28 April 2017

To: All Councillors

As a Member or Substitute of the Planning Committee, please treat this as your summons to attend a meeting on Tuesday 9 May 2017 at 6.00pm at The Venue, Wyaston Road, Ashbourne DE6 1NB.

Yours sincerely

Sandra Lamb
Head of Corporate Services

AGENDA

SITE VISITS: The Committee is advised a coach will leave The Venue, Ashbourne at 4.15pm 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 MEETING

Planning Committee – 11 April 2017

3. INTERESTS

Councillors 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 Councillor, 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 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. Details of the Council’s Scheme are reproduced overleaf. To register to speak on-line, please click here www.derbyshiredales.gov.uk/attendameeting. Alternatively email committee@derbyshiredales.gov.uk or telephone 01629 761133.

4.1 APPLICATION NO. 17/00026/OUT (Site Visit) 5 - 27
Residential Development of up to 32 Dwellings with Access and Associated Works (Outline) at land off Main Road, Brailsford.

4.2 APPLICATION NO. 16/00374/FUL 28 - 41
Use of premise for commercial dog breeding and boarding purposes, replacement kennel and erection of new isolation unit at Four Lane Ends Farm, Gibfield Lane, Hulland Ward.

4.3 APPLICATION NO. 16/00633/FUL 42 - 50
Erection of Freestanding Marquee for Use Class D2 (Assembly and Leisure) at Yeldersley Hall, Derby Road, Yeldersley.

4.4 APPLICATION NO. 17/00087/VCOND 51 - 58
Variation of condition 6 of planning permission 15/00660/OUT to allow retention of existing access at 9 Eversleigh Rise, Darley Bridge.

5. INFORMATION ON ACTIVE AND CLOSED ENFORCEMENT INVESTIGATIONS 59 - 69

6. APPEALS PROGRESS REPORT 70 - 73
To consider a status report on appeals made to the Planning Inspectorate.

Members of the Committee
Councillors Garry Purdy (Chairman), Tony Millward BEM (Vice Chairman),
Jason Atkin, Sue Burfoot, Sue Bull, Albert Catt, Tom Donnelly, Graham Elliott, Richard FitzHerbert, Chris Furness, Neil Horton, Jean Monks, Tony Morley, Mike Ratcliffe, Lewis Rose OBE, Peter Slack and Jo Wild.

Substitute Members
Deborah Botham, Jennifer Bower, Richard Bright, Martin Burfoot, Phil Chell, Ann Elliott, Helen Froggatt, Alyson Hill, Angus Jenkins, Vicky Massey-Bloodworth, Joyce Pawley, Mark Salt, Andrew Shirley, Andrew Statham, Jacquie Stevens, John Tibenham.
PUBLIC PARTICIPATION

Members of the public may make a statement, petition or ask questions relating to planning applications or other agenda items in the non-exempt section of an agenda at meetings of the Planning Committee. The following procedure applies.

a) Public Participation will be limited to one hour per meeting, with the discretion to extend exercised by the Committee Chairman (in consultation) in advance of the meeting. On line information points will make that clear in advance of registration to speak.

b) Anyone wishing to make representations at a meeting must notify the Committee Section before Midday on the working day prior to the relevant meeting. At this time they will be asked to indicate to which item of business their representation relates, whether they are supporting or opposing the proposal and whether they are representing a town or parish council, a local resident or interested party.

c) Those who indicate that they wish to make representations will be advised of the time that they need to arrive at the meeting venue so that the Committee Clerk can organise the representations and explain the procedure.

d) Where more than 2 people are making similar representations, the Committee Administrator will seek to minimise duplication, for instance, by establishing if those present are willing to nominate a single spokesperson or otherwise co-operate in the presentation of their representations.

e) Representations will only be allowed in respect of applications or items which are scheduled for debate at the relevant Committee meeting,

f) Those making representations will be invited to do so in the following order, after the case officer has introduced any new information received following publication of the agenda and immediately before the relevant item of business is discussed. The following time limits will apply:

<table>
<thead>
<tr>
<th>Category</th>
<th>Time Limit</th>
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<tbody>
<tr>
<td>Town and Parish Councils</td>
<td>3 minutes</td>
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<tr>
<td>Objectors</td>
<td>3 minutes</td>
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<tr>
<td>Ward Members</td>
<td>5 minutes</td>
</tr>
<tr>
<td>Supporters</td>
<td>3 minutes</td>
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<tr>
<td>Agent or Applicant</td>
<td>5 minutes</td>
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</tbody>
</table>

g) After the presentation it will be for the Chairman to decide whether any points need further elaboration or whether any questions which have been raised need to be dealt with by Officers.

j) The relevant Committee Chairman shall exercise discretion during the meeting to rule out immediately any comments by participants that are not directed to genuine planning considerations.

SITE VISITS

Members will leave The Venue, Wyaston Road, Ashbourne DE6 1NB at **4.15pm prompt** for the following site visits:

**4.30pm  APPLICATION NO. 17/00026/OUT**  Page No. 5 - 27  
**LAND OFF MAIN ROAD, BRAILSFORD**

At the request of Officers to allow Members to fully assess the impact of the development on the local environment.

**5.00pm  RETURN TO THE VENUE, ASHBOURNE**
COMMITTEE SITE MEETING PROCEDURE

The purpose of the site 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.
### Planning Committee 9th May 2017

**Agenda Item 4.1**

<table>
<thead>
<tr>
<th>APPLICATION NUMBER</th>
<th>17/00026/OUT</th>
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<tbody>
<tr>
<td>SITE ADDRESS:</td>
<td>Land off Main Road, Brailsford</td>
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<tr>
<td>DESCRIPTION OF DEVELOPMENT</td>
<td>Residential Development of up to 32 Dwellings with Access and Associated Works (Outline)</td>
</tr>
<tr>
<td>CASE OFFICER</td>
<td>Mr Chris Whitmore</td>
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<tr>
<td>APPLICANT</td>
<td>Gladman Developments</td>
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<tr>
<td>PARISH</td>
<td>Brailsford</td>
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<tr>
<td>AGENT</td>
<td>None</td>
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<tr>
<td>WARD MEMBER(S)</td>
<td>Cllr. Jenkins</td>
</tr>
<tr>
<td>DETERMINATION TARGET</td>
<td>18th April 2017</td>
</tr>
<tr>
<td>REASON FOR DETERMINATION BY COMMITTEE</td>
<td>Major application</td>
</tr>
<tr>
<td>REASON FOR SITE VISIT (IF APPLICABLE)</td>
<td>At the request of Officers to allow members to fully assess the impact of the development on the local environment</td>
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### MATERIAL PLANNING ISSUES

- The appropriateness of the amount of development and the sustainability of the location, in terms of access to services and facilities;
- the impact of the development on settlement pattern, the character and appearance of the surrounding area and the local landscape;
- species protected by law;
- whether there would be any highway safety implications;
- the level, nature and weight to be attributed to any developer contributions and impact on existing infrastructure, and;
- the loss of agricultural land.

### RECOMMENDATION

Approval with conditions.
Land off Main Road, Brailsford

Derbyshire Dales DC

Date: 27/04/2017

100019785

Crown Copyright and database rights (2016) Ordnance Survey (100019785)
1.0 THE SITE AND SURROUNDINGS

1.1 The application site comprises a rectangular field covering 1.93ha in area located on the western edge of Brailsford village, north of the A52 (see photograph 1). Beyond the eastern boundary is the Miller Homes development and recently constructed primary school, which can be seen in photograph 2. To the south of the site on the opposite side of the A52 are allotments, which sit behind a strong hedgerow. Further south is the route of Public Footpath no. 40 ‘Brailsford’.

1.2 Brailsford Conservation Area is located to the south east, with intervening properties on Main Road located between it and the site (see photograph 3).

1.3 Springfield Cottage is located to the south east of the site. The boundary is defined by a post and rail fence. The remaining boundaries are defined by hedgerows, interspersed by large mature trees.

1.4 The application site includes a narrow strip of land running 70m to the north at the north eastern corner of the site, which then turns east for a distance of 180m towards Luke Lane.
2.0 DETAILS OF THE APPLICATION

2.1 This application seeks outline planning permission with all matters reserved except the point of access onto Main Road for a residential development of up to 32 dwellings (30% of which are offered up as affordable units). It is proposed to form a new access from Main Road (the A52) at the centre point of the southern boundary and a footpath link to Luke Lane. A Development Framework Plan accompanies the application which illustrates how the site could be developed. It shows formal and Informal Public Open Space (38% of the gross site area), retention of existing landscape features and planting of new trees. The extent of new housing development is shown to cover an area of 1.18ha. An attenuation basin is shown at the south eastern corner of the site. The plan indicates that a new footway will be formed from the footpath link to the new primary school. Pedestrian access / footpaths around the edge of the site up to the new footpath link and through to the Miller Homes development are also shown.

2.2 In addition to the Development Framework Plan, the application is accompanied by the following supporting documents:-

- Design and Access Statement by Gladman
- Ecological Appraisal by FPCR
- Landscape and Visual Appraisal by FPCR
- Arboricultural Assessment by FPCR
- Ecological Appraisal by FPCR
- Transport Statement by Prime Transport Planning
- Proposed Site Access arrangement and Pedestrian Improvements Plan numbered P16111-001 which shows the widening of the footway between the site access and Luke Lane and new pedestrian crossing facilities close to The Green Road junction.
- Travel Plan Framework by Prime Transport Planning
- Phase 1 Site Geoenvironmental Assessment by Lees Roxburgh
- Flood Risk Assessment by Lees Roxburgh
- Foul Drainage Analysis Report by Utility Law Solutions
- Noise Assessment Report by Wardell Armstrong
- Air Quality Screening Assessment by Wardell Armstrong
- Planning Statement by Gladman
- Statement of Community Involvement by Gladman
- Soil Resource and Agricultural Use and Quality Report by Land Research Associates, and;
- Archaeological Desk Based Assessment by CgMs

2.3 All of these documents have been retained on the public file for examination and comment and circulated to consultees. They are referred to, where necessary, and pertinent in the ‘Issues’ section of the report.

2.4 The planning statement by the applicant makes the following statements in support of the application:

- The site is a proposed allocation in both the emerging Local Plan and the emerging Neighbourhood Plan;
- The site is suitable for residential development in terms of location and characteristics and is not of high environmental value;
- The landscape features of the site will be retained and reinforced to retain a suitable landscape edge and setting, and;
- The provision of affordable housing, without subsidy, is a significant benefit in the circumstances where the Council is not delivering homes to meet pressing needs.

3.0 PLANNING POLICY AND LEGISLATIVE FRAMEWORK

3.1 Adopted Derbyshire Dales Local Plan (2005):

SF4 Development in the Countryside
SF5 Design and Appearance of Development
SF6 Protection of the Best Agricultural Land
SF7 Waste Management and Recycling
SF8 Catering for the Needs of People with Disabilities in Development and Redevelopment
H4 Housing Development Outside Settlement Frameworks
H9 Design and Appearance of New Housing
H13 Affordable Housing - Exceptional Sites in Rural Areas
NBE5 Development Affecting Species Protected by Law or are Nationally Rare
NBE6 Trees and Woodlands
NBE7 Features Important in the Landscape
NBE8 Landscape Character
NBE12 Foul Sewage
NBE21 Development Affecting a Conservation Area
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

3.2 Deposit Draft Derbyshire Dales Local Plan

S3 Settlement Hierarchy
PD5 Landscape Character
PD6 Trees, Hedgerows and Woodland
HC1 Location of Housing Development
HC2 Housing Land Allocations – the site is allocated for 32 units
HC4 Affordable Housing
HC11 Housing Mix and Type

3.3 Other Material Considerations:

National Planning Practice Guidance
Brailsford Neighbourhood Plan

4.0 RELEVANT PLANNING HISTORY

4.1 16/00567/OUT Outline application for residential development of up to 75 dwellings and associated access – Refused.

5.0 CONSULTATION RESPONSES

5.1 Brailsford Parish Council:

The Parish Council make the following comments in objecting to the proposed development:
Brailsford Parish Council wishes to register an objection to any potential approval of this application on the basis that:

- the total number of new homes proposed for the village is unacceptable resulting in the size of the village being essentially double within a very short time scale without any additional local investment to improve overall amenity (see our objection to the DDDC Settlement Hierarchy used to allocate new homes to existing settlements).
- this development will add to the traffic burden on the A52 passing through the village of Brailsford, including its junction with Luke Lane which is already subject to congestion at peak times. A recent traffic report has identified that volumes of traffic on the A52, particularly of HGVs, is already in excess of that experienced on similar routes across the UK.
- Insufficient consideration has been given to local investment to support the village amenity and maintain the quality of life of residents.

As the application states the developer has held consultations locally, including with the Parish Council, and has recognised the need for investment over and above statutory requirement. Despite these discussions and assurances given, there are no indications of these investments in the outline planning application. We would ask that the Planning Authority takes account of residents’ thoughts on investment in community facilities when considering this application and in particular the following:

1. Community benefits. Reference should be made in this outline application for the need for a contribution to community benefits which will not be covered under the terms of any Section 106 agreement which deals only with the statutory bodies, more particularly for the repair and maintenance of the village institute and its refurbishment to provide additional space for indoor sports and recreational activity.

2. Neighbourhood plan. Reference should be made in the outline application for the compliance of the recommendations made in the emerging neighbourhood plan, more particularly policy D1 which addresses the design of new development at the reserved matters stage.

3. Specialist bungalows. Reference should be made in the outline application for the inclusion of specialist bungalows in the reserve matters application. This requirement was a major feature in the public consultations held in the preparation of the Neighbourhood Plan, and the DDDC officers subsequently concurred that this would be a key requirement in any future applications in Brailsford.

4. Mobility and Transport. While setting out statements about the importance of walking and cycling within the development this application does not address the essential issue of pedestrian access to the village amenities, the existence of which forms the core rationale for additional development in Brailsford according to the Draft Local Plan. All facilities including the GP surgery lie to the south of the busy A52. There is no crossing point for the A52 in the vicinity of the main access for the new development or on Luke Lane which may form the natural walking route. The Planning Authority and the Highway Authority should give consideration to this, the recommendations of the traffic report prepared for the Neighbourhood Plan and the statements set out in Neighbourhood Plan.

5. The Parish Council would also wish to see consideration given to the improvement of existing footpaths into the village from the main access and the introduction of new traffic calming measures as traffic enters the village from Commonside.
6. While the proposals for public open space are welcome, the Planning Authority should ensure that a management plan is put in place for the upkeep and maintenance of these areas.

7. The Parish Council would like an assurance that the developer will consider the planting of species native to the area in any landscape development, that street furniture will be kept to a minimum and that any ‘safety’ lighting applied is low level to minimise light pollution and retain the important element of dark skies which is a feature of Brailsford Parish.

8. From our discussions with CCG, the development would necessitate further investment in the GP surgery which has limited capability for further expansion. The Parish Council are seeking assurances from the Planning Authority that such negotiations will be undertaken and that confirmation is given that the surgery can accommodate this further development.

5.2 Derbyshire County Council (Highways):

Make the following comments:

The Transport Statement for this application states that ‘the off-road section of the path will be connected to the primary school via a new footpath in the western verge on Luke Lane. In order to not impact upon the tree and hedgerow roots, a no-dig construction can be used. It is envisaged that this footpath will be 2m wide where achievable within the constraints of the highway boundary’. The highway margin available at this location does not appear to offer sufficient geometry to provide a footway link at these dimensions and the Highway Authority would not wish to see any reduction in existing carriageway width due to the number of HGV’s using Luke Lane. Whilst the principle of a link is welcomed the applicant should be requested to provide further details / information as to how the pedestrian link associated with their development will link to existing facilities within the village. Given access relates to vehicular and pedestrian forms, details should be submitted for approval at this stage to ensure satisfactory arrangements can in fact be delivered.

In other respects the reduced scale of development and revised access arrangements are likely to be acceptable on highway grounds, sufficient for the Local Highway Authority to recommend conditions.

The applicant has since prepared a drawing which shows a 2m wide footway in the verge forming part of the adopted highway from the new footpath link. To facilitate the footpath four Ash trees of low amenity value would need to be removed between the new footpath link and new school.

A list of conditions and advisory footnotes to secure the above and the provision of a safe means of access from the A52 to serve the development and other necessary highway safety measures will be presented to members ahead of the committee meeting.

5.3 Derbyshire County Council (Land Drainage)

Initial response:

It is noted from the supplied Flood Risk Assessment (FRA) that the intention of the applicant is to dispose of surface water generated by the impermeable areas to the combined sewer at the greenfield runoff rate for the corresponding rainfall event by the utilisation of a balancing pond.
The FRA demonstrates that infiltration is unlikely but if possible the higher areas of the site it will be utilised for this purpose.

The FRA proposes that the 1 in 100 year rainfall event will be retained within the site with the use of the attenuation pond however, no volume for the pond has been proposed, the plan makes it clear where the pond will be located but it is not clear if there is the available space. Until a volume is proposed to demonstrate there is available space on site to provide attenuation for the 1 in 100 year (plus an allowance for climate change) the County Council FRM team recommend a holding objection.

To overcome a holding objection a quick storage estimate should be provided.

Following receipt of the above comments the applicant advised that the storage volume would be between 330m³ and 464m³ and that there is sufficient space on site for the required attenuation based on an assessment of the impermeable area and taking into consideration climate change.

Second response:

Following receipt of the above storage calculations, the Land Drainage Authority have confirmed that the plans for the use of Sustainable Drainage Systems to dispose of surface water from the proposed development would be considered acceptable. Conditions and advisory footnote to secure the implementation and management of such a system are recommended.

5.4 Derbyshire County Council (Strategic Planning)

Request that the development be afforded access to high speed broadband services and £85,880.85 towards the provision of 6 secondary places and £37,255.80 towards 2 post 16 places at Queen Elizabeth’s Grammar School and £68,394.06 towards 6 primary school places at Brailsford CE Controlled Primary School.

The County Council advise that contributions towards secondary and post 16 schools places would be pooled towards project D – Extension to teaching accommodation at QEGS and 6 primary school places towards project A at Brailsford CE Controlled Primary School – Extension to teaching accommodation.

The County Council also advise that the following comments from the Local County Councillor have been received:

“I feel that Brailsford is being over developed and the village infrastructure is not capable of maintaining the amount of development and there is too much pressure being put on the highways”

5.5 Landscape Design Officer (Derbyshire Dales)

The site is allocated for residential development of up to 32 dwellings in the Local Plan (draft). There are, therefore, no objections in principle to the application.

5.6 Strategic Housing (Derbyshire Dales)

Advise that the local identified affordable housing need has been met through the delivery of affordable housing on other sites with planning permission or resolutions to grant permission and that they would accept an off-site affordable contribution in the form of a financial sum in this case.
5.7 **Southern Derbyshire CCG:**

Southern Derbyshire CCG have advised in respect of application 16/00567/OUT that the GP Practice that serves the area of the new housing development at land off Main Road does not have any spare capacity to manage increased patient demand. Based on anticipated patient numbers a contribution of £12172.80 would be sought towards a capital project (based on cost per sqm formula for new surgery projects) to accommodate the increase in patient numbers.

5.8 **Development Control Archaeologist (Derbyshire County Council):**

I have previously commented on 16/00567/OUT incorporating the current proposal site and the field to the west, noting that the site may be located at the western end of medieval croft land along the line of the Derby-Ashbourne Road. The applicant has subsequently undertaken geophysical survey of this wider site, which has not identified any archaeological targets within either area. The disturbed nature of the geophysical survey may suggest a masking effect, but in combination with the negative results on the neighbouring (Luke Lane) site I feel that this is sufficient to conclude that the site is of low potential. I therefore recommend that there is no need for further archaeological work on the site.

5.9 **Derbyshire Wildlife Trust (DWT)**

DWT have previously commented on this application (16/00567/OUT) and applications on the adjacent land (LA Ref: 13/00826/FUL; DWT ref: PlanCon324; LA Ref 17/00015/FUL Our Ref PlanCon439-1 and LA Ref: 16/00437/FUL; DWT ref PlanCon460). As previously discussed Great Crested Newts (GCN) are known to be present in the ponds which are within close proximity to this proposed application. This application has had a revised layout and has reduced the number of houses and the fields proposed for development. The revised layout proposes 1.8ha of building and hard standing and 0.75ha of green space throughout the proposed development – it is unclear what the green space to the north is proposed for and if the green space is enhancement for GCN.

With regards to the revised layout it would be welcomed for the layout plan to either include changes, modifications etc., as outlined below:

- **Hedgerow** on the western boundary has three gaps present – presumed from the previous plan. It would be preferred for the hedgerow to be remain intact, or where gaps are present to be gapped up.
- **The footpath** present in the application should provide enhancements such as hedgerow planting, native shrub planting etc to facilitate the movement of fauna.
- **The eastern hedgerow** to have a GCN protection zone – creating a 3m buffer between the hedgerow and fence of the gardens would facilitate the movement of GCN and other mammals.
- **Proposed Drainage basin** to the south – to be enhanced so GCN can use the proposed habitat.
- **Green space** to the north to include hibernacula which would complement the proposed pond to the east and retained pond to the south.

The effects on newt movement(s) is still considered a concern by the current proposed development layout. If corridors and enhancements as outlined above can be included and implemented across the site, it is considered that the proposals would reduce the impact to terrestrial GCN.
Taking the above into consideration and recognising that this is an outline application with only the point of access onto Main Road to be agreed, the following conditions are recommended.

- Prior to the commencement of any works which may affect great crested newts and/or their habitat, a detailed mitigation and monitoring strategy, should be submitted to and approved in writing by the Local Planning Authority. All works should then proceed in accordance with the approved strategy with any amendments agreed in writing.
- No removal of vegetation that may be used by breeding birds shall take place between 1st March and 31st August inclusive, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period, and details of measures to protect the nesting bird interest on the site, have first been submitted to and approved in writing by the Local Planning Authority and then implemented as approved.
- A Landscape and Ecological Management Plan (LEMP) for all retained and created habitats on the site shall be submitted to and approved in writing by the local planning authority prior to the commencement of the development. The Plan should include details of how the management of the habitats will be implemented and funded.
- No development shall commence until a detailed lighting strategy has been submitted to and approved in writing by the LPA. Such approved measures will be implanted in full.
- The retained trees and hedgerows present on site should be protected throughout the duration of works and follow guidance BS 5837:2012 Trees in relation to design, demolition and construction – Recommendations

5.10 Principal Environmental Health Officer:

Raise no objections to this application in principle. However, recommend that details of the noise mitigation measures to be put in place, as proposed by Wardell Armstrong in their noise assessment, are submitted when a final site layout has been confirmed.

6.0 REPRESENTATIONS RECEIVED

6.1 A total of 13 representations (two from the same individual) have been received, all objecting to the proposed development. The comments received can be summarised as follows:

**Principle**

- There are too many new houses being built in Brailsford.
- There should be no building on greenfields when it has been proven that there are more than enough brownfield sites to accommodate the number of houses that need to be built.
- This site is on prime agricultural land and is greenfield.
- With other developments having been given consent in the past 2 years this will mean our village has doubled in size - contrary to the residents wishes and makes the consultation process derisory.
- Is there really a need to build on greenfield sites, that must be preserved for future generations to enjoy?
- There are large parcels of alternative land outside Brailsford that can accept and facilitate housing development much more appropriately.

**Sustainability of location**
• There are few jobs available in Brailsford and few shops in the area.

**Impact on the local landscape / character and appearance of the surrounding area**

• I disagree with the further expansion of the village in a westerly direction into open countryside and across green fields. There is a limit to the number of new houses Brailsford can sustain and the proposed plans are unimaginative and urban in their design.
• More houses on a greenfield site in this area is inappropriate to the character of the village.
• The quantity and style of building is out of keeping with the village character, and is at odds with the Neighbourhood Plan, which is now complete and should henceforth be given weight in these deliberations.
• Small, limited clusters of character housing is appropriate in a village environment, not vast swathes of soulless brick boxes i.e. suburban housing.
• Brailsford has already been spoilt by the new Miller homes.
• It will back on to or amalgamate with newly built neighbouring urban estates to create a high density estate style development unsympathetic to the village as a whole.
• The design is obtrusive and inappropriate being essentially a linear street with no regard to the Design Guidance set out in the Neighbourhood Plan currently lodged with DDDC
• The development is obtrusive across the horizon spoiling the Dales Character and so is contrary to the objectives of the Local plan- especially when viewed from the Saxon Church.
• The proposed development style and housing type is contrary to the Brailsford Neighbourhood Plan and is not in keeping or in sympathy with the Historic Village of Brailsford.
• The density of the site is in excess of design guidelines and not in keeping with the accepted figure of 25 dwellings per Hectare in a rural setting. The Neighbourhood Plan sets a preference for smaller groupings of dwellings more consistent with a village environment.
• The site is adjacent to the already agreed, planned/currently in development large estate of 84 houses (Miller homes). In a village that had just over 200 houses in total, this site would result in a combined, mass of new housing development of 119 houses in one area of the village. The combined impact and size is disproportionate to a small, rural village. It is out of scale and context for a village and would constitute unwarranted size of development in the countryside and intrinsically harmful to the character, integrity and appearance of the setting.

**Housing Mix**

• The houses built recently are mainly executive types.
• Nowhere is there mention of Specialists Bungalows. There is an identified need for bungalows by DDDC given the demographic profile.

**Ecology**

• The loss of our natural wildlife must be taken into consideration.
• No protected species survey has been provided with this application.
• Where is the newt survey?
• The development will result in the loss of a greenfield site and habitat.

**Highway safety**
• The A52 was built in the horse and cart era and it is not wide enough for the huge lorries, which use it now. There is little scope in the village for it to be widened.
• The proposal takes no account of the already overused A52.
• The development would add 50 cars to an already swamped system.
• I am concerned about the increased level of traffic on to the A52 and the impossibility of improving pedestrian access on the footpath into the village. If dependency on cars is to be reduced in the future, there must be a more concerted effort to provide safe footpaths. The developers state that they will widen the existing footpath, but there are property boundaries which will make this impossible.
• The development will also create serious traffic problems on the A52 as traffic accesses a very busy section of the road - heavily used by HGVs.
• The traffic on the A52 is at capacity at peak times as a result of new developments in Ashbourne, Mickleover and Derby.
• The pavements are too narrow for the existing number of high school children to wait at 8am on the narrow pavements of the A52.
• We need a separate lane for left/right turn at the Luke Lane junction.
• We already have 50 new developments on Luke Lane and more planned for the old Dairy yard, the amount of traffic from these will be immense.
• Brailsford has been proven to have 30% higher HGV traffic than the national average and this new development will add to the already high traffic congestion that happens.
• The pedestrian infrastructure is unsuitable to safely support this development and it is not possible to improve it due to the road width and the narrow pavements. There have already been accidents where pedestrians have been hit by HGV wing mirrors. Providing suitable housing encouraging young families to the development will mean pushchairs and prams. This will be very dangerous for pedestrians trying to pass on the pavement.
• There is no pathway down to the school. The exit point is on a very busy bend in the road. This is an extremely dangerous proposal adding to the already poor situation for access for parking for the school.
• Already the traffic has increased markedly on both the A52 & Luke Lane and we desperately need a crossing to access the village facilities which are all on the south side, apart from the new school.
• Life is becoming increasingly difficult for the old folk & those with prams. HGVs speed round the corner & down the hill towards the chapel so you have to be able to cross quickly to safely access the doctor's surgery - going by car is very difficult because of lack of parking.
• We are concerned about the loss of more greenfields, drainage & the narrowness of pavements for pedestrians.
• The developer proposes that the footpath alongside the A52 Main Road will widened to 2m where the highway allows, it is evident from the plans that there are areas where this is not possible and the footpath will therefore be dangerous.
• The application fails to demonstrate adequate or safe access or pedestrian infrastructure.
• This site must not be developed unless a safe pedestrian access to the village can be provided for a mother with a push chair and a child in hand.

Impact on local infrastructure

• The school is already oversubscribed and there is no parking.
• The medical facilities and schooling cannot accommodate this scale of housing on top of the recent developments in the village.
• There is an absence of local community contribution - a sum per unit should be sought for public realm/amenity in Brailsford.
• The village infrastructure and amenities have not changed at all apart from the new school being built.
• Amenities, infrastructure and all that is needed to support such enormous growth are not present. The village cannot support yet more housing numbers as proposed in this development.

**Drainage**

• The drainage is inadequate, it appears that the assessment of the increased capacity required is only calculated for each individual development rather than the combined effect of all proposed developments that have now been granted permission. The drainage is already overwhelmed on occasions and this is well documented and photographed with submissions made on previous planning applications.
• The ancillary drains are only 150mm and the main drains 300mm which together are expected to carry combined flows of foul water and surface water from 250 existing houses and 201 new properties. No mention in the application is made of the significant additional effect of surface water entering the system from this development. Whilst not obvious, the combined flows from this and other sites such as the so called Richborough site are going to cause flooding and blocked sewers in the locality of The Plain and the Main Road. So there can be no doubt of major improvements being required in Brailsford and very stringent conditions must be attached to any outline planning permission if granted.
• There is insufficient drainage capacity and lack of sufficient evidence that there the combined developments impact have been looked at adequately.
• The drainage has been shown time and again to be inadequate - surveys are being done individually, rather than looking at the combined and cumulative effect of all proposed developments.

**Other matters**

• the naming of the streets should be locally relevant - On the Miller estate the first street is called "Thorntree" - the correct name is Hawthorn. This detail is important in an historic village community like Brailsford.
• The report under Annex 1 from RPS on behalf of Utility Law Solutions refers to 120 dwellings on this greenfield site. This report is not from Severn Trent the Statutory Undertaker as claimed and does not refer to 32 houses, but shows this developers long term strategy which is absolutely unacceptable

**7.0 OFFICER APPRAISAL**

*Planning policy context*

7.0 Although an application for a development of up to 75 houses on a larger area, including the application site and the adjoining field to the west has been previously considered by the Local Planning Authority, this application concerns a different development on a reduced area of land and needs to be considered on its merits.

7.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that decisions by Local Planning Authorities on planning applications are taken in accordance with the development plan unless material considerations indicate otherwise.

7.2 The Derbyshire Dales Local Plan, adopted in 2005 comprises the development plan for the area. Its policies have been saved and continue to be relevant where they are consistent with guidance contained within the National Planning Policy Framework (2012). The National Planning Policy Framework (NPPF) was published in March 2012. Whilst the
Framework does not change the statutory status of the development plan as the starting point for decision-making, policies contained within the Framework are material considerations which must be taken into account.

7.3 Housing policies contained within the Adopted Derbyshire Dales Local Plan (2005) do not envisage new housing development beyond the plan period and are based on outdated housing needs information. Such policies are therefore considered to be out of date for the purposes of NPPF paragraph 49. The NPPF advises where the development plan is absent, silent or relevant policies are out of date planning decisions should be made in accordance with paragraph 14 of the National Planning Policy Framework which states that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.

7.4 The Deposit Draft Derbyshire Dales Local Plan is reaching an advanced stage in that all hearing statements in relation to the various matters to be considered by the appointed inspector at examination have now been prepared. As objections have been received in respect of some of the policies and site allocations, substantial weight cannot be afforded to them at this time. They do, however, make appropriate provision for the delivery of housing to meet the Districts objectively assessed housing needs up to 2033 and the NPPF makes clear that the Government considers that local plans are the key to delivering sustainable development that reflects the vision and aspirations of local communities.

7.5 A Neighbourhood Plan prepared by the Parish Council is at an early stage in its preparation and still has rounds of formal consultation to pass through before adoption and can be afforded minimal weight.

7.6 The site is allocated in the deposit draft local plan for up to 32 dwellings.

7.7 Having regard to the policies of the development plan, which can be afforded weight, guidance contained within the National Planning Policy Framework (NPPF) and consultation and public comment responses received the main issues to assess are:

- The appropriateness of the amount of development and the sustainability of the location, in terms of access to services and facilities;
- the impact of the development on settlement pattern and the local landscape;
- the local environment, including hedgerows, trees and ecology;
- whether there would be any highway safety implications;
- the level, nature and weight to be attributed to any developer contributions and impact on existing infrastructure, and;
- the loss of agricultural land.

7.8 To underpin the policies in the Deposit Draft Derbyshire Dales Local Plan an appraisal of the relative sustainability of each of the main settlements across the plan area was undertaken to inform the settlement hierarchy and development strategy in the plan. The Settlement Hierarchy provides the means to categorise the various settlements to recognise their different roles and functions, grouping together those settlements that have similar characteristics. The assessment concludes that at the top of the hierarchy are the main market towns which play a key role within the District providing a range of services and facilities and employment opportunities. However, as these towns are not able to
accommodate all of the required housing development, an assessment of the smaller settlements and their relative sustainability and suitability to accommodate development has been undertaken. The assessment concludes that Brailsford, as a larger village within the plan area should be considered an ‘Accessible Settlement with Limited Facilities’. Villages in this category possess a limited level of facilities and services that, together with improved local employment provide the best opportunities outside the first and second tier settlements for greater self-containment. It is expected, however, that development will come forward at reduced levels in comparison to high order settlements in order to safeguard their role consistent with maintaining or enhancing key environmental attributes.

7.9 The site to which this application refers has been allocated for residential development within the Deposit Draft Derbyshire Dales Local under policy HC2(e) for 32 dwellings.

7.10 Brailsford scores relatively highly in the Settlement Hierarchy Assessment carried out by Derbyshire Dales District Council. Few employment opportunities (a point raised by local residents) in the village and its proximity to employment centres results in a low economic score. The village, however, attracts a high social score due to the range of services available to its residents. Residents currently have access to a community hall, convenience store, GP surgery, pharmacy, primary school, post office, public house and a regular bus service that operates between 8am and 6pm 7 days a week between Derby and Ashbourne. The village is also an 11 minute drive from Ashbourne, a main market town within the Derbyshire Dales District. Whilst the settlement is considered to be a relatively sustainable location for new housing insofar as access to basic services and facilities is concerned and is less constrained environmentally than other tier 3 settlements, it is expected that the scale of any housing growth in the village will be provided at a reduced level in comparison to higher order settlements which benefit from a wider range of services and facilities and far greater employment opportunities. Including the allocation of the application site for 32 units, a total of 114 dwellings are allocated at Brailsford in the emerging local plan. In addition to the 50 dwellings constructed off Luke Lane, other housing developments that have come forward in the emerging plan period and extant permissions this equates to over 65% growth in population within the main built up part of the village and a little over 35% growth in population within the wider parish. This is considered to be an acceptable, albeit at the upper limit, level of growth bearing in mind the position of Brailsford within the settlement hierarchy and services and facilities and limited employment opportunities available.

The impact of the development on settlement pattern, the character and appearance of the surrounding area and the local landscape

7.11 The site was considered with the adjacent field to the west as part of the Strategic Housing and Employment Land Availability Assessment (SHELAA). The assessment concluded that due to the high sensitivity of the landscape to housing that there was only capacity for residential development to the east, on the application site where it was better related to existing built development and where the impacts on character and amenity would be minimised.

7.12 Policy NBE8 of the Adopted Derbyshire Dales Local Plan (2005) seeks to protect the character of local landscapes. Planning Inspectors have, however, in recent appeal decisions concluded that it should only be afforded limited weight as it is at odds with the Frameworks more balanced approach to determining planning applications. Notwithstanding this the Ministerial Statement made by Brandon Lewis MP on 27th March 2015 recognises the importance of fully considering the impact of development on landscape character, which he recognises as an important material consideration in decision-making, even outside areas with statutory protection.
7.13 One of the core planning principles at paragraph 17 of the NPPF is that planning should recognise the intrinsic character and beauty of the countryside. The close association of the site with the settlement and ability to contain the development behind the established tree and hedgerow belt, which could be further strengthened is such that the development would not result in significant and demonstrable harm to the character and appearance of this part of the landscape and would satisfy the relevant provisions of the development plan and national guidance.

7.14 Dealing with matters of design, Paragraph 61 of the NPPF advises that securing high quality and inclusive design goes beyond aesthetic considerations and that planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment. Paragraph 58 advises that decisions should aim to ensure that developments respond to local character and history and reflect the identity of local surroundings. Policy SF5 of the Adopted Derbyshire Dales Local Plan (2005) aligns with this guidance.

7.15 Although comments relating to the layout and design of the development have been made by the general public, the layout, scale and appearance of the development is not a matter for consideration in respect of this application, which seeks to secure the principle of development and means of access to the site. Officers are satisfied that the amount of development can be accommodated on the site without resulting in significant and demonstrable harm to the character and appearance of its immediate surroundings. Although concerns relating to the density of development have been raised, 27 dwellings per hectare is considered appropriate having regard to the sites village fringe context / location.

Impact on the local environment, including hedgerows, trees and ecology

7.16 An important issue to consider in respect of this application is the impact of the development on landscape features, such as trees and hedgerows and ecology. Policies NBE6 and NBE7 of the Adopted Derbyshire Dales Local Plan seek to protect trees and woodlands and features that are important in the landscape.

7.17 The indicative masterplan shows existing perimeter trees and hedgerows retained where possible and supplementary planting of new woodland. A gap in the roadside hedge will need to be formed to accommodate the new access and four Ash trees of limited amenity value in the verge to the north of the school to accommodate a new footway. The provision of additional tree and hedgerow planting would, however, compensate for the loss of these features. Subject to conditions to secure a detailed mitigation and monitoring strategy in relation to great crested newts, protection of nesting birds, a Landscape and Ecological Management Plan (LEMP) for all retained and created habitats on the site, a lighting strategy and the protection of retained trees Derbyshire Wildlife Trust are satisfied that protected species would be appropriately safeguarded and that the development would not result in significant ecological disbenefits, such that a recommendation of refusal could be sustained on this basis.

Whether there would be any highway safety implications

7.18 Representations received from the public point to problems of traffic particularly at the Luke Lane road junction and the dangers of having to cross a busy road to access the majority of the village services and facilities. Based on the scale of the development the Local Highway Authority consider the proposed access arrangements to be acceptable.

7.19 The applicant proposes crossing points close to The Green road junction and a new pedestrian access link to the north of the school on the back of the development to improve pedestrian access from the site to the main village services and facilities. The
applicant has also confirmed that a new footway within the adopted highway verge along Luke Lane can be formed to the school. Subject to conditions and footnotes to secure the above, which will be submitted to the Local Planning Authority ahead of the planning committee meeting the development would be acceptable, in terms of the point of access into the site and pedestrian access links in highway safety terms.

The level, nature and weight to be attributed to any developer contributions and impact on existing infrastructure

7.20 From the consultation responses received it can be seen that there is no longer capacity within the new primary school to accommodate the anticipated number of pupils that the proposed development would be likely to generate. A financial contribution towards a fully costed project to deliver additional school places at the primary school and the nearest secondary school would therefore be required on the back of the development, for it to be acceptable in planning terms. Southern Derbyshire CCG have previously advised that there is no spare capacity at the local GP practice. A contribution towards a capital project (based on cost per sq. m formula for new surgery projects) of £12,172.80 would be required to accommodate the anticipated increase in patient numbers. Whilst no specific infrastructure project has been identified by the CCG the applicant has agreed verbally to pay the amount specified. Provided the CCG are able to identify an appropriate capital project before monies are released it is considered reasonable to include funding of health provision in any legal agreement. Although reference is made in the representations received to the lack of a community contribution, without any evidence that such a contribution would be necessary to make the development acceptable in planning terms, directly related to the development and reasonably related in scale and kind it is not considered that such a contribution can be sought.

7.21 The application proposes that 30% of the new dwellings on site are delivered as affordable units. The District Councils housing section have advised, however, that the local affordable housing need in the area has been met through the delivery of housing on other sites which have been granted permission or pending consideration and that they would accept an off-site affordable contribution in this case. Although committed to providing the affordable units on site the applicant has agreed verbally to make an off-site affordable housing contribution of up to £244,320 (32 x 0.3 x £25,450) in the event that RSL could not be found to take on the affordable units (which would need to be agreed with the Local Planning Authority). This approach is considered to be acceptable and the level of affordable housing to be provided would satisfy the requirements of Policy HC4 of the Deposit Draft Derbyshire Dales Local Plan (bearing in mind the scale of the site and need to make other developer contributions inc. a contribution towards new primary school places) in this case.

The loss of agricultural land

7.22 An agricultural land and soil assessment has been carried out as part of this application, which classifies the land as Grade 3a - ‘good quality agricultural land’ which is capable of consistently producing moderate to high yields of a narrow range of arable crops, especially cereals, or moderate yields of a wide range of crops including cereals, grass, oilseed rape, potatoes, sugar beet and the less demanding horticultural crops.

7.23 Where more demanding crops are grown yields are generally lower or more variable than on land in Grades 1 and 2. The extent of good quality agricultural land that would be lost in this case is a dis-benefit of the development which will need to be weighed in the planning balance.

Other matters
7.24 Concerns have been raised with regard to surface water drainage and flooding. The Land Drainage Authority are, however, satisfied that an appropriate surface water drainage feature could be provided on the site to accommodate the level of development proposed, which takes account of climate change.

7.25 Noise during construction and from traffic along the A52 is not considered a significant constraint to development in this case. The applicant has demonstrated that the development is unlikely to adversely impact on below ground archaeology and there are no nearby listed buildings that would be adversely affected by the proposed development. The location of the site relative to Brailsford Conservation Area and intervening vegetation of buildings is such that any development would be unlikely to affect its setting and, as such, there is no impact on the significance of this heritage asset. The nature and mix of housing is not a matter to be agreed as part of this application.

The planning balance

7.26 The Planning Policy Context part of this ‘issues’ section sets out the Local and National Policy Guidance that apply in assessing the merits of this application and the other material considerations that need to be weighed in the planning balance.

7.27 Paragraph 14 of the NPPF advises that where the development plan is absent, silent or relevant policies are out-of-date permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. As the land allocation in the Deposit Draft Local Plan for 32 dwellings can only be attributed moderate weight at this time, it important to weigh the social, economic and environmental benefits and disbenefits of the scheme against one another in reaching a balanced judgement on the sustainability of the scheme.

7.28 In this case the social dimension would be served by the delivery of new homes which would contribute towards meeting the District Councils objectively assessed housing needs and the delivery of affordable housing on site, or in the form of an off-site financial contribution toward an affordable housing project in the Derbyshire Dales District. Although the new housing would put a strain on the local GP practice and the village primary nearest secondary schools, this would be offset by monies towards projects to extend these facilities to increase capacity.

7.29 The economic dimension would be served by employment generated during construction, which can be said of any new development, and the benefit to businesses within the village from additional resident spend.

7.30 In environmental terms, whilst the development would result in the loss of good quality agricultural land, a disbenefit of the proposal, the scale of development proposed can be accommodated on the site without substantial harm to the local landscape and character and appearance of the surrounding area and, subject to the imposition of the conditions recommended by Derbyshire Wildlife Trust and appropriate landscaping has the potential to bring with it habitat enhancements which would benefit wildlife. A safe means of access onto the A52 can be achieved and surface water appropriately disposed of.

7.31 When all of the above matters are weighed in the balance and having due regard to all the elements of the NPPF it is not considered that the harm would significantly and demonstrably outweigh the benefits in this case and the proposal should be approved subject to a legal agreement to secure the necessary developer contributions and conditions on this basis.
8.0 OFFICER RECOMMENDATION:

8.1. That, subject to:-

The applicant entering into an agreement under the provisions contained at section 106 of the Town and Country Planning Act 1990 to secure:

- Any monies required by the Local Highway Authority to secure the proposed footpath link and upgrades to existing footway infrastructure and the monitoring of the Travel Plan (if considered appropriate given the number of dwellings proposed);
- £85,880.85 towards extending the teaching accommodation to facilitate 6 additional secondary places at Queen Elizabeth’s Grammar School;
- £37,255.80 towards extending the teaching accommodation to facilitate 2 additional post 16 places at Queen Elizabeth’s Grammar School;
- £68,394.06 towards extending the teaching accommodation to facilitate 6 primary school places at Brailsford CE Controlled Primary School;
- £12,172.80 towards a capital project to accommodate additional patient numbers at the local GP practice, and;
- The delivery of 30% of the units as affordable units on site or an offsite financial contribution of A x 0.3 x £25,450 (where A represents the total number of new homes to be delivered on site).

Outline planning permission be granted subject to the following conditions and advisory footnotes and conditions and advisory footnotes recommended by the Local Highway Authority to be presented to members at the committee meeting:

1. An application for approval of all reserved matters must be made not later than the expiration of three years from the date of this permission. The development hereby permitted must be begun not later than the expiration of two years from the final approval of the reserved matters, or in the case of approval of such matters on different dates, the date of the final approval of the last such matter to be approved.

2. An application for details of the following matters (hereafter referred to as the “reserved matters”) shall be submitted to and approved in writing by the Local Planning Authority before the commencement of any works:-

   a) the scale of the development;
   b) the layout of the development;
   c) the external appearance of the development;
   d) access insofar as details of the internal road layout and new pedestrian routes, and;
   e) the landscaping of the site.

The development shall thereafter be implemented in accordance with the approved details.

3. No machinery shall be operated on the site, no process or operations shall be carried out and no deliveries shall be taken at or despatched from the site except between 8:00 and 18:00 hours Monday to Friday and 9:00 and 13:00 on Saturdays or at any time on Sundays and Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.

4. Any reserved matters application should follow the general layout, scale and landscaping parameters set out in Development Framework Plan numbered 7062-L-10 Rev B. In particular, the reserved matters of layout and landscaping shall provide for undeveloped areas of green infrastructure and the retention of all boundary hedgerows and trees.
5. Prior to the commencement of development, a detailed mitigation and monitoring strategy in relation to Great Crested Newts shall be submitted to and approved in writing by the Local Planning Authority. All works should then proceed in accordance with the approved strategy with any amendments agreed in writing.

6. No removal of vegetation that may be used by breeding birds shall take place between 1st March and 31st August inclusive, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period, and details of measures to protect the nesting bird interest on the site, have first been submitted to and approved in writing by the Local Planning Authority and then implemented as approved.

7. Prior to the commencement of development a landscape and ecological management plan (LEMP) detailing long-term design objectives for nature conservation, management responsibilities and maintenance schedules for all landscape areas which are not in the ownership of individual properties to be approved in writing by the Local Planning Authority. The plan should include the following:

   a) Description and evaluation of features to be managed / enhanced or created.
   b) Ecological trends and constraints on site that might influence management.
   c) Aims and objectives of management.
   d) Appropriate management options and methods for achieving aims and objectives.
   e) Timescales
   f) Prescriptions for management actions.
   g) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
   h) Details of the body or organization responsible for implementation of the plan.
   i) Ongoing monitoring and remedial measures.

   The plan should also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery and where the results from monitoring show that conservation aims and objectives of the plan are not being met how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.

   The approved plan shall therefore be carried out in accordance with the approved details.

8. No development shall commence on site until a detailed lighting strategy for the approved development has been submitted to and approved in writing by the Local Planning Authority. The lighting strategy shall thereafter be carried out in accordance with the approved details.

9. Unless an affordable housing contribution is made in the form of an off-site financial contribution equivalent to 30% of the total provision, affordable housing shall be provided on site in accordance with a scheme that shall be submitted to and approved in writing by the Local Planning Authority prior the commencement of development. The scheme shall meet the definition of affordable housing in Annex 2 of the National Planning Policy Framework or any future guidance that replaces and include:

   a) the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
b) 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;
c) the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
d) 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.

10. No development shall take place until details of the implementation, maintenance and management of the sustainable drainage scheme have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include:

   i) a timetable for its implementation; and
   ii) a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage system throughout its lifetime.

Reasons:

1. Reason ST01a.

2. Reason ST03a.

3. In the interests of preserving the amenities of the occupants of nearby residential properties in accordance with the aims of Policies SF4 of the Adopted Derbyshire Dales Local Plan (2005) and guidance contained within the National Planning Policy Framework (2012).

4-8. To safeguard any protected species which may be using the site and/or to secure biodiversity enhancements and a satisfactory landscaped setting in accordance with Policy NBE5, SF5 and NBE8 of the Adopted Derbyshire Dales Local Plan and guidance contained within the National Planning Policy Framework (2012).

9. To secure the appropriate provision of affordable housing in accordance with emerging local plan policies and guidance contained within the National Planning Policy Framework and the aims of Policies contained within the Derbyshire Dales Pre-submission Draft Local Plan.

10. To ensure that the principles of sustainable drainage are incorporated into this proposal and sufficient detail of the construction, operation and maintenance of sustainable drainage systems is provided to the Local Planning Authority in advance of full planning consent in accordance with guidance contained within the National Planning Policy Framework (2012).

Footnotes:

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

2. A number of the above conditions of the Approval are condition precedent. This means that a valid commencement of the approved development cannot be made within the
lifetime of the permission until the particular requirements of the conditions precedent have been met. Failure to discharge conditions precedent may leave the development liable to the Council initiating formal enforcement proceedings.

3. With effect from the 6th April 2008, the Town and Country Planning (Fees for Applications and Deemed Applications) (Amendment) (England) Regulations 2008 (SI 958/2008) stipulate that a fee will henceforth be payable where a written request is received in accordance with Article 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.

4. The applicant is advised that the County Council do not adopt any private SuDS schemes. As such, it should be confirmed prior to commencement of works which organisation will be responsible for SuDS maintenance once the development is completed. Any works in or nearby an ordinary watercourse require may consent under the Land Drainage Act (1991) from the County Council (e.g. an outfall that encroaches into the profile of the watercourse, etc) to make an application for any works please contact Flood.Team@derbyshire.gov.uk. The applicant should demonstrate, to the satisfaction of the Local Planning Authority, the appropriate level of treatment stages from the resultant surface water in line with Table 3.3 of the CIRIA SuDS Manual C697. This type of development usually requires >2 treatment stages before outfall into surface water body/system which may help towards attainment of the downstream receiving watercourse’s Water Framework Directive good ecological status. The County Council would prefer the applicant to utilise existing landform to manage surface water in mini/sub-catchments. The applicant is advised to contact the County Council’s Flood Risk Management team should any guidance on the drainage strategy for the proposed development be required.

5. To discharge condition 10 the applicant is advised that the detailed drainage design should include information regarding its construction and the measures to be taken to reduce the risk of flooding off site during this phase. A future maintenance plan for the sustainable drainage system should be provided along with the details of the body who will provide the maintenance including details of the arrangement to ensure maintenance for the lifetime of the development.

6. This planning permission shall be read in conjunction with the accompanying legal agreement under Section 106 of the Town and Country Planning Act 1990 dated ................

This Decision Notice relates to the following documents:
1:2500 Scale Site Location Plan numbered 7062-L-11;
Development Framework Plan numbered 7062-L-10 Rev B;
Planning Statement by Gladman;
Design and Access Statement by Gladman
Ecological Appraisal by FPCR;
Landscape and Visual Appraisal by FPCR;
Arboricultural Assessment by FPCR;
Ecological Appraisal by FPCR;
Transport Statement by Prime Transport Planning;
Proposed Site Access arrangement and Pedestrian Improvements Plan numbered P16111-001;
which shows the widening of the footway between the site access and Luke Lane and new pedestrian crossing facilities close to The Green Road junction;
Travel Plan Framework by Prime Transport Planning;
Phase 1 Site Geoenvironmental Assessment by Lees Roxburgh;
Flood Risk Assessment by Lees Roxburgh;
Foul Drainage Analysis Report by Utility Law Solutions;
Noise Assessment Report by Wardell Armstrong;
Air Quality Screening Assessment by Wardell Armstrong;
Statement of Community Involvement by Gladman;
Soil Resource and Agricultural Use and Quality Report by Land Research Associates, and;
Archaeological Desk Based Assessment by CgMs received by the District Council on the 16\textsuperscript{th} January 2017, and;
<table>
<thead>
<tr>
<th>APPLICATION NUMBER</th>
<th>16/00374/FUL</th>
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<tbody>
<tr>
<td>SITE ADDRESS:</td>
<td>Four Lane Ends Farm, Gibfield Lane, Hulland Ward</td>
</tr>
<tr>
<td>DESCRIPTION OF DEVELOPMENT</td>
<td>Use of premise for commercial dog breeding and boarding purposes, replacement kennel and erection of new isolation unit</td>
</tr>
<tr>
<td>CASE OFFICER</td>
<td>Mr Chris Whitmore</td>
</tr>
<tr>
<td>APPLICANT</td>
<td>Mr and Mrs R. Bowler</td>
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<tr>
<td>PARISH/TOWN</td>
<td>Hognaston</td>
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<tr>
<td>AGENT</td>
<td>Mr Brian Reid</td>
</tr>
<tr>
<td>WARD MEMBER(S)</td>
<td>Cllr. L. Rose</td>
</tr>
<tr>
<td>DETERMINATION TARGET</td>
<td>23rd December 2016</td>
</tr>
<tr>
<td>REASON FOR DETERMINATION BY COMMITTEE</td>
<td>More than five unresolved objections received</td>
</tr>
<tr>
<td>REASON FOR SITE VISIT (IF APPLICABLE)</td>
<td>No site visit required - Members visited the site on the 17th January 2017</td>
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**MATERIAL PLANNING ISSUES**
- Whether the use of the site for dog breeding and boarding purposes is acceptable having regard to its rural location;
- the impact of the development on the local environment including the residential amenity of the occupants of nearby residential properties;
- the impact of the replacement kennel building and isolation cubicle on the character and appearance of their surroundings, and;
- whether there would be any highway safety implications.

**RECOMMENDATION**
Approval with conditions
16/00374/FUL

Four Lane Ends Farm, Gibfield Lane, Hulland Ward

Derbyshire Dales DC

Date: 27/04/2017

100019785

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

1.1 Four Lane Ends Farm lies in open countryside at the junction of Gibfield Lane and Dog Lane, approximately 1km to the north west of Hulland Ward. No longer a working farm, the grouping comprises a large red brick dwellinghouse (see photograph 1) and a series of storage buildings mainly associated with a dog breeding business (see photographs 2 and 3). A dense hedge of native and evergreen species lines the north and south western boundaries and filters views of the site from Dog Lane and Gibfield Lane. Access is from Gibfield Lane. Brick Kiln Farm lies to the south west of the site and Over House Farm, Stydd Farm and The Hayloft are located to the south east.

![Photograph 1](image1)

![Photograph 2](image2)

![Photograph 3](image3)

2. THE APPLICATION

2.1 An application for replacement kennels and the erection of an isolation cubicle was received by the Local Planning Authority on the 25th May 2016. Although the applicant indicated that a commercial dog breeding business had been operating from the site for some time, no permission had been granted for such use by the Local Planning Authority. Based on the nature of the proposed business and the number of dogs to be accommodated at the site, it was not considered that such activity could be construed as being incidental to the domestic enjoyment of the existing dwellinghouse. The applicant was advised in an email of the 12th October 2016 that the application should include a change of use of the buildings / parts of the site that were being used for commercial dog breeding purposes. The application was re-registered on the 28th October 2016 and the description of development changed to include the use of the premise for commercial dog breeding purposes with the applicant’s agreement.
2.2 A block plan accompanies the application which shows that the buildings on site have capacity to accommodate up to 54 dogs. The applicants seek retrospective permission for the replacement kennel building located at the southern end of the site and a new isolation cubicle to the north and permission to use these buildings and the remaining kennels for commercial dog breeding and boarding. The replacement kennel building is 18.3m wide by 4.65m deep and replaced a dilapidated wooden building. It is faced in polycarbonate sheeting and has a shallow dual pitched roof, 2.4m high to ridge and will be able to accommodate up to 15 boarding dogs.

2.3 The new isolation cubicle is a smaller building, some 7.8m wide by 4.65m deep. It is of a similar appearance to the replacement kennel building and can accommodate up to 6 dogs. In between these buildings a series of existing kennels exist. The application seeks permission to use theses kennels for breeding purposes. They are shown to be able to accommodate up to 39 dogs.

2.4 The application is accompanied by a noise survey, which considers noise outbreak from the replacement kennels and the isolation cubicle. The applicant’s agent has also prepared an assessment of projected traffic movements based on 15 boarding kennels and a reduction in the number of breeding dogs. These documents have been considered by the relevant consultees and are considered in more detail in the issues section of this report.

2.5 A supporting letter from the applicants vet also accompanies the application, which advises that the previous kennels presented significant challenges in terms of maintaining hygiene, disease control and safety. The new arrangements are considered to be a significant improvement in all these areas.

2.6 Following member deferral of this application at the 17th January 2017 planning committee meeting the applicant submitted a Noise Management Plan (NMP) which is considered in the issues section of this report.

3. PLANNING POLICY AND LEGISLATIVE FRAMEWORK

3.1 Adopted Derbyshire Dales District Council Local Plan (2005)

SF4: Development in the Countryside
SF5: Design and Appearance of Development
EDT8: Design and Appearance of New Industrial and Business Premises
EDT13: Buildings Associated with Agriculture, Forestry and Other Rural Based Enterprise
EDT15: New Build Industrial and Business Development Outside of Settlement Frameworks
NBE8: Landscape Character
NBE12: Foul Sewage
TR1: Access Requirements and the Impact of New Development
TR8: Parking Requirements for New Development

3.2 Deposit Draft Derbyshire Dales Local Plan (August 2016):

S5: Development in the Countryside
PD5: Landscape Character
EC1: New Employment Development

3.3 Other:
The National Planning Policy Framework (2012)
4. RELEVANT PLANNING HISTORY

4.1 None.

5. CONSULTATIONS

5.1 Hognaston Parish Council:

Object strongly to the current application on the following grounds:

1. The use of these premises for commercial dog breeding has caused an unacceptable level of noise to be inflicted on local residents, with in one particular case significant health problems arising in consequence. This is a rural area with a very low level of ambient noise, and the noise pollution generated by a breeding kennels therefore represents a major disturbance to the noise fabric of the local area. Nothing that has been allegedly done so far has alleviated the problem, and it appears unlikely that proposals submitted will satisfactorily reduce the noise impact. Hognaston Parish Council therefore object strongly to any change of use being granted.

The Parish Council point the Local Planning Authority to their comments relating to the noise report submitted in October 2016, namely:

The report appears to suggest that, because it would be unrealistic to reduce noise emissions below SAI levels (<10dB above background) in a countryside location, an assessment against ‘desirable noise levels’ is more appropriate. The Parish Council fundamentally disagrees with this as it condones noise levels that are not in harmony with a countryside location and which would ‘harm the character, appearance or environment of the site or its surroundings or … the amenity of occupiers of nearby properties’ (Policy EC1 in the Draft Local Plan).

Furthermore, even if taking DNL rather than SAI as the criterion, to bring noise levels within acceptable parameters would require, the report suggests the implementation in full of a number of retrospective fixes to the existing structures (e.g. insulated panels and sealing the structure). HPC queries the extent to which these can be (or would be) retro-fitted to an existing structure.

The report suggests that noise mitigation measures in respect of exercising dogs can be undertaken by the applicant – indeed such measures (based on somewhat conjectural and optimistic assumptions regarding the pattern of dog barking) appear to be required to bring the noise down to a level that is close to desirable noise level parameters. HPC suggests that in practice the assumptions and the measures proposed (e.g. number and type of dog being exercised) appear advisory, ill-defined, unrealistic, unenforceable and therefore too easily circumvented or ignored. With regard to un-kennelled dogs, the report further suggests that noise breakout could be mitigated by exercising dogs nearer the east facing façade: this would appear to impact adversely on the occupant of Gibfield Farm whose family currently suffer significantly from noise disturbance.

The additional mitigation measures proposed fail to give adequate reassurance that the level of misery being experienced by nearby residents will be reduced. Councillors are unconvincing that measures proposed within the latest noise survey will make any significant improvement to the noise levels experienced even if implemented in full – and, in the light of previous developments at this site, have little faith either in such measures being implemented willingly, or in the eventuality that they are not taken,
being capable of enforcement. It should perhaps be noted that the initial application
documents suggested that mitigation measures had already taken place with the
façade construction and installation of ultrasonic behavioural systems; neither of these
appears to have made any improvement to the noise impact on residents who
regularly find the noise generated unbearable, both by day and night.

2. With regard to the proposals to develop the site, as previously stated these will lead to
an increase in what is an already unacceptable level of noise from barking dogs
experienced by adjacent residents. As such it contravenes Policy EC1 in the Deposit
Draft Local Plan (August 2016) which states that business development
should “be of a type and scale of activity that does not harm the character, appearance
or environment of the site or its surroundings or to the amenity of occupiers of nearby
properties”.

It is very clear from representations received from adjacent residents over the course of
the last 2 years that the existence of a kennels business at this property causes
significant disturbance, and that this can apply at all times of day or night and continue
for lengthy periods of time. Nothing in the application indicates effective measures to
reduce noise in the future.

The current application indicates that the numbers of animals for which the proposed
development is intended to cater is c.50, which represents a potentially significantly
enhanced level of noise from buildings not considered in the Noise Survey previously
commissioned. There is no acknowledgement at any point in the application that the
proposed development is to be used for boarding kennel purposes (with its significantly
higher probability of noise generation), despite the applicant having also applied for a
boarding licence, and making it quite clear in statements locally that the facility is
intended for this purpose.

Atlow Parish Council:
Object.

Hulland Ward Parish Council:
Raise no objections.

5.2 Local Highway Authority:
Having regard to the projected traffic movement information provided make the
following comments:

The proposal is to replace an existing dog kennel structure and to erect a new, 6 pen
kennel; both in association with the existing dog breeding business on site. Based on
this information it’s unlikely this application will increase the traffic generation
associated with the site by any significant level.

Whilst parking spaces are not formally marked out within the site, there are significant
hardstanding areas available within the site for parking so it’s not envisaged these
proposals will result in visitors having to park on the surrounding public highway.

Therefore, the Highway Authority has no objection to the application.

5.3 Environmental Health:
After reviewing this application and the submitted noise assessment report which
suggests that noise breakout from the dog kennels exceeds background noise levels
at the nearest noise sensitive receptor (therefore having the potential to cause a
significant adverse impact on the residents) recommend conditions to secure the
following:
The sound insulation methods suggested by the noise consultant, for the 15 number replacement kennels and the 6 number isolation units, must be carried out in order to reduce the impact of noise from dog barking on the nearest residents. However any further sound insulation added to the kennels should be constructed in such a way as to allow for adequate ventilation and regular air changes. This should be achieved whilst maintaining a necessary balance between adequate ventilation and the unnecessary removal of warm air. Ventilation is important to aid the control of disease, protect against odour accumulation and to prevent excessive humidity of the atmosphere. High humidity increases the risk of kennel cough and should be avoided. The above sound mitigation and ventilation methods should fall in line with the Chartered Institute of Environmental Health’s model conditions for dog boarding establishments. Details and specifications of the sound insulation methods to be used are to be submitted in writing to the Local Planning Authority for approval;

The 15 number replacement kennels are to be used for the purpose of housing boarding dogs only and must not be used to house breeding stock;

The new kennels designated for boarding purposes must not be used until the noise management plan has been submitted and agreed and the noise control measures are implemented to the satisfaction of the Local Planning Authority;

The maximum number of boarding dogs on site must not exceed 15 at any one time;

The applicant is to liaise with a noise consultant to discuss how the existing dog breeding kennels can be noise insulated, again allowing for adequate ventilation and air changes. Details and specifications of the proposed scheme of works must be submitted in writing to the Local Planning Authority for approval;

The 6 number isolation units are to be used for the strict purpose of the isolation of sick dogs only and must not be used for the full time occupation of any dog at any time, in order to prevent and control the spread of disease among the dogs. On site records shall clearly document periods of use and associated reasoning plus follow-up actions. The said records shall be readily available to inspecting officers on request;

The maximum number of breeding bitches on site must not exceed 20 at any one time;

A site plan clearly showing where the breeding and boarding dogs are to be housed and the numbers of dogs to be housed within each building and each kennel shall be produced. The plan must also clearly mark out the isolation kennels and must be submitted to the Local Planning Authority for approval;

A comprehensive noise management plan for both breeding and boarding dogs must be submitted in writing to the Local Planning Authority for approval. The noise management plan must include:

- Details of any noise mitigation measures that are to be put in place to minimise dog barking on site for both breeding and boarding dogs, e.g. providing dogs with predictable routines, providing comfortable bedding, providing moderate stimulation including the provision of toys, regular exercise and human interaction. If ultra-sonic barking detectors or other such devices are to be used this must be with the consent of the owners of boarding dogs and it is recommended that a separate plan be drawn up to deal with boarding dogs without the need for this technology. A copy of this plan should be provided to the dog owners at the time of booking;
- Details of the ratio of staff members to dogs;
- Details of how household pets will be separated from breeding or boarding dogs;
- Details of the exercise regime for both breeding and boarding dogs;
- Details of how a suitable consistent level of management of the site is to be maintained;
Details of the arrangements to review the plan periodically and the arrangements to be put in place should problems arise;

• Clients shall not drop off or pick up dogs from the kennels before 8am or after 6pm.

In respect of the NMP submitted by the applicant following deferral of the application at committee on the 17th January 2017 Environmental Health made the following comments:

• The NMP does cover the main points that were requested within the recommended noise conditions and meets the basic welfare requirements of the dogs. The plan does lack detail in some areas e.g. there is little detail regarding the full intentions of the operator in respect of specifying timescales in which the noise attenuation works will be carried out, to the new and existing dog kennels, and it could further detail the hours/days worked by staff members and their specific duties.

• However, the NMP is a working document and if the arrangements therein prove to be inadequate then the operators are required to review the plan and amend accordingly.

6. REPRESENTATIONS

6.1 Nine representations, objecting to the proposed development including three from the occupants and relatives of Brick Kiln Farm and associated flat have been received. In addition, representations supporting the application from the occupants of Overbrook and Over House Farms have been forwarded on to the Local Planning Authority by the applicants’ agent.

In objecting to the proposed development the following concerns have been raised:

Impact on residential amenity

• Over the past four years we have been subjected to the noise of barking dogs from Four Lanes End, destroying the tranquillity of the countryside, and having a huge effect on the residential amenity of our property. My young children are often kept awake at night by the noise of the dogs. I am regularly woken up at any time during the night to the sound of the dogs. During the day we are frequently not able to enjoy being outside in our garden because of the noise, and despite many complaints still nothing has been done to solve the problem. If this planning application is allowed then the problem will continue to get worse.

• The development would not safeguard and improve the quality of life of people living in Derbyshire Dales or protect and enhance the environment of the Derbyshire Dales.

• CPRE supports development when it does not adversely affect the enjoyment and tranquility of the countryside. The erection of more kennels will most definitely have an adverse effect on all those who seek to enjoy this tranquil, attractive area of Derbyshire.

• The barking noise control system (referred to in the Design and Access Statement) is not totally reliable so there must be formal noise limits set (reference is made to barking noise being heard 1km away).
The development would be contrary to policy SF4 as there will be an adverse noise impact in the neighbourhood.

We have visited Brick Kiln Farm on numerous occasions throughout the year and can confirm that the noise of barking dogs is becoming untenable.

If planning permission is to be approved, the consequences to myself and other neighbouring residences will just be exacerbated by the already existing problems of excessive noise, from dog barking. It has had a tremendous effect on our quality of life making it almost unbearable and incredibly distracting at times, both inside and outside our home.

The applicants are unable to control the continuous barking coming from the existing kennels, which has been going on for five years, causing tremendous disturbance and loss of amenity. A copy of a letter to the District Council written in 2013 concerning barking dogs is provided.

I often travel this way to Carsington Water and I am disturbed by the noise of barking dogs. I have sometimes pulled over as it is quite distressing.

This type of development needs to be situated well away from residential housing unless the barking can be controlled.

Dogs bark sometimes all day, every day.

We live approximately ¾ mile from the application site, yet we can still hear the dogs barking regularly.

Impact on the character and appearance of the surrounding area

The rebuild is far larger than the previous unit.

The development comprises overdevelopment of the site.

Impact on highway safety

There will be an increase in traffic turning into and out of the site as a result of the boarding activity, close to a busy junction. An accident will inevitably occur.

The retail offering from the development in a protected rural area on route to a major tourist and leisure site raises questions about vehicular movements and safety.

The kennels are sited too close to a busy road (Dog Lane) and an even busier road junction.

Other matters

The unit does not appear to be suitable for breeding dogs as it has been rebuilt as a boarding kennels unit.

The occupants of Brick Kiln Farm are constantly bothered by deliveries and people turning up at their house trying to find the application site.
I am surprised that this application has been registered with such porosity of supporting information and inaccurate documentation.

Before the application is considered all the previous development on the site needs to be regularised.

From the work that has been undertaken we believe that double the number of kennels is being proposed.

It will only be a stepping stone for further development of the existing dog business.

No one objects to Mr and Mrs Bowler wanting to make an honest living through breeding dogs; however, when that living disrupts the day to day lives of so many local residents it is totally unacceptable and therefore further development and expansion must be avoided on these grounds.

Happy dogs do not bark constantly.

Several concerns are raised with regard to misleading or inaccurate information contained within the application documentation. Concerns regarding the lack of information in relation to the existing and proposed number of dogs to be kept on site, the construction of the original and replacement kennels and noise attenuation properties, nature of the business, parking provision and traffic generation and disposal of dog waste have also been raised.

Happy dogs do not bark constantly.

The Local Planning Authority have received and have been copied into 4 representations citing noise nuisance from the site since consideration of the application at planning committee on the 17th January 2017.

7. ISSUES

7.1 This application was initially deferred by members at planning committee on the 17th January 2017 as it was not considered that sufficient information had been submitted by the applicant for members to make an informed decision at that time. It was agreed that a Noise Management Plan (NMP) should be submitted for consideration by Environmental Health prior to a decision being made. The applicant subsequently prepared and submitted a NMP to Environmental Health for their consideration and following receipt of their comments the item was re-presented to members at the 14th March 2017 committee meeting.

7.2 The application was deferred for a second time at the 14th March 2017 planning committee. It was resolved that before members could make a decision a more comprehensive report should be presented detailing the chronology of built development that would occur on site, the number of dogs that could be present at these different stages and how the implementation of the noise management plan would work and be monitored. Based on the information received by the Local Planning Authority to date, it can advise the following in relation to these matters.

Chronology of built development that would occur on site

7.3 As this application seeks retrospective consent for the building works that have been recently carried out, the full extent of built development that would be required to accommodate the proposed dog breeding and boarding business would be no different to that which was seen when visiting the site on the 17th January 2017. For clarity this includes the existing timber kennel buildings, replacement kennel building clad in polycarbonate sheets and new isolation cubicle set out on the block plan which
 accompanies this application. Should members be minded to grant planning permission the applicant would be required, within a period of 3 months to carry out in full the sound insulation recommendations set out in the Noise Impact Assessment by Peak Acoustics in relation to the replacement kennel building and to introduced noise insulation measures (which shall have been previously agreed by the Local Planning Authority) to the existing kennels to remain in use for commercial breeding purposes.

The number of dogs that could be present at these different stages

7.4 Should permission be granted in accordance with the officer recommendation the use of the replacement kennels would be restricted to the housing of a maximum of 15 boarding dogs only. Breeding dogs would therefore need to be housed in the existing timber kennel buildings following the grant of permission. The applicant has indicated in respect of the breeding activity that a maximum of 20 breeding bitches, 10 young breeding stock and 5 stud dogs will be accommodated on the site at any one time. This would be consistent within the licensing application which has been received (for 20 breeding bitches) and the maximum capacity of the kennels to be used for this purpose (i.e. up to 39 dogs). Condition 3 has been worded to prevent boarding dogs being housed in the replacement kennel until the sound insulation measures have been carried out in full (i.e. within 3 months of the date of the decision). Currently the buildings are used to house breeding dogs only. Although no planning application has been granted for such use the applicants and previous licensing applications indicate that the site has accommodated up to 30 breeding bitches (in addition to a number of associated stud dogs, replacement stock and pups).

How the implementation of the noise management plan would work and be monitored

7.5 The existing dog breeding business has been operating from the site without restriction and is currently the source of noise complaints. Officers are recommending conditions to ensure that noise insulation measures are introduced to the replacement and existing kennel buildings within a three month time period and to ensure that the dog breeding and boarding business operates strictly in accordance with the terms of the NMP, which sets out measures to separate boarding and breeding dogs, exercise regimes for both breeding and boarding dogs, site management (including disposal of waste) and arrangements for reviewing the plan and addressing any problems. If the arrangements contained within the plan prove to be inadequate, the applicant / operators of the site will be required to review the plan and work with the District Council’s Environmental Health Officers to resolve any problems. If the applicant fails to engage with the District Council / to comply with the terms of the NMP or carry out the sound insulation measures, it would have the option of serving a breach of condition notice. The applicants would need to comply with the requirements of the notice or face the prospect of prosecution. As the requirements to carry out the noise insulation measures are time defined the District Council’s Enforcement Officers would be able to visit the site to check that these works have been carried out. Should complaints from the public be received the applicant will be required to work with the District Council’s Environmental Health Officers to resolve any issues. In addition to being able to serve a breach of condition notice, where the activity carried out on site results in a noise nuisance, the District Council would also be able to serve a noise abatement notice (like the one which has already been served) in the unlikely event that the site owners chose not to cooperate.

7.6 As set out in the previous reports to committee the main issues to consider in respect of this particular application, having regard to the relevant provisions of the development plan, national guidance, comments from Hognaston Parish Council and the public are:

a) whether the use of the site for dog breeding and boarding purposes is acceptable having regard to its rural location;
b) the impact of the development on the local environment including the residential amenity of the occupants of nearby residential properties;

c) the impact of the replacement kennel building and isolation cubicle on the character and appearance of their surroundings, and;

d) whether there would be any highway safety implications.

7.7 Adopted Derbyshire Dales Local Plan Policy SF4 deals broadly with development in the countryside and is supportive of development that is appropriate in scale and nature to a rural area, preserves the character and appearance of the countryside and minimises any adverse impact on the local environment. Such provisions align with guidance contained within the National Planning Policy Framework (NPPF). Policy EDT13 deals with buildings associated with agriculture, forestry or other rural based enterprise. In the preamble to this policy it is recognised that businesses such as boarding kennels and equestrian centres are generally acceptable in the countryside. The policy requires the size of any new buildings to be commensurate with the needs of the rural based enterprise, to not have an adverse impact on the character and appearance of the immediate or wider landscape and to be well related to existing buildings associated with the activity with which they are required. Whilst the lawful status of the buildings which have been used for commercial dog breeding is unclear, policies within the local plan support the conversion and re-use of such buildings for industrial and business use.

7.8 Comments from the public point to the kennels being located in an unsuitable location, close to existing residential properties. Notwithstanding that the preamble to Policy EDT13 which states that boarding kennels will generally be acceptable in the countryside, it is recognised that in close proximity to residential dwellings, barking dogs can be a source of noise nuisance. Adopted and emerging Local Plan policies require that consideration be given to the appropriateness of the scale of any business or industrial activity and the impact of such development on the local environment. It is clear that noise from the current activity on the site has and continues to affect the residential amenity of the occupants of nearby residential dwellings and a noise abatement notice has been recently served on the applicants. Environmental Health are, however, satisfied that subject to conditions to ensure that the dog breeding and boarding activity operates strictly in accordance with the NMP, which accompanies this application and conditions to secure appropriate noise mitigation measures in relation to the construction of the original kennel buildings (which the applicants advise have been used for dog breeding for some time) and replacement kennel building and isolation cubicle, it is considered that noise from the site can be effectively controlled so as to not result in a nuisance to nearby residents. This cannot be said of the current operation.

7.9 The siting, scale and appearance of the new / replacement buildings is such that they do not have an adverse impact on the character and appearance of their surroundings / this part of the countryside. They are well related to the main dwellinghouse and well contained / screened by existing landscape features, including a dense roadside hedge. The Local Highway Authority have advised that the level of traffic associated with the proposed use of the site would not raise any highway safety concerns and that there are sufficient areas of hardstanding for the anticipated number of visitor vehicles to be parked clear of the public highway.

7.10 Having regard to the nature of the proposed use and the number of dogs that will be accommodated on site and the associated impact on the local environment and the local highway network, it is considered that the proposed development, subject to conditions would satisfy the relevant provisions of the development plan and national guidance and a recommendation of approval is put forward on this basis.
OFFICER RECOMMENDATION:
Planning permission be granted subject to the following conditions:

1. ST02a – Time Limit on Full.

2. Within 3 months of the date of this decision, noise insulation measures shall be introduced to the existing kennels to remain in use for commercial breeding purposes in accordance with details which shall have been previously submitted to and approved in writing by the Local Planning Authority and retained thereafter in perpetuity unless otherwise agreed in writing by the Local Planning Authority.

3. The sound insulation recommendations set out in the Noise Impact Assessment by Peak Acoustics dated 20th July 2016 in relation to the replacement kennel (to house boarding dogs) and isolation buildings set out in the 1:500 Scale Proposed Block Plan dated 5th October 2016 shall be carried out in full within 3 months of the date of this decision unless otherwise agreed in writing by the Local Planning Authority and retained thereafter in perpetuity. No boarding dogs shall be housed in these buildings until the sound insulation works have been carried out in full.

4. Within 3 months of the date of this decision, details of how all kennels on the site will be ventilated following the introduction of the approved noise insulation measures shall be submitted to and approved in writing by the Local Planning Authority. The ventilation shall thereafter be installed in accordance with the approved details.

5. The 15 number replacement kennels set out in the 1:500 Scale Proposed Block Plan dated 5th October 2016 shall be used to house boarding dogs only and shall not at any time be used to house breeding stock. Other than within the isolation cubicle boarding dogs shall not be housed in any other buildings on site.

6. Excluding puppies, the maximum number of dogs on site shall not exceed 15 boarding, 20 breeding bitches, 10 young breeding stock and 5 stud dogs at any one time.

7. The 6 number isolation units are to be used for the strict purpose of the isolation of sick dogs only and must not be used for the full time occupation of any dog at any time, in order to prevent and control the spread of disease among the dogs. On site records shall clearly document periods of use and associated reasoning plus follow-up actions. The said records shall be readily available to inspecting officers on request.

8. The dog breeding and boarding business hereby approved shall operate throughout the lifetime of the development in strict accordance with the Noise Management Plan received by the District Council on the 13th February 2017 unless otherwise agreed in writing by the Local Planning Authority.

9. Customers shall not drop off or pick up dogs from the kennels before 8am or after 6pm.

Reasons:

1. ST02a.

2-7. For the avoidance of doubt and in the interests of safeguarding the amenities of the occupants of nearby residential properties in accordance with the aims of Policy SF4 of the Adopted Derbyshire Dales Local Plan (2005) and guidance contained within the National Planning Policy Framework (2012).

8-9. In the interests of safeguarding the amenities of the occupants of nearby residential properties in accordance with the aims of Policy SF4 of the Adopted Derbyshire Dales
Local Plan (2005) and guidance contained within the National Planning Policy Framework (2012).

Footnotes:

1. The Local Planning Authority have during the consideration of this application engaged in a positive and proactive dialogue with the applicant which has resulted in revised proposals which has addressed concerns with regard to the scale and nature of the proposed business operation.

2. The applicant is advised that any sound insulation added to the kennels should be constructed in such a way as to allow for adequate ventilation and regular air changes. This should be achieved whilst maintaining a necessary balance between adequate ventilation and the unnecessary removal of warm air. Ventilation is important to aid the control of disease, protect against odour accumulation and to prevent excessive humidity of the atmosphere. High humidity increases the risk of kennel cough and should be avoided. The above sound mitigation and ventilation methods should fall in line with the Chartered Institute of Environmental Health’s model conditions for dog boarding establishments.

3. The applicant is advised to liaise with a noise consultant to discuss how the existing dog breeding kennels can be noise insulated whilst allowing for adequate ventilation and air changes.

This Decision Notice relates to the following documents:
1:1250 Scale Site Location Plan;
1:100 Scale Replacement Kennel and Isolation Building Elevations and Floor Layout Plan numbered SW16/20, and;
Document Titled Design and Access Statement received by the District Council on the 25th May 2016;
Noise Impact Assessment by Peak Acoustics dated 20th July 2016 received by the District Council on the 29th September 2016;
Amended 1:500 Scale Block Plan, and;
Statement of Existing and Projected Traffic Movements received by the District Council on the 17th November 2016, and;

BACK TO AGENDA
<table>
<thead>
<tr>
<th>APPLICATION NUMBER</th>
<th>16/00633/FUL</th>
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<tbody>
<tr>
<td>SITE ADDRESS:</td>
<td>Yeldersley Hall, Derby Road, Yeldersley</td>
</tr>
<tr>
<td>DESCRIPTION OF DEVELOPMENT</td>
<td>Erection of Freestanding Marquee for Use Class D2 (Assembly and Leisure)</td>
</tr>
<tr>
<td>CASE OFFICER</td>
<td>Mr Chris Whitmore</td>
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<tr>
<td>APPLICANT</td>
<td>Mr Andrew Bailey</td>
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<td>PARISH/TOWN</td>
<td>Yeldersley</td>
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<tr>
<td>AGENT</td>
<td>Mr Jon Powrie</td>
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<tr>
<td>WARD MEMBER(S)</td>
<td>Cllr. Shirley</td>
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<tr>
<td>DETERMINATION TARGET</td>
<td>30th December 2016</td>
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<tr>
<td>REASON FOR DETERMINATION BY COMMITTEE</td>
<td>The Development Manager considers the application to be sensitive</td>
</tr>
<tr>
<td>REASON FOR SITE VISIT (IF APPLICABLE)</td>
<td>No site visit required - Members visited the site on the 22nd February 2017</td>
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**MATERIAL PLANNING ISSUES**

- The appropriateness of the proposed use of the marquee in this countryside location;
- The impact of the marquee on the setting of Yeldersley Hall, a grade II listed building, and;
- The public benefit to be derived.

**RECOMMENDATION**

Refusal
1. **THE SITE AND SURROUNDINGS**

1.0 Yeldersley Hall is a Grade II Listed Georgian House built circa 1800, set within 12 acres of grassland and manicured gardens. The main building is mainly cement rendered with stone dressings and incorporates a Welsh slate roof with brick ridge and lateral stacks. Attached to this country house is a grade II listed stable block of brick and tile construction, dating from the late 19th century. On the north eastern side of the stables is a kennels building, also listed grade II.

1.1 Access is from the A52 Painters Lane via a splayed entrance, where a lodge building, in separate ownership/occupancy, is located. This is also listed grade II. A surfaced driveway leads to the hall’s main entrance where parking and a circular section of driveway has a spur leading to other parts of the premises. Two further properties in separate ownership are close to the hall which shares the existing access.

1.2 The application site relates specifically to a self-supporting, free-standing marque, which was granted permission in 2013 for a temporary period of five years expiring March 2018 to be used in association with the use of the Hall as a wedding venue for nine months of the year. Renovation and repair works are undertaken in the three months the marquee is removed from the site. It is a white polymer structure with access via solid doors on all four sides and has a low pitched roof, with a ridge height of 3.95m (2.4m to eaves) (see photo 1). It sits very close to the end of the north-east wing of the Hall and occupies a 93 square metre stone flagged area. The marquee is attached to the main hall by a small rain flap (see photo 2). Access from the hall is through a pair of existing doors from the main function room (see photo 3).

![Photo 1](image1)

![Photo 2](image2)

![Photo 3](image3)
2. THE APPLICATION

2.1 Full planning permission is sought for the marquee to be erected on the site for 11 months of the year (9 if preferred) to be used in association with the hall as a wedding venue. The applicant advises that the marquee allows the venue to function more effectively as a wedding venue and supports the ongoing upkeep and maintenance of the Hall. Permanent permission is sought to allow future planning of the business as weddings are booked two to three years in advance.

2.2 The Local Planning Authority is of the opinion, despite the applicants view that the marquee is not fixed to the building / ground and therefore is not a permanent structure, that its retention in the same position on site for at least 9 months of the year is such that it constitutes development / building operations requiring formal planning permission.

2.2 The application is accompanied by a Settings Impact Assessment by Pre Construct Archaeological Services Ltd which contains a description of the site and surroundings taken from the previous officer's report to committee and concludes that there will be only slight impact on the setting of Yeldersley Hall and Stable Block, from the result of partial visual obtrusion. It is stated, however, that the visual obtrusions do not impinge on any intended vistas and the marquee is screened from the majority of the hall itself and the other buildings and gardens making up the complex at Yeldersley Hall. It is considered that the slight impact on the setting of these buildings is mitigated by the fact that the marquee provides the applicant with the ability to continue to maintain wedding bookings, which in turn fund the repair and maintenance of the hall. It is also considered that the temporary nature of the structures is such that it can be removed any time.

2.3 A financial justification statement also accompanies the application and sets out the repair works carried out by the applicant to date and future works and considers the benefits to the local economy and jobs. This is expanded on in a supplementary sheet in response to concerns raised by officers that the programme of future works scheduled could be covered by the income generated by the wedding venue within the timeframe of the temporary permission already granted for the marquee.

3. PLANNING POLICY AND LEGISLATIVE FRAMEWORK

3.1 Adopted Derbyshire Dales District Council Local Plan (2005)
   SF4: Development in the Countryside
   SF5: Design and Appearance of Development
   EDT7: Extension and Expansion of Existing Industrial and Business Land and Premises
   NBE16: Development Affecting a Listed Building
   NBE17: Alterations and Extensions to a Listed Building
   NBE18: Conversion and Changes of Use of a Listed Building
   TR1: Access Requirements and the Impact of New Development
   TR8: Parking Requirements for New Development

3.2 Deposit Draft Derbyshire Dales Local Plan (2016)
   S5: Development in the Countryside
   PD2: Protecting the Historic Environment
   EC3: Existing Employment Land and Premises

3.3 Other:
   The National Planning Policy Framework (2012) – Part 12 - Conserving and Enhancing the Historic Environment
4. RELEVANT PLANNING HISTORY

4.1 12/00773/TEMP  Erection of freestanding marquee for a temporary period of 5 years – Granted

11/00360/FUL  Change of use and conversion of residential accommodation into assembly and leisure use (D2) – Granted

11/00187/LBALT  Internal alterations (Listed Building Consent) – Granted

11/00112/FUL  Change of use and conversion of residential accommodation into assembly and leisure use (D2) – Withdrawn

5. CONSULTATIONS

5.1 Parish Council:

Raise no objections. Comment that the hall employs local people and holding wedding venues at the hall enables the owners to maintain the building and land. The Parish Council state they would prefer it if the marquee was only up for 9 months, but would accept the 11 months applied for.

5.2 Local Highway Authority:

No comments sought.

5.3 District Councils Landscape Officer:

The marquee has no significant adverse impact on local landscape character or visual amenity being very closely related to the building and screened from wider public view by roadside hedgerows and planting within the grounds of the Hall.

There are no objections to the application, notwithstanding any comments the Conservation Officer might wish to make.

5.4 District Councils Design and Conservation Officer:

The Hall is a grade II listed building. The marquee is a white polymer plastic tent which sits very close to the end of the north-east wing of the Hall. The application has been accompanied by a ‘Settings Impact Assessment’ produced by Pre-Construct Archaeological Services Ltd. Their conclusion is that, in connection with the marquee in the location proposed - “there would be a slight adverse impact to the setting of Yeldersley Hall and Stable block”. The conclusion goes on to record a number of mitigating circumstances.

Of primary interest is the conclusion that the marquee will have a slight adverse impact on the designated heritage assets. The degree of harm is not discussed, however, this is likely to constitute less than substantial harm. Whilst there is a clear finding of harm, the degree of harm will need to be considered in terms of any public benefits which may outweigh it.
The application quotes Historic England’s guidance on temporary structures in historic places – “there should not be a presumption against temporary structures simply because they are visible in the historic environment”. However, the guidance also states that “very short term, genuinely temporary and wholly reversible changes are unlikely to have unacceptable impact on setting. Longer term or re-current changes, even if notionally temporary, may have a more serious impact”. The Historic England guidance relates to ‘temporary’ structures/changes, not permanent structures or changes.

The visual constituent of harm is considered to be the permanent residence of a structure, of significant size & form (immediately adjacent to the listed building) which is of an ephemeral appearance and fabric. Such elements can generally be accepted on a temporary basis and in locations within the grounds of a house for a one-off or short series of events. Permanency is a very different matter, coupled, in this particular case by its very close proximity to the listed building. Such a type of structure is designed & intended so as not to take the place of a permanent addition or extension to a property – they are, by their nature, temporary structures. In that regard the permanency of such a type of structure, in its close relationship to the listed building cannot be said to be an enhancement to the setting of the listed building and whilst the submitted assessment has found ‘slight harm’, harm, nevertheless has been established.

6. REPRESENTATIONS

6.1 Following consideration of the application at committee on the 22nd February 2017 representations from 25 local people that have either used or are likely to use the premises and businesses in support of the application have been received. Their comments can be summarised as follows:

- The marquee is discreetly located.
- The marquee is of fantastic quality and maintained exceptionally well.
- If the hall did not have the marquee it would be impossible to run a wedding business there.
- The use supports other businesses and creates employment.
- The marquee generates income for the hall to pay for the upkeep and maintenance of the large beautiful gardens.
- Without the marquee the wedding business would decrease, directly affecting our business turnover negatively.
- It would be a shame to see this building and others like it go through prolonged periods of degradation due to them having no use.
- There are other similar venues in the area that also utilise a marquee or standalone structure.
- The setting of the hall means that the weddings do not impact on local residents.
- The hall provides the perfect setting for the delivery of training events.
- Local hotels, hairdressers and taxi services benefit from the use.
- The venue attracts people, jobs and investment into the Ashbourne area.
- The use allows the hall to be enjoyed by the public and brings with it social and economic benefits.
- If the marquee hadn’t been available we would have struggled to fit our comparatively small wedding into the hall.
- The marquee is an essential element of the infrastructure that makes Yeldersley Hall viable as a wedding venue.
- Weddings are an important source of tourism.
- The marquee helps support the rural economy.

7. OFFICER APPRAISAL
7.1 This application was deferred by members at planning committee on the 22nd February 2017 in order to allow further discussions with the applicant on the viability study and scheme of proposed works submitted, to enable the Committee to truly appraise the social and economic benefits against the environmental harm to the setting of a listed building before making a decision. Although representations from 25 local people that have either used or are likely to use the premises and businesses in support of the application have been received, no viability study or information in relation to ongoing works (i.e. cyclical maintenance costs and renovation projects beyond 2018) has been submitted by the applicant.

7.2 As can be seen from the relevant history section of this report planning permission and a related listed building consent have previously been granted for a change of use and conversion of residential accommodation into assembly and leisure use (D2) to allow functions to be held at the premises. The submitted application to erect a marquee for 11 months of the year (9 months if preferred) on a permanent basis is to enable separation of the functions associated with the wedding ceremony. The marquee houses tables for the wedding breakfast and allow the main function room to be used for the wedding ceremony and dancing. The erection and use of the marquee for purposes ancillary to the principal use of the main hall as a wedding venue is therefore considered to be acceptable in principle.

7.3 Of concern is the impact of the marquee on the setting of Yeldersley Hall. Yeldersley Hall is part of a ‘designed’ setting, which comprises the hall, associated structures and the wider garden setting. Attached to the hall to the north is the stable block which is also dated early 19th century and is again listed grade II. Detached and to the north-east are the dog kennels which are early 20th century and are noted as listed grade II for group value. Overall, the site has retained its historic elements, which has been recognised by the listing of the individual structures within the premises. Alongside these are the wider gardens, a mixture of formal lawns to the south and east, which the most impressive southern elevation looks out upon and the informality of the wider environs. Clearly, the Hall, its outbuildings and grounds provide a historically sensitive setting.

7.4 Whilst not physically attached to the building other than by a flap, the marquee has an impact on the setting of the Hall. The conclusion in the ‘Settings Impact Assessment’ which accompanies this application that the marquee will have a slight adverse impact on the designated heritage assets recognises that there will be harm to the setting of Hall. Whilst the degree of harm is not discussed, it is gauged by the Local Planning Authority as falling within the less than substantial category due to the location of the structure and the findings in the Settings Impact Assessment that it does not impinge on any intended vistas. Nonetheless harm to the setting of this designated heritage asset has been identified. Paragraph 134 of the National Planning Policy Framework advises that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.

7.5 In granting planning permission to site the marquee in its current location for a temporary 5 year period, significant weight was attributed to the acts of repair and renovation works that the additional accommodation to the existing wedding venue use would facilitate and the fact that the marquee was a temporary solution and would be removed from the site at the end of this period. The public benefits to be derived were considered to outweigh the level of short term harm to the setting of the Hall.

7.6 Planning permission is now being sought to retain the marquee in its current location on a permanent basis for 11 months of the year. As a long term solution to meet the accommodation needs of the use of the Hall as a wedding venue this is not considered to
be appropriate having regard to its special character and appearance and setting. The character and appearance of the hall is one of a classically inspired design of regular window pattern, parapeted roofs (with hips) and is relatively robust in its general appearance. The marquee comprises a lightweight plastic structure which although not physically attached, nevertheless closely abuts the hall and therefore visually becomes an apparent extension to the Hall in terms of its location, siting and its form and appearance. With regard to the impact of the marquee on the wider setting (the garden and associated listed structures) it presents an alien structure which does not sit comfortably with the existing elements of the grouping. The proposed marquee would be erected immediately adjacent to the Halls east wing which has a full width feature of multiple paneled twin central doors and symmetrical windows to each side. Local plan policy NBE16 advises that planning permission for development will only be granted where it does not have an adverse impact upon the special character or setting of a listed building. Policy NBE17 deals with alterations and extensions to a listed building and whilst the marquee will not be attached to the listed building it will be only centimetres away, thus having the impact of an extension. One of three provisos of the Policy (NBE17(c)) states that ‘the proposed design, materials, scale and detailing does not have an adverse impact upon the character and appearance of the listed building. Clearly, the existing marquee has an adverse impact upon the setting of this group of listed buildings.

7.7 The case put forward by the applicant has not changed from when the application was considered by members at committee on the 22nd February 2017, namely that the permanent siting of a marquee from when the will enable them to continue and enhance a programme of substantial repairs and renovation and plan for weddings 2 - 3 years in advance. They advise that some £30,000 a year has been spent on renovations and repairs to the Hall by the applicant since the existing wedding venue has been in operation. The appellant also points to repair works and maintenance costs since 1996 amounting to £16,625 and the annual cost of £14,400 to maintain the gardens. A programme of ongoing works totalling £65,910 has been set out in the financial justification statement. Based on the level of investment in the renovation and repair of the hall since the operation of the wedding venue it would appear that such works could be carried out within the lifetime of the existing temporary permission. In a supplementary sheet the applicant advises that the net profit from the wedding business for the year ending 5th April 2016 was £13,088 and that a further two years of trading (beyond 2018) will be necessary to carry out the scheduled works. They also point out that renovation and repair works will be needed on an ongoing and cyclical basis. Of note is that this level of investment is below the level made over recent years and is solely from the profits of the wedding venue and the majority of the works carried out to date are significant projects that would not form part of a rolling, short term cyclical programme of works.

7.8 Taking the above into consideration, it remains the case that officers do not consider that the siting of a structure, which results in harm to the setting of the hall on a permanent basis is justified in this case. Public benefit has already been derived from the works that have been carried out to the Hall and it would appear that retention of the marquee for the existing temporary period would enable the programme of on-going works to be carried out, without needing to be a permanent feature of the site.

7.9 Approval of the application would effectively be giving consent for a marquee to be permanently erected on the site for up to 11 months of the year. The guidance in English Heritage’s ‘Temporary Structures in Historic Places’ has been considered. It appears that the guidance is concerned primarily with temporary structures for events, be they one-off or recurring, and in the short-term (i.e. for a period of days or weeks), and for other events of slightly longer duration i.e. a period of months (para 3.1). A marquee that stands temporarily within the grounds of a listed building, away from the heritage asset is likely to have far less adverse impact on ‘setting’ than one that reads and functions as an extension, as with the development under consideration, which will remain in place.
virtually all year. The applicant and representations received make reference the marquee allowed at Osmaston Park and considers that a precedent has already been set. As no listed building exists, which the marquee sits next to or is attached to in this case no parallels can be drawn with this development.

7.10 Notwithstanding the representations in support of the proposal that have been received since consideration of the application at the 22nd February 2017 committee meeting, officers remain of the view that the harm to the setting of the Hall from the permanent siting of a marquee would outweigh the limited public benefit to be derived in this case. The hall has planning permission to be used as a wedding venue and its continued use for such purpose will continue to benefit local businesses. It is recommended that the application be refused on this basis.

OFFICER RECOMMENDATION:
That planning permission be refused for the following reason: -

1. The permanent siting of the marquee for 11 out of 12 months of a calendar year would, by reason of its close proximity to the grade II listed Yeldersley Hall’s east wing, design and materials appear as an incongruous addition to the hall that would result in harm to its setting. Without any overriding public benefit the proposal would be contrary to the aims of Policies SF5 and NBE16 of the Adopted Derbyshire Dales Local Plan (2005) and the advice at Part 12 of the National Planning Policy Framework (2012).

Footnote:

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.

This decision notice relates to the following documents:
1:1250 Scale location plan numbered SS035/2
Settings Impact Assessment by Pre Construct Archaeological Services Ltd;
Document Titled ‘Financial Justification for the Proposal and Consideration of Other Indirect Benefits: Enabling Ongoing Maintenance Works at Yeldersley Hall’ and supporting information;
Design and Access Statement by Powrie-Smith Architects – dated 29th July 2016;
1:500 Scale block plan numbered SS035/1;
1:100 Scale proposed elevations drawing numbered SS035B/7 Rev B;
1:100 Scale existing ground floor layout plan drawing numbered SS035B/3;
Rain Flap Drawing;
1:100 Scale proposed floor layout plan drawing numbered SS035B/6 Rev A, and;
1:100 Scale south elevation including existing landscaping plan numbered SS035B/8 received by the District Council on the 30th August, 1st September and 4th November 2016, and;
The supplementary comments received from the applicants’ agent on the 9th February 2017.

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<td>SITE ADDRESS:</td>
<td>9 Eversleigh Rise, Darley Bridge</td>
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<td>DESCRIPTION OF DEVELOPMENT</td>
<td>Variation of condition 6 of planning permission 15/00660/OUT to allow retention of existing access</td>
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<tr>
<td>CASE OFFICER</td>
<td>Mr. G. A. Griffiths</td>
</tr>
<tr>
<td>APPLICANT</td>
<td>Mr. and Mrs. M. Page</td>
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<td>PARISH</td>
<td>South Darley</td>
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<tr>
<td>AGENT</td>
<td>Roger Yarwood Planning Consultant</td>
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<tr>
<td>WARD MEMBER</td>
<td>Cllr. Colin Swindell</td>
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<td>DETERMINATION TARGET</td>
<td>18.04.17</td>
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<td>REASON FOR DETERMINATION BY COMMITTEE</td>
<td>Due to the level of public objection to the proposal</td>
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<td>REASON FOR SITE VISIT (IF APPLICABLE)</td>
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**MATERIAL PLANNING ISSUES**
- Highway safety
- Character and appearance

**RECOMMENDATION**
Approval
17/00087/VCOND

9 Eversleigh Rise, Darley Bridge

Derbyshire Dales DC

Date: 27/04/2017

100019785
1. THE SITE AND SURROUNDINGS

1.1 The property consists of a dwellinghouse set back from the east side of road within the settlement of Darley Bridge. The property has a large rear garden and a garden area to its north west side. Outline planning permission has recently been granted for an additional dwellinghouse on the land to the rear of the property (ref: 15/00660/OUT) but no reserved matters application has been submitted to date.

1.2 The front and rear gardens are separated for the large part by the car park serving the Three Stags Heads public house. There was a large Chestnut tree, subject to a Tree Preservation Order, in the front garden which was removed. This has been replaced with an oak tree which has been planted to the north end of the front garden.

2. DETAILS OF THE APPLICATION

2.1 A variation of Condition 6 of planning permission 15/00660/OUT is sought to allow for the retention of the existing access when the access is formed to serve the existing and proposed dwellinghouse. The conditions states:

Before any other operations are commenced (excluding Condition No's 4 and 5 above), the existing vehicular access to Eversleigh Rise shall be permanently closed with a physical barrier and the existing vehicle crossover reinstated as footway in a
manner to be agreed in writing with the Local Planning Authority in consultation with the County Highway Authority.

The reason for the condition was because it was requested by the Local Highway Authority in the consideration of previous planning applications.

2.2 The applicant wishes to retain this access as he considers its closure to be unnecessary as the access is considered to be safe with good visibility and it will not be so close to the proposed access to cause confusion or conflict. An area of landscaping, measuring some 5m wide, is proposed between the accesses.

3. PLANNING POLICY AND LEGISLATIVE FRAMEWORK

1. Adopted Local Plan (2005)
   SF4 Development In The Countryside
   SF5 Design And Appearance of Development
   H9 Design And Appearance Of New Housing
   NBE5 Development Affecting Species Protected by Law Or Are Nationally Rare
   NBE6 Trees And Woodlands
   NBE26 Landscape Design In Association With New Development
   TR1 Access Requirements And The Impact Of New Development
   TR8 Parking Requirements For New Development

2. National Planning Policy Framework

3. National Planning Practice Guidance

4. RELEVANT PLANNING HISTORY

16/00046/OUT Erection of dwellinghouse on side garden (outline) - Refused – Appeal Dismissed
15/00660/OUT Erection of single dwelling on rear garden (Outline) - Granted
15/00659/OUT Erection of single dwelling on side garden (Outline) – Refused
15/00295/OUT Erection of 3 dwellings – Refused – Appeal Dismissed
14/00650/OUT Erection of 3 dwellings – Refused
05/00975/FUL Erection of dwellinghouse and associated access – Refused.
DDD/0998/0603 Erection of dwelling (outline) – Refused
WED/0291/0162 Erection of House (outline) – Granted
WED/381/222 Erection of dwelling (outline) - Granted

5. CONSULTATION RESPONSES

Parish Council
5.1 Object – will exacerbate parking problems on Eversleigh Rise.

Local Highway Authority (Derbyshire County Council)
5.2 No objection as proposal is not a highway safety concern and is merely more of an inconvenience to local residents who currently park on the road at this location.

6. REPRESENTATIONS RECEIVED

6.1 A total of nine letters of representation have been received. A summary of the representations is outlined below:

- applicants have decided to change the basis of the original application
- no reason for the change has been offered
- loss of 2-3 on-street parking spaces
- loss of 30% of on-street parking
• taking away the only concession the applicant has ever offered residents in this and various previous failed applications
• communal parking space on the highway is an essential feature to the local area
• there are 25 houses on Main Road and only 7 have off street parking
• parking restrictions in place
• area heavily affected by the large amount of lorries which prevent cars being parked outside own homes
• residents will be forced to park outside their homes
• numerous families with children under 4 who have to utilise parking on Eversleigh Rise will render the area less accessible for residents and holiday makers who are disabled
• rubbish statement that both accesses will afford excellent visibility as parked cars interfere with visibility
• DDDC should carefully consider the effect of favouring one household (who are set on moving away from the village) over two dozen villagers who need access to safe parking away from the constant stream of lorries
• DDDC must address the issue of where residents are going to park

7. OFFICER APPRAISAL

7.1 The following material planning issues are relevant to this application:
1. Highway Issues
2. Character and Appearance

Highway Issues

7.2 The Local Highway Authority’s comments in relation to outline planning permission 15/00660/OUT recommended the existing access be closed and both the existing and proposed dwelling be served via the new ‘shared’ access. This is something the applicant was proposing as part of that application.

7.3 Although this current application to retain the existing access for the existing dwelling will reduce the available on-street parking space on Eversleigh Rise, this is not something the Local Highway Authority can take into account as it is not a safety concern and is merely more of an inconvenience to local residents who currently park on the road at this location. Therefore, whilst it would be beneficial to have one shared vehicular access for both the existing and recently permitted dwelling, the Local Highway Authority advises that there are no grounds from a highway safety viewpoint to object to this application.

Character and Appearance

7.4 Whilst the proposal will introduce two accesses which will have their radii meeting each other adjacent to the highway, it is considered that with the 5m wide landscaped area between the two accesses at the proposed property boundaries that this will not appear overtly intrusive in the streetscene that would justify a recommendation of refusal. The landscaping of this area could also be addressed through any reserved matters application for the outline planning permission.

Conclusion

7.5 Given the above, it is considered unreasonable to refuse this application on highway safety grounds and, whilst this would displace some on-street parking provision, this is not a substantive reason to refuse to vary the condition. It is considered that the accesses can sit in tandem without significant harm to the character and appearance of the area. In this regard, it is recommended that Condition 6 of planning permission 15/00660/OUT is removed.
8. RECOMMENDATION

That condition 15/00660/OUT is removed and that the outline planning permission has the following conditions:

1. Application for approval of all reserved matters must be made not later than 26th October 2017. The development hereby permitted must be begun not later than the expiration of two years from the final approval of the reserved matters, or in the case of approval of such matters on different dates, the date of the final approval of the last such matter to be approved.

2. Condition ST03a Submission of Certain Reserved Matters
   a) the scale of the development
   b) the layout of the development
   c) the external appearance of the development
   d) the landscaping of the site

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. 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.

5. Before any other operations are commenced (excluding Condition No 4 above) a new vehicular access shall be created to Eversleigh Rise in accordance with the application drawings, laid out, constructed with a minimum width of 5.25m for the initial 5m and provided with 2.4m x 47m visibility splays in either direction, the area in advance of the sightlines being maintained throughout the life of the development clear of any object greater than 1m in height (0.6m in the case of vegetation) relative to the adjoining nearside carriageway channel level.

6. The proposed access drive to Eversleigh Rise shall be no steeper than 1 in 15 for the first 10m from the nearside highway boundary and measures shall be implemented to prevent the flow of surface water onto the adjacent highway. Once provided any such facilities shall be maintained in perpetuity free from any impediment to their designated use.

7. Any works shall to be carried out in strict accordance with a precautionary working methodology, which should include the removal of any areas of potentially suitable habitat in the presence of a supervising ecologist, in accordance with details to be first submitted to and approved in writing by the Local Planning Authority.

Reasons:

1. Reason ST01a
2. Reason ST03a
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).

4-6. 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).


NOTES TO APPLICANT:

1. The following notes are at the request of the Local Highway Authority

A. Pursuant to Section 184 of the Highways Act 1980 and Section 86(4) of the New Roads and Streetworks Act 1991, at least 12 weeks prior notification should be given to the Economy, Transport and Environment Department of Derbyshire County Council before any works commence on the vehicular access within highway limits, please contact Joanne Mason on 01629 538612 for further information.

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

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

D. The application site is affected by a public Right of Way, Footpath No 7 South Darley. The route must remain unobstructed on its legal alignment at all times and the safety of the public using it must not be prejudiced either during or after development works take place. Further advice can be obtained by calling 01629 533190 and asking for the Rights of Way Duty Officer. Please note that:

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

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

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

• Any development insofar as it will permanently affect a public right of way must not commence until a diversion order (obtainable from the planning authority) has been confirmed. A temporary closure of the public right of way to facilitate public safety during the works may then be granted by the County Council.
• To avoid delays, where there is reasonable expectation that planning permission will be forthcoming, the proposals for any permanent stopping up or diversion of a public right of way can be considered concurrently with the application for the proposed development rather than await the granting of permission.

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

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

4. This decision notice relates to the following documents:

Site Location Plan 1:1250 received on 9th September 2015
Indicative Layout Plan 1:500 received on 9th September 2015
Protected Species Survey received on 9th September 2015
Design and Access Statement received on 9th September 2015
Additional Design and Access Statement received on 21st February 2017

BACK TO AGENDA
### Ashbourne North

| ENF/14/00071 | Unauthorised building works to facilitate a Biomass Boiler and affecting the setting of a listed building. | Sturston Hall Farm Mill Lane Sturston Derbyshire DE6 1LN | Notice Issued |
| ENF/15/00014 | Unauthorised alterations to listed building. Installation of photo voltaic panels on roof slope - Sturston Hall Farm, Ashbourne, DE6 1LN | Sturston Hall Farm Mill Lane Sturston Derbyshire DE6 1LN | Notice Issued |
| ENF/17/00019 | Unauthorised erection of timber structure in field to rear of Sunny Mount, Windmill Lane, Ashbourne, DE6 1JA | Sunny Mount Windmill Lane Ashbourne Derbyshire DE6 1JA | Pending Consideration |

### Ashbourne South

| ENF/14/00070 | Unauthorised internally illuminated signage above front of restaurant - 25 Dig Street, Ashbourne, DE6 1GF | 25 Dig Street Ashbourne Derbyshire DE6 1GF | Pending Consideration |
| ENF/17/00008 | Unauthorised development - Breach of conditions relating to planning permission 09/00207/REM. Erection of 5 two storey dwellings and associated car parking (approval of reserved matters), Olivers Mount Works, South St, Ashbourne. | 39 South Street Ashbourne Derbyshire DE6 1DP | Pending Consideration |
| ENF/17/00030 | Unauthorised building works to facilitate a raised platform/decking and additional fencing on land at the rear of 47 South St, Ashbourne. | 47 South Street Ashbourne Derbyshire DE6 1DP | Pending Consideration |
| ENF/17/00038 | Unauthorised works to listed building | Avanti Jewellers 2 - 4 Church Street Ashbourne Derbyshire DE6 1AE | Pending Consideration |

### Brailsford

| ENF/17/00009 | Unauthorised building works - Building does not accord with approved plans 15/00407/FUL (Part) for the erection of the freestanding garage/studio. | Burton Shutts Farm Cuscas Lane Brailsford Derbyshire DE6 3BG | Pending Consideration |

### Carsington Water

<p>| ENF/16/00034 | Unauthorised erection of Dog kennels | Four Lane Ends Farm Gibfield Lane Hulland Ward Derbyshire DE6 3EJ | DC Application Submitted |</p>
<table>
<thead>
<tr>
<th>Reference</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>ENF/16/00073</td>
<td>Unauthorised change of use and conversion of outbuildings on land at Rock Cottage, Brassington, Matlock, Derbyshire, DE4 4HA</td>
</tr>
<tr>
<td>ENF/17/00012</td>
<td>Unauthorised engineering works to facilitate an access and roadway across an agricultural field, in addition to an approved access and driveway, and a breach of condition 8 relating to planning permission 16/00662/FUL - Creation of new driveway.</td>
</tr>
<tr>
<td>ENF/17/00013</td>
<td>Unauthorised change of use of land from agricultural to domestic curtilage, and engineering works to create new access drive/parking area to dwelling.</td>
</tr>
<tr>
<td>ENF/12/00034</td>
<td>Unauthorised demolition of a Listed wall and unauthorised access off the A6 at Dale Road North Darley Dale.</td>
</tr>
<tr>
<td>ENF/16/00071</td>
<td>Unauthorised engineering operations</td>
</tr>
<tr>
<td>ENF/17/00016</td>
<td>Breach of pre commencement conditions on planning permission 15/00718/FUL Demolition of existing dwelling and barn and erection of replacement dwelling and swimming pool building.</td>
</tr>
<tr>
<td>ENF/15/00065</td>
<td>Alleged change of use of pub car park to use for the stationing of vehicular mobile homes.</td>
</tr>
<tr>
<td>ENF/17/00003</td>
<td>Unauthorised building works relating to planning permission 15/00459/FUL. Building not built in accordance with approved plans. Also the demolition of an existing double garage and erection of new garage with accommodation above and link to newly built timber clad building, (15/00459/FUL).</td>
</tr>
<tr>
<td>ENF/14/00041</td>
<td>Breach of condition 2 relating to planning permission 10/00812/TEMP - Provision of temporary access for a period of 2 years - Redmire Gap, Intakes Lane, Turnditch, Derbyshire DE56 2LU</td>
</tr>
<tr>
<td>ENF/15/00004</td>
<td>Unauthorised engineering works including substantive excavation on land at Common Farm.</td>
</tr>
<tr>
<td>Reference</td>
<td>Description</td>
</tr>
<tr>
<td>-----------</td>
<td>-----------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>ENF/15/00024</td>
<td>Unauthorised change of use of holiday cabins to dwelling.</td>
</tr>
<tr>
<td>ENF/11/00083</td>
<td>Unauthorised rebuilding of retaining wall.</td>
</tr>
<tr>
<td>ENF/13/00108</td>
<td>Unauthorised works to Grade II Listed Building</td>
</tr>
<tr>
<td>ENF/15/00054</td>
<td>Unauthorised alterations to a Grade II Listed Building.</td>
</tr>
<tr>
<td>ENF/15/00104</td>
<td>Unauthorised internal works and demolition of external boundary wall.</td>
</tr>
<tr>
<td>ENF/15/00105</td>
<td>Unauthorised engineering operations to create extra parking/turning area.</td>
</tr>
<tr>
<td>ENF/16/00037</td>
<td>Unauthorised extension to property.</td>
</tr>
<tr>
<td>ENF/16/00041</td>
<td>Unauthorised installation of plastic windows and door.</td>
</tr>
<tr>
<td>ENF/16/00063</td>
<td>Change of Use of premises to Cafe</td>
</tr>
<tr>
<td>ENF/16/00090</td>
<td>Erection of a shed, deck and fence.</td>
</tr>
<tr>
<td>ENF/16/00097</td>
<td>Unauthorised engineering operations and the creation of concrete retaining wall.</td>
</tr>
<tr>
<td>ENF/16/00107</td>
<td>Unauthorised erection of &quot;carving&quot; building.</td>
</tr>
<tr>
<td>ENF/17/00022</td>
<td>Erection of two wooden sheds.</td>
</tr>
<tr>
<td>ENF/17/00027</td>
<td>Unauthorised erection of a satellite dish.</td>
</tr>
<tr>
<td>ENF/17/00028</td>
<td>Engineering operations to extend a car parking area.</td>
</tr>
<tr>
<td>ENF/17/00039</td>
<td>Unauthorised installation of a new illuminated fascia sign on a Listed Building</td>
</tr>
<tr>
<td>ENF/17/00040</td>
<td>Change of use of premises from a retail sweet shop to a cafe selling hot food.</td>
</tr>
</tbody>
</table>

Page 3 of 6
### Matlock All Saints

| ENF/14/00006 | Unauthorised change of use from domestic curtilage to use as commercial car park relating to Parkside Fitness | 5 Olde Englishe Road Matlock Derbyshire DE4 3RR | Notice Issued |
| ENF/15/00030 | Unauthorised “PELI” advertisement | Peli Deli 6 Crown Square Matlock Derbyshire DE4 3AT | Notice Issued |
| ENF/15/00087 | Breach of conditions on planning application number 14/00493/FUL | 10 Imperial Road Matlock Derbyshire DE4 3NL | Pending Consideration |
| ENF/16/00014 | Unauthorised fencing/decking to the side and rear with associated engineering operations. | 38 Megdale Matlock Derbyshire DE4 3JW | Pending Consideration |
| ENF/16/00101 | Unauthorised erection of sheds, chicken enclosures and a "shepherds hut". | High Croft Salters Lane Matlock Derbyshire DE4 2PA | Pending Consideration |
| ENF/17/00011 | Erection of retaining wall at the bottom of the garden adjacent to a footpath. | 64 Wellington Street Matlock Derbyshire DE4 3GS | Pending Consideration |
| ENF/17/00034 | Demolition of dwelling. | The Lawns Cavendish Road Matlock Derbyshire DE4 3GZ | Pending Consideration |

### Matlock St Giles

<p>| ENF/13/00084 | Unauthorised erection of workshop | Phillips Woodware Smuse Lane Matlock Derbyshire DE4 5EY | Notice Issued |
| ENF/16/00025 | 1/ Unauthorised engineering operations to create an earth bund and storage of materials behind it. 2/ Rearrangement of existing bund. | Land Off Alders Lane, Tansley. | Pending Consideration |
| ENF/16/00046 | Alleged that the stone used for the extension is not in keeping with the rest of the property as conditioned by the planning permission 14/00360/FUL | Hurst Cottage 14 Bull Lane Matlock Derbyshire DE4 5LX | Pending Consideration |
| ENF/16/00053 | Unauthorised access off Riber Road. | Brookdale Riber Road Lea Derbyshire DE4 5JQ | Pending Consideration |
| ENF/16/00056 | Change of use of agricultural land to the rear of 70 - 80 Starkholmes Road Matlock, to incorporate within the domestic curtilage of 72 Starkholmes Road, Matlock, DE4 3DD. | 72 Starkholmes Road Matlock Derbyshire DE4 3DD | Pending Consideration |
| ENF/16/00089 | Breaches of Planning Control | ALS Scaffolding Services Limited Sunnyside Farm Whitelea Lane Tansley Derbyshire DE4 5FL | Pending Consideration |
| ENF/17/00017 | Breach of conditions on planning permission 16/00598/FUL-Erection of replacement dwelling and garage and retention of existing dwelling as ancillary accommodation at Pinetrees, Upper Lumsdale, Matlock. | 6 Pond Cottages Upper Lumsdale Matlock Derbyshire DE4 5LB | Pending Consideration |</p>
<table>
<thead>
<tr>
<th>No.</th>
<th>Description</th>
<th>Address</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>ENF/17/00020</td>
<td>Unauthorised use of land for the storage and stationing of caravans.</td>
<td>Duke William Hotel 91 Church Street Matlock Derbyshire DE4 3BZ</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>Norbury</td>
<td></td>
<td>Home Farm Thurvaston Road Marston Montgomery Derbyshire DE6 2FF</td>
<td>Notice Issued</td>
</tr>
<tr>
<td>ENF/17/00024</td>
<td>Unauthorised building works - building not in accordance with approved plans - 15/00779/FUL Conversion of barn to dwelling</td>
<td>Old Barn Riggs Lane Marston Montgomery Derbyshire DE6 2FD</td>
<td>Notice Issued</td>
</tr>
<tr>
<td>ENF/10/00015</td>
<td>Unauthorised engineering works to facilitate roadway onto agricultural field.</td>
<td>Meadow View Alkmonton Road Boylestone Derbyshire DE6 5AD</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/14/00030</td>
<td>Change of use of land from use for Microlight flying to use for the flying of Biplane aircraft.</td>
<td>Airways Airsports Darley Moor Airfield Darley Moor Ashbourne Derbyshire DE6 2ET</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/15/00069</td>
<td>Erection of timber fence over 1 metre in height adjacent a highway.</td>
<td>Land To The South Of West View Shields Lane Roston Derbyshire</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/15/00079</td>
<td>Works to a Listed Building</td>
<td>14 Market Place Wirksworth Derbyshire DE4 4ET</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/16/00064</td>
<td>Installation of plastic windows.</td>
<td>45 North End Wirksworth Derbyshire DE4 4FG</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>Wirksowrth</td>
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</tr>
<tr>
<td>ENF/15/00068</td>
<td>Unauthorised change of use of land for the stationing of a caravan for residential purposes, the erection of a small timber building and the erection of a polly tunnel and portaloo.</td>
<td>Peak View Caravan Site Brassington Lane Wirksworth Derbyshire</td>
<td>Notice Issued</td>
</tr>
<tr>
<td>ENF/15/00082</td>
<td>Unauthorised engineering operations.</td>
<td>Land Off Oakerthorpe Road Bolehill Derbyshire</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/15/00079</td>
<td>Works to a Listed Building</td>
<td>14 Market Place Wirksworth Derbyshire DE4 4ET</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/15/00084</td>
<td>Unauthorised change of use of land for the stationing of a caravan for residential purposes.</td>
<td>Peak View Caravan Site Brassington Lane Wirksworth Derbyshire</td>
<td>Notice Issued</td>
</tr>
<tr>
<td>ENF/16/00064</td>
<td>Installation of plastic windows.</td>
<td>45 North End Wirksworth Derbyshire DE4 4FG</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/16/00079</td>
<td>Erection of timber fence over 1 metre in height adjacent a highway.</td>
<td>20 Willowbath Lane Wirksworth Derbyshire DE4 4AY</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>Case Number</td>
<td>Description</td>
<td>Location</td>
<td>Status</td>
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<td>------------------------------------------------------------------------------</td>
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<td>-----------------------------</td>
</tr>
<tr>
<td>ENF/17/00001</td>
<td>Unauthorised occupation of The Chalet</td>
<td>The Chalet Millers Green Wirksworth Derbyshire DE4 4BL</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/17/00002</td>
<td>Unauthorised engineering operations to create a raised area</td>
<td>11 New Road Bolehill Derbyshire DE4 4GL</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/17/00018</td>
<td>Unauthorised works to remove a fire surround in a Grade II Listed Building</td>
<td>Red Lion Hotel Market Place Wirksworth Derbyshire DE4 4ET</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/17/00023</td>
<td>Breach of conditions on planning permission 14/00891/FUL</td>
<td>Mount Cook Adventure Centre Porter Lane Middleton By Wirksworth Derbyshire DE4 4LS</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/17/00031</td>
<td>Unauthorised installation of a white plastic door and window.</td>
<td>1 Cavendish Cottages Cromford Road Wirksworth Derbyshire DE4 4FP</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/17/00033</td>
<td>Creation of an additional dwelling.</td>
<td>HotHouse Gatehouse Drive Wirksworth Derbyshire DE4 4DL</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/17/00035</td>
<td>Unauthorised use of access for construction traffic and materials.</td>
<td>Mount Cook Adventure Centre Porter Lane Middleton By Wirksworth Derbyshire DE4 4LS</td>
<td>Pending Consideration</td>
</tr>
</tbody>
</table>

Total Open Cases: 70

BACK TO AGENDA
## Enforcement Investigations Closed

### In the 6 Months Prior to 28/04/2017

#### Ashbourne North

<table>
<thead>
<tr>
<th>Case Number</th>
<th>Description</th>
<th>Address</th>
<th>Status</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>ENF/12/00110</td>
<td>Unauthorised extension to dwelling - side and rear extension fronting the highway.</td>
<td>112 Park Avenue Ashbourne Derbyshire DE6 1GB</td>
<td>Complied Voluntarily</td>
<td>29/03/2017</td>
</tr>
<tr>
<td>ENF/17/00005</td>
<td>Unauthorised extension to dwelling - side and rear extension fronting the highway.</td>
<td>112 Park Avenue Ashbourne Derbyshire DE6 1GB</td>
<td>Complied Voluntarily</td>
<td>09/03/2017</td>
</tr>
<tr>
<td>ENF/17/00037</td>
<td>Alleged unauthorised engineering operation to clear the rear garden and create hardstanding area.</td>
<td>71 Park Avenue Ashbourne Derbyshire DE6 1GB</td>
<td>Complaint Unfounded</td>
<td>19/04/2017</td>
</tr>
</tbody>
</table>

#### Ashbourne South

<table>
<thead>
<tr>
<th>Case Number</th>
<th>Description</th>
<th>Address</th>
<th>Status</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>ENF/16/00031</td>
<td>Breach of condition 9 relating to planning permission 14/00722/FUL - specifically the environmental and construction management plan and hours of site work.</td>
<td>Land Formerly Hillside Farm Wyaston Road Ashbourne Derbyshire DE6 1NB</td>
<td>Complied Voluntarily</td>
<td>29/03/2017</td>
</tr>
<tr>
<td>ENF/16/00103</td>
<td>Alleged replacing of timber windows for plastic, within a conservation area.</td>
<td>The White Hart Public House 8 - 10 Church Street Ashbourne Derbyshire DE6 1AE</td>
<td>Complaint Unfounded</td>
<td>08/03/2017</td>
</tr>
</tbody>
</table>

#### Brailsford

<table>
<thead>
<tr>
<th>Case Number</th>
<th>Description</th>
<th>Address</th>
<th>Status</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>ENF/15/00021</td>
<td>Unauthorised change of use of land from agricultural to domestic. Engineering works to remove trees and hedging to facilitate hardstanding area including the erection of a boundary fence in excess of 1m high adjacent to a classified vehicular highway.</td>
<td>Orchard Cottage Longford Lane Longford Derbyshire DE6 3DT</td>
<td>Complied Voluntarily</td>
<td>07/03/2017</td>
</tr>
<tr>
<td>ENF/15/00097</td>
<td>Unauthorised construction of timber cabin and subsequent occupation as a dwelling house with associated use of land as domestic curtilage.</td>
<td>Aragorn Cabin Mercaston Lane Mercaston Derbyshire</td>
<td>Appeal Allowed</td>
<td>21/12/2016</td>
</tr>
<tr>
<td>ENF/16/00033</td>
<td>Breach of condition 16 (hours of work) of planning permission 13/00826/FUL - Land off Luke Lane Brailsford</td>
<td>Land Off Luke Lane Luke Lane Brailsford Derbyshire</td>
<td>Complaint Unfounded</td>
<td>02/02/2017</td>
</tr>
<tr>
<td>ENF/16/00087</td>
<td>Failure to provide pre commencement details as per conditions 2 and 6 of planning permission 16/00400/PDA - Change of use of agricultural building to dwelling house.</td>
<td>The Old Drifthouse Park Stiles Farm Park Lane Rodsley Derbyshire DE6 3AJ</td>
<td>Complied Voluntarily</td>
<td>14/11/2016</td>
</tr>
<tr>
<td>Case ID</td>
<td>Description</td>
<td>Location</td>
<td>Status</td>
<td>Date</td>
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</tr>
<tr>
<td>ENF/16/00106</td>
<td>Unauthorised change of use of agricultural land to use for the storage of a shipping container on land known as &quot;Rick Yard Orchard&quot;, Church Lane, Brailsford.</td>
<td>Rick Yard Orchard Church Lane Brailsford Derbyshire</td>
<td>Complied Voluntarily</td>
<td>10/03/2017</td>
</tr>
<tr>
<td>ENF/15/00108</td>
<td>Non compliance with approved plans &quot;Erection of two dwellings&quot; at Peakland View, Darley Dale, office code 14/00300/FUL</td>
<td>Robinsons Limited Longcliffe Works Longcliffe Brassington Derbyshire DE4 4HN</td>
<td>Complied Voluntarily</td>
<td>08/03/2017</td>
</tr>
<tr>
<td>ENF/16/00099</td>
<td>Unauthorised erection of external flu pipe on building fronting a highway and within the conservation area of Hopton.</td>
<td>Henmore Grange Main Street Hopton Derbyshire DE4 4DF</td>
<td>Complied Voluntarily</td>
<td>11/01/2017</td>
</tr>
<tr>
<td>ENF/17/00010</td>
<td>Unauthorised building/demolition works</td>
<td>Palm Tree Cottage Hillside Lane Brassington Derbyshire DE4 4HL</td>
<td>Planning Application Received</td>
<td>26/04/2017</td>
</tr>
</tbody>
</table>

**Carsington Water**

<table>
<thead>
<tr>
<th>Case ID</th>
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</tr>
</thead>
<tbody>
<tr>
<td>ENF/16/00091</td>
<td>Unauthorised change of use of land from Agricultural to domestic curtilage, to the rear of property known as 2 Yew Tree Lane, Bradley.</td>
<td>2 Yew Tree Lane Bradley Derbyshire DE6 1PG</td>
<td>Complied Voluntarily</td>
<td>18/11/2016</td>
</tr>
<tr>
<td>ENF/16/00095</td>
<td>Unauthorised building works for the conversion of outbuildings to living accommodation.</td>
<td>Charity Farm Orchard Lane Wyaston Derbyshire DE6 2DR</td>
<td>Planning Application Received</td>
<td>02/02/2017</td>
</tr>
<tr>
<td>ENF/16/00096</td>
<td>Breach of condition relating to site storage and off road parking.</td>
<td>Rose Cottage Snapes Lane Snelston Derbyshire DE6 2DL</td>
<td>Complied Voluntarily</td>
<td>18/11/2016</td>
</tr>
<tr>
<td>ENF/17/00036</td>
<td>Confirmation of satisfactorily complying with terms and conditions of s.106 relating to planning permission 05/00759/OUT - Waterside Park Development, Former Nestle' Factory, Ashbourne</td>
<td>Waterside Park Waterside Road Ashbourne Derbyshire</td>
<td>Not in the Public interest to pursue</td>
<td>11/04/2017</td>
</tr>
</tbody>
</table>

**Clifton And Bradley**

<table>
<thead>
<tr>
<th>Case ID</th>
<th>Description</th>
<th>Location</th>
<th>Status</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>ENF/13/00022</td>
<td>Expiration of temporary planning permission. Erection of mobile home/chalet for agricultural worker for a temporary period of 3 years and retention of existing amenity building/office.</td>
<td>Woodside Farm Buildings Back Lane Darley Moor Matlock Derbyshire DE4 5LP</td>
<td>Appeal Allowed</td>
<td>08/03/2017</td>
</tr>
<tr>
<td>ENF/15/00034</td>
<td>Stationing of a caravan on land for suspected residential purposes and the use of an agricultural building for the keeping of horses.</td>
<td>Land At The Junction Of Back Lane And Flash Lane, Darley Moor, Matlock.</td>
<td>Not in the Public interest to pursue</td>
<td>29/03/2017</td>
</tr>
<tr>
<td>ENF/16/00042</td>
<td>Unauthorised internally illuminated advertisement.</td>
<td>Valley Lodge Nursing Home Bakewell Road Matlock Derbyshire DE4 3BN</td>
<td>Planning Application Received</td>
<td>14/11/2016</td>
</tr>
<tr>
<td>Reference</td>
<td>Description</td>
<td>Location</td>
<td>Status</td>
<td>Date</td>
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</tr>
<tr>
<td>ENF/16/00052</td>
<td>Creation of earth bund in a field to the south of Bent Farm.</td>
<td>Ameycroft Farm Farley Hill Matlock Derbyshire DE4 5LR</td>
<td>Complied Voluntarily</td>
<td>20/12/2016</td>
</tr>
<tr>
<td>ENF/16/00055</td>
<td>Unauthorised engineering works to facilitate caravan hardstanding pitches</td>
<td>Tax Farm Farley Lane Farley Derbyshire DE4 5LQ</td>
<td>Planning Application Received</td>
<td>08/03/2017</td>
</tr>
<tr>
<td>ENF/16/00069</td>
<td>Unauthorised erection of wooden carport structure</td>
<td>Slayleigh 1 Rotherwood Villas Dale Road South Darley Dale Derbyshire DE4 2EU</td>
<td>Planning Application Received</td>
<td>21/11/2016</td>
</tr>
<tr>
<td>ENF/16/00092</td>
<td>Engineering operations to create a car park.</td>
<td>Milners Off Road Limited Old Road Darley Dale Derbyshire DE4 2ER</td>
<td>Planning Application Received</td>
<td>23/01/2017</td>
</tr>
<tr>
<td><strong>Dovedale And Parwich</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>ENF/16/00061</td>
<td>Unauthorised erection of lamposts within an agricultural field, to facilitate vehicular parking.</td>
<td>Callow Hall Country House Hotel Mapleton Road Mapleton Derbyshire DE6 2AA</td>
<td>Complied Voluntarily</td>
<td>04/11/2016</td>
</tr>
<tr>
<td><strong>Doveridge And Sudbury</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>ENF/13/00019</td>
<td>Unlawful siting of caravan for human habitation in agricultural field adjacent to Marston Lane at Doveridge.</td>
<td>Land North East Of Holmlea Farm Bungalow Marston Lane Doveridge Derbyshire</td>
<td>Notice complied with</td>
<td>30/01/2017</td>
</tr>
<tr>
<td>ENF/16/00081</td>
<td>alleged breach of condition 4 of planning permission 16/00419/FUL - cond'n 4 states, 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.</td>
<td>Abbotsholme Stud Marston Bank Rocester Derbyshire ST14 5BP</td>
<td>Complied Voluntarily</td>
<td>03/11/2016</td>
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<tr>
<td><strong>Hulland</strong></td>
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<tr>
<td>ENF/16/00043</td>
<td>Unauthorised engineering works on land at Whinney Hill Farm</td>
<td>Winney Hill Farm Hob Lane Kirk Ireton Derbyshire DE6 3LG</td>
<td>Planning Application Received</td>
<td>02/02/2017</td>
</tr>
<tr>
<td><strong>Masson</strong></td>
<td></td>
<td></td>
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<tr>
<td>ENF/15/00052</td>
<td>Installation of plastic windows in a listed building.</td>
<td>101 The Hill Cromford Derbyshire DE4 3QU</td>
<td>Notice complied with</td>
<td>10/01/2017</td>
</tr>
<tr>
<td>ENF/15/00060</td>
<td>Unauthorised installation of two roof-lights and flue on the rear roof slope.</td>
<td>Swifts Cottage 15 The Hill Cromford Derbyshire DE4 3RF</td>
<td>Notice complied with</td>
<td>15/02/2017</td>
</tr>
<tr>
<td>ENF/16/00024</td>
<td>Unauthorised occupation of holiday let as residential dwelling.</td>
<td>The Farrow Chestnut Farm Abel Lane Bonsall Derbyshire</td>
<td>Planning Application Received</td>
<td>29/03/2017</td>
</tr>
<tr>
<td>ENF/16/00028</td>
<td>Unauthorised erection of fence within the curtilage, at the rear, of a Grade II Listed Building.</td>
<td>86 The Hill Cromford Derbyshire DE4 3QU</td>
<td>Planning Application Received</td>
<td>29/03/2017</td>
</tr>
<tr>
<td>Reference</td>
<td>Description</td>
<td>Location</td>
<td>Status</td>
<td>Date</td>
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</tr>
<tr>
<td>ENF/16/00058</td>
<td>Unauthorised facia advertisement.</td>
<td>F Coffee 6 North Parade Matlock Bath Derbyshire DE4 3NS</td>
<td>Complied Voluntarily</td>
<td>22/11/2016</td>
</tr>
<tr>
<td>ENF/16/00066</td>
<td>Alleged unauthorised building works to rear of property. - 138-142 North Parade, Matlock Bath, Derbyshire, DE4 3NS</td>
<td>Kostas Restaurant 138 North Parade Matlock Bath Derbyshire DE4 3NS</td>
<td>Not in the Public interest to pursue</td>
<td>29/03/2017</td>
</tr>
<tr>
<td>ENF/16/00076</td>
<td>Unauthorised &quot;mini fish, chips &amp; peas&quot; banner on railings.</td>
<td>Halls Merry Go Round 200 South Parade Matlock Bath Derbyshire DE4 3NR</td>
<td>Complied Voluntarily</td>
<td>29/03/2017</td>
</tr>
<tr>
<td>ENF/16/00078</td>
<td>Works to clad a bus stop in stone.</td>
<td>Bus Stop Near To The Fountain. Bonsall.</td>
<td>Complied Voluntarily</td>
<td>29/03/2017</td>
</tr>
<tr>
<td>ENF/16/00084</td>
<td>Unauthorised banner advertisements.</td>
<td>RIVA 124 - 126 North Parade Matlock Bath Derbyshire DE4 3NS</td>
<td>Complied Voluntarily</td>
<td>01/02/2017</td>
</tr>
<tr>
<td>ENF/17/00025</td>
<td>Alleged unauthorised ride/attraction.</td>
<td>Gullivers Kingdom Temple Road Matlock Bath Derbyshire DE4 3PG</td>
<td>Complaint Unfounded</td>
<td>06/03/2017</td>
</tr>
<tr>
<td>ENF/17/00032</td>
<td>Alleged new blockwork wall.</td>
<td>Masson Road Matlock Bath</td>
<td>Complaint Unfounded</td>
<td>04/04/2017</td>
</tr>
</tbody>
</table>

**Matlock All Saints**

<table>
<thead>
<tr>
<th>Reference</th>
<th>Description</th>
<th>Location</th>
<th>Status</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>ENF/16/00015</td>
<td>Breach of condition 2 on planning permission (office code) 13/00005/FUL.</td>
<td>19 Dale Road Matlock Derbyshire DE4 3LT</td>
<td>Not in the Public interest to pursue</td>
<td>04/04/2017</td>
</tr>
<tr>
<td>ENF/16/00038</td>
<td>Unauthorised erection of fences and alleged car sales business.</td>
<td>2 Bentley Close Matlock Derbyshire DE4 3GF</td>
<td>Complied Voluntarily</td>
<td>29/03/2017</td>
</tr>
<tr>
<td>ENF/16/00093</td>
<td>Breach of condition relating to Tree protection on land off Bakewell Road at Matlock</td>
<td>McDonald’s 43 Bakewell Road Matlock Derbyshire DE4 3AU</td>
<td>Not in the Public interest to pursue</td>
<td>10/01/2017</td>
</tr>
<tr>
<td>ENF/16/00094</td>
<td>Alleged unauthorised advertisements.</td>
<td>8 Snitterton Road Matlock Derbyshire DE4 3LZ</td>
<td>Complaint Unfounded</td>
<td>14/11/2016</td>
</tr>
<tr>
<td>ENF/16/00098</td>
<td>Unauthorised side extension.</td>
<td>21 Imperial Road Matlock Derbyshire DE4 3NL</td>
<td>Planning Application Received</td>
<td>23/01/2017</td>
</tr>
<tr>
<td>ENF/17/00006</td>
<td>Unauthorised erection satellite dish.</td>
<td>12 Snitterton Road Matlock Derbyshire DE4 3LZ</td>
<td>Complied Voluntarily</td>
<td>08/03/2017</td>
</tr>
</tbody>
</table>

**Matlock St Giles**

<table>
<thead>
<tr>
<th>Reference</th>
<th>Description</th>
<th>Location</th>
<th>Status</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>ENF/15/00083</td>
<td>Non compliance with pre-commencement conditions attached to planning permission (15/00453/FUL)</td>
<td>Gate Inn The Knoll Tansley Derbyshire DE4 5FN</td>
<td>Complied Voluntarily</td>
<td>08/03/2017</td>
</tr>
<tr>
<td>ENF/15/00088</td>
<td>Unauthorised play equipment at The Gate Inn, Tansley.</td>
<td>Gate Inn The Knoll Tansley Derbyshire DE4 5FN</td>
<td>Appeal Allowed</td>
<td>07/11/2016</td>
</tr>
<tr>
<td>ENF/16/00018</td>
<td>Unauthorised extensions to existing stables and field shelter.</td>
<td>Land To The West Of Three Lanes End Whitelea Lane Tansley Derbyshire</td>
<td>Planning Application Received</td>
<td>22/11/2016</td>
</tr>
<tr>
<td>Case Number</td>
<td>Description</td>
<td>Location</td>
<td>Status</td>
<td>Date</td>
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</tr>
<tr>
<td>ENF/16/00057</td>
<td>Change of use of agricultural land to the rear of 76 - 78 Starkholmes Road</td>
<td>78 Starkholmes Road Matlock Derbyshire DE4 3DD</td>
<td>Complaint Unfounded</td>
<td>17/01/2017</td>
</tr>
<tr>
<td>ENF/16/00102</td>
<td>Unauthorised excavation of front garden and tipping of excavated material</td>
<td>157 Hurst Rise Matlock Derbyshire DE4 3EU</td>
<td>Not in the Public interest to pursue</td>
<td>27/03/2017</td>
</tr>
<tr>
<td>ENF/17/00014</td>
<td>Breach of condition relating to builders parking outside the site on planning</td>
<td>1 Hawleys Close Matlock Derbyshire DE4 5LY</td>
<td>Complied Voluntarily</td>
<td>08/02/2017</td>
</tr>
<tr>
<td>ENF/17/00021</td>
<td>Alleged non compliance with Certificate of Lawful Proposed Development.</td>
<td>7 Asker Lane Matlock Derbyshire DE4 3FY</td>
<td>Complaint Unfounded</td>
<td>28/02/2017</td>
</tr>
</tbody>
</table>

**Stanton**

<table>
<thead>
<tr>
<th>Case Number</th>
<th>Description</th>
<th>Location</th>
<th>Status</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>ENF/16/00067</td>
<td>Unauthorised erection of a timber fence adjacent to a highway.</td>
<td>2 River View Dale Road North Darley Dale Derbyshire DE4 2HX</td>
<td>Not in the Public interest to pursue</td>
<td>11/01/2017</td>
</tr>
<tr>
<td>ENF/16/00086</td>
<td>Unauthorised erection of an oversized fence adjacent to a highway.</td>
<td>1 River View Dale Road North Darley Dale Derbyshire DE4 2HX</td>
<td>Not in the Public interest to pursue</td>
<td>11/01/2017</td>
</tr>
</tbody>
</table>

**Wirksworth**

<table>
<thead>
<tr>
<th>Case Number</th>
<th>Description</th>
<th>Location</th>
<th>Status</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>ENF/16/00040</td>
<td>Unauthorised satellite dish.</td>
<td>21 North End Wirksworth Derbyshire DE4 4FG</td>
<td>Complied Voluntarily</td>
<td>29/03/2017</td>
</tr>
<tr>
<td>ENF/16/00059</td>
<td>Unauthorised alterations to a Listed Building.</td>
<td>The Old Manse Coldwell Street Wirksworth Derbyshire DE4 4FB</td>
<td>Not in the Public interest to pursue</td>
<td>04/01/2017</td>
</tr>
<tr>
<td>ENF/16/00080</td>
<td>Engineering operations in a field to create a pond.</td>
<td>2 Little Bolehill Bolehill Derbyshire DE4 4GR</td>
<td>Planning Application Received</td>
<td>27/03/2017</td>
</tr>
<tr>
<td>ENF/16/00088</td>
<td>Alleged unauthorised extension to an existing building.</td>
<td>Ecclesbourne Valley Railway Wirksworth Station Station Road Wirksworth Derbyshire DE4 4FB</td>
<td>Complaint Unfounded</td>
<td>31/10/2016</td>
</tr>
<tr>
<td>ENF/16/00104</td>
<td>Alleged unauthorised smoking shelter</td>
<td>Red Lion Hotel Market Place Wirksworth Derbyshire DE4 4ET</td>
<td>Complaint Unfounded</td>
<td>14/12/2016</td>
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</tbody>
</table>

**Total Closed Cases** 59

**BACK TO AGENDA**
PLANNING APPEAL – PROGRESS REPORT

Report of the Corporate Director

<table>
<thead>
<tr>
<th>REFERENCE</th>
<th>SITE/DESCRIPTION</th>
<th>TYPE</th>
<th>DECISION/COMMENT</th>
</tr>
</thead>
<tbody>
<tr>
<td>16/00095/OUT</td>
<td>Babbs Lane, Doveridge</td>
<td>PI</td>
<td>Appeal being processed</td>
</tr>
<tr>
<td>16/00066/FUL</td>
<td>Ley Hill House, Brocksford, Doveridge</td>
<td>WR</td>
<td>Appeal being processed</td>
</tr>
<tr>
<td>16/00411/FUL</td>
<td>37 Windmill Lane, Ashbourne</td>
<td>WR</td>
<td>Appeal being processed</td>
</tr>
<tr>
<td>16/00429/S106M</td>
<td>37 Windmill Lane, Ashbourne</td>
<td>WR</td>
<td>Appeal being processed</td>
</tr>
<tr>
<td>16/00220/FUL</td>
<td>The Ostrich, Longford</td>
<td>HEAR</td>
<td>Appeal being processed</td>
</tr>
<tr>
<td>16/00738/PDA</td>
<td>Winson Farm, Blind Lane, Kirk Ireton</td>
<td>WR</td>
<td>Appeal being processed</td>
</tr>
<tr>
<td>16/00381/FUL</td>
<td>Land to the west of Hallcroft Farm, Marsh Hollow, Hollington</td>
<td>HEAR</td>
<td>Appeal being processed</td>
</tr>
<tr>
<td>ENF/15/00065</td>
<td>Land at The Okeover Arms, Mappleton Road, Mappleton</td>
<td>WR</td>
<td>Appeal being processed</td>
</tr>
<tr>
<td>16/00780/OUT</td>
<td>Land to the east of Derby Road, Doveridge</td>
<td>WR</td>
<td>Appeal being processed</td>
</tr>
<tr>
<td>16/00567/OUT</td>
<td>Land off Main Road, Brailsford</td>
<td>HEAR</td>
<td>Appeal being processed</td>
</tr>
<tr>
<td>Reference</td>
<td>Location</td>
<td>Type</td>
<td>Status</td>
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<tr>
<td>T/16/00066/TPO</td>
<td>Garnsgate, 42 Summer Lane, Wirksworth</td>
<td>WR</td>
<td>Appeal being processed</td>
</tr>
<tr>
<td>16/00041/OUT</td>
<td>Land off Old Road, Darley Dale</td>
<td>HEAR</td>
<td>Appeal being processed</td>
</tr>
<tr>
<td>ENF/15/00104</td>
<td>Mill Managers House, Mill Road, Cromford</td>
<td>PI</td>
<td>Appeal being processed</td>
</tr>
<tr>
<td>16/00824/FUL</td>
<td>25 Whitewood Way, Matlock</td>
<td>HH</td>
<td>Appeal allowed – copy of appeal decision attached</td>
</tr>
</tbody>
</table>

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

**OFFICER RECOMMENDATION:**

That the report be noted.
Appeal Decision

Site visit made on 19 April 2017

by Michael Boniface  MSc MRTPI
an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 26th April 2017

Appeal Ref: APP/P1045/D/17/3169041
25 Whitewood Way, Starkholmes, Matlock, Derbyshire, DE4 3DA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr Ashley Stone against the decision of Derbyshire Dales District Council.
- The application Ref 16/00824/FUL, dated 1 November 2016, was refused by notice dated 4 January 2017.
- The development proposed is a two storey extension.

Decision

1. The appeal is allowed and planning permission is granted for a two storey extension at 25 Whitewood Way, Starkholmes, Matlock, Derbyshire, DE4 3DA in accordance with the terms of the application, Ref 16/00824/FUL, dated 1 November 2016, subject to the following conditions:
   1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
   2) The development hereby permitted shall be carried out in accordance with the following approved plans: 616/4649.1 and 616/4649.2.
   3) The external surfaces of the development hereby permitted shall be constructed in materials matching that of the existing building.

Preliminary Matter

2. I have used the description of development from the Council’s decision notice rather than the planning application as this more accurately describes the proposal.

Main Issue

3. The main issue is the effect on the character and appearance of the area.

Reasons

4. The appeal property is a two storey semi-detached dwelling within a residential street. There are a variety of dwelling types in the street, notwithstanding that there are a number of semi-detached dwellings similar to the appeal property. I also noted that there are other properties in close proximity that have been extended in a similar manner to that now proposed, including opposite the site at No 18.
5. The proposed side extension would enlarge the existing property towards its boundary, continuing the roof line and the front wall. This would significantly enlarge the property and increase its mass when viewed from the public realm but the extension would be entirely in keeping with the existing design and appearance of the property. The buildings are well spaced in the street and the staggered building line provides further visual distinction between the pairs of properties. The proposed extension would alter the appearance of the dwelling so that its symmetry with the adjoining neighbour would be lost but given the variety in the street and the presence of numerous similar extensions, I do not consider that this would be in any way discordant or harmful. I do not agree that the existing extensions are harmful in the street scene as again, they are entirely in keeping with the existing properties.

6. I found no support in the development plan policies identified by the Council to support its assertion that extensions should normally be subservient, nor did it explain why this should be the case. As such, I attach this matter little weight.

7. The development would not harm the character and appearance of the area. As such, I find no conflict with Policies SF5 or H2 of the Derbyshire Dales Local Plan (2005) which seek good quality design that protects the character and appearance of the area, local distinctiveness and reinforce sense of place.

8. I have had regard to the concerns raised by a neighbouring occupant but these largely relate to existing development within the rear garden that is unrelated to this appeal and cannot be taken into account. The development would be sufficiently removed from neighbouring windows and private garden areas to avoid any overbearing impact. The planning application suggests that surface water drainage is to be dealt with by soakaway and I see no reason why this should affect neighbouring properties given the modest scale of the proposal. There is no evidence before me to suggest that drainage is an issue in this area.

9. In light of the above, and having considered all other matters, the appeal is allowed.

Michael Boniface
INSPECTOR

BACK TO AGENDA
BACKGROUND PAPERS

The following documents have been identified in accordance with the provisions of Section 100(d) (5) (a) of the Local Government Act 1972 and are listed for inspection by members of the public.

Background papers used in compiling reports to this Agenda consist of:

- The individual planning application, (including any supplementary information supplied by or on behalf of the applicant) and representations received from persons or bodies consulted upon the application by the Local Planning Authority and from members of the public and interested bodies by the time of preparation of the Agenda.
- The Town and Country Planning Act 1990 (as amended), the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) and related Acts, Orders and Regulation and Circulars published by or on behalf of the Secretary of State for the Department for Communities and Local Government.
- The National Planning Policy Framework
- The Planning Practice Guidance

These documents are available for inspection and will remain available for a period of up to 4 years from the date of the meeting, during normal office hours. Requests to see them should be made to our Business Support Unit on 01629 761336 and arrangements will be made to comply with the request as soon as practicable.