To: All Councillors

As a Member or Substitute of the Planning Committee, please treat this as your summons to attend a meeting on Tuesday 14 June 2016 at 6.00pm in Council Chamber, Town Hall, Matlock DE4 3NN

Yours sincerely

Sandra Lamb
Head of Corporate Services

AGENDA

SITE VISITS

1. APOLOGIES/SUBSTITUTES

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

2. APPROVAL OF THE MINUTES OF THE PREVIOUS MEETING

Planning Committee – 24 May 2016

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. 16/00134/OUT (Site Visit)
Residential development of up to 19 dwellings (Outline) at land off Thatchers Croft, Thatchers Lane, Tansley

4.2 APPLICATION NO. 16/00189/FUL (Site Visit)
Change of use from office (use class B1) to place of worship (use class D1) at Lime Tree Business Park, Lime Tree Road, Matlock

4.3 APPLICATION NO. 14/00541/OUT (Site Visit)
Mixed residential and commercial development comprising of 220 dwellings, 400m² of A3 floorspace (restaurant and café), and 6400m² of B1 floorspace at Halldale Quarry, Matlock Spa Road, Matlock.

4.4 APPLICATION NO. 16/00023/FUL
Replacement of roof covering and roof lights and installation of solar panels at Town Hall, Bank Road, Matlock

4.5 APPLICATION NO. 16/00303/FUL
Change of use of land to form hard surfaced storage area and associated works and change of use of public toilets to mess facility at Derbyshire Dales District Council Store, Watery Lane, Ashbourne.

5 INFORMATION ON ACTIVE AND CLOSED ENFORCEMENT INVESTIGATIONS

6 APPEALS PROGRESS REPORT
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, 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:

- Town and Parish Councils: 3 minutes
- Objectors: 3 minutes
- Ward Members: 5 minutes
- Supporters: 3 minutes
- Agent or Applicant: 5 minutes

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.

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 Town Hall, Matlock at 3.30pm prompt for the following site visits:

3.40pm  APPLICATION NO. 16/00134/OUT
    LAND OFF THATCHERS CROFT, THATCHERS LANE, TANSLEY.
    At request of Officers to allow Members to fully appreciate the site and context.

4.05pm  APPLICATION NO. 16/00189/FUL
    LIME TREE BUSINESS PARK, LIME TREE ROAD, MATLOCK
    At the request of a Ward Member to assess the impact of the proposal on the locality.

4.30pm  APPLICATION NO. 16/00541/OUT
    HALLDALE QUARRY, MATLOCK SPA ROAD, MATLOCK.
    At request of Officers to allow Members to fully appreciate the site and context.

5.00pm  RETURN TO THE TOWN HALL

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.
<table>
<thead>
<tr>
<th>APPLICATION NUMBER</th>
<th>16/00134/OUT</th>
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<tr>
<td>SITE ADDRESS:</td>
<td>LAND OFF THATCHERS CROFT, THATCHERS LANE, TANSLEY</td>
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<tr>
<td>DESCRIPTION OF DEVELOPMENT</td>
<td>RESIDENTIAL DEVELOPMENT OF UP TO 19 DWELLINGS (OUTLINE)</td>
</tr>
<tr>
<td>CASE OFFICER</td>
<td>G. A. Griffiths</td>
</tr>
<tr>
<td>APPLICANT</td>
<td>Mr. James Neville</td>
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<tr>
<td>PARISH</td>
<td>Tansley</td>
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<tr>
<td>AGENT</td>
<td>Planning Design</td>
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<tr>
<td>WARD MEMBER(S)</td>
<td>Councillor Mrs. D. Botham, Councillor S. Flitter, Councillor Mrs. J. Stevens</td>
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<tr>
<td>DETERMINATION TARGET</td>
<td>27th May 2016</td>
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<tr>
<td>REASON FOR DETERMINATION BY COMMITTEE</td>
<td>Major application / departure from development plan</td>
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<tr>
<td>REASON FOR SITE VISIT (IF APPLICABLE)</td>
<td>At the request of Officers to allow Members to fully appreciate the site and its context.</td>
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**MATERIAL PLANNING ISSUES**
- Principle of the development
- Landscape and visual impact
- Highway safety
- Nature conservation
- Flooding and drainage
- Open space provision
- Other matters

**RECOMMENDATION**
Approval
16/00134/OUT

Land off Thatchers Croft, Thatchers Lane, Tansley
1. **THE SITE AND SURROUNDINGS**

1.1 The application site is the northern end of a field on the outskirts of the village of Tansley to the south of the A615 between Thatchers Lane and Alders Lane. The site is proposed to be accessed off Thatchers Croft, a recently built residential development.

1.2 The area is a small, greenfield site bounded by new residential development to the north, the remainder of the field and Thatcher’s Lane to the south and further residential development to the east and west. The site is situated outside of the Settlement Framework Boundary for Tansley as identified in the Adopted Derbyshire Dales Local Plan (2005).

2. **DETAILS OF THE APPLICATION**

2.1 This is an outline application with all matters reserved for the residential development of 19 dwellings on a site of approximately 0.65ha. Whilst reserved matters, the applicant has advised that the site would be accessed off Thatchers Croft and the dwellings would be constructed with Derbyshire gritstone, natural slate roofing and painted timber and door frames to reflect upon the existing Thatchers Croft development.

2.2 The dwellinghouses are advised to be of a mix of scales (flats, bungalows and two storey dwellings) with 1-4 bedrooms which is again seeking to reflect the character of area and as a response to the housing needs of the District. The applicant advises that he has had regard to the housing mix being advocated in Policy HC10 of the emerging Local Plan.

2.3 An indicative layout for the site has been submitted to demonstrate how 19 dwellinghouses could be accommodated and which details an open corridor to the east of the site. Such an open corridor is proposed to be maintained in perpetuity by a management company and would comprise semi-mature, native trees to be agreed. The applicant has advised
that he proposes to build the road to adoptable standards and it is intended that the whole road up to Thatchers Lane would be adopted on completion of the development.

2.4 In terms of policy matters, the applicant refers to the fact that the District Council cannot currently demonstrate a five year housing land supply and that Policies SF4 and H4 of the Adopted Local Plan cannot be considered up to date. Reference is made to Paragraph 14 of the National Planning Policy Framework (NPPF) that where Policies of the Adopted Local Plan are outdated, that permission should be granted unless the adverse impact of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of the NPPF. The applicant considers the site to be sustainable and that filling a gap in the village is preferable to extending the outer edge of the village.

2.5 The applicant has had dialogue with the Parish Council and Derbyshire County Council with respect to the provision of a pedestrian crossing on the A615 and he is prepared to make a financial contribution of £20,000 towards such a provision.

2.6 In terms of play space provision, the third phase of Thatchers Croft included the provision of a Playground. The applicant considers this to have high quality play equipment and that it is enjoyed by the children on Thatchers Croft. The applicant proposes to add additional equipment to the play area, including a slide and an additional seating area for parents. It is proposed to undertake to provide additional play equipment and seating at a cost of £6500. This is based upon there being 19 dwellings of which 4 are one bedroom flats and 2 are bungalows. Therefore, the applicant is proposing to provide the equivalent of £500 per property for the other 13 houses i.e. £6500.

2.7 The applicant has submitted a Phase I Habitat and Protected Fauna Survey and Report which has been updated to consider the potential impact on great crested newts.

3. PLANNING POLICY AND LEGISLATIVE FRAMEWORK

3.1 Adopted Derbyshire Dales Local Plan (2005)

SF4: Development in the Countryside
SF5: Design and Appearance of Development
H4: Housing Development Outside Settlement Frameworks
H9: Design and Appearance of New Housing
H11: Affordable Housing within the Settlement Frameworks of Other Settlements
H12: Alternative Provision for Affordable Housing Outside Settlement Frameworks
H13: Affordable Housing - Exceptional Sites in Rural Areas
NBE4: Protecting Features or Areas of Importance to Wild Flora and Fauna
NBE5: Development Affecting Species Protected by Law or are Nationally Rare
NBE7: Features Important In The Landscape
NBE8: Landscape Character
NBE12: Foul Sewage
NBE16: Development Affecting A Listed Building
NBE26: Landscape Design in Association with New Development
NBE27: Crime Prevention
TR1: Access Requirements and the Impact of New Development
TR3: Provision for Public Transport
TR8: Parking Requirements for New Development
CS9: Utility Services and Infrastructure
L6: Outdoor Playing Space in New Housing Development

3.2 National Planning Policy Framework

3.3 National Planning Practice Guidance
3.4 Derbyshire County Council – The Landscape Character of Derbyshire

3.5 Derbyshire Dales District Council - Landscape Character and Design Supplementary Planning Document (2007).

3.6 Draft Derbyshire Dales Local Plan (April 2016)
   HC1 Location of Housing Development
   HC2 Housing Land Allocations
   HC4 Affordable Housing
   HC10 Housing Mix and Type.

4. RELEVANT PLANNING HISTORY

Application Site
14/00765/OUT Residential development of 6 dwellings (Outline) - Refused
12/00781/OUT Residential development of 16 dwellings (outline) – Refused – Appeal Dismissed
1093/0735 Erection of dwelling (outline) – Refused – Appeal Dismissed
0693/0392 Erection of dwelling (outline) – Refused
0992/0750 Erection of four dwellings (outline) - Refused
0792/0548 Erection of 10 dwellings, 6 for local needs housing - Withdrawn

Thatchers Croft
09/00281/FUL Erection of 8 no. residential units, associated access and play area - Granted
06/00898/FUL Erection of 2 no. semi-detached dwellings - Granted
06/00616/FUL Erection of dwelling - Granted
06/00133/REM Erection of 2 no. dwellings (approval of reserved matters) - Granted
05/00989/FUL Erection of 4 no. dwellings (revisions to planning permission 05/00690/FUL) - Granted
05/00690/FUL Erection of 4 no. two storey dwellings (Plots 5-8) and associated access alterations - Granted
05/00689/OUT Erection of two dwellings and associated access (outline) - Granted
04/08/0720 Erection of 4 no. two storey dwellings (approved reserved matters) – Granted
02/06/0467 Erection of four dwellings (outline) - Granted
0497/0213 Residential development (outline) - Granted

5. CONSULTATION RESPONSES

Parish Council
5.1 No objection.

Strategic Planning (Derbyshire County Council)
5.2 - request a financial contribution of £22,798.02 for two school places at Tansley Primary School through internal works to create additional teaching space
   - comments with regard to waste collection, broadband provision, adult care, public health and domestic sprinkler systems.

Derbyshire County Council (Land Drainage)
5.3 - no robust drainage strategy detailing how surface water runoff will be managed
   - no drainage statement has been submitted
   - note that each dwelling will now be served by a soakaway but no drawing submitted depicting this amendment to the drainage strategy
- have received multiple reports of flooding within close proximity of the site which the applicant has failed to acknowledge
- applicant makes reference to underground storage – DCC encourages site surface water drainage is managed as close to the site as possible and prioritises SuDS
- no evidence submitted of the treatment stages for surface water – treatment stages along the SuDS management train are required
- no information has been submitted to illustrate the exceedance flood flow path in excess of the 1 in 100 year rainfall event
- to ensure adherence to the above, recommend condition and advisory notes.

**Derbyshire County Council (Highways)**

5.4 - comments on the current highway network
- comments on the provision of a pedestrian crossing
- no objection subject to conditions with regard to the following:
  - site storage of plant, materials, vehicles, on-site accommodation, etc. during construction;
  - wheel cleaning facilities
  - provision of a new estate street junction with restrictions on the height of structures and landscaping within the visibility splays;
  - that the development be in accordance with the ‘Manual for Streets’;
  - construction details of the roads and footways and their standard
  - vehicle and pedestrian access being only via Thatchers Croft
  - driveway gradients
  - parking space provision; and
  - bin storage.

**Derbyshire Wildlife Trust**

5.5 - no objections given the further ecological assessment work undertaken
- conditions required regarding protected species.

**Landscape Design Officer (Derbyshire Dales)**

5.6 - proposals have merit with retention of green corridors
- establishment of hedgerow with trees on the southern boundary will conserve the character of the lane and screen views of the development and provide an attractive backdrop
- impact of development at the highest (south) part of the site would be mitigated with bungalows
- provision of 2m high fences will be intrusive in views from the north – suggest low fencing with a modesty panel attached to the back of the dwellings and for garden planting to become a more prominent and attractive feature.

**Coal Authority**

5.7 - site does not fall within a Development High Risk Area
- refer to standing advice.

6. **REPRESENTATIONS RECEIVED**

6.1 A total of 28 representations have been received. A summary of the representations is outlined below:

**Planning History**
- several applications previously refused on good grounds and appeals defended
- Parish Council has consistently objected to previous applications but now considered site unsightly and ignored planning objections - land has been deliberately neglected
- to allow development would be contrary to decision to refuse 6 dwellings on 16/01/15
• breach of condition notices relating to adjacent sites – development has been piecemeal and enforcement has been lax.

Planning Policy
• planning circumstances and policies have not changed
• greenfield site outside the Settlement Framework boundary
• there is a brownfield site available
• affordable social housing must be seen as a means to bypass the greenfield restrictions
• site still subject to public consultation in draft Local Plan and not yet approved
• higher than average age in the District and more suitable to offer bungalows
• Whitleea site is best site and entrance has now been resolved
• number of houses passed is already more than the village can sustain
• DDDC has designated two other sites in the village which do not require crossing the A615
• concerns over the proposed termination of the bus service
• no doctors, shop or pre-school in the village – very limited post office
• public transport provides a poor service - car is needed for everyday needs
• no local jobs.

Impact on the Character and Appearance of the Area
• high density of properties with overwhelming number of two storey properties
• congested development which needs a lot more thought and consideration for the local area
• houses would tower over the site and would be seen from the Church at the top of the village
• properties generally bungalows bordering Alders Lane and adjacent to site
• larger bungalows would be more in keeping
• SHLAA process stated that the land was of high landscape sensitivity
• open spaces must be kept
• land forms an ancient green corridor
• will spoil quiet country lane
• green corridor part of the intrinsic character of Tansley
• impact on the Grade II listed buildings on Church Street
• has been good pasture grazing land and could be returned to such
• natural stone wall along Thatchers Lane should be maintained – no fence panels should be allowed to be erected.

Amenity Issues
• bungalows would mean that privacy and sunlight to neighbour would be maintained and adverse impact reduced
• noise pollution with additional cars
• light pollution – will affect dark and tranquil area of the village
• loss of privacy.

Highway Safety
• traffic issues given the number of houses on unadopted road with no streetlighting emerging onto busy A615
• no pavements in any direction leaving Thatchers Lane
• A615 is not safe to cross - have been accidents
• no pedestrian access to the school
• monies offered by the applicant would be insufficient to provide a traffic light crossing, the only form of safe crossing of A615
need to ensure Thatchers Croft is to an adoptable standard before considering the application
lack of legal documentation re the access onto Thatchers Lane
footpath containing the bus stop on A615 is still in the applicant’s ownership
would ask that consideration be given to making Thatchers Lane a no through road and no new houses have entrances/driveways onto the lane.

Drainage
concerns over surface water drainage
existing properties at West Yard have waterlogged gardens
surface water can be seen pumping out of the boundary wall onto the A615 and has been blocked with surface water flooding
Thatchers Lane, above the site, has significant problems with surface water flooding
does not appear to be an assessment of how problems with surface water drainage will be tackled
main village amenities (school, village hall, playground and playing fields) are on the opposite side of the A615
cars regularly speed along A615 – suggest consider a pedestrian crossing.

7. OFFICER APPRAISAL

The following material planning issues are relevant to this application:
1. Principle of the development
2. Landscape and visual impact
3. Highway safety
4. Nature conservation
5. Flooding and drainage
6. Open space provision
7. Other matters

Principle of Development
7.1 Before assessing the planning merits of this particular application, it is important to set out the policy context (local and national) and the weight to be given to the different components of the development plan.

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 On the basis that the District Council is unable at this time to demonstrate a rolling 5 year supply of housing land (plus 20% as required by the NPPF), Paragraph 49 advises that policies for the supply of housing should not be considered up to date and applications for housing applications should be considered in the context of the presumption in favour of sustainable development. Recent appeal decisions have confirmed this position, in that Policies SF4 and H4, which restrict new residential development outside of the settlement framework boundaries defined in the Adopted Derbyshire Dales Local Plan (2005) have been considered to be out of date and have been weighted accordingly in the decision making process.

7.4 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. The remainder of this report will analyse the scheme against this policy requirement. In making this balanced judgement, the decision taker is effectively asked to weigh the economic, social and environmental benefits and dis-benefits against one another and only where those dis-benefits significantly and demonstrably outweigh the benefits reject the scheme.

7.5 Within the National Planning Policy Framework, at Paragraph 17, are a series of core planning principles. They state that planning should proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs, always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings, recognise the intrinsic character and beauty of the countryside, support the transition to a low carbon future in a changing climate, taking full account of flood risk, allocate land for development on land of lesser environmental value and actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable, amongst other considerations.

7.6 Paragraph 58 of the NPPF advises that decisions should aim to ensure that developments respond to local character and history and reflect the identity of local surroundings. 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. Policies SF5 and H9 of the Adopted Derbyshire Dales Local Plan (2005) align with this guidance.

7.7 In addition, regard has to be given to previous appeal decisions on the site, the most relevant being that with regard to planning application 12/00781/OUT. In determining the Appeal, the Planning Inspector made the following assessment:

The appeal proposal would result in the marked consolidation of the loose built development south of the A615, and in the loss of the open visual connection, through the village, with the countryside beyond. Thatchers Lane marks the upper boundary of the appeal site and currently permits views northward across the village to the open countryside beyond. This open prospect would be blocked by housing on the site, and the visual impression of the village and its rural setting would be lost from this viewpoint.

In conclusion, therefore, the appeal proposal would have a materially harmful effect upon the character and appearance of the surrounding area. The proposal would conflict with (saved) statutory Policy SF4 of the Derbyshire Dales Local Plan adopted in 2005, in that it would not preserve or enhance the character and appearance of the countryside and would not minimise any adverse impact on the local environment in the terms of that policy. The appeal site contributes significantly to an important element of green space incorporated within the village as part of its development over time. For this reason, and because its development as proposed would not respond to local character, the proposal would not accord with the provisions of the National Planning Policy Framework (the Framework) at paragraph 58 for the incorporation of green space as part of developments, and for response to local character and history.

7.8 However, the Planning Inspector, in reaching the above assessment also had regard to the District Council’s position on housing land supply and the then allocation of land for 4000 dwellings as follows:
The housing requirement to which the Council is working continues to be that of the East Midlands Regional Plan: that is, 4000 dwellings for the period 2006-2026. The housing supply position in its entirety will be tested in the course of the forthcoming Examination of the local plan. On the overall evidence, therefore, whilst the 5-year housing land supply (plus 5%) may not be as firm as the Council suggests, neither is it obviously deficient. In conclusion, therefore, the appeal proposal is not required in order to meet the 5-year housing land supply in the light of national planning policy.

7.9 The Planning Inspector concluded:

*Given that the proposed development would cause material harm to the character and appearance of the surrounding area; that it is not on balance needed in order to meet the 5-year land supply in the terms of national planning policy, and that there are additional factors which weigh against the scheme and only the matter of affordable housing in its favour, the overall conclusion is that this appeal should be dismissed.*

7.10 However, this decision was made in September 2013 and the assessment of this application needs to reflect current circumstances. The District Council is now in a position where it is unable to demonstrate that it has a 5 year housing land supply and the historic under-provision means a 20% buffer has to also be applied. This lack of a 5 year supply has to be given significant weight in the assessment of the proposal in accordance with the requirements of Paragraph 14 of the NPPF.

7.11 A further consideration is that the application site was identified as part of the District Council’s Strategic Housing Land Availability Assessment as having potential for residential development. This is currently being considered for formal allocation with the emerging Local Plan under Policy HC2(cc). The emerging Local Plan policies and allocations can be given little weight at present, although they do demonstrate a different direction of travel on the scale of housing provision and its general location.

7.12 The emerging Local Plan identifies Tansley as one of twelve villages in the Local Plan area as generally having a good local social infrastructure, some employment opportunities, good accessibility to the towns and larger centres and providing the best opportunity to build outside of the larger settlements of Matlock, Ashbourne, Wirksworth and Darley Dale. The village is identified as a settlement within which development, of an appropriate scale and nature, will be allowed relative to its current size and infrastructure.

7.13 Whilst this is an outline planning application, it is expected that the development will reflect upon previous dwelling units constructed at West Yard/Thatchers Croft, albeit this will ultimately be assessed with the submission of any reserved matters application should outline planning permission be granted. The applicant has advised that eight of the dwellings (42%) would be affordable dwellings and the housing mix across the site would reflect that set out in Policy HC10 of the emerging Local Plan, providing a range of house types towards creating sustainable, balanced and inclusive communities. This is proposed to include bungalows which could cater for needs of the elderly and persons with mobility difficulties, albeit there would be a need for the consideration of such in terms of their design and materials in the context of existing and proposed dwellings. However, the overall proposals are to be welcomed as they would meet one of the key aims of the District Council in addressing the need for affordable housing provision and a mix of housing provision across the District.

7.14 In broad planning policy terms, the site is considered reasonably sustainable in that it immediately abuts the settlement in an area where there are employment opportunities relatively nearby. The development process itself would be likely to employ persons who live reasonably locally. Therefore, the development would have sustainable economic
benefits. There is also sustainable social benefit of such development in providing open market and affordable dwellinghouses, with a housing mix, to meet the housing requirements of the District and the residents of the development could help to underpin existing facilities and maybe lead to an improvement of facilities in the village. However, given the assessment of the site with the Appeal referred to above, the environmental element of sustainable development requires a more rounded assessment and is considered below.

**Landscape and Visual Impact**

7.15 Policy NBE8 of the Adopted Derbyshire Dales Local Plan seeks to protect the character of local landscapes. Planning Inspectors have, in recent appeal decisions within the District, concluded that it should only be afforded limited weight as it is at odds with the Frameworks more balanced approach to determining planning applications. The Ministerial Statement made by Brandon Lewis MP on 27th March 2015 recognised the importance of fully considering the impact of development on landscape character, which he recognised as an important material consideration in decision-making, even outside areas with statutory protection.

7.16 The Council’s study of landscape sensitivity to housing development (Derbyshire Dales District Council: Landscape Sensitivity Study – Wardell Armstrong August 2015) assesses the area, within which the site is located as being highly sensitivity to new housing development. The assessment does not, however, rule out residential development in such locations. Therefore, whilst on a strategic level the locality has been identified in the report as being of high sensitivity, which reflects the Planning Inspectors previous consideration, it is necessary to carefully appraise the site in detail.

7.17 The District Council's Landscape Design Advisor has undertaken such an appraisal. It is considered that the proposals have some merit in that green corridors are retained on both the eastern and western edges of the site. The eastern corridor is valuable in terms of its potential width and will provide views to Church Street, screen views from Orchard House and will retain some of the visual interconnectivity between areas of countryside referred to by the Planning Inspector. The western corridor is noted as being much narrower (mainly for the benefit of wildlife) but the additional width of back gardens will assist creating in a sense of openness. The establishment of a wide hedgerow with trees on the southern boundary will also help to conserve the character of Thatchers Lane and help screen views of the development from the south and, in time, provide an attractive backdrop to the development.

7.18 Concerns have been raised with regard to the impact on the setting of listed buildings on Church Street at the junction with the A615. It is considered that the site, with intervening residential development and set some 100m from the listed buildings, which are themselves set in the context of relatively modern properties, does not contribute to the historic setting of these buildings.

7.19 Whilst previous appeal decisions are noted, in the current context the District Council needs to meet a substantially increased housing need. It is considered that the impacts on the local landscape/villagescape are not significantly adverse, such that a recommendation of refusal could be sustained on the basis of the balancing exercise of Paragraph 14 of the NPPF.

**Highway Safety**

7.20 The Local Highway Authority has advised that the existing internal estate street network, known as Thatcher’s Croft, is not adopted highway and remains the responsibility of the developer. Whilst some surfacing works have been undertaken in recent months no street
lighting has yet been provided by the developer, to comply with previously imposed planning conditions. However, it is advised that the adoption of any new street is purely a voluntary agreement between the developer and the Local Highway Authority; acceptance of the proposals for planning purposes and the granting of planning permission in no way compels the County Council to adopt the resultant estate street. However, the Local Highway Authority needs to ensure that future residents have reasonable and robust access arrangements to and from the public highway and this is reflected in conditions which have been suggested.

7.21 Section 5.13 (Impact on Highway Safety) within the Applicant’s Planning, Design and Access Statement states that the road has been constructed to an adoptable standard and is intended for adoption on completion of the development. There has been no recent written communication between the Local Highway Authority and the applicant to suggest any progress is being made towards adoption of the estate street. Section 5.14 also suggests that ‘extensive’ communication has been made with Derbyshire County Council relating to the crossing provision on the A615, although no evidence has been submitted to substantiate this.

7.22 Whilst the developer is offering a sum of £20,000 to contribute to a pedestrian crossing on the A615, the Local Highway Authority would only be able to justify taking such a financial contribution if it is considered necessary to make the development acceptable in highway safety terms, is directly related to the development and is fairly and reasonably related in scale and kind to the development proposals.

7.23 In 2010, a pedestrian count was carried out to determine what demand there was in the area for pedestrians crossing the A615 at this location. This suggested that there is less demand than the Local Highway Authority would normally consider acceptable to introduce a formal crossing point. Whilst this information may now be approximately six years old, there has not been any significant change in circumstances or development in the vicinity that would be likely to alter the figures.

7.24 As such, the additional 19 dwellings are unlikely to lead to increase in the pedestrian crossing demand to a significant degree. Therefore, the Local Highway Authority does not consider there to be a sufficient demand or justification, even if this application was granted permission, to construct a crossing point on the A615, especially as it is likely to cost approximately double the amount the applicant is willing to contribute to the works involved.

7.25 Therefore, the Local Highway Authority would not be in a position to raise sustainable objection, in principle, to the proposals on highway safety grounds but suggests several conditions be attached to any grant of planning permission.

Nature Conservation

7.26 The applicant has submitted an Extended Phase 1 Habitat Survey report which has identified the presence of three ponds within 500m of the application site which were recommended for surveys to determine the presence or otherwise of great crested newts. In addition, the report recommended that a small ornamental garden pond, which was assessed in 2009, should be re-assessed. Derbyshire Wildlife Trust are also aware that the two field ponds located to the south-west of the application site are no longer suitable for great crested newt and now comprise damp hollows rather than ponds.

7.27 DWT also advise that the pond to the north-east of the application site is on the opposite side of the busy A615 main road which would present a significant barrier to movement between the pond and the application site. DWT have also been made aware that the
small ornamental pond located in the adjacent garden which was assessed in 2009 has since been filled in.

7.28 Having assessed the above, DWT would therefore advise that, given the lack of records for great crested newts in the area, the lack of suitable aquatic habitat and the presence of significant barriers to dispersal between any ponds and the application site, they do not consider that there is reasonable likelihood of great crested newts being affected by the proposed development and, as such, consider it unreasonable and unnecessary to require further surveys to be carried out as part of the application.

7.29 DWT has also given consideration to the potential impact on other protected species. It has requested conditions with regard to providing the badger access to the western side of the site to link with the existing access to the side of the residential development to the north. In addition, a condition is required with regards to the protection of breeding birds.

Flooding and Drainage

7.30 The Land Drainage Authority raises concern that the applicant has not submitted a robust drainage strategy detailing how surface water runoff generated from the development will be managed in accordance with the Non-statutory technical standards for SuDS (March 2015). Whilst the development parameters do not require a site specific Flood Risk Assessment, the applicant hasn’t submitted a drainage statement indicating the drainage principles for the site.

7.31 Additional information has been submitted confirming each dwelling would be served by a private soakaway but no drawing has been submitted depicting this amendment to the original drainage strategy of connecting to off-site storage. Nevertheless, the Land Drainage Authority encourages that site surface water drainage is designed to manage surface water as close to the surface as possible, prioritising infiltration as a means of surface water disposal and where possible applying the SuDS management train.

7.32 The Land Drainage Authority have also received multiple reports of historic flooding within close proximity of the site and this does not appear to have been acknowledged the applicant’s reports or assessed with regard to the impact they may have on the site.

7.33 The information submitted to support the application provides no evidence that treatment stages for surface water have been considered to improve the quality of surface water prior to disposal. In addition, no information has been submitted to illustrate the exceedance flood flow paths in excess of the 1 in 100 year rainfall event. Nevertheless, the Land Drainage Authority considers that the matters of drainage can be addressed through a condition on any grant of planning permission.

Open Space Provision

7.34 The applicant has previously provided a play area as a requirement of the previous development at Thatchers Croft. This is currently managed by the applicant. It is considered reasonable for a contribution to be provided to upgrade this area without the requirement for an additional play facility within the application site.

7.35 The applicant has proposed a payment of £6500 based on 13 dwellings and using a formula used by the District Council on previous developments of providing £500 per dwelling unit. However, as six of the properties are unlikely to have children resident (the one bedromed flats and bungalows) the applicant has proposed to exclude provision on this basis. This is considered a reasonable case and the contribution is considered reasonable to upgrade an existing facility in close proximity to the development and its future maintenance by the applicant. However, this will need to be addressed through a
Section 106 Legal Agreement or a modification to the existing legal agreement with regard to the play area.

Other Matters

7.36 Concerns have been raised with respect to the impact that the development would have on the amenity of occupiers of existing properties. Although the application drawings are illustrative, it is considered that the number of dwellinghouses proposed can be sited at reasonable distances to each other, and to existing properties, to ensure no significant impact on light, outlook and privacy.

Planning Balance/Conclusion

7.37 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.

7.38 Recent appeal decisions on sites across the District have confirmed that Policies SF4 and H4, which restrict new residential development outside of the settlement framework boundaries defined in the Adopted Derbyshire Dales Local Plan (2005) have been considered to be out of date and have been afforded concurrent weight in the decision making process.

7.39 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. The decision taker is effectively asked to weigh the economic, social and environmental benefits and dis-benefits against one another and only where those dis-benefits significantly and demonstrably outweigh the benefits reject the scheme.

7.40 As previously discussed, the District Council is unable to demonstrate a 5 year supply of housing land in addition to a buffer of 20% as required by the NPPF. The development of this site will make a contribution to meeting the housing needs of the District, which lends substantial weight to supporting the scheme.

7.41 In terms of the proposal being sustainable, the social dimension includes the provision of a mix of new homes to help meet the community housing needs and underpin other services and facilities within the village. The economic dimension would be served by employment generated during construction. In environmental terms, although the development would encroach into the field/open countryside to the south of the settlement, it would be bound by existing residential development to the north, west and east and would form an infill of development separated from the open countryside by Thatchers Lane, creating a clearly defined boundary to the settlement. No significant harm to local landscape character would result in this respect.

7.42 Whilst Tansley would not be an appropriate location for unrestrained expansion, as the limits to its services and employment mean most residents rely heavily on higher order settlements, such as Matlock, the proposals, in conjunction with recently approved and other known sites which will come forward, do not, it is considered, constitute an inappropriate scale of expansion in the context of meeting the District’s needs.

7.43 Therefore, in the final balance, whilst the District Council cannot demonstrate a 5 year housing supply, this does not mean that all sites put forward are acceptable. It remains entirely reasonable and proper for the Council to resist development where the level of harm is considered so substantial as to significantly and demonstrably outweigh the
benefits. However, when all of the above matters are weighed in the balance, and having due regard to all the elements of the NPPF, it is considered that the benefits of the scheme would significantly outweigh the dis-benefits in this case. A recommendation of approval, subject to conditions, is put forward on this instance.

8. RECOMMENDATION

8.1. That, subject to the applicant entering into a Section 106 Legal Agreement for on-site affordable housing provision and open space/play area provision, outline planning permission be granted subject to the following conditions:

1. Condition ST01a Time Limit on Outline
2. Condition ST03a Submission of Certain Reserved Matters
3. This permission relates to the original application documentation except as amended by the additional information submitted on 1st June 2016 and except insofar as may be otherwise required by other conditions attached to this permission.
4. All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the building(s) or the completion of the development whichever is the sooner; All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority. All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any dwelling or in accordance with a programme to be agreed in writing with the Local Planning Authority.
5. No development shall take place until a landscape management plan, including long-term management responsibilities and maintenance schedules for all landscaped areas and areas (except privately owned domestic gardens), shall be submitted to and approved in writing by the Local Planning Authority. The landscape management plan shall be carried out as approved and any subsequent variations shall be agreed in writing by the Local Planning Authority.
6. No removal of vegetation shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds’ nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Such written confirmation should be submitted to the Local Planning Authority for approval before any vegetation is removed.
7. Prior to the commencement of the development, a pre-commencement survey shall be undertaken for the presence of badgers, details of which shall be submitted for approval in writing by the Local Planning Authority. Thereafter, the development shall accord with Section 5.1 of the ecology report prepared by Whitcher Wildlife and ensure that access for badgers is maintained along the southern and western boundaries of the site by establishing a corridor between the development site and the boundaries in accordance with details to be submitted to and approved in writing by the Local Planning Authority.
8. 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.

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

10. Before any other operations are commenced, a new estate street junction shall be formed to Thatcher’s Croft, laid out, constructed to base level and provided with 2.4m x 17m visibility splays in either direction, the area in advance of the sightlines being levelled, constructed as footway and not being included in any plot or other subdivision of the site.

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

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

13. The carriageways and footways of the proposed estate streets shall be constructed in accordance with Condition No 12 above, up to and including at least road base level, prior to the commencement of the erection of any dwelling intended to take access from that street. The carriageways and footways shall be constructed up to and including base course surfacing to ensure that each dwelling prior to occupation has a properly consolidated and surfaced carriageway and footway, between the dwelling and the existing highway. Until final surfacing is completed, the footway base course shall be provided in a manner to avoid any upstands to gullies, covers, kerbs or other such obstructions within or abutting the footway. The carriageways, footways and footpaths in front of each dwelling shall be completed with final surface course within twelve months (or three months in the case of a shared surface road) from the occupation of such dwelling, unless otherwise agreed in writing by the Local Planning Authority.

14. Access to the development, and any plot therein, shall be from an extension of Thatcher’s Croft; there shall be no pedestrian or vehicle access created to Thatcher’s Lane. In this respect a permanent boundary shall be erected along the frontage to Thatcher’s Lane, as may be agreed with the Local Planning Authority, and maintained as such for the life of the development. Any existing accesses made redundant by development shall be permanently closed and the highway margin reinstated as may be agreed with the Local Planning Authority in consultation with the Highway Authority.

15. The frontage boundary treatment to the estate street shall be restricted in height to no more than 1m, measured relative to the nearside carriageway channel level, to
ensure 2.4m x 17m minimum visibility sightlines are maintained to the estate street, in each direction, from individual driveway access points.

16. The proposed access driveways to the estate street shall be no steeper than 1 in 14 for the first 5m from the nearside highway boundary and 1 in 10 thereafter.

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

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

19. No development shall take place until a detailed design and associated management and maintenance plan of surface water drainage for the site, in accordance with Defra Non-statutory technical standards for sustainable drainage systems, has been submitted to and approved in writing by the Local Planning Authority. The approved drainage system shall be implemented in accordance with the approved detailed design prior to the use of the occupation of each dwelling unit.

Reasons:

1. Reason ST01a

2. Reason ST03a

3. For the avoidance of doubt.

4. To ensure a satisfactory standard of landscaping in accordance with the aims of Policies SF5, H9, NBE6, NBE8 and NBE26 of the Adopted Derbyshire Dales Local Plan (2005) and guidance contained within the National Planning Policy Framework (2012).

5. To ensure the management of landscaped areas in the interests of visual amenity in accordance with the aims of Policies SF5, H9 and NBE26 of the adopted Derbyshire Dales Local Plan (2005) and guidance contained within the National Planning Policy Framework (2012).

6. In the interests of safeguarding these protected species in accordance with Policy NBE5 of the Adopted Derbyshire Dales Local Plan (2005) and with the guidance contained within the National Planning Policy Framework (2012).

7. In the interests of safeguarding these protected species in accordance with Policy NBE5 of the Adopted Derbyshire Dales Local Plan (2005) and with the guidance contained within the National Planning Policy Framework (2012).

8-18. In the interests of highway safety.
19. 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 the reserved matters or a full planning consent being granted.

NOTES TO APPLICANT:

1. The Local Highway Authority has requested the following notes be attached to the decision notice:

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

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

   c) Pursuant to Sections 219/220 of the Highways Act 1980, relating to the Advance Payments Code, where development takes place fronting new estate streets the Highway Authority is obliged to serve notice on the developer, under the provisions of the Act, to financially secure the cost of bringing up the estate streets up to adoptable standards at some future date. This takes the form of a cash deposit equal to the calculated construction costs and may be held indefinitely. The developer normally discharges his obligations under this Act by producing a layout suitable for adoption and entering into an Agreement under Section 38 of the Highways Act 1980. In this instance a Section 38 Agreement could not be entered into for this development in isolation as it would not connect to the existing public highway, which is a pre-requisite of this Authority entering into any adoption Agreement.

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

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

2. The Local Drainage Authority has requested the following notes be attached to the decision notice:

   a) 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.
b) 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 more than 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.

c) 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.

d) The County Council have anecdotal information indicating that an existing watercourse (open channel) is located on the western boundary. It is advised that the applicant fully investigates the appropriateness of this watercourse as a discharge point for surface water in the event that infiltration is not considered feasible at the detailed design stage.

e) The existing topography of the land may result in a number of land drains being located in the vicinity. It is recommended that the applicant investigates the possible presence of land drains in the area at the detailed design stage. It is recommended that the applicant obtains the information relating to the historic flooding data held by the County Council at the detailed design stage.

f) It is advised that no raising of ground levels is undertaken, where reasonable practicable, to prevent the deflection, diversion or transfer of surface water towards the surrounding area.

g) To discharge Condition 19, the applicant should ensure all of the below parameters have been satisfied:

   The production and submission of a scheme design demonstrating full compliance with DEFRA’s Non-statutory technical standards for sustainable drainage systems:

   • Limiting the discharge rate and storing the excess surface water run-off generated by all rainfall events up to the 100 year plus 30% (for climate change) critical duration rain storm so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site to comply with S2 & S3.
   • Provision of surface water run-off attenuation storage to accommodate the difference between the allowable discharge rate/s and all rainfall events up to the 100 year plus 30% (for climate change) critical rain storm to comply with S7 & S8.
   • Detailed design (plans, cross, long sections and calculations) in support of any surface water drainage scheme, including details on any attenuation system, and the outfall arrangements.
   • Details of how the on-site surface water drainage systems shall be maintained and managed after completion and for the lifetime of the development to ensure the features remain functional.
   • Production of a plan showing above ground flood pathways where relevant for events in excess of 1 in 100 year rainfall event to comply with S9.
   • Where reasonable practicable demonstrate that the runoff volume of the site reflects the requirements of S4.

3. The Local Planning Authority prior to and during the consideration of the application engaged in a positive and proactive dialogue with the applicant which resulted in the submission of a scheme that overcame initial concerns relating to site drainage and ecological issues.
4. Conditions 2, 5, 7, 8, 12, 14, 17, 18 and 19 of the planning permission 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.

5. 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.

6. This decision notice relates to the following documents:
   Site Location Plan 1:1250 received on 26th February 2016
   Indicative Layout Plan 1:500 received on 26th February 2016
   Planning, Design and Access Statement received on 26th February 2016
   Extended Phase I Habitat Survey received on 26th February 2016
   Additional Information received on 21st April and 1st June 2016
**APPLICATION NUMBER**  
16/00189/FUL

**SITE ADDRESS:**  
LIME TREE BUSINESS PARK, LIME TREE ROAD, MATLOCK

**DESCRIPTION OF DEVELOPMENT**  
CHANGE OF USE FROM OFFICE (USE CLASS B1) TO PLACE OF WORSHIP (USE CLASS D1)

**CASE OFFICER**  
G. A. Griffiths

**APPLICANT**  
Church in the Peak

**TOWN**  
Matlock

**AGENT**  
First Plan

**WARD MEMBER(S)**  
Councillor Mrs. D. Botham  
Councillor S. Flitter  
Councillor Mrs. J. Stevens

**DETERMINATION TARGET**  
15 May 2016

**REASON FOR DETERMINATION BY COMMITTEE**  
Requested by Ward Member given level of objections

**REASON FOR SITE VISIT (IF APPLICABLE)**  
At request of Ward Member to assess the effect of the proposal on the locality.

**MATERIAL PLANNING ISSUES**
- Principle of the development
- Highway safety
- Impact on existing businesses
- Impact on residential amenity

**RECOMMENDATION**
Refusal
16/00189/FUL

Lime Tree Business Park, Lime Tree Road

Derbyshire Dales DC

Date: 01/06/2016

100019785
1. THE SITE AND SURROUNDINGS

1.1 The application building is currently vacant office building close to the vehicle access and front of Lime Tree Business Park. The Business Park is accessed off Lime Tree Road to the west and, after driving past the application building, the site opens into a parking area with 13 relatively modest sized business units abutting the space on the east and south. The Business Park is surrounded by residential development.

1.2 The southern edge of the Business Park abuts the Old Matlock Conservation Area. The site is defined as a strategic employment site and is located within the Settlement framework boundary for Matlock in the Adopted Derbyshire Dales Local Plan (2005).

2. DETAILS OF THE APPLICATION

2.1 Full planning permission is sought to change the use of the office into a place of worship. There are no external alterations proposed and the internal alterations are proposed to provide the following:

- 2 meeting/conference rooms
- reception
- kitchen
- two offices
- two offices/meeting rooms
- a flexible office/meeting room to be used by Jigsaw Café half a day per week
- a general store
- two store rooms for clothes bank and café
- tank/plant room
- toilets.
The applicant advises that it is proposed to use the site for a number of daytime uses, with limited evening use, which they consider is consistent with the site’s designation as an employment and business premises within the Local Plan. The applicant is aware that the business park is currently in use during typical office hours (Monday-Friday, 9am-5pm) and from discussions with the landlord, in very limited use at the weekend (music recording, tuition and practice studio).

It is advised that during the week there will be a negligible change. However, the evening/weekend activities are proposed to be limited in frequency and scale and limited to the following:

- Band practice – Monday evening between 7.30 and 9.30pm (4-5 people)
- Youth group – Tuesday evenings between 7.30 and 9pm (12-15 people).
- Monthly prayer meeting – Thursday evening between 7.30 and 9.30pm (30-35 people).
- Sunday morning meeting – on site between 9.30am and 1pm, with worship typically between 10.30 and 11.15.
- Sunday evening prayer meeting – between 7.30 and 9.30pm. (30-35 people).

The applicant considers that the impact will therefore be negligible. The applicant advises that the uses exist already and have operated successfully in their current locations throughout Matlock, without issue. The youth club and tot zone are staffed and run by members of the church, for members of the church and their friends. Totzone Parent & Toddler group is open to those in Matlock with pre-school children. The numbers of attendees are limited. In terms of daytime uses, the charitable activities, such as the Food and Clothes Bank, are limited to once-a-week, or less frequent, sessions as follows:

- Jigsaw Café – Wednesday 2-4pm (12-18 people)
- Jigsaw Foodbank - Thursday 11-1pm (10-15 people)
- Jigsaw Clothes Bank – quarterly on a Saturday 11am-1pm (15-20 people).

Items are stored through the week on site, but then distributed and handed to clients during the allotted hours.

The applicant advises that, underlying all of the uses proposed, the site could be used for any form of B1a-c type use, which could include a light industrial use, if the demand was there. The applicant states that, to the best of their knowledge, the hours are uncontrolled so there is nothing preventing an intensive 24/7 light industrial user occupying the premises, such as a food preparation organisation. The applicant states that the proposals must be viewed in this context and, in the absence of any alternative, make use of this vacant building.

The applicant considers that the proposed uses should not add to security and privacy issues any more than if another business user moved in to the premises. It is advised that the uses will be indoors and that the various activities can be carefully managed to ensure there is no impact on the security and privacy of the surrounding properties. The applicant has advised of their agreement to a management plan could be conditioned to ensure this.

The applicant acknowledges that whilst the proposals will have the potential to increase footfall in hours when the park is not currently in use, this will mainly be the case on Sundays. It is advised that the noise generated by transit to and from a building, particularly when on a business park, is not grounds for refusal. It will be the responsibility of the applicant to manage the activities within the premises to ensure there is no impact on noise levels when the building is in use. The applicant accepts a management plan, to include mitigation measures and effective management of the premises when used out of
normal working hours, could be conditioned. The applicant states that the evening activities will also be limited in number but that it is also noteworthy that there are existing users of the park – music recording, tuition and practice studio, for example – which operate out of hours.

2.8 In terms of traffic and parking, the congregation currently meet on Sundays at County Hall and the applicant advises that the car parking is successfully managed. As existing, someone will meet cars as they enter the car park wearing a hi-visibility vest, with another person within the car park identifying the space for the cars to utilise. It is advised that many of the current congregation walk to the Sunday Service and this will continue. Furthermore, it is advised that the business park receives the lowest amount of traffic on a Sunday and, therefore, there will be ample provision to avoid overspill into surrounding streets. The existing business park users will have their spaces retained and will be unused, ensuring there is no conflict with business users, should they decide to visit at this time. The applicant considers that effective car park management can also be conditioned, with the applicant required to produce a car park management plan.

2.9 The applicant has given regard to the premises being on a Strategic Employment Site in the context of Policies EDT2 and EDT4 of the Adopted Local Plan (2005). It is advised that the property owner has made efforts to find a suitable occupant for the unit since Summer 2015. The applicant considers that potential tenants have been put off by the size and poor, outdated condition of the unit and slow internet access. The property owner has advised the applicant that the former tenants occupied the premises for 20 years and retained the same £/sqft rate for their whole rental period. The applicant considers this is further evidence of the lack of demand for the premises, which if existent, would of course have resulted in increased rental return.

2.10 Fidler Taylor, the property owner’s estate agents, confirm in a letter that there is no demand for larger office units in the local area, especially in such condition. Whilst no marketing details have been submitted, Fidler Taylor advise that the owner has a considerable amount of commercial property in Matlock (including Dimple Road Business Centre comprising 30,000 sq/ft of offices, storage, etc.) and has attempted to find a new occupier over the last 12 months through their extensive contacts. It is advised that prospective tenants have been put off by the size and obsolete condition of the building.

2.11 The applicant advises that there are examples of modern purpose built offices reverting to alternative uses as a result (Deepdale in Bakewell, for example). The applicant and Fidler Taylor, advise that demand in Matlock and the wider area is limited to smaller units; the applicant considers this is evident by the generally high level of occupancy throughout the remainder of Lime Tree Business Park (albeit it is advised that occupancy changes fairly regularly).

2.12 The applicant considers that there would be little return, if any, from subdividing the application building to create smaller units, nor will this necessarily guarantee tenants. In this respect, the applicant considers this is not a viable option and Fidler Taylor conclude that the offer tabled by the applicant is the only viable, realistic use for the premises. The applicant advises that if the option isn’t pursued, the building will remain vacant and unused. The applicant considers that this demonstrates that there is no demand for the unit and, with regard to Policy EDT4 of the Adopted Local Plan (2005), the office space is not required.

2.13 In addition, as outlined within the applicant’s Planning Statement, occupancy by the church will retain full and part time employees, with the view to expand. The applicant advises that the proposed uses include a series of B1 and D1 uses, albeit a significant element of B1 uses, in various guises, are retained. The flexible office, seminar and conference space, to hire as required, will ensure the preferred B1 use of the property is maintained.
2.14 The applicant considers that, whilst the proposed use of the building may not be exactly like a traditional office (staff working between 9am and 5pm, Monday to Friday), there are a number of elements of the proposed use which remain consistent. There will be two full time members of staff working from the site and, in addition, there will be a series of support staff working on a paid part-time basis (currently three, expected to increase to five), as well as a number of volunteers (ranging from 15 – 40, depending on the use).

2.15 The applicant considers that this ratio of full/part time employees to the size of the unit, is not dissimilar to that in the neighbouring units, where they are advised that there are one or two occupants. However, the difference is that the multi-use space proposed offers a much wider range of employment opportunities, for a range of people, including full and part time, as well as volunteering positions. Additional positions will also be created to manage the different uses and to ensure the safe and efficient running of the multi-use space. It is therefore considered by the applicant that the proposals would have a positive impact on the current business use and employment in the area.

2.16 The applicant has referred to planning cases in Loughborough, Nottingham and Chesterfield where churches have been granted on commercial estates. The site in Loughborough was granted on Appeal and issued with a personal permission in 2014, with a requirement that the premises be returned to B2/B8 use when the church use ceased; the applicant has advocated this type of condition if this was considered necessary in allowing for the change of use. The site in Nottingham was a conversion of transport depot which operated close to a variety of B1, B2 and B8 business uses on a major business park. However, it should be noted that this appears to have been an expansion of an existing church, with a congregation of some 1400, which appears to have been granted planning permission in its own right as a new build development adjacent to the commercial development.

2.17 The premises in Chesterfield was allowed on Appeal given that there were 4.5 full time positions and 20 part time voluntary positions together with the longstanding vacancy of the building and limited number of opportunities of preferable sites elsewhere. The Planning Inspector advised that the proposal would not permanently inhibit future use for B1, B2 or B8 use and would involve a small and strictly marginal amount of floorspace in the context of Chesterfield’s employment land and building stock. Overall, the effect of the change of use on the availability of employment land in Chesterfield was considered not be significant and the alternative use, for a church, allowed for in Local Plan Policy EMP7, would be satisfactory.

2.18 The applicant also refers to Paragraph 22 of the NPPF, which states:

> Planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Land allocations should be regularly reviewed. Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities.”

The applicant advises that it is the above context in which the application proposal should be viewed, and supported. However, if there remains a concern regarding the long term retention of large B1 office/employment premises in Matlock, the applicant is prepared to have a personal condition limiting non-B1 occupancy of the premises to the applicant only. This means that if the church does vacate, the use will revert back to B1 use.
3. PLANNING POLICY AND LEGISLATIVE FRAMEWORK

3.1 Adopted Derbyshire Dales Local Plan (2005)
- SF1: Development Within Settlement Frameworks Boundaries
- SF5: Design And Appearance Of Development
- SF8: Catering For The Needs Of People With Disabilities In Development And Redevelopment
- EDT2: Existing Strategic Employment Land And Business Premises
- EDT4: Other Existing Employment Land And Business Premises
- NBE21: Development Affecting A Conservation Area
- TR1: Access Requirements And The Impact Of New Development
- TR8: Parking Requirements For New Development
- CS3: Provision of New Community Facilities and Services

3.2 Other:
- National Planning Policy Framework
- National Planning Practice Guidance
- Old Matlock Conservation Area Appraisal
- Draft Derbyshire Dales Local Plan (April 2016)

4. RELEVANT PLANNING HISTORY
- 0896/0517 Erection of four Class B1 business units – Granted
- 0190/0075 Light industrial building – Granted
- 0588/0370 Industrial starter units with ancillary car parking - Granted

5. CONSULTATION RESPONSES

Town Council
5.1 - no objection subject to no adverse comments from neighbours.

Derbyshire County Council (Highways)
5.2 - not aware of any existing highway safety issues that would justify a reason for refusal that could be substantiated at appeal
- advise that if the Local Planning Authority is minded to approve the application, that a further dialogue is requested as to how all the proposed uses, including the toddler and youth groups, food/clothes banks and a café, could be reasonably controlled by condition.

Design and Conservation Officer (Derbyshire Dales)
5.3 - site adjacent to the Old Matlock Conservation Area
- appears to be no external alterations to the unit or its setting
- impact on the Conservation Area will be negligible.

Environmental Health (Derbyshire Dales)
5.4 - no objection
- recommend a condition requiring the applicant to submit a Noise Management Plan detailing how they intend to manage noise emanating from their building so as not to cause a nuisance to neighbouring residents
- have provided a model Noise Management Plan which provides examples of ways in which noise nuisance can be mitigated.

Economic Development (Derbyshire Dales)
5.5 - one of several allocated employment sites within the adopted Local Plan (2005)
- Policy EDT1 requires that the loss of part or all of these sites to other forms of development should be resisted
- Objective Assessment of Housing and Economic Development Needs (September 2015) concluded that the District Council would be justified in seeking to protect existing sites for continued employment use - this assessment has informed the policies in the emerging Local Plan
- Policy EC2 of the Draft Derbyshire Dales Local Plan (2016) also seeks to protect existing employment sites
- the applicant has advised that the subject unit was only vacated by the previous tenant, a computer software consultancy, earlier in 2016 and has therefore only been marketed for a limited period of time, insufficient to properly test the market
- period of 6 months to a year with pro-active marketing would be considered reasonable - applicant should be asked to provide adequate proof of such activity being undertaken
- the potential impact from the proposed change of use on other activities on the business park/industrial estate also needs to be taken into account – the proposal refers to uses such as parent and toddler and youth groups which, considering the single access and communal parking area serving the site, could be incompatible with business activities
- the proposal is not recommended for support as submitted.

6. REPRESENTATIONS RECEIVED

6.1 A total of three representations and have been received. A summary of the representations is outlined below:

- usage of the site has been very low profile between 9 am and 5pm and not impacted on residents
- applicants intention to use premises outside of peak hours and 120 people expected to attend Sunday Service between 10am and 1pm with another meeting at 7pm – 9.30pm
- congregation grows at 10% per annum
- far too many people for a residential area
- will also include 2 full time and 5 part time staff and up to 40 volunteers in a building on an industrial park
- propose operating premises for 6 days a week
- will seriously increase the noise pollution, particularly during Sunday Service, and the building has no soundproofing – contravenes National Planning Policy Framework
- impact of noise from Youth Club on Tuesday and Friday evenings
- youth will be sat loitering on the walls of the boundary making noise and nuisance
- loss of privacy to residents
- office space previously utilised for 8-16 people
- concerned that fire exit will be used for ingress/egress and resulting impact on privacy
- reduction in security with increased footfall
- whilst not all people who use food banks, clothes banks and drop in cafes are undesirables, some are and don’t want them loitering around residences
- impact on on-street parking provision and on parking provision for business on the Business Park
- Tot-Zone could generate a demand for an additional 25 vehicles with attendance of approximately 25 adults and 30 children
- increase in the risk of accidents
- if approved should have soundproofing of the building and high fences to ensure neighbours’ quality of life preserved
- ask that blinds to windows are shut at all times
- only means of entrance/exit should be through the large double gates from Lime Tree Road
• one letter advises that representing the views of residents of 14, 16, 18 and 20 Lime Tree Road.

7. OFFICER APPRAISAL

The following material planning issues are relevant to this application:
1. Principle of development
2. Highway safety
3. Impact on character and appearance
4. Impact on residential amenity
5. Impact on existing businesses

Principle of Development
7.1 Policy CS3 is supportive of the provision of community facilities where these are well related and accessible to the community to which it is proposed to serve, would not have an adverse impact on the character and appearance of the area and is in keeping with its surroundings and the character and appearance of the building. In this respect, the use would be in a sustainable urban location with means of access by public transport, walking and cycling, thus limiting the reliance on the car. The building is also single storey allowing it to provide access for persons with mobility difficulties.

7.2 However, the premises is in a business park designated by Policy EDT2 of the Adopted Local Plan (2005) as a Strategic Employment Site. This policy states that, within such an area, planning permission will not be granted for development that would result in a loss of any buildings from industrial or business use. It could be argued that the Church has a level of employment with 2 full-time jobs and 3, possibly rising to 5, part time jobs. However, this is considered to fall well short of the potential that the building has to offer in terms of employment opportunity given its floorspace.

7.3 Policy EDT4 does allow some flexibility to change the use of business premises to non-employment uses where the continuation of such is no longer required or the use is incompatible with its surroundings. In this respect, the use of the building for an office(s) is compatible with the Business Park and the residential area within which it is located.

7.4 These Policies need to be considered as to whether they are up to date with government policy in the National Planning Policy Framework (NPPF). This states in Paragraphs 18, 19 and 20 that there is a commitment to securing sustainable economic growth and that local planning authorities should plan proactively to meet the development needs of business and support an economy fit for the 21st century. Paragraph 22 states that local planning authorities should allocate a range of suitable sites to meet a number of uses, including commercial use and Paragraph 156 also advises that local planning authorities should set out strategic priorities for the area which should include policies to deliver jobs; it is considered that this must also relate to the protection of employment opportunities. In this respect, it is considered that Policies EDT2 and EDT4 remain consistent with the NPPF.

7.5 However, Paragraph 22 states that planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Therefore, an assessment has to be made of whether the continuation of the use as an office(s) is no longer required. The applicant has advised that the building would need subdivision to smaller units much like the remainder of the Business Park which requires investment from the landlord with a return which is not guaranteed. It is also advised that there is another, smaller vacant unit. In this respect, the applicant considers the unit will be vacant for some time.
7.6 The applicant has referred to three Appeal decisions in the East Midlands where permissions have been granted for changes of use of commercial premises to churches or extension to a church. However, each planning application has to be considered on its merits and locality. The recent Objective Assessment of Housing and Economic Development Needs (September 2015) concluded that the District Council would be justified in seeking to protect existing sites, including Lime Tree Business Park, for continued employment use. This assessment has informed the policies in the emerging Local Plan and is consistent with the Policies EDT2 and EDT4 of the Adopted Local plan (2005). Policy EC2 of the Draft Derbyshire Dales Local Plan (2016) also seeks to protect existing employment sites, including Lime Tree Business Park, with proposed policy requiring that the redevelopment or change of use of existing business or industrial premises for non-employment uses only be permitted where the continuation of the premises in business use is constrained to the extent that it is no longer suitable or commercially viable for business use as demonstrated by marketing evidence.

7.7 The applicants have advised that the unit was only vacated by the previous tenant, a computer software consultancy, in February 2016. There is no evidence that the premises has been marketed other than Fidler Taylor advising that the property owner has attempted to find a new occupier through their extensive contacts; this is insufficient in the view of Officers to properly test the market. A period of six months to a year with pro-active marketing would be considered reasonable and the applicant would need to provide adequate proof of such activity being undertaken.

7.8 It is also advised that the premises are difficult to market due to their condition and the inadequacies of the internet provision. It is considered by Officers that in seeking to actively lease or rent a business property that the owner would normally put some investment into their property in order to attract businesses and in order to yield a reasonable return on the premises. It is considered reasonable to expect that the church would also wish to occupy the premises with a certain level of updating to meet their requirements, including reasonable internet provision. This is not considered a reasoned case for allowing the change of use.

7.9 Given the above, whilst it is recognised that a church use can be compatible with surrounding employment use, and does itself offer some employment provision, it is considered that insufficient case has been presented to demonstrate that the offices are no longer required for predominantly employment purposes and the benefit this brings to the local economy. As such, it is considered that the application as presented fails to address the above Local Plan Policies and policy contained in the NPPF.

Highway safety

7.10 The proposals could introduce a different level of comings and goings than the existing businesses. The principal differences would be the level of visitors to the Business Park as a result of attending church services and the other functions and services the Church proposes.

7.11 In this respect, the impact of the proposal has been considered by the Local Highway Authority which has advised that, generally, the small scale of the other units limits the number of employees. The applicant has submitted a Transport Statement in support of the proposals. There are 54 communal parking spaces on the site and it is noted that some units are currently vacant, including the larger building the subject of the application. Under these circumstances it is unlikely that the car park survey is representative.

7.12 It is accepted that there are residential areas within reasonable walking distances and that there are links to public transport in the vicinity. There are also Traffic Regulations Orders
restricting parking on Lime Tree Road. It is noted that some of the traffic movements would be outside the AM and PM peak flows on the adjacent network.

7.13 Therefore, the Local Highway Authority considers that, whilst the proposals would result in an increase in traffic movements over the current situation, it is unlikely that this would ‘severely’ impact the adjacent highway network.

7.14 It is noted that there would be the introduction of children into a business park environment. Of concern is the potential impact from the proposed change of use on other activities on the business park/industrial estate also needs to be taken into account. The information submitted with the proposal refers to uses such as parent and toddler and youth groups which, considering the single access and communal parking area serving the site could be incompatible with business activities. In this respect, the Local Highway Authority has advised that it is understood that no HGVs are allowed on site and, as such, the situation would not be dissimilar to a supermarket car park where all users of the communal car parking area, whether in a vehicle or on foot, have a duty of care to act in a reasonable manner taking into account all other users of that shared space.

Impact on Residential Amenity

7.15 One of the core principles of the NPPF is to secure a good standard of amenity for existing and future occupants of land and buildings. It is considered that the development could have an impact on local residents, but the extent of this needs to be assessed.

7.16 There are dwellinghouses some 14–25 metres to the north of the building. These properties would already have the potential to experience a degree of disturbance from the commercial site, particularly with comings and goings from the car park. It is considered that those on the opposite (west) side of Lime Tree Road that there would also be a degree of noise impact from the traffic on Lime Tree Road. Dwellinghouses to the south of the site have the intervention of other business units on the site and should not experience significant disturbance. In this respect, the impact of the comings and going of the site is considered insufficient to amount to a significantly adverse impact on these residents.

7.17 There are concerns with regard to the potential levels of noise emanating from the building during congregations and other activities. The dwellinghouses to the south west of the site are the closest in this respect, the nearest dwellinghouse being only 6m from the building and close to the meeting rooms where the level of activity and potential noise is likely to be higher. However, it is considered that the potential noise emanating from the building could be addressed through a condition that would seek to mitigate excessive noise with a noise impact assessment and mitigation measures as may be required.

7.18 The applicant states that the building could be used for commercial purposes 24 hours a day, 7 days a week; this is accepted and could equally be applied to other units within the business park. However, as a B1 use, this would be carried out without disturbance to neighbours, to be compliant with such a Use Class designation, and therefore there is considered no merit in such an argument favouring a church use of the application building. However, the level of comings and goings and noise emanating from the building is not considered likely to introduce such a level of noise and activity on this commercial site that would justify a recommendation of refusal.

Impact on Existing Businesses

7.19 It is considered that the Church could co-exist with existing business premises provided measures are put in place to ensure there is no conflict over parking provision and that the activities associated with the Church are contained within the buildings and comings and goings managed to ensure no conflict of interest.
7.20 With the original application documents, the applicant advised that there were 10 spaces that would be allocated to the Church and a further 18 spaces which are ‘flexible’ spaces. However, the applicant also advised that all the car parking spaces (54 in total) will be available for use by the Church on Sunday. This raised significant concern with regard to the impact on existing and future business operations if they are restricted in their ability to have available parking over the whole weekend.

7.21 Given that the business units are starter units, there could be a desire to operate such units on a Sunday. In this respect, the applicant has advised that car parking spaces for the other business units would be safeguarded. However, it is considered that if planning permission were to be granted for the proposed change of use, a full car parking strategy that would not inhibit existing business operations, would need to be submitted for approval.

7.22 There is some concern with the loss of the employment nature of the premises and how this helps to underpin the character of the site as an employment area. However, this is difficult to quantify and is not considered, in its own right, to be a substantive reason for refusal of planning permission.

Conclusion

7.23 Whilst a church use can be generally compatible with an employment site, and some level of employment will result from the use, this is likely to be substantially below the employment potential of the building. Given the above, it is considered that insufficient case has been presented to demonstrate that the office space is no longer required for predominantly employment purposes that would help to underpin the employment nature of the wider site. As such, it is considered that the application as presented fails to address Policies EDT2 and EDT4 of the Adopted Local Plan (2005) and policy contained in the NPPF.

8. RECOMMENDATION

That planning permission be refused for the following reason:

1. Insufficient case has been submitted to demonstrate that the premises is no longer required for predominantly employment purposes. As such, it is considered that the application is contrary to Policies EDT2 and EDT4 of the Adopted Local Plan (2005) and policy contained in the National Planning Policy Framework.

NOTES TO APPLICANT:

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

2. This decision notice relates to the following documents:
   Site Location Plan 1:1250 received on 14th March 2016
   Block Plan 1:500 received on 14th March 2016
   Drawing No. GKD-CITP-D05 received on 14th March 2016
   Transport Statement received on 14th March 2016
   Planning, Design and Access Statement received on 14th March 2016
   Additional Information received on 28th April 2016 and 2nd June 2016.
APPLICATION NUMBER | 14/00541/OUT
SITE ADDRESS: | HALLDALE QUARRY, MATLOCK SPA ROAD, MATLOCK
DESCRIPTION OF DEVELOPMENT | MIXED RESIDENTIAL AND COMMERCIAL DEVELOPMENT COMPRISING OF 220 DWELLINGS, 400M2 OF A3 FLOORSPACE (RESTAURANT AND CAFÉ), AND 6400M2 OF B1 FLOORSPACE

CASE OFFICER | TOWN | Matlock
AGENT | Franklin Ellis Architects
APPLICANT | 4M PROPERTY PARTNERS
WARD MEMBER(S) | Councillor A. Elliott, Councillor M. Burfoot, Councillor S. Burfoot
DETERMINATION TARGET | 11th December 2014
REASON FOR DETERMINATION BY COMMITTEE | Major application and departure from development plan
REASON FOR SITE VISIT (IF APPLICABLE) | At the request of Officers to allow Member’s to fully appreciate the site and its context.

MATERIAL PLANNING ISSUES
1. Development Plan Policy Framework
2. Site Location, Scale, Accessibility and Sustainability
3. The Principle of Development
4. Viability and Deliverability
5. Landscape and Visual Impact
6. Impact upon the Highways Network
7. Nature Conservation Impact
8. Other Matters

RECOMMENDATION
Approval
Halldale Quarry, Matlock Spa Road, Matlock
1. **THE SITE AND SURROUNDINGS**

1.1 The application site is an extensive former limestone quarry (approximately 25.1 hectares) situated in an elevated position approximately 0.89 km to the south-west of Matlock town centre. The site occupies a prominent position against the wider backdrop of Masson Hill and is accessed at grade via Snitterton Road, close to the new junction with Matlock Spa Road. Snitterton Road runs along the northern boundary of the site with Salters Lane to the South. A number of residential properties border the site including White House, Gordon Lodge, Gordon Lodge Barn and Coach House on Snitterton Road to the northeast; Greenacres off Salters Lane to the South; Old Masson Farm to the west and Masson Farm and associated properties immediately to the northwest.

1.2 Halldale Quarry has been driven into the Masson hillside from the north, the main consequence of which is that the highest and steepest quarry faces are on its southern and south eastern sides. Three limestone faces rise vertically in three distinct lifts from the quarry floor which occupies an extensive area in the central / north western portion of the site. On its western and south western sides, quarry waste tipped against the rock face has created a long, steep, undulating slope which rises from the quarry floor to the quarry edge.

1.3 On the northern and western sides, long bunds of material are well vegetated with belts of trees and shrubs which provide effective screening of the quarry floor in views from the north and west. Extensive areas of mixed vegetation also occupy parts of the western and south western quarry slopes, again helping to screen views from these sides and are prominent within views of the higher parts of the quarry from the north.

1.4 Along the southern boundary with Salters Lane, vegetated bunds and mature roadside hedgerows effectively screen views of the quarry from the lane and in middle to long distance views from the site. However, due to its prominent hillside location, there are extensive views of the site from a number of local vantage points including Matlock Bank and Upper Hackney.

1.5 Major quarrying operations ceased at the site over 20 years ago. Since then, naturalisation and ecological succession of overburden bunds and quarry spoil has enabled flora and fauna habitats to establish on the site generating scrub vegetation and extensive areas of grassland. The quarry itself is characterised by bare rock and tipped / stockpiled limestone blocks.

1.6 The application site is situated in a prominent location on the edge of the urban area of Matlock, the site being separated from the main built up area of Matlock to the southwest. The site is however located within the defined Settlement Framework of Matlock and is formally allocated for industrial and business development under the provisions of Policy EDT1 of the Adopted Derbyshire Dales Local Plan (2005).
2. DETAILS OF THE APPLICATION

2.1 Outline planning permission is sought for the following:
   - 220 dwellings;
   - 400m\(^2\) of A3 floorspace (restaurant and café); and
   - 6400m\(^2\) of B1 floorspace (offices and/or light industry)
   - associated infrastructure.

2.2 The applicant has submitted details of the proposed access arrangements for consideration at this stage and indicative drawings for the layout of the development. The application is accompanied by supporting information which includes the following:
   - Illustrative Site Masterplan
   - Supplementary Report – Comparison of Visual Impact of Current Application with Previously Approved Scheme
   - Design and Access Statement
   - Ecological Appraisal and Ecological Mitigation Strategy and Management Plan
   - Flood Risk Assessment
   - Ground Investigation – Initial Rock Face Assessment
   - Travel Plan, Transport Statement and Traffic Generation Technical Note.

These reports are available on the public file and their findings have been analysed by consultees and are addressed in the 'ISSUES' section of this report.

3. PLANNING POLICY AND LEGISLATIVE FRAMEWORK

The Development Plan

3.1 The Development Plan consists of the Derbyshire Dales Local Plan (Adopted November 2005)

Derbyshire Dales Local Plan (DDLP)

SF1: Development Within Settlement Frameworks Boundaries
SF5: Design And Appearance Of Development
SF7: Waste Management and Recycling
H1: New Housing Development Within Settlement Framework Boundaries
H9: Design And Appearance Of New Housing
H10: Affordable Housing Within The Settlement Framework Of Market Towns
H12: Alternative Provision For Affordable Housing Outside Settlement Frameworks
EDT1: Land for General Industrial and Business Development
EDT9: Provision for People with Disabilities in Schemes for Employment Purposes
NBE2: Sites of National Importance for Nature Conservation
NBE3: Other sites of Importance for Nature Conservation
NBE4: Protecting Features or Areas of Importance to Wild Flora and Fauna
4. RELEVANT PLANNING HISTORY

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

4.1 Halldale Quarry has five valid planning permissions for mineral working and depositing mineral waste, these include:

- an Interim Development Order (IDO) - (pre-1947 Act) permission which remains valid having been registered with the County Council in 1992, covering (the whole of Cawdor Quarry and) the area on the south side of Snitterton Road; and
- four other permissions for quarrying and mineral waste disposal in areas to the south and west of it.
4.2 The planning application site is mainly in the IDO permission area but parts of it are in at least some of the other permission areas. The IDO is formally ‘dormant’ under the terms of the Planning and Compensation Act 1991, meaning that the use of the permission cannot be resumed unless and until updated planning conditions have been approved by the County Council as Mineral Planning Authority; the other permissions have been through the Review of Mineral Permissions (ROMP) process and the conditions determined were explicitly designed to put the permissions into a position which mirrored so far as possible the dormant status of the IDO.

4.3 Whatever the status of the old permissions, dormant or ‘quasi-dormant’, they remain valid and would do even if the current mixed-use application was granted and taken up. In this regard, it will be necessary to dispose of the old permission either by formal revocation; modification on part of it; or by an obligation that the permission would not be used (the position that was adopted in respect of Cawdor Quarry).

4.4 In the event that the Local Planning Authority resolve that outline planning permission should be granted, further discussions will be required with Derbyshire County Council in order to determine the most appropriate way forward to address this issue.

5. CONSULTATION RESPONSES

5.1 Matlock Town Council
- No objection subject to preservation of ecology and an appropriate level of affordable housing provision within the development.
- Keen to reduce pressure on greenfield sites, hence no objection to brownfield site development.

5.2 South Darley Parish Council
- Serious concerns regarding increased traffic flow through Snitterton and Oker.
- Trust concerns will be supported to avoid possible road accidents and deaths in the future.

5.3 Environment Agency
- No objection subject to conditions with regards to SuDS, ground infiltration, a remediation strategy for contamination and oil interceptor provision for parking areas and hardstandings.

5.4 Derbyshire County Council (Land Drainage)
- Site may be susceptible to pockets of surface water flooding in 1 in 100 year event.
- Strongly promote Sustainable Drainage Systems (SuDS).
- Surface water runoff should be as close to greenfield runoff rate as reasonably practicable.
- A full ground investigation should be implemented to fully explore the option of ground infiltration to manage the surface water.
- Two soughs are thought to pass beneath the site and any amendment to these would Require Land Drainage Consent.
- Land should be checked for other watercourses.
- Recommend site specific ground investigation.

5.5 Derbyshire County Council (Highways)
- Latest proposals, assuming occupation of a similar site area as previous outline permission, would have reduced peak hour intensity but further information should be obtained to clarify this.
- Previous proposals included a package of mitigation measures:
  - Access and footway/cycleway linking to the town centre
  - Request a Travel Plan with a contribution of £12,500 towards its monitoring.
o £3,000 contribution towards traffic regulation Order required.
o £150,000 contribution towards highway improvements and alterations within the Matlock area required.
o A contribution of £750,000 towards introduction of an enhanced bus service is required.
These contributions are also requested for the current application.
• As the proposals are now a less intensive scheme, may not be able to fully justify the highway improvements contribution – will need to provide feedback.
• A design for a revised vehicle priority has not been promoted at the junction with Snitterton Road.
• Preferable to control speeds through an appropriately designed scheme integrating the development site junction into the proposals and to deter traffic following less desirable routes through Snitterton and Oker - as access is not a reserved matter, this may need to be given further consideration.
• Little weight has been given to indicative masterplan with regard to road layout as only means of access to be considered.
• Request application held in abeyance to encourage further information to be submitted.

5.6 Derbyshire County Council (Strategic Planning)
• No significant implications for strategic infrastructure delivery (school places, etc.).
• Suggestions regarding Lifetime Homes, broadband provision and fire safety measure.

5.7 Derbyshire County Council (Crime Prevention Design Advisor)
• Limited information with respect to the layout.
• Important that the applicant demonstrates what crime measures are to be introduced into the design.
• Recommend the information is provided now to be progressed within the next stage of the application process.

5.8 Derbyshire Wildlife Trust
• Request updated badger and reptile survey prior to the commencement of development.
• Applicant will need to convince Natural England to issue a licence for works with respect to great created newts.
• Need for establishment of habitats.
• Details required for the management of grassland.
• Conditions required with respect to the above.

5.9 Natural England
• Accept site designation with Policy SA3 of the withdrawn Local Plan.
• Located close to Gang Mine and the Peak District Dales Special Areas for Conservation (SAC) – could lead to Likely Significant Effect (LSE) on European Sites
• Local Planning Authority as the competent authority under the provisions of the Habitats Regulations should have regard to any impacts that a plan or project may have.
• Potential for air quality and recreational impacts on SACs and local SSSI’s
• No reference made to valued fossil assemblage – urge liaison with the Derbyshire and Peak District RIGS Group to ensure any features of value are not lost.
• Development will need to be carefully designed in order to respect and incorporate valuable fossil features.
• Should seek standing advice with respect to protected species.
• Does not appear to have been an assessment of the potential landscape or visual impacts resulting from the development proposals – Peak District National Park

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boundary some 700m away and strongly recommend the submission of a Landscape Impact Assessment.
- Should promote Green Infrastructure (GI) and seek biodiversity enhancements.

5.10 Peak and Northern Footpaths Society
- No objection in principle
- Very disappointed that no effort has been made to improve links to and from the existing network of footpaths near the site
- Provide a list of footpaths to which the site should connect – Footpath 76 south of Salters Lane linking to the Limestone Way, Footpath 76 linking to the Limestone Way and into Matlock, the truncated Footpaths 28SD and 91 should be extended to the site and/or north and south around the site (depending on topography) – advise that these are only suggestions.

5.11 Landscape Design Officer (Derbyshire Dales)
- No objection in principle.
- Development will be substantially contained within the quarry.
- Long views of the site will be mitigated by the distance and existing and proposed landscaping.
- Opportunities for wildlife habitat, biodiversity and informal recreation can be developed with the central lake and the network of green/planted space
- Impact will be greater at night when development is likely to cause light pollution – careful consideration should be given to streetlighting
- Impact of potential loss of trees at the frontage of the site with approved development off Snitterton Road – suggest increase in stand-off distance
- Detailed landscape/planting and management programme required.

5.12 Environmental Health (Derbyshire Dales)
- Would like to comment on the reserved matters application with respect to siting and design of the restaurant, café or public house with respect to noise and odour
- Recommend condition restricting delivery times.

5.13 Strategic Housing (Derbyshire Dales)
- Securing on site provision of affordable housing within a phased programme would be the best approach for this scheme - vital to ensure affordable homes are not placed in one group and in one phase.
- A programmed release across all phases of the development would ensure a managed supply of new homes.
- Provision should aim to support needs across a range of age groups and include the following house types:
  - 3 bed  4 person houses
  - 3 bed  5 person homes
  - 2 bed  3 person bungalows (built to life time homes standard)
- Would not particularly want to see flats provided for affordable housing.
- Should aim for a tenure split of 70% rent to 30% shared ownership.
- Proportion of equity that occupiers should be able to buy should start as low as 30%.
- Would be helpful to know the intended figure of affordable homes as this would help to guide a more specific house type mix.

5.14 Economic Development (Derbyshire Dales)
- Emphasis of the outline application has shifted to residential use.
• Proposed employment land provision is well below the 2ha of employment land proposed within the Draft Derbyshire Dales Local Plan.
• Will potentially impact on the future employment land requirements for the District – justification is required.
• Demand for the level of office space proposed is questionable.
• No provision for affordable housing – this should be justified in the interests of encouraging sustainable economic growth.

5.15 Planning Policy (Derbyshire Dales)

• Sustainable site.
• Principle of residential development considered through the emerging Local Plan.
• Site considered suitable for residential development and could also facilitate economic development.
• Suitable for up to 100 dwellings and 7ha. of employment land.
• Proposal does not meet with the previous (withdrawn) policy requirements.
• Refer to five year housing land supply and presumption in favour of granting sustainable development.
• Consideration to be given to Policy H10 and the delivery of affordable housing and applicants justification for no such provision.
• Need to consider whether the needs to deliver housing outweigh the needs of meeting the demand of employment land for local businesses.
• Site lies within a Regionally Important Geological Site – permission should only be granted where the benefits of the development outweigh the harm to nature conservation (Policy NBE3) – where necessary, should impose conditions or legal agreement to secure appropriate compensatory measures.
• Need to seek advice from the Local Highway Authority regarding highway matters.
• Need to assess whether the right balance of development uses are being addressed.

6. REPRESENTATIONS RECEIVED

6.1 A total of 10 representations have been received. A summary of the representations is outlined below:
• excessive number of dwellings and contrary to policy
• outside the curtilage of the town
• high value landscape
• impact on views from across the valley
• if Committee refused development at Asker Lane don’t see the grounds for development to go ahead at Halldale Quarry
• should be considered to be a greenfield site
• there are other brownfield sites with less to spoil
• has been a striking re-naturalisation of the site
• site would qualify as a Biodiversity Action Plan priority habitat – Open Mosaic Habitats on Previously Development Land
• imposition on public authorities to have regard to biodiversity in carrying out their existing duties and functions
• quarry would make a unique area for ecological and geological study by schools and colleges
• Ecological Impact Assessment of Halldale Quarry in 2009 identified a number of protected species – report if now long out of date
• site is extremely fossiliferous and contains fine examples of carboniferous marine fauna
• concerned regarding the potential loss of the quarry face and subsequent access to the fossil bearing strata
• ability to collect fossils and to explore exposed geology would be lost
could consideration be given to potential preservation of exposed strata for future
generations to explore and collect fossils
impact of increase in traffic on inadequate road system
traffic flows underestimated
road layout should be revised so Matlock Spa Road continues into the site with
Snitterton Road joining at a T-junction
Transport Statement out of date and inaccurate
report fails to mention the impact of the 430 dwelling units at Cawdor Quarry, 12 units
at Limestone Croft and 18 at top of Matlock Spa Road
impact of extension to Sainsburys
would drive to nearest school at South Darley via Snitterton and Oker
should restrict access from application site onto Snitterton Road
refer to previously conditions required by the Local Highway Authority
narrow, unlit road with no pavement with 60mph speed limit from Snitterton to top of
Matlock Spa Road
impact on pedestrian safety
appears to be no extra provision for walkers
question the need for further cafes and restaurants
building houses in smaller developments across the whole of the town and
surrounding villages seems a more sensible approach – less impact on infrastructure
could improve County Hall and free up redevelopment of other County Council
buildings
Councils looking to build on cheapest and easiest sites to grant permission rather
than tackling disused and derelict commercial, warehousing and factory sites
houses on quarry floor will be dark with no winter sunlight
noise and light pollution during construction and once complete
impact on air quality
all that is built is executive housing for profit

Matlock Civic Association – Comment:
- No objection in principle - brownfield sites should be developed before greenfield
  sites.
- Note previous planning approval.
- Hoped acceptance of the site would mean greenfield residential proposal would be
  resisted.
- Concerned with traffic flows to and from the site.
- Design of the access/traffic orders should direct traffic down Matlock Spa Road.
- Planting should be retained and enhanced to reduce the impact on Masson hillside.

Councillor M. Burfoot – Object:
- Support limited development of this site but a large, out of town residential ‘estate’ in
  this location, without any services, is inappropriate.
- Defunct draft Local Plan allowed for only 100 dwellings to concentrate development
  towards the north end of the site to protect the more sensitive ecology, wildlife and
  geological interest which dominates the rising land to the south.
- This part of the site is open to strong landscape and visual impact objections,
  particularly for receptors on Matlock Bank, from Jackson Road up to Cavendish
  Road.
- Upper reaches of this former quarry site, up towards the quarry face, would be
  almost impossible to screen.
- Such a major development could well set a precedent for future infill development of
  the agricultural land between Halldale Quarry, Snitterton Road and Salter’s Lane and
  an extension of Matlock’s urban footprint on to Masson hillside.
- Traffic generation is likely to be a significant factor.
• Substandard road and junction (Matlock Spa Road / Snitterton Road).
• Traffic calming and deterrent measures are needed to prevent it developing into even more of a ‘rat run’ than it is already.
• Any development on the site will require some imagination and negotiation with the developer in order to provide adequate, additional pedestrian and cycle links to lower Matlock Spa Road and the town centre.
• Development must be restricted to the lower half of the site - believe this was the case with the planning consent granted for the mixed commercial development.
• The established trees on the screening bund north of the main quarry must be protected and reinforced.
• A more modest scale of development, in line with the provision agreed in the previous draft Local Plan, is likely to be more acceptable.
• Application should be refused in its submitted form and a design brief produced for a more sustainable and environmentally acceptable development, to include guidance on building and highway design and materials, lighting and street furniture, renewable energy etc.

7.0 OFFICER APPRAISAL

7.1 The proposed development is clearly of major significance to the local area and could, by virtue of its scale and location, have wide-ranging economic and environmental impacts. It would provide for a substantial number of new dwellings, provide a degree of employment opportunity and the potential for new and modern business accommodation. However, the scale and nature of the development could also have significant impact on the environment, including visual impacts on the landscape, and physical impacts on the ecology of the site and its surroundings. It would also, undoubtedly have wide ranging impacts on the local highway network and implications for public transport in the area.

7.2 Accordingly, it is necessary to identify and evaluate the potential impacts of the development in light of each of these issues and weigh these considerations in the balance before formulating a view as to the acceptability or otherwise of the development proposals.

7.3 Assessment of the proposal is, therefore, logically broken down into a number of discrete areas:-

a) Development Plan Policy Framework
b) Site Location, Accessibility and Sustainability
c) The Principle of Development
d) Viability and Deliverability
e) Landscape and Visual Impact
f) Impact upon the Highway Network
g) Nature Conservation Impact
h) Other Matters

Each of these issues is discussed in detail below.

Development Plan Policy Framework

7.4 The Government is committed to a plan-led system of development control. This is given statutory force by section 38(6) of the Planning and Compulsory Purchase Act 2004 (the 2004 Act). Where an adopted or approved development plan contains relevant policies, section 38(6) requires that an application for planning permission or an appeal shall be determined in accordance with the plan, unless material considerations indicate otherwise. As a result, there is a general presumption in favour of development that is in accordance with the provisions of the Development Plan.
7.5 This is further emphasised by the National Planning Policy Framework (Paragraph 196) which states that:

The planning system is plan-led. Planning Law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. This Framework is a material consideration in planning decisions.

7.6 The development plan is currently the Adopted Derbyshire Dales Local Plan (2005). The application site is situated within the Settlement Framework Boundary of Matlock; the boundary follows and includes the outline of the application site to the east, south and west. Policy SF1 states that planning permission will be granted for development if the proposal will make full and effective use of brownfield land in preference to greenfield sites, preserves or enhances the character and appearance of the settlement, makes good use of existing or potential infrastructure, is well related to surrounding properties and land uses, is well related to means of access and does not result in the loss of local services and facilities. In this regard, it is considered that the proposed development is in compliance with Policy SF1.

7.7 The application site is also formally allocated in the adopted Local Plan under Policy EDT1. This policy states that planning permission will be granted for industrial and business development on a number of sites in the District including Hall Dale Quarry. The explanatory text to this policy indicates that while the existing and allocated employment sites are intended primarily to accommodate uses within Classes B1, B2 and B8 of the Use Classes Order, other activities may be acceptable, such as vehicle repair and sales, offices that cannot be accommodated within or adjacent to town centres and activities ancillary to the businesses located at the site.

7.8 The emerging Draft Derbyshire Dales Local Plan (April 2016), proposes site allocation policies for a mix of residential and employment development. This would include up to 220 residential properties, of mixed dwelling types, and some 2ha of Use Class B1 commercial development which could include offices, research and development and light industry. Relevant policies of the draft plan are S6, S7, S8, HC2, HC10, EC1, EC1A and DS5. Whilst the policies of the Draft Local Plan provide a clear direction of future policy intentions for the site, given the fact that the plan is still at an early stage of preparation, only limited weight can be attributed to these policies at the present time since they have yet to be tested through the Examination in Public.

7.9 This application raises a number of specific planning issues for which the policies of the Adopted Derbyshire Dales Local Plan (2005) remain relevant, as they are in general accordance with the National Planning Policy Framework. The provisions of the Local Plan policies in respect of such matters are considered in detail throughout the remainder of this report.

**Site Location, Accessibility and Sustainability**

7.10 In locational terms, the application site is located approximately 1500m by foot from Matlock town centre. Matlock Spa Road and Snitterton Road rises on a considerable gradient from the access road to the Sainsbury’s development to reach the site. Whilst the application site is not currently served by public transport, Sainsbury’s supermarket, some 600-700m from the site, is well served by buses and, subject to securing the agreement of the operators, there is potential to extend these services to serve Halldale. However, it will be necessary to ensure that such services are self-sustaining in the long term.
7.11 The railway station is located approximately 800m from the site via Snitterton Road/Matlock Spa Road. The station provides a direct service at an hourly frequency to Derby and Nottingham. In addition, Peak Rail provides an interim leisure service from Matlock Riverside to Darley Dale.

7.12 In terms of cycling and pedestrian infrastructure, Matlock Spa Road includes footway provision on the northern side of the road to the east of its junction with Snitterton Road. No footway provision is provided along the southern side of Snitterton Road/Matlock Spa Road. There are no specific cycle routes adjacent to the site but the provision on the northern side of Matlock Spa Road is a combined footway/cycleway that provides access towards the Riverside railway station and beyond.

7.13 In terms of access to local facilities, within 600-800 metres of the site there is the Sainsbury’s supermarket, the railway station and bus/rail interchange. The town centre of Matlock lies just beyond these and provides a wide range of retail, service and leisure uses.

7.14 Notwithstanding the fact that the site is located within the settlement framework of Matlock and is within a reasonably sustainable location from an accessibility point of view, it must be recognised that the topographical constraints of the site together with the lack of public transport would indicate that the site is unlikely to facilitate good levels of accessibility by means other than the private car.

The Principle of Development

7.15 Halldale Quarry has been identified as a site for redevelopment for in excess of 20 years. It has previously been identified as the largest single component in meeting the District’s strategic employment land requirements and has been long regarded as a key redevelopment opportunity not only for Matlock but also for the wider benefit of the Derbyshire Dales.

7.16 However, the prospects of redeveloping the site for employment generating uses have been restricted due to the fact that the site was not served by an adequate access (now resolved through the partial redevelopment of Cawdor Quarry) and the significant costs of redeveloping the site and providing utilities and services.

7.17 The current application proposes 220 dwellings, 400m$^2$ of A3 floorspace (restaurant and café); and 6400m$^2$ of B1 floorspace (offices and/or light industry). Whilst the site is not proposed to deliver the levels of employment that had previously been sought in the allocation made under Policy EDT1 of the Adopted Derbyshire Dales Local Plan (2005), this has to be balanced with current government guidance contained in the National Planning Policy Framework (Paragraph 22) which states that:

‘Planning policies should avoid long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose.......applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities.’

7.18 Whilst there is a continuing need to identify high quality employment opportunities within the Derbyshire Dales, the emerging Derbyshire Dales Local Plan acknowledges that in accordance with Paragraph 22, employment development alone is unlikely to be capable of delivering the viable redevelopment of Halldale Quarry. A mixed use scheme of residential development (up to 220 dwellings) and 2ha of employment land is therefore proposed as part of the Draft Local Plan.
7.19 The application proposes 6400m$^2$ of Use Class B1 floorspace. Originally, this provision was proposed solely as office accommodation, however during the course of negotiations with the applicant, Officers have sought to secure a more flexible B1 use which would potentially enable light industrial space to be brought forward as appropriate. In addition, there would be some limited employment generated by the proposed Use Class A3 restaurant/cafe development. However, excluding the A3 development, the developable area proposed would be 2.75 acres (1.1 hectares) which falls somewhat short of the 2 hectares of Use Class B1 development identified as being required to accord with emerging policy.

7.20 The emerging Derbyshire Dales Local Plan seeks to allocate land sufficient to accommodate 6,440 dwellings in the period 2013-2033 which represents the District's Objectively Assessed Need for housing. In this regard, Halldale Quarry is an important component in the delivery of this requirement, contributing some 220 dwellings. As a brownfield site in a reasonably sustainable location within the settlement framework of Matlock, the site will alleviate development pressure on other, less desirable sites. As such, it is considered that the application proposals are broadly in accordance with emerging Development Plan policy in regard to housing provision.

7.21 The Adopted Derbyshire Dales Local Plan does not provide for any residential development to be accommodated within Halldale Quarry. It also proposes significantly more employment generating uses than is proposed under the current application. There is therefore, a clear conflict with the Adopted Derbyshire Dales Local Plan. However, this conflict must be considered alongside the requirements of the National Planning Policy Framework which proposes a significant increase in housing development and also, the policies of the emerging Derbyshire Dales Local Plan which have regard to the current housing and economic needs of the Derbyshire Dales. The remainder of this report will therefore consider these issues in greater detail.

**Viability and Deliverability**

7.22 Halldale Quarry is self-evidently, not an easy site to develop. It is heavily constrained in terms of it being a brownfield, quarry site with all the development difficulties that such presents. It is therefore necessary in the consideration of an application of this nature, to have regard to viability and deliverability issues in order to establish what may be achievable. In order to assist this process, the applicant was invited to submit a development appraisal which indicated in broad terms, the costs of developing the site for the proposed use. In response, the District Council has engaged the services of the District Valuers Office (DVO) to assess the viability and deliverability of the scheme as submitted. During the last 14 months, there has been extensive discussions and dialogue between the parties in order to establish an agreed position on development viability.

7.23 The DVO has therefore assessed the application in considerable detail, specifically in regard to the following matters:

- Site Value
- Construction Costs
- Housing Mix
- Affordable Housing Provision
- Sales Values
- Externals, Infrastructure and Abnormal Costs
- Profit Levels

Below is a summary of some of the main issues considered by the DVO in regard to development viability. His comments as appropriate feed into the analysis.
Proposed Housing Mix

7.24 Paragraph 50 of the NPPF states that:

“To deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities, local planning authorities should:

• plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community (such as, but not limited to, families with children, older people, people with disabilities, service families and people wishing to build their own homes);
• identify the size, type, tenure and range of housing that is required in particular locations, reflecting local demand …….”

7.25 As part of the evidence base for the emerging Local Plan, a Housing and Economic Development Needs Assessment (September 2015) has been commissioned which has been used to inform the preparation of new local plan policies. This seeks to ensure new housing meets the communities needs and states (Paragraph 8.43) that:

“……. the provision of market housing should be more explicitly focused on delivering smaller family housing for younger households. On this basis the following mix of market housing is recommended: 1-bed properties: 5%, 2-bed properties: 40%, 3-bed properties: 50%, 4-bed properties: 5%”.

7.26 Policy HC10 of the emerging Local Plan seeks to achieve these objectives and it is considered appropriate that in considering any future development on the application site, due regard should be given to these requirements. Due to the fact that this is an application for outline planning permission with all matters reserved (except access), the details of the housing mix are not yet finalised. However, as an indication of development viability, the applicant has indicated that to be viable, the development would need to be delivered in the following manner:

• 110 Three bedroom properties (55%)
• 60 Four bedroom properties (30%)
• 30 Five bedroom properties (15%)

7.27 There is therefore, a discrepancy between the aims of the emerging Local Plan and the opinion of the applicant as to what is viable to be delivered on this challenging site.

7.28 In accordance with the outline planning application, the DVO has evaluated a residential development which comprises about 27,240 square metres. For the 220 units, in the absence of a definitive schedule of accommodation, he has assumed a mix of suitable unit types and floor areas as follows:

• 51 Two bedroom properties (23%)
• 79 Three bedroom properties (36%)
• 80 Four bedroom properties (36%)
• 10 Five bedroom properties (5%)

On this basis, it is considered that a reasonably mixed residential development could be deliverable on the site but this would be unlikely to be based on the suggested mix in the emerging Local Plan given the challenges of the development site.
Affordable Housing Provision

7.29 There is a clear need for affordable housing provision in the District. The need to deliver such provision is supported by Paragraph 50 of the NPPF which states that:

> local planning authorities should……where they have identified that affordable housing is needed, set policies for meeting this need on site, unless off-site provision or a financial contribution of broadly equivalent value can be robustly justified….

and Paragraph 54 of the NPPF which states that:

> In rural areas............local planning authorities should be responsive to local circumstances and plan housing development to reflect local needs, particularly affordable housing........

7.30 From the outset, the applicants have clearly stated that it is not possible to deliver a viable development on this site whilst meeting all of the policy objectives of the Local Planning Authority, particularly in regard to the provision of affordable housing. Adopted Local Plan Policy states that the District Council will seek to negotiate affordable housing provision of 45% of all dwellings proposed on allocated sites or sites of 0.5 hectares and above. Emerging Local Plan policy stipulates that at least 30% of dwellings should be proposed as affordable housing.

7.31 The DVO appraisal concurs with the applicant’s view that the project cannot support any level of affordable housing, nor can it support any other S.106 contributions. This is on the basis of securing a market facing level of return of 20% and on the proviso that the costs and revenues appropriate to the valuation date are valid only if the building construction work commences by Autumn 2016 and proceeds at a rate consistent with achieving sales in the market. It is advised that if commencement of the works were to be delayed, and is then undertaken at some other time when market conditions may be different, then a re-appraisal should be required adopting the costs and revenues at that time.

Employment Land Provision

7.32 The provision of employment land within Halldale Quarry is a longstanding policy objective of the District Council. The application as submitted proposes 6400m$^2$ of Use Class B1 floorspace and a Use Class A3 restaurant/cafe development. However, as previously stated, excluding the A3 development, the developable area proposed would be 2.75 acres (1.1 hectares) which falls somewhat short of the 2 hectares of Use Class B1 development identified as being required to accord with emerging policy.

7.33 Originally, this provision was proposed solely as office accommodation, however during the course of negotiations with the applicant, Officers have sought to secure a more flexible B1 use which would potentially enable light industrial space to be brought forward as appropriate in order to meet the employment needs of the local area.

7.34 The applicant’s viability appraisal makes no provision for the build costs of the proposed employment provision (only the costs of providing a serviced site). In this regard, there is considerable doubt that the applicants intend to actually provide the employment land provision on site, rather preferring to provide a serviced site which is capable of being developed. In any event, the applicants envisage that the provision of the employment land would need to be phased with the residential development and suggests that the residential element is allowed to proceed up to the completion of the 150th dwelling with no requirement to provide employment land. Prior to 151st residential unit being created, the applicants would provide a minimum of 10% of the commercial floor space. Prior to 175th residential unit being created, they would provide a minimum of 40% of the commercial
floor space. Prior to the 200th residential unit being created, they would provide a minimum of 70% of the commercial floor space.

7.35 Notwithstanding the above, the applicant advises that on the basis that the DVO considers that the development is not currently anticipated to deliver an adequate level of return, the requirement to provide employment land cannot be justified. Whilst this position is entirely understandable, it is relevant to note that the position of the DVO is predicated on the basis that the costs and revenues used by the DVO are only appropriate to the valuation date and are therefore only valid if the building construction work commences by Autumn 2016 and proceeds at a rate consistent with achieving sales in the market. They are also based upon a residential development which comprises about 27,240 square metres and in the absence of a definitive schedule of accommodation, assume a mix of suitable unit types and floor areas, the nature and extent of which may vary significantly at Reserved Matters stage.

7.36 In order to address the uncertainty regarding the nature and timing of delivery of the future development of this site and bearing in mind that this is an outline application with no certainty on the eventual site layout, housing mix, design and specification of the dwellings, the DVO has recommended to the District Council that a viability review mechanism should be considered as a S.106 agreement/planning condition, which would enable the issue of development viability to be re-appraised in the context of a more definite scheme of development. This would enable issues such as employment land provision and affordable housing provision to be re-appraised in the context of market conditions, costs and revenues which may be different in the future.

7.37 This proposition has been put to the applicants however, it has been rejected on the basis that it would create uncertainty, delay and financial ambiguity during the development phase. However, the counter view is that at the present time, the District Council is being asked to consider and accept a scheme of development which is based upon an indicative schedule of accommodation and no certainty as to the actual timing of delivery on the site.

**Landscape and Visual Impact**

7.38 Halldale Quarry provides a dramatic and familiar backdrop to views across the valley, especially from Matlock Bank. Fortuitously, for the enjoyment of these views the derelict and despoiled land within the quarry itself is not visible.

7.39 Whilst the proposed layout of development is for illustrative purposes only, it is relevant to explain how the proposed scheme would be perceived in its surroundings. The development will be substantially contained within the quarry and within the localised view it should not be particularly apparent. However, there are clear views of the site from the north side of the Derwent Valley, particularly from the town stretching up the northern slope.

7.40 Natural England raises concern that there was no assessment of the potential landscape or visual impacts resulting from the development proposals given that the Peak District National Park boundary is some 700m away and strongly recommend the submission of a Landscape Impact Assessment. In this regard, it is not considered that the site will be visible from within the National Park. The key impact will be in views from Matlock Bank and how the site will be perceived in the context of the National Park.

7.41 There will be intrusion into these views, particularly at night when the lighting associated with the development would be very apparent. During the day, the development would have a degree of screening with existing and proposed landscaping permeating and surrounding the site. Nevertheless, the development would be a clear intervention in the landscape and the degree of harm caused has to be balanced with the desirability to see
the viable redevelopment of a large brownfield site to go some way towards meeting the housing and employment needs of the local area and the wider District.

7.42 In this respect, the applicant has submitted a document detailing the visibility of the previously approved scheme for commercial development of the site. This details how the larger buildings would have been perceived in views from Farley Hill, Cavendish Road, Jackson Road, Dimple Road and Hurds Hollow. In this regard, the applicant considers that the proposal represents a considerable reduction in visual impact as a result of the reduced building volume, heights and scale and that the current proposals have a more dispersed arrangement and a 33% reduction in mass over the approved scheme.

7.43 It is considered, whilst there would be some impact, that this is less than substantial given the context of the site to the town of Matlock and that this is a scarred landscape with the quarry. Obviously, development will be sensitive but, with mitigation through landscaping, it is considered that the development can be reasonably assimilated. Much of the developable area is set on the lower levels of the quarry and this would be difficult to perceive in views from across the valley.

**Impact upon the Highway Network**

7.44 A Transport Assessment (TA) that has been submitted with the application. This assesses the impact of the development upon the local highway network, taking into account existing and predicted traffic. The Assessment is supported by actual traffic count data. However, concern has been raised that the report fails to mention the impact of the 430 dwelling units at Cawdor Quarry, 12 units at Limestone Croft and 18 units at the top of Matlock Spa Road. The Local Highway Authority has nevertheless considered the application and advised that these latest proposals, assuming occupation of a similar site area as the previous outline permission, would have reduced peak hour intensity.

7.45 The application proposes that the site will be accessed via a simple priority junction onto Snitterton Road. Whilst the Local Highway Authority considers that this may, in theory, operate satisfactorily, the major traffic flow following implementation of the proposals will be to and from the development itself. In these circumstances, it is not regarded as good practice for the majority of vehicle movements to have to undertake a manoeuvre at a priority junction. Accordingly, and notwithstanding that access is not a reserved matter, it is considered that any planning permission will need to be conditional upon the access arrangements being revised so that Matlock Spa Road is realigned to form the priority route into the development site, with the western arm of Snitterton Road forming a junction onto the priority route.

7.46 In summary, the development will increase and change traffic volumes, and patterns in the locality, either independently or cumulatively in conjunction with other nearby committed development. These impacts will require transport mitigation either prior to, during or following development taking place or certain traffic impacts being experienced. Where possible, it is proposed that mitigation works are addressed through the imposition of planning conditions. However, there are instances where this is not considered appropriate or practical and, in these cases, it will be necessary for the developers to enter into a legally binding Section 106 Agreement. These matters are addressed below.

a) Off-Site Improvements

7.47 The Local Highway Authority has advised that the applicants’ Transportation Assessment, and Local Highway Authority analysis of it, suggests the potential need for local highway improvements as a consequence of the development. The Local Highway Authority advises that a financial contribution of £150,000 (index linked) will therefore need to be paid to the County Council towards these works, plus actual costs for utilities works and
commuted sums as appropriate. This has been assessed by the DVO and accepted as reasonable.

b) Traffic Regulation Orders

7.48 An Order will be required in respect of the relocation of the speed limit on Matlock Spa Road/Snitterton Road. The applicant would be required to pay a contribution of £3,000 to the County Council, within one month of development being commenced, in respect of the promotion and subsequent implementation of the Order. The applicant has agreed to meet this cost.

c) Public Transport

7.49 The proposed development has the potential for generating high levels of car based travel and it is considered essential by the Local Highway Authority that the development enhances public transport accessibility. A developer contribution is therefore requested to be made towards the introduction or enhancement of bus services and facilities. This amounts to an annual sum of £150,000 to be provided for the first 5 years from the first occupation of any part of the development (a total of £750,000).

7.50 However, the applicant has advised that this would undermine the viability of the proposed development. This cost has not been assessed by the DVO in the viability assessment but it is clear that the development cannot meet such provision given the inability to make such S106 contributions. Whilst such lack of bus service provision to the site is a concern, it is considered that this should not undermine the project given the development risk and that the site is nevertheless reasonably accessible by foot/cycling to the town and to the available public transport at the main bus station and railway station.

d) Travel Plan

7.51 There is a requirement that the developer/site operators undertake to prepare, maintain, manage, develop and execute the contents of the proposed Travel Plan in accordance with the agreed document and the applicant would be required to pay the Local Highway Authority’s reasonable costs up to a maximum of £2500 per annum. The applicant has agreed to meet this cost.

e) Additional Monitoring and Mitigation Measures

7.52 The applicants’ Transportation Assessment indicates that 4.5% of the proposed development traffic will use Snitterton Road. The Local Highway Authority has advised that it represents a minimal impact on Snitterton Road and the settlements of Oker and Snitterton. However, the Local Highway Authority advise that the measures referred to in the Transport Statement will all attract a cost, which will need to be reflected in a Section 106 Agreement. These proposals will also be subject to separate legislative and consultative processes outside of the planning system and no guarantee can therefore be given by the Local Highway Authority in respect of successful implementation of any Order or physical measure.

**Nature Conservation Impact**

7.53 The NPPF advises, in Paragraph 118, that when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity. Paragraph 111 also advises that planning policies and decisions should encourage the effective use of brownfield land provided it is not of high environmental value.

7.54 In terms of mitigating the impacts on ecology, it is advised of the need to establish habitats and to provide details for the management of grassland. This is reflected in the advice of
Natural England, that the promotion of green infrastructure and biodiversity enhancements should be sought. These matters can only be reasonably addressed when updated surveys are provided and there is a greater understanding of the layout of the development through the reserved matters. However, it is considered that there are no in principle objections that should not allow the favourable determination of the application in this respect.

7.55 Of more significant concern are the objections from Natural England. It is noted by Natural England that the site was to be designated for development with Policy SA3 of the withdrawn Local Plan. However, there are concerns raised with the development proposals in terms of the proximity to Gang Mine and the Peak District Dales Special Areas for Conservation (SAC) and the proposals are likely to lead to significant impacts on these European sites for protection. In this respect, Natural England state that the Local Planning Authority, as the competent authority under the provisions of the Habitats Regulations, should have regard to any impacts that a plan or project may have. These include the potential for air quality and recreational impacts on SACs and local SSSI's.

7.56 In addition, Natural England are concerned that no reference is made to the valued fossil assemblage on the site and urge liaison with the Derbyshire and Peak District RIGS Group to ensure any features of value are not lost and that development will need to be carefully designed in order to respect and incorporate valuable fossil features. This is not considered to be an overriding reason for refusal of the application but, nevertheless, is a matter that would need further consideration with the reserved matters application.

7.57 Paragraph 120 of the NPPF advises that planning decisions should ensure that new development is appropriate for its location with respect to pollution and land stability. In this respect, the applicant has submitted an Ecological Appraisal which recognises that the site had outline planning permission for a mixed use development scheme. It is also recognised that measures to offset any likely significant effect on the wildlife sites could be secured by condition or legal agreement such as the imposition of a travel plan to alleviate pollution and a contribution to providing alternative greenspace.

7.58 Where granting planning permission would result in significant harm to nature conservation interests, the Local Planning Authority needs to be satisfied that the development cannot reasonably be located on any alternative sites that would result in less or no harm. In the absence of any such alternatives, Natural England states that Local Planning Authorities should ensure that, before planning permission is granted, adequate mitigation measures are put in place. If significant harm could arise and cannot be prevented, adequately mitigated against or compensated for, then planning permission should be refused. This position is reflected in Policies NBE3, NBE4 and NBE5 of the Adopted Local Plan.

7.59 Derbyshire Wildlife Trust (DWT) raised concern with the originally submitted information and the applicant has prepared updated ecological information. DWT has considered this and advises that, whilst some of the survey work is outside of a timeframe for best practice, this can be addressed with updated survey prior to works commencing on the site. In this respect, it is advised that conditions are attached to any grant of planning permission with respect to surveys and mitigation measures for great crested newts, badgers and reptiles and that an environmental management plan and landscape and ecological/mitigation plans be submitted for approval.

7.60 Whilst it is regrettable that development of the site would result in the loss of a Priority Habitat, on balance, it is considered that the social and economic benefits of the development outweigh the potential for harm to be caused to the nature conservation value of the site.
Other Matters

7.61 The Environment Agency and DCC as Land Drainage Authority have raised no objections with respect to drainage and site contamination matters and these can be addressed through conditions on any grant of planning permission. DCC Strategic Planning has identified no requirements for education contributions. Peak and Northern Footpaths Society have requested that links be provided to existing public footpaths in the area. However, this is a matter that would need to be assessed in detail with the reserved matters application once the proposed site layout becomes established. However, consideration must be given topography and that the land ownership may be out of the control of the applicant in seeking to secure such links.

7.62 The Crime Prevention Design Advisor considers it important that the applicant demonstrates what crime prevention measures are to be introduced into the design and recommends the information is provided at this stage, to then be progressed within the next stage of the application process. However, it is the view of Officers that such matters need to be given consideration once a development layout is submitted at the reserved matters stage, where designing out crime can be fully considered.

7.63 In addition, there is a requirement to ensure that appropriate open space and children’s play space are provided on the site. It is considered that this can be required as a condition on any grant of planning permission and the future maintenance of such provision can be controlled through the Section 106 Legal Agreement that would accompany any permission.

Summary and Conclusion

7.64 Halldale Quarry has been identified as a site for redevelopment for in excess of 20 years. Historically, the prospects of redeveloping the site for employment generating uses have been restricted due to the fact that the site was not served by an adequate access and the restricted availability of funding streams at national and regional levels. Whilst the funding situation has not improved, access benefits derived from the partial redevelopment of Cawdor Quarry, now make the prospects for redeveloping Hall Dale far more encouraging.

7.65 There is clearly a need to provide additional land for housing development and the provisions of the NPPF stipulate that planning policies should avoid long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Furthermore, the NPPF advises that applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities.’

7.66 The emerging policies of the Draft Derbyshire Dales Local Plan clearly indicate that in principle, residential development in Halldale Quarry is considered to be acceptable, however the provision of much needed employment provision is also a significant factor to be taken into consideration.

7.67 It is clearly important to ensure that any proposed development in Halldale Quarry is viable and deliverable. In this regard, the input of the DVO into this process has been essential and the conclusions of the DVO cannot be dismissed lightly. Essentially, the DVO has concluded that a development of 220 dwellings based upon an assumed mix of suitable unit types and floor areas is viable, however it is incapable of supporting any provision for affordable housing or any other s.106 contributions for matters such as public transport provision.
7.68 If approved, it is an inevitable consequence of the development that traffic congestion through the centre of Matlock will increase – however this is an inevitable consequence of all future major housing land releases. Consideration, therefore, needs to be given as to whether the desirability of securing the redevelopment of Halldale Quarry for residential development, outweigh the dis-benefits in terms of the environmental impact on the character and appearance of the landscape, the lack of affordable housing and employment land provision and infrastructure improvements.

7.69 This is a finely balanced case. Whilst the absence of any affordable housing provision on site is regrettable, there are opportunities on other sites within the area which are not as constrained as Halldale Quarry to secure affordable housing provision. However, the same cannot be said for employment provision. Opportunities to secure additional employment land provision within the Matlock area are severely limited. Halldale Quarry is therefore an important resource for future employment land provision and the applicant’s offer of providing a serviced site with no clear commitment to the deliverability of serviced employment units is considered wholly unacceptable.

7.70 Furthermore, in the absence of any agreement to facilitate the provision of a review mechanism on development viability which may have regard to the precise nature and timing of delivery of the future development of this site at the reserved matters stage, it is considered that the application can only be supported on the basis that the employment land provision is completed in full through the provision of serviced employment units, in accordance with a timescale of delivery. The timescale of delivery should have regard to the overall development timescale and should seek to secure provision before 50% of the residential development is completed or otherwise in accordance with an alternative scheme to be agreed in advance.

7.71 Although the development package proposed is contrary to the adopted development plan, this does not prevent the scheme being supported having full regard to current circumstances. The viability and mix of the development have been carefully considered and, whilst a greater provision for employment would have been preferred, subject to the delivery on the site of the accommodation specified in the application and a mechanism to control the housing mix, on a fine balance, it is considered that the scheme should be supported.

8. RECOMMENDATION

8.1. That, subject to:-

The applicants entering into an agreement under the provisions contained at section 106 of the Town and Country Planning Act 1990 to include the revocation of minerals planning permissions, phasing of the development to secure full delivery of employment provision, ecological management and the following highways related issues:

- Access and footway/cycleway linking to the town centre
- A Travel Plan with a contribution of £12,500 towards its monitoring.
- £3,000 contribution towards traffic regulation Order required.
- £150,000 contribution towards highway improvements and alterations within the Matlock area

and any other issues that cannot be adequately addressed by conditions;

planning permission be granted subject to conditions addressing the following issues and any other relevant issues arising from the development proposals:-

1. Standard time limit of the outline planning permission
2. Submission of reserved matters

3. Schedule of housing mix as per DVO Assessment or as agreed

4. Highways – (conditions to be advised by the Local Highway Authority prior to the Committee meeting)

5. Surface water drainage based on sustainable principles and an assessment of the hydrological and hydrogeological context of the development.

6. Site contamination assessment and remediation

7. Restricting surface water infiltration into the ground unless it has been demonstrated that there is no resultant unacceptable risk to controlled waters.

8. Interception of oil contamination from hardstandings

9. Open space provision – to be identified in the reserved matters and details for its future management

10. Measures to Design out Crime

11. Ecological matters – conditions required regarding surveys and mitigation measures for great crested newts, badgers and reptiles and that an environmental management plan and landscape and ecological/mitigation plans be submitted for approval.

12. Landscaping Management Plan

9. NOTES TO APPLICANT:

1. The Local Planning Authority prior to and during the consideration of the application engaged in a positive and proactive dialogue with the applicant which resulted in the submission of viability statements that overcame initial concerns relating to the non-provision of affordable housing.

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

3. This decision notice relates to the following documents:

   Drawing No. 2274/PL02 Rev. A received on 10th September 2014
   Amended Illustrative Site Masterplan 1:1000 received on 6th February 2015
   Supplementary Report – Comparison of Visual Impact of Current Application with Previously Approved Scheme received on 24th March 2015
   Design and Access Statement received on 10th September 2014
   Ecological Appraisal received on 10th September 2014
   Ecological Mitigation Strategy and Management Plan received on 24th February 2015
   Flood Risk Assessment received on 10th September 2014
Ground Investigation – Initial Rock Face Assessment received on 10th September 2014
Travel Plan received on 10th September 2014
Transport Statement received on 10th September 2014
Traffic Generation Technical Note received on 28th January 2015
<table>
<thead>
<tr>
<th>APPLICATION NUMBER</th>
<th>16/00023/FUL</th>
</tr>
</thead>
<tbody>
<tr>
<td>SITE ADDRESS:</td>
<td>Town Hall, Bank Road, Matlock</td>
</tr>
<tr>
<td>DESCRIPTION OF DEVELOPMENT</td>
<td>Replacement of roof covering and roof lights and installation of solar panels</td>
</tr>
<tr>
<td>CASE OFFICER</td>
<td>H Frith</td>
</tr>
<tr>
<td>APPLICANT</td>
<td>Mr D Blenkinsop of Faithful and Gould</td>
</tr>
<tr>
<td>PARISH/TOWN</td>
<td>Matlock Town Council</td>
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<tr>
<td>AGENT</td>
<td>Derbyshire County Council</td>
</tr>
<tr>
<td>WARD MEMBER(S)</td>
<td>Councillor S Burfoot Councillor M Burfoot Councillor A Elliott</td>
</tr>
<tr>
<td>DETERMINATION TARGET</td>
<td>13.06.16</td>
</tr>
<tr>
<td>REASON FOR DETERMINATION BY COMMITTEE</td>
<td>The application relates to a building owned and occupied by Derbyshire Dales District Council</td>
</tr>
<tr>
<td>REASON FOR SITE VISIT (IF APPLICABLE)</td>
<td>No site visit</td>
</tr>
<tr>
<td>MATERIAL PLANNING ISSUES</td>
<td>The impact of the works upon the character and appearance of the building and the impact upon the wider Conservation Area.</td>
</tr>
<tr>
<td>RECOMMENDATION</td>
<td>Approval</td>
</tr>
</tbody>
</table>
1. THE SITE AND SURROUNDINGS

1.1 The application relates to the roof the existing Town Hall building which in a prominent building of stone construction located within the centre of Matlock and within the Matlock Bank Conservation Area.

2. DETAILS OF THE APPLICATION

2.1 Planning permission is sought to replace the roof covering of the flat roof element of the building, replace all roof lights within the flat roofed element, install solar panels to the north eastern section of the roof and erect a folding guard rail of aluminium to the edge of the roof to 1.1m in height, which is only erected when necessary to maintain the solar panels.
2.2 The proposed roof covering is to be a waterproof membrane with PIR insulation with a three layer mineral felt system overlaid in charcoal grey, this roof covering is intended to significantly improve the thermal insulation of the building. The replacement roof lights will be of the same size as the existing with 10 of the roof lights being replaced.

2.3 The applicant’s agent has submitted a detailed bat survey which concludes that there are no bat roosts within the building and that there is no way in which bats could enter the roof area to roost.

3. PLANNING POLICY AND LEGISLATIVE FRAMEWORK

3.1 Adopted Derbyshire Dales Local Plan (2005)
SF1: Development Within Settlement Frameworks Boundaries
SF5: Design And Appearance Of Development
NBE5: Development Affecting Species Protected By Law Or Are Nationally Rare
NBE21: Development Affecting A Conservation Area
CS5: Renewable Energy Installations

3.2 Other:
National Planning Policy Framework
National Planning Practice Guidance
Matlock Bank Conservation Area Appraisal

4. RELEVANT PLANNING HISTORY

4.1 Numerous applications from the late 1970’s to the late 80’s relating to the extension of the Town Hall building and siting of temporary portacabin office accommodation.

5. CONSULTATION RESPONSES

5.1 None received

Design and Conservation Officer (Derbyshire Dales)

5.2 The flat roof of the Town Hall has a low parapet to its perimeter. As part of the re-roofing this will not be altered and will, therefore, not affect the design and appearance of the modern parts of the Town Hall.

The flat roof itself is not a predominant feature of the area and whilst some views of it may be gained these are glimpses and infrequent. It is proposed to install perimeter guarding behind the parapet, however, this will be a folding system which will only be in use when the proposed photovoltaic panels are undergoing maintenance.

The proposed array of photovoltaic panels is to be located in an area on the main east-west part of the flat roof. They will be 650mm high from the roof level and each panel at a 30 degree pitch. The area of the array is to be set 2.5m in on all sides of the parapet and in this regard their potential visual impact will be considerably lessened.

In conclusion, it is considered that the proposed roof works and photovoltaic array will have a minimal impact on the character and appearance of this part of the Conservation Area.

6. REPRESENTATIONS RECEIVED

6.1 None
7. OFFICER APPRAISAL

7.1 The following material planning issues are relevant to this application:

1. Principle of Development
2. Impact on the character and appearance of the building and surrounding Conservation Area

**Principle of Development**

7.2 Policy CS5 of the adopted local plan supports the use of renewable energy installations where these do not adversely impact upon relationship with neighbouring uses and are sited so as to not harm the immediate or wider landscape.

7.3 The installation of renewable energy on the Town Hall building along with the roof repairs will not only improve the energy efficiency of this large building but will also add to renewable energy production. In this regard these benefits are supported through local and national planning policy.

**Impact on the character and appearance of the building and surrounding Conservation Area**

7.4 In terms of Conservation Area, the primary legislation is set out in the Planning (Listed Buildings and Conservation) Act 1990. Section 72 of the Act states:

*With respect to any building or land in a Conservation Area……special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.*

7.6 This is reflected in government guidance set out in NPPF which advises on this need to preserve or enhance a heritage asset and states in Paragraphs 132, 133 and 134 that:

*When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration and destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification……Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh the harm or loss……Where a development will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use .*

7.7 The roof of the town hall can be seen from a limited number of positions along Edge Road and from the lower part of the footpath which leads from Edge Road towards the County Offices, other than this only the elevation of the building can be seen where the metal part of the roof element can be seen in glimpses between planting and existing buildings. Whilst the views of the roof are few and far between they are nevertheless views of the building and the proposed roof works within the Conservation Area and therefore assessment of the degree of harm from the proposed works has to be carefully assessed.

7.8 The roofing repairs and roof light replacement will have minimal visual impact given the flat roof and height of the building and these are merely repair works. The proposal solar panels will be located on the northerly flat roof of the building. The panels will be 0.65m in...
height to a 30° angle. Given the height of the panels and the 2.5m set back from the edge of the parapet wall, it is considered that the panels will have minimal visual impact. Where the views of the roof can be gained the solar panels would be seen along with the modern roof of the building and associated equipment. It is therefore considered that the impact of the solar panels and roof works will be extremely limited to such extent that there is no harm to the Conservation Area or the existing building as a result of these works.

7.9 The benefit of the works will be by installing renewable energy and ensuring the town hall is a more energy efficient building. It is considered that the proposed works are acceptable in accordance with the requirements of legislation and local and national planning policy.

7.10 The introduction of the guard rail will similarly have minimal visual impact as this is a folding structure which will only be visible when in use. A condition will be required to ensure the guard rail is folded down when not in use to protect visual amenity.

Other Issues

7.11 The applicant’s agent has submitted a detailed bat survey to accompany the application. The survey concluded that there are no bat roosts within the building and there is no way in which any bats could enter the building and therefore the proposal to replace the roof covering will not have any adverse impact upon protected species. Given that no presence of bats has been found in this case it was not considered necessary to seek external advice on the impacts of protected species. The proposal is considered to be acceptable in terms of the impact upon protected species in accordance with local and national planning policy.

Conclusion

7.12 The proposed works will ensure the building is water tight and more energy efficient which is of environmental benefit. In terms of visual impact the proposal will have no harm to the Conservation Area due to the design of the works and the limited views of the roof of the building. Therefore the proposal is considered to cause no harm to the character and appearance of the existing building and will preserve the existing character and appearance of the wider Conservation Area in accordance with local and national planning policy.

8. RECOMMENDATION

8.1 That planning permission be granted subject to the following conditions.

1. Condition ST02a: Time limit on full

2. The guard rail hereby approved shall only be in the upright position when in use to protect workers on the roof of the building

Reason:

1. Reason ST02a

2. To protect visual amenity in accordance with policies SF5 and NBE21 of the Adopted Local Plan and guidance contained within the National Planning Policy Framework.

NOTES TO APPLICANT:

1. The Local Planning Authority prior to and during the consideration of the application engaged in a positive and proactive dialogue with the applicant which resulted in the
submission of a scheme that overcame initial concerns relating to the location of the guardrail.

2. This decision notice relates to the following documents:
   Site location plan PBS14-0907-001A received 18.04.16
   Elevation detail PBS14-0907-004 received 18.04.16
   Roofing plan PBS-0907-002 received 18.04.16
   Existing plan PBS-0907-002 received 18.04.16
   Solar panel detail by Light Tegra received 18.04.16
   Bat survey report by BSG ecology received 18.04.16
   Planning statement received 18.04.16
   Specification details received 18.04.16
   Guardrail detail by Alumasc
   Roof light specification
   Block plan PBS-0907-003 received 18.04.16
### APPLICATION NUMBER
16/00303/FUL

### SITE ADDRESS:
Derbyshire Dales District Council Store, Watery Lane, Ashbourne

### DESCRIPTION OF DEVELOPMENT
Change of use of land to form hard surfaced storage area and associated works and change of use of public toilets to mess facility

<table>
<thead>
<tr>
<th>CASE OFFICER</th>
<th>Mr Chris Whitmore</th>
</tr>
</thead>
<tbody>
<tr>
<td>APPLICANT</td>
<td>Mr Mark Wooller</td>
</tr>
<tr>
<td>PARISH/TOWN</td>
<td>Offcote and Underwood</td>
</tr>
<tr>
<td>AGENT</td>
<td>None</td>
</tr>
<tr>
<td>WARD MEMBER(S)</td>
<td>Cllrs. Millward and Bull</td>
</tr>
<tr>
<td>DETERMINATION TARGET</td>
<td>20th June 2016</td>
</tr>
<tr>
<td>REASON FOR DETERMINATION BY COMMITTEE</td>
<td>The application has been submitted by the Council for its own development</td>
</tr>
<tr>
<td>REASON FOR SITE VISIT (IF APPLICABLE)</td>
<td>Not applicable</td>
</tr>
</tbody>
</table>

### MATERIAL PLANNING ISSUES
- Whether the extension and expansion of existing facility and proposed use of the former public conveniences is acceptable in principle;
- The impact of the development on the character and appearance of the surrounding area and the local landscape;
- Whether the development would cause an overdevelopment of the site;
- Would the development cause unacceptable problems in terms of the relationship between the proposal and the neighbouring uses beyond the development site, and;
- Whether there would be any highway safety implications or adverse affect on the route / enjoyment of Public Footpath no. 24 ‘Offcote and Underwood’.

### RECOMMENDATION
Approve with conditions.
16/00303/FUL

DDDC Store, Watery Lane, Ashbourne

Derbyshire Dales DC

Date: 01/06/2016

100019785

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

1.1 The site comprises an area of Council owned land to the west of Ashbourne Cemetery off Watery Lane, Ashbourne. The site extends to 0.075ha in area and includes the former public conveniences, a storage compound / garage bound by metal fencing and high mature hedges (see figure 1) and two areas of pastureland. The application relates specifically to the former public toilets (see figure 2) and the parcel of pastureland to the west of the existing compound (see figure 3), which is bound by a post and wire fence and rises from Watery Lane.

1.2 Access to the existing compound is via Watery Lane, which terminates at the Severn Trent Water Authority Treatment Works and is shared by an allotment site (located to the west of the existing compound) and a household waste recycling centre. The lane also forms the beginning of the route of public footpath no. 24 ‘Offcote and Underwood’, when approached from the east.

(Figure 1)  (Figure 2)  (Figure 3)

2. THE APPLICATION

2.1 Full planning permission is sought to convert the former public toilets, which have not been in use for some time to a mess facility associated with the existing compound and garage facility. No changes to the external appearance of the existing building are proposed. What was the female toilet end of the building will be retained as a w/c and store. The eastern end of the building will accommodate a small kitchen area.
2.2 It is also proposed to extend the existing compound area into the field to the west. The compound area would approximately double in size and would cover over the entire parcel of land, currently bound by a post and wire fence. It is proposed to surface the area in a permeable tarmac. At the south eastern corner of the new compound area a concrete wash bay and separator tank will be installed. A lighting column is proposed in the north western corner. The new compound will be bound by a 2.4m high mesh fence and hedgerow.

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
- SF6: Protection of the Best Agricultural Land
- EDT7: Extension and Expansion of Existing Industrial and Business Land and Premises
- EDT8: Design and Appearance of New Industrial and Business Premises
- EDT16: Re-use of Rural Buildings for Industrial and Business Use
- NBE26: Landscape Design in Association with New Development
- TR1: Access Requirements and the Impact of New Development
- TR8: Parking Requirements for New Development
- L9: Safeguarding Public Rights of Way

3.2 Other:

4. **RELEVANT PLANNING HISTORY**

4.1 04/09/0819 Change of use of land to form depot / storage area and Granted erection of garage

5. **CONSULTATIONS**

5.1 Town Council:
Object. The Town Council consider that the development will have a negative visual impact on the entrance to the town, and is in close proximity to the cemetery.

5.2 Local Highway Authority:
In raising no objections make the following comments:

The proposals are for an extension to the external storage area for the existing depot and the change of use of the toilet to provide a mess room; the depot is served by the existing access onto Watery Lane. Watery Lane does not form part of the public highway but it does carry the route of a Public Right of Way (FP24 Ashbourne) on the Derbyshire Definitive Map.

Given the existing use and that there are no additional employees proposed it is considered unlikely that the proposed extension to the storage area would result in any significant increase in traffic movements over and above existing. Existing parking and turning does not appear affected and vehicular/pedestrian access to the allotments would appear to remain available and unaffected.

The proposed 2.4m high fencing and gates are set back some distance from the public highway and would be acceptable.
The proposed lighting column would appear to be of sufficient distance from the public highway and is unlikely to dazzle or distract passing motorists.

The change of use of the public toilets to a mess room would re-use an existing building although it is remote from the depot working area and may encourage parking in the area. However given the building’s former use this Authority considers this is likely to have been an existing situation.

Conditions to secure an appropriate bin storage area and space for site accommodation, storage of plant and materials, parking and manoeuvring of site operative’s and visitor’s vehicles together with the loading / unloading and manoeuvring of goods vehicles during construction works are recommended.

6. REPRESENTATIONS

6.1 None.

7. ISSUES

7.1 The application relates to an established depot and associated compound which has been used by the District Council since 2004/2005 mainly for the storage of ground maintenance equipment and vehicles. Adopted Derbyshire Dales Local Plan (2005) Policy EDT7 deals with the extension and expansion of existing industrial and business premises and aligns with guidance contained within the National Planning Policy Framework (2012). It supports the extension and expansion of existing premises subject to the following criteria: -

a. the development would not have an adverse impact upon the character and appearance of its surrounding;
b. the development would not cause an overdevelopment of the site and;
c. it does not create unacceptable problems in terms of the relationship between the proposal and the neighbouring uses beyond the development site.

7.2 Policy SF5 deals with matters of design and aligns with guidance contained within the National Planning Policy Framework. It requires development to preserve or enhance the quality and distinctiveness of its surroundings and to reinforce the sense of place engendered by the presence of distinctive local building styles and materials. The application proposes to utilise a former toilet block as a new mess facility for the depot workforce. Policy EDT16 supports the conversion of buildings for industrial and business use, where such buildings are of permanent and substantial construction, capable of conversion without extensive alteration, rebuilding or extension and where conversion would not have a detrimental impact upon the character and appearance of the building or its surroundings. The application seeks to utilise an existing toilet block and does not propose any changes to its exterior. Despite the concerns raised by the Town Council, the building would retain its simple utilitarian appearance when viewed from Mayfield Road. The building is a short walk from the existing depot and staff would be unlikely to drive to the facility. There would be no increase in parking in front of the building resulting from such use that would lead to any additional negative visual impact.

7.3 The existing depot is a relatively modest facility. The proposal to encompass the area of land to the west would approximately double its size. Notwithstanding this, the facility would remain small at less than 0.075ha in area. The land to be included within the compound area is located on the fringes of the settlement and sits to the east of a large allotment site. To the south is a household waste recycling centre. The incorporation of the land, which is currently underutilised within the compound area would be logical in land use terms and subject to being screened by a hedge of similar species and density to that which currently borders the facility, the development would have minimal impact on visual amenity, the local landscape and character and appearance of this part of the countryside.
It is not considered that the enlargement of the compound area for storage and erection of a 2.4m high mesh fence and lighting column would result in overdevelopment of the site, nor would any neighbouring land uses be adversely affected by the development. Whilst the new mess facility would sit next to Ashbourne Cemetery, its use for such purpose by ground maintenance staff would not create any unacceptable problems for this existing facility / land use.

7.4 Surface water from the concrete wash bay will be collected by a separator tank and appropriately disposed of. The enlarged compound area will be surfaced in a permeable tarmac material, so as to not cause any drainage problems / localised flooding from surface water run-off.

7.5 The Local Highway Authority are satisfied that the proposed development would not raise any highway safety concerns. Conditions to secure an appropriate bin storage area and space for site accommodation, storage of plant and materials, parking and manoeuvring of site operative’s and visitor’s vehicles together with the loading / unloading and manoeuvring of goods vehicles during construction, which would need to be included in any decision to approve permission in the interests of highway safety, are however recommended. Public footpath no. 24 ‘Offcote and Underwood’ follows the route of Watery Lane. Its alignment would not be affected by the development. The new compound would be viewed in close association with the existing recycling centre and allotments. Subject to being appropriately screened the enjoyment of the route would not be adversely affected by the proposed development.

7.6 In summary it is considered that the proposed development would satisfy the relevant provisions of the development plan and national guidance and a recommendation of approval subject to conditions to define the extent of the compound area and to secure the planting of a new hedge along the northern and western boundaries and areas for bin storage and construction traffic / equipment / materials is put forward on this basis.

8. RECOMMENDATION

8.1 That planning permission be granted subject to the following conditions:

1. The development hereby permitted must be begun before the expiration of three years from the date of this permission.

2. There shall be no outside storage of vehicles or equipment associated with the current use of the site as a grounds maintenance depot beyond the limits of the enlarged compound area set out on drawing numbered 1400889/x/100.

3. Unless otherwise agreed in writing by the Local Planning Authority, a hedgerow comprising similar species and of similar density to that which borders the existing compound shall be planted along the northern, western and southern boundaries of new compound / outside storage area by the end of the first planting season following its first use. All new hedge planting shall thereafter be maintained free from weeds and shall be protected from damage by vermin and stock. Any plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species.

4. Before any operations are commenced, space shall be provided within the site curtilage for site accommodation, storage of plant and materials, parking and manoeuvring of site operative’s and visitor’s vehicles together with the loading / unloading and manoeuvring of goods vehicles, designed, laid out and constructed all as may be agreed with the Local Planning Authority in advance of construction.
work commencing and maintained free from impediment throughout the duration of construction works.

5. Prior to the occupation of any unit adequate bin storage shall be provided within the site curtilage clear of all access and parking and turning provision.

Reasons:

1. This is a statutory period which is specified in Section 91 of the Town and Country Planning Act 1990.

2. For the avoidance of doubt.

3. To ensure a satisfactory standard of landscaping in accordance with the aims of Policies SF4, EDT7 and NBE26 of the Adopted Derbyshire Dales Local Plan (2005) and guidance contained within the National Planning Policy Framework (2012).

4. In the interests of highway safety in accordance with the aims of Policy TR1 of the Adopted Derbyshire Dales Local Plan (2005) and guidance contained within the National Planning Policy Framework (2012).

5. In the interests of highway safety in accordance with the aims of Policy TR1 of the Adopted Derbyshire Dales Local Plan (2005) and guidance contained within the National Planning Policy Framework (2012).

Footnotes:

1. Condition 4 of the Approval is a 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 condition precedent have been met. Failure to discharge the condition precedent may leave the development liable to the Council initiating formal enforcement proceedings.

2. With effect from the 6th April 2008, the Town and Country Planning (Fees for Applications and Deemed Applications) (Amendment) (England) Regulations 2008 (SI 958/2008) stipulate that a fee will henceforth be payable where a written request is received in accordance with Article 30 of the Town and Country Planning (Development Management Procedure) Order 2010. Where written confirmation is required that one or more conditions imposed on the same permission have been complied with, the fee chargeable by the Authority is £97 per request or £28 where the related permission was for extending or altering a dwelling house or other development in the curtilage of a dwelling house. The fee must be paid when the request is made and cannot be required retrospectively. Further advice in regard to these provisions is contained in DCLG Circular 04/2008.

This Decision Notice relates to the following documents:
1:1250 Scale Site Location Plan;
1:1250 Scale Plan Titled Dept/Storage Area Extension Location Plan numbered 1400889/x/200;
1:500 Scale Block Plan;
1:500 Scale Existing and Proposed Site Layout Plan numbered 1400889/x/100;
Existing and Proposed Public Convenience Building Floor Layout Plans, and;
Specification Details of the Perimeter Fencing received by the Local Planning Authority on the 25th April 2016.
## Ashbourne North

<table>
<thead>
<tr>
<th>Case Number</th>
<th>Description</th>
<th>Address</th>
<th>Action</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>ENF/15/00067</td>
<td>Alleged change in the use of a piece of land to the rear of plot 1</td>
<td>8 Spire Close Ashbourne Derbyshire DE6 1DB</td>
<td>Planning Application Received</td>
<td>23/03/2016</td>
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<tr>
<td></td>
<td>at St Osvalds Crescent.</td>
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<tr>
<td>ENF/16/00027</td>
<td>Alleged unauthorised works to roof, brickwork and sound insulation measures.</td>
<td>The Old Pine Store Coxons Yard Ashbourne Derbyshire DE6 1FG</td>
<td>Complaint Unfounded</td>
<td>04/03/2016</td>
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## Ashbourne South

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<thead>
<tr>
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<th>Description</th>
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<tr>
<td>ENF/13/00012</td>
<td>Breach of Condition 20 of planning permission 07/00842/FUL -</td>
<td>Land At Junction Of A52/Mayfield Road Car Park Mayfield Road Ashbourne Derbyshire</td>
<td>Justification from Officer</td>
<td>29/03/2016</td>
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<tr>
<td></td>
<td>Formation of car park and memorial sculpture garden/public open space.</td>
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<td></td>
<td>Land At Junction Of A52/Mayfield Road, Ashbourne, Derbyshire</td>
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<tr>
<td>ENF/15/00007</td>
<td>Breach of Condition 2 relating to listed building consent -</td>
<td>Unit 3 Former House Of Correction Derby Road Ashbourne Derbyshire DE6 1BE</td>
<td>Complied Voluntarily</td>
<td>01/03/2016</td>
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<tr>
<td></td>
<td>13/00705/LBALT External alterations - re-roofing - Unit 3 Former House of</td>
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<td></td>
<td>Correction, Derby Road, Ashbourne, Derbyshire for Mr Michael Webster.</td>
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<tr>
<td>ENF/16/00016</td>
<td>Alleged building in addition to that approved</td>
<td>Land To The East Of Lodge Farm Chase Ashbourne Derbyshire</td>
<td>Complaint Unfounded</td>
<td>05/02/2016</td>
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<tr>
<td>ENF/16/00022</td>
<td>Alleged unauthorised removal of trees and hedges to the rear of</td>
<td>Land To The Rear Of 15 South Street Ashbourne Derbyshire DE6 1DP</td>
<td>Complaint Unfounded</td>
<td>25/02/2016</td>
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<td>15 South St Ashbourne</td>
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<tr>
<td>ENF/16/00044</td>
<td>Breach of pre-commencement planning condition relating to planning</td>
<td>Unit 4 Wellington Place Blenheim Road Airfield Industrial Estate Ashbourne Derbyshire DE6 1HA</td>
<td>Complied Voluntarily</td>
<td>26/04/2016</td>
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<tr>
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<td>permission 16/00048/FUL - Erection of building for nutrition and exersize</td>
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<td></td>
<td>coaching (use class D2) - Mr A Kent</td>
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## Brailsford

<table>
<thead>
<tr>
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<th>Action</th>
<th>Date</th>
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<tbody>
<tr>
<td>ENF/14/00073</td>
<td>Failing to maintain a farmyard wall attached to a listed building.</td>
<td>Churchfields Farm Brailsford Derbyshire DE6 3BW</td>
<td>Planning Application Received</td>
<td>06/01/2016</td>
</tr>
<tr>
<td>ENF/15/00029</td>
<td>Unauthorised change of use of agricultural building to use as stables and</td>
<td>The Old Drifthouse Park Stiles Farm Park Lane Rodsley Derbyshire DE6 3AJ</td>
<td>Planning Application Received</td>
<td>15/01/2016</td>
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</tr>
<tr>
<td>ENF/16/00010</td>
<td>Unauthorised change of use of an agricultural building, shown in red on the attached plan, to a commercial/storage and distribution use.</td>
<td>School Farm Back Lane Hollington Derbyshire DE6 3GA</td>
<td>Complaint Unfounded</td>
<td>06/05/2016</td>
</tr>
<tr>
<td>ENF/16/00020</td>
<td>Alleged engineering works to facilitate an access track on land belonging to Dam Farm at Brailsford</td>
<td>Former Dam Farm House Yeldersley Lane Ednaston Derbyshire DE6 3BA</td>
<td>Complaint Unfounded</td>
<td>18/02/2016</td>
</tr>
</tbody>
</table>

**Carsington Water**

| ENF/16/00023 | Alleged unauthorised internal alterations to a listed building - removal of internal wall and Inglenook Fireplace. | The Glebe House Back Lane Carsington Derbyshire DE4 4DE | Complaint Unfounded | 26/02/2016 |
| ENF/16/00026 | Unauthorised engineering works to facilitate access track on land adjacent to Brassington Lane between Brassington and Bradbourne. | Overfields Quarry Pasture Lane Brassington Derbyshire | Complied Voluntarily | 26/05/2016 |

**Clifton And Bradley**

| ENF/15/00111 | Unauthorised siting of caravans on land adjacent to A515, Ashbourne. | Barn To The South Of Halfway House Clifton Road Clifton Derbyshire | Complied Voluntarily | 11/01/2016 |
| ENF/16/00007 | Alleged breach of condition 3 relating to planning permission - 15/00581/FUL - Change of use of land from agricultural to equestrian and erection of hay store and field shelter (Retrospective) | Woodways 6 Council Houses Yew Tree Lane Bradley Derbyshire DE6 1PG | Complied Voluntarily | 08/02/2016 |
| ENF/16/00009 | Breach of pre-commencement conditions relating to planning permission 15/00757/FUL - Extension to hatchery building and associated works (modifications of 15/00397/FUL) - Moy Park Hatchery, Cockshead Lane, Snelston, Derbyshire for Mr Wayne Shepherd. | Moy Park Hatchery Cockshead Lane Snelston Derbyshire DE6 2DP | Complied Voluntarily | 04/05/2016 |
| ENF/16/00012 | Alleged occupied caravans on this site | Lady Hole Farm Lady Hole Lane Yeldersley Derbyshire DE6 1LR | Complaint Unfounded | 27/01/2016 |
| ENF/16/00017 | Unauthorised creation of hardstanding area and vehicular access onto a classified road. | Land Of Former Wesleyan Methodist Chapel Mill Lane Shirley Derbyshire | Complied Voluntarily | 09/03/2016 |

**Darley Dale**

| ENF/15/00006 | Alterations to a Listed Building | Farley Farm Farley Lane Farley Derbyshire DE4 5LR | Not in the Public interest to pursue | 17/02/2016 |
| ENF/16/00029 | Alleged discrepancy on approved plans (application 15/00550/FUL) | Holt Brook House Ladygrove Road Two Dales Derbyshire DE4 2FG | Not in the Public interest to pursue | 30/03/2016 |
### Hulland

<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/15/00073</td>
<td>Unauthorised building/engineering works to extend a barn at Old Field Farm,</td>
<td>Land Off Field Lane Kirk Ireton Derbyshire</td>
<td>Complied Voluntarily</td>
<td>16/12/2015</td>
</tr>
<tr>
<td></td>
<td>Fields Lane, Kirk Ireton.</td>
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<tr>
<td>ENF/15/00103</td>
<td>Unauthorised erection of street lighting on land at UK Waterproofing Solutions</td>
<td>UK Waterproofing Solutions Ltd Windmill Farm Biggin Lane Biggin Ashbourne Derbyshire DE6 3FN</td>
<td>Complied Voluntarily</td>
<td>15/12/2015</td>
</tr>
<tr>
<td></td>
<td>Ltd, Windmill Farm, Biggin Lane, Ashbourne. DE6 3FN</td>
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<tr>
<td>ENF/15/00109</td>
<td>Unauthorised caravan and steel frame polly tunnel on Land adjacent to Nether</td>
<td>Land To The East Of Innisfree Nether Lane Biggin Ashbourne Derbyshire</td>
<td>Complied Voluntarily</td>
<td>08/02/2016</td>
</tr>
<tr>
<td></td>
<td>Lane, Biggin by Hulland.</td>
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<tr>
<td>ENF/16/00013</td>
<td>Demolition of outbuilding, The Old Cottage, Main Street, Kirk Ireton - ref 15/00685/DEM</td>
<td>The Old Cottage Main Street Kirk Ireton Derbyshire DE6 3LD</td>
<td>Complaint Unfounded</td>
<td>28/01/2016</td>
</tr>
<tr>
<td>ENF/16/00021</td>
<td>Erection of floodlights on site, without planning permission</td>
<td>Smith Hall Farm Smith Hall Lane Hulland Ward Derbyshire DE6 3ES</td>
<td>Complied Voluntarily</td>
<td>24/02/2016</td>
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<tr>
<td>ENF/16/00030</td>
<td>Failure to discharge pre-commencement conditions relating to planning</td>
<td>Upper Barn Sitch Farm Sitch Lane Kirk Ireton Derbyshire DE6 3JY</td>
<td>Complaint Unfounded</td>
<td>06/04/2016</td>
</tr>
<tr>
<td></td>
<td>permission 15/00418/FUL - Rebuilding of demolished barn for ancillary</td>
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<td></td>
<td>residential purposes and associated change of use of land</td>
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### Masson

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<thead>
<tr>
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</thead>
<tbody>
<tr>
<td>ENF/14/00016</td>
<td>Unauthorised Advertisements.</td>
<td>Royal Bank Buildings Temple Road Matlock Bath Derbyshire DE4 3PG</td>
<td>Complied Voluntarily</td>
<td>19/04/2016</td>
</tr>
<tr>
<td>ENF/15/00077</td>
<td>Unauthorised erection of conservatory.</td>
<td>2 Hillcrest Uppertown Lane Bonsall Derbyshire DE4 2AW</td>
<td>Planning Application Received</td>
<td>18/01/2016</td>
</tr>
<tr>
<td>ENF/15/00080</td>
<td>Unauthorised front extension.</td>
<td>36 Ridgewood Drive Cromford Derbyshire DE4 3RJ</td>
<td>Planning Application Received</td>
<td>25/01/2016</td>
</tr>
<tr>
<td>ENF/16/00003</td>
<td>Unauthorised banner advertisements.</td>
<td>Princess Victoria Public House 174 - 176 South Parade Matlock Bath Derbyshire DE4 3NR</td>
<td>Complied Voluntarily</td>
<td>17/02/2016</td>
</tr>
<tr>
<td>ENF/16/00004</td>
<td>Unauthorised advertisements</td>
<td>Masson Mills (Buildings/Facilities Manager) Derby Road Matlock Bath Derbyshire DE4 3PY</td>
<td>Complied Voluntarily</td>
<td>16/02/2016</td>
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### Matlock All Saints

<table>
<thead>
<tr>
<th>Case Number</th>
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</thead>
<tbody>
<tr>
<td>ENF/15/00086</td>
<td>Use of residential premises as a storage facility for HGV, digger and other</td>
<td>The Woodlands 61 Wellington Street Matlock Derbyshire DE4 3GS</td>
<td>Complied Voluntarily</td>
<td>20/01/2016</td>
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<tr>
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<td>materials in connection with a paving business.</td>
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</tr>
<tr>
<td>ENF/16/00019</td>
<td>Alleged unauthorised removal of trees and terracing</td>
<td>6 Rockside Mews Wellington Street Matlock Derbyshire DE4 3RW</td>
<td>Complaint Unfounded</td>
<td>17/02/2016</td>
</tr>
<tr>
<td>Location</td>
<td>Case Reference</td>
<td>Description</td>
<td>Address</td>
<td>Status</td>
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</tr>
<tr>
<td>Matlock St Giles</td>
<td>ENF/14/00077</td>
<td>Unauthorised use of land for the sitting of caravans.</td>
<td>Tansley Wood Mills Lumsdale Road Matlock</td>
<td>Complied Voluntarily</td>
</tr>
<tr>
<td></td>
<td>ENF/16/00011</td>
<td>Unauthorised erection of fence over 1 (one) metre in height adjacent to a highway.</td>
<td>21 Wishing Stone Way Matlock Derbyshire DE4 5LU</td>
<td>Complied Voluntarily</td>
</tr>
<tr>
<td></td>
<td>ENF/16/00047</td>
<td>Alleged unauthorised extension to dwelling house and boundary fence obstruction.</td>
<td>46 Mornington Rise Matlock Derbyshire DE4 3EQ</td>
<td>Complaint Unfounded</td>
</tr>
<tr>
<td>Norbury</td>
<td>ENF/15/00076</td>
<td>Unauthorised change of use of agricultural land into domestic curtilage.</td>
<td>The Westings Rodsley Lane Yeaveley Derbyshire DE6 2DT</td>
<td>Planning Application Received</td>
</tr>
<tr>
<td></td>
<td>ENF/16/00008</td>
<td>Mud on road</td>
<td>Land South Of Somersal Mill Farm Grove Lane Doveridge Derbyshire</td>
<td>Complied Voluntarily</td>
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<tr>
<td></td>
<td>ENF/16/00032</td>
<td>Alleged unauthorised alteration to an existing vehicular access</td>
<td>Mount Farm Marston Common Marston Montgomery Derbyshire DE6 2FH</td>
<td>Complaint Unfounded</td>
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<tr>
<td>Winster And South Darley</td>
<td>ENF/15/00066</td>
<td>Unauthorised wooden storage structure.</td>
<td>Tipsy Cottage 14 Main Road Darley Bridge Derbyshire DE4 2JY</td>
<td>Complied Voluntarily</td>
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<tr>
<td>Wirksworth</td>
<td>ENF/15/00090</td>
<td>Siting of blue wooden &quot;caravan&quot; on agricultural land.</td>
<td>Whatfield Farm Blundestone Lane Longway Bank Whatstandwell Derbyshire DE4 5HU</td>
<td>Complied Voluntarily</td>
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<tr>
<td></td>
<td>ENF/16/00001</td>
<td>Untidy site consisting of the storage of an old mattress, bed base, car seats, fridge, old steel bed frame old carpets and other associated household waste.</td>
<td>2 Cromford Road Wirksworth Derbyshire DE4 4FH</td>
<td>Complied Voluntarily</td>
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<tr>
<td></td>
<td>ENF/16/00036</td>
<td>Alleged unauthorised extension.</td>
<td>23 Chapel Lane Middleton By Wirksworth Derbyshire DE4 4NF</td>
<td>Complaint Unfounded</td>
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**Total Closed Cases**: 43
### Active Enforcement Investigations

#### Ashbourne North

<table>
<thead>
<tr>
<th>Case Reference</th>
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<tbody>
<tr>
<td>ENF/13/00095</td>
<td>Unauthorised alterations to listed buildings - 15 - 17 Church St, Ashbourne, Derbyshire DE6 1AE</td>
<td>Bagshaw Agricultural Vine House 15 Church Street Ashbourne Derbyshire DE6 1AE</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/14/00071</td>
<td>Unauthorised building works to facilitate a Biomass Boiler and affecting the setting of a listed building.</td>
<td>Sturston Hall Farm Mill Lane Sturston Derbyshire DE6 1LN</td>
<td>Notice Issued</td>
</tr>
<tr>
<td>ENF/15/00014</td>
<td>Unauthorised alterations to listed building. Installation of photo voltaic panels on roof slope - Sturston Hall Farm, Ashbourne, DE6 1LN</td>
<td>Sturston Hall Farm Mill Lane Sturston Derbyshire DE6 1LN</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/15/00035</td>
<td>Unauthorised signage and paintwork</td>
<td>Drink Zone Plus Ground Floor 5B St John Street Ashbourne Derbyshire DE6 1GP</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/15/00072</td>
<td>Unauthorised change of use of ancillary residential accomodation to self contained holiday cottage and change of use of agricultural land to domestic curtilage</td>
<td>Parkfield House Farm Kniveton Lane Offcote Derbyshire DE6 1JQ</td>
<td>Notice Issued</td>
</tr>
<tr>
<td>ENF/15/00085</td>
<td>Unauthorised alterations to a listed building comprising of the alterations to the shop front, painting, signage and lighting.</td>
<td>Abode Unit 1 1 Market Place Ashbourne Derbyshire DE6 1GP</td>
<td>Pending Consideration</td>
</tr>
</tbody>
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#### Ashbourne South

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<thead>
<tr>
<th>Case Reference</th>
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<th>Location</th>
<th>Status</th>
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<tbody>
<tr>
<td>ENF/14/00070</td>
<td>Unauthorised internally illuminated signage above front of restaurant - 25 Dig Street, Ashbourne, DE6 1GF</td>
<td>25 Dig Street Ashbourne Derbyshire DE6 1GF</td>
<td>Pending Consideration</td>
</tr>
<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>Pending Consideration</td>
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#### Brailsford

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<tr>
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<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>Pending Consideration</td>
</tr>
<tr>
<td>Code</td>
<td>Description</td>
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<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>Pending Consideration</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>Pending Consideration</td>
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<tr>
<td><strong>Carsington Water</strong></td>
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<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>Pending Consideration</td>
</tr>
<tr>
<td>ENF/16/00034</td>
<td>Unauthorised erection of Dog kennels</td>
<td>Four Lane Ends Farm Gibfield Lane Hulland Ward Derbyshire DE6 3EJ</td>
<td>Pending Consideration</td>
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<tr>
<td><strong>Clifton And Bradley</strong></td>
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<tr>
<td>ENF/15/00106</td>
<td>Unauthorised signs on land at Riverside Retail Park and Ashbourne Golf Club.</td>
<td>Waterside Park Waterside Road Ashbourne Derbyshire</td>
<td>Pending Consideration</td>
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<tr>
<td><strong>Darley Dale</strong></td>
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<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>
<td>Stancliffe Quarry, Darley Dale, Matlock.</td>
<td>Notice Issued</td>
</tr>
<tr>
<td>ENF/12/00092</td>
<td>Unauthorised building works and siting of caravan on land at junction of Back Lane and Flash Lane, Darley Moor, Matlock.</td>
<td>Land At Junction Of Back Lane And Flash Lane Darley Moor Matlock Derbyshire</td>
<td>Notice Issued</td>
</tr>
<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>Pending Consideration</td>
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<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>Notice Issued</td>
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<tr>
<td>ENF/15/00100</td>
<td>Erection of a wooden building for use as a dog grooming salon.</td>
<td>Woodville Northwood Avenue Darley Dale Derbyshire DE4 2GD</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/16/00005</td>
<td>Use of a domestic garage/premises to run a chemical paint stripping business.</td>
<td>6 Sunnyside Terrace Farley Hill Matlock Derbyshire DE4 5LT</td>
<td>Pending Consideration</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>Pending Consideration</td>
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<tr>
<td><strong>Dovedale And Parwich</strong></td>
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<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>
<td>Okeover Arms Mapleton Road Mapleton Derbyshire DE6 2AB</td>
<td>Pending Consideration</td>
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### Doveridge And Sudbury

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<thead>
<tr>
<th>Case Reference</th>
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<tbody>
<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>Pending Consideration</td>
</tr>
<tr>
<td>ENF/14/00085</td>
<td>Unauthorised building works due to failing to discharge pre commencement condition 2 of planning permission 14/00577/FUL - First floor extension to bungalow.</td>
<td>Cuthberts Bank Church Lane Doveridge Derbyshire DE6 5NN</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/15/00001</td>
<td>Unauthorised breach of condition 11 of planning permission 08/00520/FUL - Conversion of barn to holiday let.</td>
<td>Somersal House Bowling Alley Lane Somersal Herbert Derbyshire DE6 5PD</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/15/00039</td>
<td>Unauthorised change of use of agricultural outbuildings to office/business use.</td>
<td>Hunters Croft Upwoods Road Doveridge Derbyshire DE6 5LL</td>
<td>Pending Consideration</td>
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### Hullland

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<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>
<td>Redmire Gap Intakes Lane Turnditch Derbyshire DE56 2LU</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/15/00004</td>
<td>Unauthorised engineering works including substantive excavation on land at Common Farm.</td>
<td>Common Farm Mugginton Lane End Weston Underwood Ashbourne Derbyshire DE6 4PP</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/15/00024</td>
<td>Unauthorised change of use of holiday cabins to dwelling.</td>
<td>Blackbrook Lodge Farm Intakes Lane Turnditch Derbyshire DE56 2LU</td>
<td>Pending Consideration</td>
</tr>
<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>Pending Consideration</td>
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### Masson

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<tbody>
<tr>
<td>ENF/11/00083</td>
<td>Unauthorised rebuilding of retaining wall.</td>
<td>24 Chapel Hill Cromford Derbyshire DE4 3QG</td>
<td>Notice Issued</td>
</tr>
<tr>
<td>ENF/13/00108</td>
<td>Unauthorised works to Grade II Listed Building</td>
<td>Corn Mill Cottage Water Lane Cromford Derbyshire DE4 3QH</td>
<td>Notice Issued</td>
</tr>
<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 Issued</td>
</tr>
<tr>
<td>ENF/15/00054</td>
<td>Unauthorised alterations to a Grade II Listed Building.</td>
<td>Rita's Fish Bar 182 South Parade Matlock Bath Derbyshire DE4 3NR</td>
<td>Pending Consideration</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 Issued</td>
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<tr>
<td>Ref.</td>
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<tr>
<td>ENF/15/00063</td>
<td>Alterations to a Listed Building</td>
<td>26 North Street Cromford Derbyshire DE4 3RG</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/15/00104</td>
<td>Unauthorised internal works and demolition of external boundary wall.</td>
<td>Mill Managers House Cromford Mill Mill Road Cromford Derbyshire DE4 3RQ</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/15/00105</td>
<td>Unauthorised engineering operations to create extra parking/turning area.</td>
<td>G P Produce The Hill Cromford Derbyshire DE4 3QL</td>
<td>Pending Consideration</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>Pending Consideration</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>Pending Consideration</td>
</tr>
<tr>
<td>ENF/16/00037</td>
<td>Unauthorised extension to property.</td>
<td>1 Water Lane Cromford Derbyshire DE4 3QH</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/16/00039</td>
<td>Problem beginning to cause damage and staining to the historic fabric of a Listed Building</td>
<td>Greyhound Hotel Market Place Cromford Derbyshire DE4 3QE</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/16/00041</td>
<td>Unauthorised installation of plastic windows and door.</td>
<td>2,4,6 North Parade Matlock Bath Derbyshire DE4 3NS</td>
<td>Pending Consideration</td>
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### Matlock All Saints

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<thead>
<tr>
<th>Ref.</th>
<th>Description</th>
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<tbody>
<tr>
<td>ENF/14/00006</td>
<td>Unauthorised change of use from domestic curtilage to use as commercial car park relating to Parkside Fitness</td>
<td>5 Olde Englishe Road Matlock Derbyshire DE4 3RR</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/15/00030</td>
<td>Unauthorised &quot;PELI&quot; advertisement</td>
<td>Peli Deli 6 Crown Square Matlock Derbyshire DE4 3AT</td>
<td>Notice Issued</td>
</tr>
<tr>
<td>ENF/15/00087</td>
<td>Breach of conditions on planning application number 14/00493/FUL</td>
<td>10 Imperial Road Matlock Derbyshire DE4 3NL</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/16/00014</td>
<td>Unauthorised fencing/decking to the side and rear with associated engineering operations.</td>
<td>38 Megdale Matlock Derbyshire DE4 3JW</td>
<td>Pending Consideration</td>
</tr>
<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>Pending Consideration</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>Pending Consideration</td>
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</table>

### Matlock St Giles

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<thead>
<tr>
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<tbody>
<tr>
<td>ENF/13/00084</td>
<td>Unauthorised erection of workshop</td>
<td>Phillips Woodware Smuse Lane Matlock Derbyshire DE4 5EY</td>
<td>Notice Issued</td>
</tr>
<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>Pending Consideration</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>Pending Consideration</td>
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<td>Reference</td>
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</tr>
<tr>
<td>ENF/15/00098</td>
<td>Unauthorised engineering operations on fields to the South West of Derwent Treescapes.</td>
<td>Derwent Treescapes Limited Deep Carr Lane Matlock Derbyshire DE4 3NQ</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/16/00002</td>
<td>Erection of wooden structure building and untidy site consisting of the storage of pipes, pipe fittings, buckets, plastic containers, burnt materials, old car parts, old toilet seat, steel frames, bags of waste and discarded household materials.</td>
<td>55 Church Street Matlock Derbyshire DE4 3BY</td>
<td>Pending Consideration</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>Pending Consideration</td>
</tr>
<tr>
<td>ENF/16/00025</td>
<td>1/ Unauthorised engineering operations to create an earth bund and storage of materials behind it. 2/ Rearrangement of existing bund.</td>
<td>Land Off Alders Lane, Tansley.</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/16/00046</td>
<td>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</td>
<td>Hurst Cottage 14 Bull Lane Matlock Derbyshire DE4 5LX</td>
<td>Investigation Complete</td>
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**Norbury**

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<tr>
<th>Reference</th>
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<tbody>
<tr>
<td>ENF/11/00091</td>
<td>Untidy site - storage of scrap materials (Timber, metal, pipes, bricks, slates, gravel etc), old vehicles and caravans in a state of disrepair.</td>
<td>Home Farm Thurvaston Road Marston Montgomery Derbyshire DE6 2FF</td>
<td>Notice Issued</td>
</tr>
<tr>
<td>ENF/13/00050</td>
<td>Unauthorised building works to an agricultural building. (Increasing the height).</td>
<td>Barn Opposite Field Cottage Finny Lane Rodsley Derbyshire</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>
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**Stanton**

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<tbody>
<tr>
<td>ENF/15/00008</td>
<td>Rebuilding a roadside wall and the use of part of an agricultural building.</td>
<td>103 Northwood Lane Darley Dale Derbyshire DE4 2HS</td>
<td>Pending Consideration</td>
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</table>

**Wirksworth**

<table>
<thead>
<tr>
<th>Reference</th>
<th>Description</th>
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<tbody>
<tr>
<td>ENF/15/00019</td>
<td>Unauthorised erection of a timber built Mess Room, Office, Wash Room, Storage and Livestock Building.</td>
<td>Sleepy Hollow Farm Hopton Lane Wirksworth Derbyshire DE4 4DF</td>
<td>Notice Issued</td>
</tr>
<tr>
<td>Reference</td>
<td>Description</td>
<td>Location</td>
<td>Status</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/15/00079</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/15/00082</td>
<td>Unauthorised engineering operations.</td>
<td>Land Off Oakerthorpe Road Bolehill Derbyshire</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/16/00040</td>
<td>Unauthorised satellite dish.</td>
<td>21 North End Wirksworth Derbyshire DE4 4FG</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/16/00045</td>
<td>Change of use of land from agricultural to caravan site and domestic curtliage (for stationing of childrens play equipment). Land to the rear of Ladycroft, Wash Green, Wirksworth, DE4 4FD</td>
<td>Ladycroft Wash Green Wirksworth Derbyshire DE4 4FD</td>
<td>Pending Consideration</td>
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**Total Open Cases:** 69
PLANNING APPEAL – PROGRESS REPORT

Report of the Corporate Director

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<thead>
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<th>SITE/DESCRIPTION</th>
<th>TYPE</th>
<th>DECISION/COMMENT</th>
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<tbody>
<tr>
<td>15/00261/FUL</td>
<td>Sturston Hall Farm, Sturston, Ashbourne</td>
<td>WR</td>
<td>Appeals being processed</td>
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<tr>
<td>15/00262/LBALT</td>
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<tr>
<td>ENF/15/00014</td>
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<tr>
<td>14/00224/FUL</td>
<td>North of Viaton Industries Ltd, Manystones Lane, Brassington</td>
<td>PI</td>
<td>Appeal being processed</td>
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<tr>
<td>15/00615/FUL</td>
<td>Blackbrook Lodge Caravan &amp; Camping, Intakes Lane, Turnditch</td>
<td>IH</td>
<td>Appeal being processed</td>
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<tr>
<td>15/00755/FUL</td>
<td>Land off Derby Lane, Alkmonton</td>
<td>WR</td>
<td>Appeal being processed</td>
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<tr>
<td>15/00062/VCOND</td>
<td>The Barn, Somersal House, Somersal Herbert</td>
<td>WR</td>
<td>Appeal being processed</td>
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<tr>
<td>15/00873/OUT</td>
<td>Land adjacent to 2 Bell Villas, Derby Road, Doveridge</td>
<td>WR</td>
<td>Appeal being processed</td>
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<tr>
<td>15/00694/FUL</td>
<td>49 St John Street, Ashbourne</td>
<td>WR</td>
<td>Appeal being processed</td>
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<tr>
<td>15/00877/PDA</td>
<td>Land to the east of Innisfree, Nether Lane, Biggin</td>
<td>WR</td>
<td>Appeal being processed</td>
</tr>
<tr>
<td>15/00530/LBALT</td>
<td>Churchfields Farm, Brailsford</td>
<td>WR</td>
<td>Appeal being processed</td>
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<tr>
<td>15/00326/CLEUD</td>
<td>Aragorn Cabin, Mercaston Lane, Mercaston</td>
<td>WR</td>
<td>Appeal being processed</td>
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<tr>
<td>ENF/15/00097</td>
<td>Land located at Aragorn Cabin, Mercaston Lane, Mercaston</td>
<td>WR</td>
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<tr>
<td>15/00617/FUL</td>
<td>Brailsford House, Main Road, Brailsford</td>
<td>WR</td>
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<tr>
<td>15/00886/OUT</td>
<td>Land east of Derby Road, Doveridge</td>
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<td>15/00642/FUL</td>
<td>The Woodyard, Homesford, Whatstandwell</td>
<td>WR</td>
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<tr>
<td>ENF/15/00054</td>
<td>Rita’s Fish Bar, 182 South Parade, Matlock Bath</td>
<td>WR</td>
<td>Appeal being processed</td>
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<tr>
<td>15/00087/OUT</td>
<td>106 Northwood Lane, Darley Dale</td>
<td>WR</td>
<td>Appeal being processed</td>
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<tr>
<td>ENF/15/00088</td>
<td>Land at The Gate Inn, The Knoll, Tansley, Matlock and Gate Inn, The Knoll, Tansley</td>
<td>WR</td>
<td>Appeal being processed</td>
</tr>
<tr>
<td>ENF/15/00082</td>
<td>Land off Oakerthorpe Road, Bolehill, Wirksworth</td>
<td>WR</td>
<td>Appeal being processed</td>
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<tr>
<td>ENF/16/00002</td>
<td>55 Church Street, Matlock</td>
<td>WR</td>
<td>Appeal being processed</td>
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<tr>
<td>16/00046/OUT</td>
<td>9 Eversleigh Rise, Darley Bridge</td>
<td>WR</td>
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<tr>
<td>15/00768/PDA</td>
<td>The Barn, Back Lane, Darley Moor</td>
<td>WR</td>
<td>Appeal being processed</td>
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**OFFICER RECOMMENDATION:**

That the report be noted.