(s) reinstated with full height kerbs and appropriate footway / verge construction, in accordance with a scheme first submitted to and approved in writing by the Local Planning Authority.

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

14. No part of the development shall be occupied until details of arrangements for the 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.
15. The premises, the subject of the application, shall not be occupied until space has been provided within the site curtilage for the parking and manoeuvring of residents, 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.

16. 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.

17. The development shall be carried out in accordance with the recommendations and mitigation measures proposed in the Phase I Habitat and Protected Fauna Survey dated 10\textsuperscript{th} July 2014.

18. No trees or shrubs that may be used by breeding birds, shall be removed between 1\textsuperscript{st} March and 31\textsuperscript{st} 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.

19. Condition GR9 Secure by Design
Reasons:

1. Reason ST03a

2. Reason ST04a

3. 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).


15. 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).

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

17-18. 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).

19. Reason GR9

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 (telephone : 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 (e.g. 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 Highways 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 (ie; 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 soak-aways for highway purposes is generally not sanctioned.

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

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

- Derbyshire County Council strongly promotes Sustainable Drainage Systems (SuDS) to be incorporated within the design of a drainage strategy, applying the SuDS management train. The applicant should also seek to promote betterment or meet green-field runoff rates taking into account the impacts of climate change. For more advice regarding the County Council’s requirements please contact flood.team@derbyshire.gov.uk.

2. 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.

3. NFA28: Wildlife and Countryside Act

4. NFA 30: Secure by Design

5. NFA 8: Section 106 Agreements

6. 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 the submission of additional information which overcame initial concerns with the application relating to highway matters.

7. This decision notice relates to the following documents:

Site Location Plan 1:1250 and Block Plan 1:500 received on 26th January 2015
Planning Statement received on 29th January 2015
Design and Access Statement received on 22nd January 2015
Landscape and Visual Impact Assessment received on 22nd January 2015
Visual Receptor Assessment Plan received on 22nd January 2015
Geophysical Survey received on 24th February 2015
Phase 1 Habitat and Protected Fauna Survey received on 26th January 2015
Tree Survey received on 22nd January 2015
Tree Constraints Plans received on 26th January 2015
Topographical Survey received 22nd January 2015
Highway Impact Statement received on 26th January 2015
Additional Information received on 1st April 2015 and 14th and 17th May 2015

BACK TO AGENDA
14/00847/FUL

Land off Moorcroft, Matlock

Derbyshire Dales DC

Date: 11/06/2015

100019785

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Derbyshire Dales District Council,
Town Hall, Bank Road, Matlock, Derbyshire DE4 3NF.
Telephone: (01629) 781190
website www.derbyshiredales.gov.uk
INTRODUCTION:
This planning application is being re-presented to the Central and Northern Area Planning Committee. The application was deferred at the Committee Meeting of 15th April 2015 for the following reasons:

- overdevelopment of the site
- the proximity of a proposed bungalow to Pinecroft
- the requirement for the provision of children’s play space on the site.

These matters have been re-appraised by the applicant and amendments to the planning application have been submitted as follows:

- the removal of a dwellinghouse along the northern side of the site and relocation within the site
- the removal of the bungalow proposed close to Pinecroft and the reduction in dwellinghouses from 26 to 25
- the provision of a play area on the area of open space
- the agreement to provide for a scheme for the off-site re-establishment of species diverse grassland in lieu of the loss of the wild meadow plants and flowers on the site.

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 25 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 – Object:
- uphold objections to the site outlined in original objections
- strongly object to the increase in numbers for the site and closeness to neighbouring properties
- closeness of dwellings to trees has not been addressed
- recommend the application is refused.

Comments on the amended plans:
- a significant difference in existing ground levels between the north and south of the site and no indication of how this will affect the layout as proposed - it could well be that both individual and adjacent dwellings have different founding levels and require small retaining walls to achieve the current layout
- not sure that the road width will be adequate (believed to be proposed at 4.8m wide) in some parts of the layout
- on street parking will occur if self-sufficient parking is not provided
- unclear as to where parking can occur in the shared surface areas without causing nuisance/obstruction
- do all the proposed houses have an integral garage or one close by?
- who will have ownership of the shared surface areas?
- the curtilage lines of some individual plots are not clear and some areas of the site have no clear ownership?
- visibility line at the road junction adjacent to Plot 24 should be checked as a tree is close to the road edge - it should have 2m min of clear trunk above ground
- has an agreement been reached with the utilities, broadband and telephone providers?
- it is assumed the part of the SUDS proposal is for storage and is not complete.

Local Highway Authority – No objection to amended proposal 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 5 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 and have since advised that a compensatory provision off-site would be acceptable
- 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:
11 letters of representation from neighbours and a Derbyshire resident which are summarised as follows to the original details submitted with the planning application. 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.

5 letters of representation further to the submission of amended plans/additional information. The comments are summarised as follows:
- concern with density of 25 properties and garages – looks out of proportion with the 8 dwellinghouses on Moorcroft
- may still lead to overshadowing and loss of light
- repeat highway safety and drainage concerns
- concern with proximity of Plot 1 to protected tree
- want external facing materials to be considered – brick finish out of keeping with current Moorcroft properties
- if brick approved, could this be applied to properties to the rear of the site
- refer to previous comments (highway safety/access/parking/environment/nature conservation/tree preservation orders/flood risks/utilities/loss of open greenfield space/development size and appearance/safety/impact on existing neighbouring properties and work in progress) and wish for them to be taken into consideration
- amount of social housing proposed not commensurate with the area
- no details of secure cycle parking
- more trees were shown to be retained with the outline planning application
- site not identified as needed to meet housing demand as part of the revised Local Plan
- will a gate be provided to the wildlife area for security of the properties either side?
- where will building materials and site office accommodation be placed on the site?
- impacts on Human Rights regarding right to peaceful enjoyment of all possessions, which includes the home and other land
- contamination of the site not referred to in the application form
- incorrect consultation procedural matter
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
   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
   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.

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.

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 two units. This is in part to address concerns 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 addition, the applicant has detailed children’s on-site play provision, at the request of Members, which is proposed under the protected tree on the area of open space on the site. The County Council’s Arboricultural Officer has advised that this would be acceptable in principle subject to the approval of design details.

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 and the dwellinghouses themselves would be between 10m and 13m from the trees. 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.
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.

DWT have raised concerns with the loss of the wild grassland that has become established on the site. In this respect, it was advised that the area, now proposed, for the children’s play area, could have been an acceptable area. However, with the introduction of the play area, this area would have limited value as a wild grassland area. In this respect, DWT has agreed that a compensatory provision could be made off site. Whilst the applicant has explored this on a few sites, no firm proposals have been put in place to date. However, it is considered reasonable to secure such a provision through a condition on any planning permission, and subject to a legal agreement, that an appropriate site is identified for such a provision and a commuted sum provided for such a 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. In this respect, the applicant has now proposed a children’s play area on the area of open space to the rear of Plot 1. Full details of such provision would be required to be submitted for approval as a condition of any planning permission. As a guide, this would amount to equipment of some £12,500 (calculated on a financial contribution of £500 per dwelling unit created where financial contributions are otherwise consider appropriate).

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. 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, a scheme for the off-site re-establishment of species diverse grassland 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


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) details of all boundary treatments
   d) the provision of a gate to the wildlife corridor;
   e) finished site levels and contours; and
   f) 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 upon an application submitted to it.

30. Before the development commences, details of the children’s play area and equipment shall be submitted to and approved in writing by the Local Planning Authority to include details of the maintenance of the facility. The facility shall be provided in accordance with the approved details prior to the occupation of the 15th dwellinghouse on the site.
31. No development shall commence on site until a compensatory scheme for the off-site re-establishment of species diverse grassland has been submitted and approved by the Local Planning Authority including a schedule for its implementation. The implementation shall be completed in accordance with the agreed schedule.

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.

15-22 In the interests of highway safety to comply with government policy contained in the National Planning Policy Framework and the aims of Policy TR1 of the Adopted Derbyshire Dales Local Plan (2005).

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

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).

30. To ensure the provision of adequate children’s play facilities, to meet the requirements of Policy L6 of the Adopted Derbyshire Dales Local Plan (2005) and government guidance contained in the National Planning Policy Framework.

31. To ensure a compensatory provision of species diverse grassland to comply with government guidance contained in the National Planning Policy Framework and Policy NBE4 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 (ie; not pumped) discharging to an approved point of outfall (eg; existing public sewer, highway drain or watercourse) to be sanctioned by the Water Authority (or their agent), Highway Authority or Environment Agency respectively. The use of 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 overcame 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.

9. 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 overdevelopment of the site and the proximity of proposed dwellings to existing dwellings, highway layout, the potential impact of the development on protected trees and wildlife interests and the provision of a children’s play facility.

10. 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
Additional Drawing No. MAT/PL/04 received on 15th March 2015
Amended Drawing Nos. MAT/PL/KTNplot 1/01, KTNplot 2/01, MEDplot 3/01, BROplot 4/7/24/01Rev.C, ASNplot 5/01Rev.B, KTNplot 6/01 Rev. B, MEDplot 8,10,11/01 Rev. A, FFDplot 9/13/01, ASHplot 12/01, FFDplot 14/01, ASHplot 15/01, ALDplot 16-17/01, ALTplot 18-21/01, PRO-MILplots 22-23/01Rev.A, ASNplot 25/01 Rev B and GAR/01 received on 1st June 2015
Amended Drawing Nos. MAT/PL/ 03Rev. F received on 6th June 2015
Arboricultural Method Statement and Tree Protection Plan received 15th December 2014
Additional Information (arboricultural matters) received on 23rd March 2015
Phase I and II Geo-Environmental Investigation Report received 15th December 2014
Amended Biodiversity Management Plan received on 13th March 2015
Additional Information regarding the off-site re-establishment of species diverse grassland received on 9th June 2015.

BACK TO AGENDA
15/00095/ADV

Land at Bakewell Road, Matlock

Derbyshire Dales DC

Date: 11/06/2015

100019785
15/00095/ADV  DISPLAY OF 6.5 METRE HIGH FREESTANDING TOTEM SIGN AT LAND AT BAKEWELL ROAD, MATLOCK FOR MCDONALD’S RESTAURANTS LTD.

Town Council: Matlock          Date of receipt: 17.02.15
Application type: Advertisement Case Officer: Mr. G. Griffiths

THE SITE AND SURROUNDINGS:
The site is at the north western corner of the development site currently being redeveloped for McDonalds and another commercial use. The site is within a commercial area, with some residential properties within the vicinity of the site. The site is also within the Settlement Framework boundary of Matlock.

THE APPLICATION:
Express advertisement consent is sought for the erection of a 6.5m high freestanding, internally illuminated totem sign. This is proposed to be sited on land to the west of this commercial site to draw attention to the approved McDonalds restaurant from the approaches to the town along the A6 and on A615 Bakewell Road. The sign is proposed to comprise the following:

- top panel – 1.44m wide by 1.48m high – yellow ‘M’ on dark green background
- top middle panel – 1.44m wide by 1.48m high – wood effect panel with signage, if any, to be agreed
- bottom middle panel – 1.44m wide by 0.635m high - ‘drive thru’ with white and yellow image set on dark green background.
- bottom panel – 1.44m wide by 2.295m high – wood effect panel with signage, with illuminated wi-fi sign in top quarter.

The luminance of the signs would be limited to 600cd/m².

RELEVANT HISTORY:
14/00810/FUL  Internally illuminated pole sign – Refused
14/00820/FUL  Redevelopment of site to provide restaurant/food takeaway and bulk wine retail store with associated parking (revisions to planning permission 14/00249/FUL) – to be determined
14/00528/ADV  Illuminated and Non-Illuminated freestanding signage - Refused
14/00526/ADV  Illuminated and Non-Illuminated Freestanding Signage – Granted
14/00309/ADV  Internally Illuminated pole sign – Withdrawn
14/00308/ADV  Internally Illuminated and non-illuminated signage – Granted.
14/00307/ADV  Illuminated and Non-Illuminated Freestanding Signage - Withdrawn
14/00249/FUL  Redevelopment of site to provide restaurant/food takeaway and bulk wine retail store with associated parking - Granted.

CONSULTATIONS:
Town Council – No objection
Local Highway Authority – No objection subject to conditions.
REPRESENTATIONS:
Matlock Civic Association – Object:
- appreciate sign reduced in height but consider it still too high and too garish for important gateway to the town
- remains outside of the site to which it refers
- seems no reason why it is required
- any signage should be linked to the proposed restaurant/food takeaway building or its car park

One letter of representation from a Derbyshire resident. The comments can be summarised as follows:
- agree with the comments of Matlock Civic Association

POLICIES:

ISSUES:
1. The site is a commercial site but is also set in the context of a residential area on the north side of the A6 and A615. The principal issues for consideration are the impact that the sign will have on the character and appearance of the site and the surrounding area and the lighting requirement for the sign and the impact that this would have on residential amenity and highway safety.
2. National Planning Policy Guidance advises that consideration should be given to the amenity of signage. This states:
   ‘in assessing amenity, the local planning authority would always consider the local characteristics of the neighbourhood: for example, if the locality where the advertisement is to be displayed has important scenic…. features.’
   Any assessment of this signage is logically done in the context of the wider environment of Matlock.
3. It is appreciated that the size of the sign has been reduced in height from the previous pole sign applications, which proposed a 7m high sign and an 8m high sign. These were considered to be prominent structures that would cause substantial harm to visual amenity on the approach to the town of Matlock along the A6/A615 Bakewell Road.
4. The current proposal for the sign is to reduce its height to 6.5m high but is to include four panels, giving it a ‘totem’ appearance. As such whilst reducing the overall height of the previously refused sign, there are more panels which give it a bulkier appearance.
5. The colour of the signage is a reflection of the livery of the approved McDonalds building. It is considered that the level of illumination proposed with this revised signage would not significantly harm the amenity of nearby residents.
6. However, notwithstanding the above, Matlock is a market town where there is no proliferation of freestanding signage, as may be found in more urban areas. The signage within the town largely forms an integral part of the businesses premises within which it is positioned, and these premises are not dominated by such strident, and in this respect, relatively isolated signage. This would be emphasised further with the sign being illuminated at night being set away from the restaurant.
7. Therefore, by reason of its size and siting, it is considered that the totem sign would be a prominent feature, diminishing the attractiveness of its vegetated backdrop and causing harm to visual amenity on the approach to the town of Matlock along the
A6/A615 Bakewell Road. It is considered that a more appropriate solution could be to provide a sign on the frontage of the proposed restaurant car park, where it is contained within the development and relates more so to the restaurant, rather than acting as essentially an advanced directional sign.

8. The Local Highway Authority has considered the proposal and has advised that there is a discrepancy in the submitted drawings and that permission should be clarified to relate only to the signage siting detailed on drawing no. 5524_8078_01010 Rev B which would overcome any issues of ‘fall over’ distance affecting the A6. If consent were to be granted conditions are considered appropriate in reference to the approved plans and also a condition to ensure the illumination does not exceed 600 cd/m² and all light sources are static and shielded.

9. However, given the above, it is recommended, in the balance, that express advertisement consent be refused.

OFFICER RECOMMENDATION:
Advertisement Consent be refused for the following reason:

1. The totem sign, by reason of its size and siting, would be a prominent structure causing harm to visual amenity on the approach to the town of Matlock along the A6/A615 Bakewell Road. As such, it is considered that the proposal is contrary to guidance contained in the National Planning Policy Framework and the National Planning Policy Guidance.

NOTES TO APPLICANT:

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

2. This decision notice relates to the following documents:

   Drawing No. 5524_8078_0101 Rev B received on 17th February 2015
   Drawing of Totem Sign 1:50 received on 17th February 2015

BACK TO AGENDA
### PLANNING APPEAL – PROGRESS REPORT

Report of the Director of Planning & Housing Services

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<td>Appeal dismissed – copy of appeal decision attached</td>
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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 11 March 2015

by Mike Hayden  BSc DipTP MRTPi
an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 13 April 2015

Appeal Ref: APP/P1045/A/14/2226887
Rear of 11a Little Bolehill, Bolehill, Matlock DE4 4GR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 6, Paragraph A.2(2) of the Town and Country Planning (General Permitted Development) Order 1995 (as amended).
- The appeal is made by Mr D Sheldon against the decision of Derbyshire Dales District Council.
- The application Ref 14/00538/AGR, dated 13 August 2014, was refused by notice dated 24 September 2014.
- The development proposed is an agricultural storage building.

Decision

1. The appeal is dismissed.

Preliminary Matter

2. This appeal follows refusal to grant prior approval to the proposed development under the terms of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) (GDPO). There is no dispute that the proposed building meets the requirements of Part 6 of Schedule 2 to the GDPO and constitutes Permitted Development subject to the matters of siting, design and external appearance.

Main Issue

3. The main issue in this case is the effect of the siting, design and external appearance of the proposed building on the character and appearance of the Wirksworth Conservation Area and the surrounding countryside.

Reasons

4. The appeal site is a steeply sloping field, with a plateau at the top on which is situated an existing barn and the site of the proposed building, accessed by a winding track leading up from the road, Little Bolehill. It is located on an open rural hillside to the north-east of Wirksworth and south of the village of Bolehill. To the immediate north and east at the rear of the site are mature deciduous woodlands extending up to the ridge of the hill above Little Bolehill. To the front of the site are a number of houses along Little Bolehill and a small copse which partially screen the site from the road.

5. The site lies within the Wirksworth Conservation Area, which in this part is characterised by open countryside and woodland. Buildings, both houses and
farm buildings, tend to be traditional stone built, scattered or in small clusters, such as along Little Bolehill. As such they are not intrusive within the landscape of which the appeal site forms a part and which forms an important part of the setting for the historic core of the Wirksworth Conservation Area.

6. Paragraph 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that in the exercise of planning powers in conservation areas, ‘special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area’. This is supported by saved policy NBE21 in the Derbyshire Dales Local Plan (November 2005), which seeks to ensure that development preserves or enhances the character of conservation areas. In addition, policies SF4, SF5 and NBE8 of the Local Plan permit development where it preserves or enhances the character of the countryside and protects the local distinctiveness of its surroundings and the landscape.

7. The proposed development would comprise a modern agricultural building, slightly lower in height than the existing barn on site, but substantially larger in overall scale, clad in dark green metal profiled sheeting. It would be positioned in the far north eastern corner of the plateau at the top of the appeal site, partly screened by a landscaped bund on which the appellant has recently planted a mixed hedge. In this position, the proposed building would be largely unseen from its immediate surroundings, due to the steep gradient of the site and the presence of the bund and landscaping around the edges of the site. However, due to the elevated position of the appeal site on the hillside, the proposed building would be visible from long distance views, across the valley from Wirksworth. In particular, during my site visit, I observed that the bund and the existing barn were clearly visible in Wirksworth from the public park at Fanny Shaw’s Meadow and at various points along Cromford Road.

8. I recognise that the appellant has sought to minimise the visibility of the building, by reducing it in size from the building previously dismissed on appeal, using dark green cladding, locating it in the most well screened part of the site and planting additional hedging on the bund to help screen the building. However, it would still be visible above the bund and through the landscaping, which would take many years to mature and become effective. Its design and appearance would be unsympathetic to the surrounding traditional stone buildings which are characteristic of the conservation area. The combination of these factors leads me to conclude that it would appear as an intrusive feature on the hillside, drawing the eye and causing unacceptable harm to the character and appearance of the Wirksworth Conservation Area and of the surrounding countryside.

9. Paragraph 132 of the National Planning Policy Framework requires that any harm to a designated heritage asset, such as a conservation area, should require clear and convincing justification. Because the effect of this proposed development would be on distant views, I consider that the harm would be less than substantial in the context of the Conservation Area as a whole. Nevertheless, paragraph 134 of the Framework states that where a development would lead to less than substantial harm, this harm should be weighed against the public benefits of the proposal. I have not been made aware of any public benefits that would result from this proposal.

10. On this basis, I conclude that the siting, design and external appearance of the proposed development would fail to preserve the character and appearance of
the Wirksworth Conservation Area and would harm the character and appearance of the surrounding countryside. Consequently, it would be contrary to policies NBE21, SF4, SF5 and NBE8 of the Derbyshire Dales Local Plan (2005) and paragraphs 132 and 134 of the Framework.

**Other Matters**

11. I understand the appellant’s need to store fodder and securely house his farm machinery, but I do not consider that this outweighs the harm the proposed building would cause to character and appearance. Reference is made to other similar buildings which have been erected on agricultural land within the conservation area on more prominent sites. Other than one smaller building within the village of Bolehill, no other examples were drawn to my attention for me to consider, but in any case the appeal proposal has been determined on its own merits.

**Conclusion**

12. For the reasons given above I conclude that the appeal should be dismissed.

*M Hayden*

INSPECTOR

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**BACK TO AGENDA**
Appeal Decision

Site visit made on 21 April 2015

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

Decision date: 27 April 2015

Appeal Ref: APP/P1045/W/14/3001748
10 Imperial Road, Matlock, Derbyshire, DE4 3NL

- 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 Amber Pass Limited against the decision of Derbyshire Dales District Council.
- The application Ref 14/00493/FUL, dated 25 July 2014, was refused by notice dated 9 October 2014.
- The development proposed is a change of use of dwelling to office and erection of a garage.

Decision

1. The appeal is allowed and planning permission is granted for a change of use of dwelling to office and erection of a garage at 10 Imperial Road, Matlock, Derbyshire, DE4 3NL in accordance with the terms of the application, Ref 14/00493/FUL, dated 25 July 2014, subject to the conditions attached in the schedule at the end of this decision.

Main Issue

2. The main issue is the effect of the proposed development on the living conditions of neighbouring occupiers.

Reasons

3. The appeal site comprises a detached dwelling which is located on the edge of Matlock town centre. The upper part of Imperial Road is a residential street whilst the lower part includes commercial properties. No 10 is the first dwelling in the approach from the town centre.

4. The adjacent property on the town centre side is a purpose built doctors’ surgery and to the rear there is a social club, both of which have car parks adjoining the appeal site. Opposite there is an access to a roof top car park above a supermarket and there are a number of other car parks in the immediate vicinity. The site is therefore surrounded by commercial or community uses on three sides. To the other side, there is a semi-detached dwelling, no 12.

5. The proposed development includes five rooms which would be used as offices or meeting rooms. A new single garage would be constructed at the rear of the property adjacent to the side boundary with the surgery. Five parking spaces are proposed in the front garden alongside the boundary with no 12 and a
disabled parking space between the building and the side boundary with the surgery.

6. I noted at my visit that no 12 also has a rear boundary with the social club and that there was a low level of noise from the air conditioning units at the social club. This part of Imperial Road is a busy street with frequent comings and goings by vehicles and pedestrians and there was also a moderate level of noise from vehicles using the nearby car parks. In this context, the proposed parking would not cause an unacceptable amount of additional noise or disturbance for neighbouring occupiers and is sufficient for the four employees proposed. Given the limited size of the building, it is unlikely that staff numbers would increase significantly above this. Even if they were to increase in the future, there is public parking in the area and it is unlikely that further significant levels of noise would be caused. I am not persuaded, therefore, that the proposal would lead to unacceptable levels of nuisance parking which, given the parking restrictions present along this part of the street, could be controlled in any case.

7. At my visit I saw that no 12 has a number of windows at both ground floor and first floor in its side elevation facing the appeal property, all of which are small and some obscure glazed. None of those appeared to be principal habitable room windows. The front door to no 12 is separated by a low wall which forms this part of the side boundary between the properties. The appeal dwelling does not contain any windows in its side elevation other than a ground floor lobby window and a first floor landing window. No additional openings are proposed. An existing rear extension at the appeal dwelling provides a good degree of separation and screening between the two properties at the rear. The relationship between the two buildings is therefore acceptable and the activity within no 10 would not result in undue levels of noise or disturbance for the neighbouring occupier/s at no 12 or other nearby dwellings.

8. A previous proposal for the change of use of the property to a 39 place children’s day nursery was dismissed on appeal in February 2014 for the reasons that the noise generated at the front of the property during drop off and collection times would have an adverse effect on the living conditions of the occupier/s at no 12. However, the current proposal differs significantly from that in terms of the nature of the use and the lower level of activity.

9. The Council has suggested a condition limiting hours of operation to weekdays and Saturday mornings should the appeal be allowed. Given the relationship between the property and the neighbouring dwelling, this is necessary to safeguard the neighbouring occupier/s living conditions.

10. I conclude, then, that for the reasons given above, the proposed development would not cause significant harm to the living conditions of the neighbouring occupiers in the area. It would comply with policies SF1, EDT5 and EDT6 in the Derbyshire Dales Local Plan 2005 whose objectives accord with government policy in the National Planning Policy Framework in seeking to ensure that such development is well-related to its surroundings.

Other matters

11. Local residents have raised a number of other concerns. The potential use of other vacant buildings in the town centre is not for my consideration in this
appeal and I must confine my findings to the proposed development before me.

12. The Highways Authority raised no objection to the proposal subject to a condition for parking provision which is necessary in terms of highway safety. The access and parking provision are satisfactory and I have no compelling evidence that the proposal would result in a danger to highway safety.

13. Whilst the property could provide a family-sized dwelling, the loss of one dwelling would not significantly harm the supply of housing in the area and this is outweighed by the economic benefits that the proposed use would bring.

14. Although the property may previously have had grants for disabled facilities the planning system cannot ensure that these facilities are retained and even if the use as a dwelling were to continue, a change in ownership may well lead to the removal of those facilities.

15. I have taken into account the character and appearance of the area. The proposal does not set a precedent for further changes of use in Imperial Road because other dwellings have different characteristics, sitings and relationships to other commercial uses and in any case each application must be determined on its merits. There is sufficient space around the proposed car parking area to provide landscaping which could be secured by condition and this is necessary to enhance the character and appearance of the area. The existing lawned front garden could, in any case, be changed to a hardstanding under permitted development even if it were a dwelling. I am satisfied, therefore, that the proposed change of use, by reason of its modest size and limited external alterations, would not harm the character or appearance of the area.

**Conditions**

16. In addition to the hours of operation, landscaping and parking conditions referred to above, I have also added the standard time limit and plans conditions to ensure that the development is carried out in a timely manner and compliance with the submitted plans.

**Conclusion**

17. For the reasons given above and taking into account all other matters raised, the proposed development would represent an acceptable and beneficial use of an existing building and would comply with the development plan as a whole. The appeal should be allowed.

*Sarah Colebourne*

Inspector
Schedule of 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: N6227-01A; N6227-02; N6227-03c; N6227-04.

3) The use hereby permitted shall not take place other than between the hours of:
   Monday to Friday 0800 to 1800 hours.
   Saturday 0900 to 1300 hours.
   There shall be no work or deliveries on Sunday or Bank Holidays.

4) No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. These details shall include hard surfacing materials, surface water drainage, indications of all existing trees and hedgerows on the land or overhanging the site, and details of any to be retained, together with measures for their protection in the course of development. These works shall be carried out as approved and in accordance with the programme agreed with the local planning authority and shall be retained thereafter.

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

6) The use hereby permitted shall not take place until space for parking has been laid out within the site in accordance with drawing No N6227-03c and shall be retained thereafter.

End of conditions.

BACK TO AGENDA