11 June 2018

To: All Councillors

As a Member or Substitute of the Planning Committee, please treat this as your summons to attend a meeting on Tuesday 19 June 2018 at 6.00pm in the Council Chamber, Town Hall, Matlock DE4 3NN.

Yours sincerely

Sandra Lamb
Head of Corporate Services

AGENDA

SITE VISITS: The Committee is advised a coach will leave the Town Hall, Matlock at 12.25pm prompt. A schedule detailing the sites to be visited is attached to the Agenda.

1. APOLOGIES/SUBSTITUTES

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

2. APPROVAL OF THE MINUTES OF THE PREVIOUS MEETING

Planning Committee – 22 May 2018

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](http://www.derbyshiredales.gov.uk/attendameeting). Alternatively email committee@derbyshiredales.gov.uk or telephone 01629 761133.

4.1 APPLICATION NO. 18/00244/OUT (Site Visit) 7 - 20
Erection of Dwelling and associated access (Outline) at Homecroft, Old Hackney Lane, Hackney.

4.2 APPLICATION NO. 17/01243/FUL (Site Visit) 21 - 50
Residential development of 100 dwellings and associated access and landscaping at land South of Dale Road North, Darley Dale.

4.3 APPLICATION NO. 18/00235/FUL (Site Visit) 51 - 56
Erection of detached garden room with decking above (retrospective) at 14 Main Street, Middleton by Wirksworth.

4.4 APPLICATION NO. 18/00286/FUL (Site Visit) 57 - 65
Proposed change of use and conversion of stable to dwelling at land to the rear of Whitelea Lane, Oaksedge Lane, Tansley.

4.5 APPLICATION NO. 18/00253/OUT (Site Visit) 66 - 73
Erection of dwelling and associated access at The Chalet Bungalow, Butts Drive, Matlock.

4.6 APPLICATION NO. 18/00347/FUL (Site Visit) 74 - 85
Regrading of land to accommodate surplus material from adjacent housing site and associated landscaping at land at Asker Lane, Matlock.

4.7 APPLICATION NO. 18/00418/OUT (Site Visit) 86 - 96
Residential Development of Two Dwellings and Associated Access (Outline) at The Bungalow, Edgefold Road, Matlock.

5. INFORMATION ON ACTIVE AND CLOSED ENFORCEMENT INVESTIGATIONS 97 - 112
6. **APPEALS PROGRESS REPORT**

To consider a status report on appeals made to the Planning Inspectorate.

**Members of the Committee**

Councillors Garry Purdy (Chairman), Jason Atkin (Vice Chairman),
Sue Bull, Sue Burfoot, Albert Catt, Tom Donnelly, Graham Elliott, Richard FitzHerbert, Tony Morley, Dermot Murphy, Lewis Rose, Peter Slack and Joanne Wild.

**Nominated Substitute Members**

Richard Bright, Martin Burfoot, Ann Elliott, Helen Froggatt, Chris Furness, Susan Hobson, Angus Jenkins, Tony Millward BEM, Jean Monks, Joyce Pawley, Mark Salt and Jacquie Stevens.
PUBLIC PARTICIPATION

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

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

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

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

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

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

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

<table>
<thead>
<tr>
<th>Category</th>
<th>Limit</th>
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<tbody>
<tr>
<td>Town and Parish Councils</td>
<td>3 minutes</td>
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<tr>
<td>Objectors</td>
<td>3 minutes</td>
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<tr>
<td>Ward Members</td>
<td>5 minutes</td>
</tr>
<tr>
<td>Supporters</td>
<td>3 minutes</td>
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<tr>
<td>Agent or Applicant</td>
<td>5 minutes</td>
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</tbody>
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At the Chairman’s discretion, the time limits above may be reduced to keep within the limited one hour per meeting for Public Participation.

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

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

Members will leave the Town Hall, Matlock at **12.25pm prompt** for the following site visits:

**12.35pm**  
APPLICATION NO. 18/00244/OUT  
**7 - 20**  
**HOMECROFT, OLD HACKNEY LANE, HACKNEY, MATLOCK**  
To assess the impact of the development on the amenity of neighbouring residents.

**12.55pm**  
APPLICATION NO. 17/01243/FUL  
**21 - 50**  
**LAND SOUTH OF DALE ROAD NORTH, DARLEY DALE**  
Requested by Officers to enable Members to fully assess the impact of the development on the local environment.

**1.40pm**  
APPLICATION NO. 18/00235/FUL  
**51 - 56**  
**14 MAIN STREET, MIDDLETON BY WIRKSWORTH**  
For Members to appreciate the site, context, impacts of the proposal on the character and appearance of heritage assets and amenity of neighbours.

**2.10pm**  
APPLICATION NO. 18/00286/FUL  
**57 - 65**  
**LAND REAR OF WHITELEA LANE, TANSLEY**  
To assess the site and its context.

**2.40pm**  
APPLICATION NO. 18/00253/OUT  
**66 - 73**  
**THE CHALET BUNGALOW, BUTTS DRIVE, MATLOCK**  
For Members to appreciate the site and context.

**3.05pm**  
APPLICATION NO. 18/00347/FUL  
**74 - 85**  
**LAND AT ASKER LANE, MATLOCK**  
To assess the impact of the development on the character and appearance of the area and archaeological and ecological interests.

**3.35pm**  
Coach to return to the Town Hall

**3.40pm**  
APPLICATION NO. 18/00418/OUT  
**86 - 96**  
**THE BUNGALOW, EDGEFOLD ROAD, MATLOCK**  
For Members to appreciate the site and context and to consider the amenity impacts of the proposal.

**4.00pm**  
RETURN TO TOWN HALL, MATLOCK
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><strong>APPLICATION NUMBER</strong></th>
<th>18/00244/OUT</th>
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<tbody>
<tr>
<td><strong>SITE ADDRESS:</strong></td>
<td>Homecroft, Old Hackney Lane, Hackney</td>
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<tr>
<td><strong>DESCRIPTION OF DEVELOPMENT</strong></td>
<td>Erection of Dwelling and associated access (Outline)</td>
</tr>
<tr>
<td><strong>CASE OFFICER</strong></td>
<td>Mr. G. A. Griffiths</td>
</tr>
<tr>
<td><strong>APPLICANT</strong></td>
<td>Mr. C. Holmes</td>
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<tr>
<td><strong>TOWN</strong></td>
<td>Darley Dale</td>
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<tr>
<td><strong>AGENT</strong></td>
<td>Planning Design Practice Ltd.</td>
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<tr>
<td><strong>WARD MEMBERS</strong></td>
<td>Cllr. J. Atkin</td>
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<td></td>
<td>Cllr. M. Salt</td>
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<td>Cllr. A. Statham</td>
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<td><strong>DETERMINATION TARGET</strong></td>
<td>30th April 2018</td>
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<tr>
<td><strong>REASON FOR DETERMINATION BY COMMITTEE</strong></td>
<td>Requested by Ward Member</td>
</tr>
<tr>
<td><strong>REASON FOR SITE VISIT (IF APPLICABLE)</strong></td>
<td>To assess the impact of the development on the amenity of neighbouring residents</td>
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**MATERIAL PLANNING ISSUES**
- Principle of the development
- Design and Appearance
- Amenity
- Highway Safety
- Ecology

**RECOMMENDATION**
Approval
18/00244/OUT

Homecroft, Old Hackney Lane, Matlock
1. THE SITE AND SURROUNDINGS

1.1 The property is set to the south western side of Old Hackney Lane. The property is bounded by residential development to the south and west. To the east is the curtilage to Whitworth Hospital. The land on the northern side of the property, and Old Hackney Lane, is open fields, albeit the fields directly opposite have been allocated for residential development within the adopted Derbyshire Dales Local Plan (2017). The property is within the Settlement Boundary for Matlock.

1.2 The application site itself is part of the domestic curtilage to Homecroft and set between the dwelling and the neighbouring dwelling at Lynchmere to the northwest.
2. DETAILS OF THE APPLICATION

2.1 Outline planning permission is sought for the erection of a dwellinghouse with all matters reserved other than the means of access. This details that the boundary wall will be reduced in height from 1m to 0.6m and parking and manoeuvring space are detailed on the indicative drawing submitted with the application.

2.2 The indicative drawing details a bungalow in an L-shaped form, albeit its layout, scale and appearance are reserved matters. This has been amended by the applicant during the consideration of the application to set it back. The bungalow is proposed to be some 100sqm in area and would be large enough to include a single, internal garage in the south eastern part of the building and to accommodate 2/3 bedrooms. It is noted that an overhead cable runs cross the site and oversails the northwest corner of the bungalow detailed on the indicative layout plan. The applicant has advised that the amended, indicative plan has been submitted to detail that ‘there is a realistic possibility that the site will be developed in this or a similar way.’

2.3 The applicant has submitted a Design and Access Statement. This advises that the site is within an established residential area within the Settlement Boundary. It concludes that safe vehicle access can be provided to the site. In terms of proximity to Homecroft and Lynchmere, it is acknowledged that there are windows overlooking the site:

- Homecroft – toilet, utility and secondary living room windows
- Lynchmere – kitchen/dining room window.

2.4 The applicant considers that these are not primary windows and that Lynchmere has patio doors which serve the same room and that little weight can be afforded to the side facing window. It is also advised that the applicant could erect a 2m high fence in front of this window without the need for planning permission (the properties are currently divided by a stone wall of some 1.3m height). It is proposed that that no windows, unless obscure glazed, would be provided in the proposed bungalow which would face the windows of the
above properties. It is also detailed that the proposed dwelling would not be within a 45° sightline when viewed from the patio doors of Lynchmere.

2.5 In terms of other documentation, the submitted Highway Statement concludes that the access geometry is compliant with local standards and, whilst there is a shortfall of some 12m in visibility to the south, the consultants consider that this does not necessarily lead to a safety risk and that there is no evidence of a safety issue in this location.

2.6 The applicant has also submitted a preliminary ecological appraisal which makes some recommendations to ensure no adverse impact on protected species during construction work.

3. **PLANNING POLICY AND LEGISLATIVE FRAMEWORK**

3.1 Adopted Derbyshire Dales Local Plan (2017)
- S1 Sustainable Development Principles
- S2 Settlement Hierarchy
- S3 Development within Defined Settlement Boundaries
- S7 Matlock/Wirksworth/Darley Dale Development Area Strategy
- PD1 Design and Place Making
- PD3 Biodiversity and the Natural Environment
- PD5 Landscape Character
- PD6 Trees, Hedgerows and Woodlands
- HC1 Location of Housing Development
- HC2 Housing Land Allocations
- HC3 Self-Build Housing Provision
- HC21 Car Parking Standards

3.2 National Planning Policy Framework

3.3 National Planning Practice Guidance

4. **RELEVANT PLANNING HISTORY**

4.1 0685/0425 Bungalow, garage and workshop - Granted

4.2 WED/783/522 Bungalow (Outline) - Granted

5. **CONSULTATION RESPONSES**

Parish Council

5.1 Object:
- overdevelopment
- plot too small
- highway safety concerns as traffic is heavy on this road.

Local Highway Authority (Derbyshire County Council)

5.2 Comment:
- raise some concerns but cannot sustain an objection on highway safety grounds.
5.3 Comment:
- refer to standing advice.

5.4 Comment
- no objection but request condition regarding provision of ecological enhancement.

6. REPRESENTATIONS RECEIVED

6.1 A letter of representation has been received from the occupiers of Lynchmere. A summary of the representation is outlined below:

- too large for the plot and out of character with surrounding properties
- whilst Homecroft appears to be a substantial property, a large proportion of its footprint is the double garage
- visual intrusion
- overlooking
- loss of privacy
- shadowing
- overbearing effect – will be within 3m of the side facing window to Lynchmere
- Lynchmere is traditionally designed and relies on natural daylight and heat through east facing window to minimise energy use
- loss of outlook
- light pollution from lowering of the boundary wall and arrangement of driveway
- the previous development of the site permitted in 1985 allowed for the position of Lynchmere and its main window – Officer recorded a 21m distance between the window at Lynchmere and the lounge window at Homecroft – now wish to build directly in front
- contrary to the aims of the Darley Dale Neighbourhood Plan
- fail to acknowledge the very real impact on Lynchmere
- ecological impacts - several BAP priority species present and evidenced and did not conduct survey at appropriate time of the year and fail to recognise the wide and exceptional variety of local wildlife
- the importance of access visibility should not be understated and further development along these lines should be avoided so as to reduce the risk of accident or injury
- no evidence to support the claim that drivers along Old Hackney Lane are more aware of vehicles pulling out and drive with greater caution.
- the original permission requirements for Homecroft stipulated, that ‘adequate turning facilities shall be provided and maintained within the site curtilage in order to ensure that vehicles enter and leave the site in a forward gear’ which highlights the perceived risk to highways in 1985 - in 2018, and with
- increased traffic and vehicle use, it can be evidenced that this risk has increased substantially
- there is not a slight shortfall in visibility, there is a shortfall of 12 meters from a required 34 metres and less than 65% of the required visibility is achievable
- the visibility splay to the South, whilst achieving the required distance, cuts directly across the applicants land - whilst this is not currently 3rd party land, it will be in the future
- there are currently hedges measuring 1.4 meters in height directly in the path of the visibility splay - on the plans these have been measured at 1 metre
- there is also a tree which has been left off the plans as it would appear to be inconvenient
the approved planning application of Lynchmere has failed to be taken into account on the impact on the visibility splays (16/00939/FUL) despite the applicants being aware of it and it appearing on several versions of the plans they are working with
there is a fence on the plans which also cuts directly across the visibility splay to the south - no note has been made as to the proposed height of this fence as it would also appear to be an inconvenience to achieving the required visibility
concern that visibility to the South could be completely cut off due to hedges, a tree and a fence which will be on third party land and could lead to a dangerous access point with very limited visibility
the original planning for Homecroft in 1985 required full visibility splays be achievable - are safety standards now lower?

6.2 A further letter of representation has been received from the occupiers of Lynchmere to the amended indicative plans. A summary of the representation is outlined below:

- existing objections still stand
- amendments do not address concerns and have now presented further issues of objection
- appreciation of concerns cannot be fully understood without a visit to the site and viewing the proposed development from Lynchmere – invite Planning Committee to visit
- if had been consulted by the applicant, rather than rely on assumptions, would have been able to inform them that the window in question services the whole of the open plan living area, not just a kitchen
- as the property is a bungalow, any intrusion or reduction in privacy, will mean that the bedrooms are also visible from the road and proposed development (regulations state that the roadside wall must be reduced to 0.6m) and this would be entirely unacceptable
- would now be overlooked through the main window as the front door to the property could potentially be less than 3m from our main living space
- provision has also been made for parking for 2 or more cars as well as turning space which would occur directly outside window, the impact being even greater at night
- new proposal now contradicts the applicants Design and Access Statement Section 5.5 – “Notwithstanding the above, it would seem sensible to prevent any northwest or southeast side facing windows in the new bungalow (unless obscurely glazed) and this can be secured by way of condition.”
- new design would now require no windows (or all windows to be obscurely glazed) on 3 sides of the building if the existing windows in Lynchmere and Homecroft are not to be overlooked
- also note the agent has continued to submit plans with entirely inaccurate wall heights. It raises concerns that the agent is unable to provide the Local Planning Authority with accurate details
- should also be considered that concerns have been raised by other consultees - Town Council logged objections to this development, referencing concerns with overdevelopment and highways.
- Derbyshire Wildlife Trust highlighted the Wildlife Site Survey was flawed and carried out in unsuitable conditions.
- Highways recognise that the traffic survey conducted was incorrect and inaccurate.
- historic planning decision relating to the construction and positioning of Homecroft, calculated the appropriate distance from Lynchmere. This proposed development entirely undermines the original decision and Planning Departments rationale
- impact on us due to the proposed development, as local residents, would be hugely detrimental and serve so little benefit to the wider community
- strongly urge the Committee to refuse this development.
7. **OFFICER APPRAISAL**

**Principle of Development**

7.1 The site is within the Settlement Boundary for Matlock and it is considered that the proposals accord, in principle, with Policies S1, S3 and S7 of the Adopted Derbyshire Dales Local Plan (2017). The matters for further consideration are the design and appearance of the proposal, the impact on the amenity of local residents, highway safety and ecology matters.

**Design and Appearance**

7.2 Whilst layout, scale and appearance are reserved matters, it is considered reasonable to make some comment at this stage as to the development expectations for the site. The dwellings either side of the application site are bungalows, as are most of the properties along this part of Old Hackney Lane. The provision of a building on this plot would not be out of character with the other buildings on this side of Old Hackney Lane which nearly fill the width of the plots. As such, it is considered that the dwellinghouse should take the form of a bungalow, albeit a dormer bungalow may not be inappropriate in such a context having regard to the desirability for a reasonable level of accommodation and taking into account the constraints of the site which are considered below in the context of the amenity of neighbouring properties.

7.3 The proposals will require alteration to the boundary wall, with regard to providing the access and achieving visibility splays for the access, but it is considered that the wall, albeit lower, could retain its character and appearance by being reduced from some 1m in height to 0.6m in height. Details of landscaping will also be required as a reserved matter but, given that this is an established residential curtilage, much of the assessment will relate to boundary treatment with Homecroft where a new boundary will need to be created.

**Amenity**

7.4 The principal concern with respect to amenity relates to the impact of the proposed development on the occupiers of Lynchmere. This property is constructed in such a manner that its rear elevation, with secondary windows, faces Old Hackney Lane with the principal elevation, with main windows, facing towards the south west and across the valley. To compensate for having no window on the roadside elevation to serve the kitchen area, the dwellinghouse was designed to have a large window overlooking the applicant’s property; at the time of building Lynchmere this would have overlooked a field and would have remained as such until the full planning permission was granted in 1985 to construct Homecroft.

7.5 In developing Homecroft, the dwelling was sited towards the north eastern side of the site. It may have been the case that the siting was to afford a degree of separation between the new dwelling and Lynchmere. This view could be supported in that initially, in 1983, outline planning permission WED/783/522 was granted for the development fully across the site, but not so deep into the site. This was amended when planning permission 0685/0425 was granted which moved the application site further to the south east, making the plot for Homecroft narrower and deeper and thus setting this dwelling away from Lynchmere. This left the land between Homecroft and Lynchmere as garden, but this is now the plot subject to this current application. However, notwithstanding whether there was a conscious decision to create the current degree of separation between the dwellings at Homecroft and Lynchmere, the matter for consideration is whether a bungalow can be reasonably provided between the two dwellings.

7.6 The amended indicative layout proposed by the applicant will cause harm to the outlook of the side facing window of Lynchmere and this is a matter of some concern. However, on
the other hand, the window to Lynchmere looks directly over the applicant's property and would currently afford some loss of privacy to the occupiers of Homecroft. It also has to be recognised that the applicant could erect a 2m high boundary fence in front of the neighbours’ window, as permitted development, to seek to improve privacy to their property and this could have some impact on the amenity of Lynchmere.

7.7 Whilst the erection of a bungalow will also have an impact on the occupiers of Homecroft, this would be on secondary windows associated with the side elevation of this property, and on the applicant’s amenity, and not that of a third party.

7.8 Therefore, there is a balance to be had in consideration of this application. The amenity currently experienced from the side facing window to Lynchmere will be compromised with a development in front of it. However, the indicative drawing has been amended and affords outlook to the kitchen window. As all matters are reserved, this interrelationship can be fully considered with a reserved matters application; albeit there will be some impact on Lynchmere.

7.9 It is considered that there will be no significant loss of privacy to Lynchmere as side facing windows to the proposed dwelling could be obscure glazed, with permitted development rights removed for alterations or additional windows in this respect. The front door could be located away from the forward projecting gable as part of the design of the dwelling, and be where the car parking area is shown, to keep much of the activity from comings and goings further away from Lynchmere. A 2m high fence could also be erected along the boundary to assist with privacy; this could be done currently by the owner of Homecroft as permitted development to provide more privacy to his garden currently overlooked by the neighbours’ side facing window.

7.10 The 21m distance to which the neighbours’ refer in the Officer’s assessment of the original planning application for Homecroft is a distance that appears in some Local Planning Authorities’ planning guidance to ensure adequate levels of privacy between main living room windows; this is not a policy of the District Council and the development could be provided without having such principal facing windows in any event.

7.11 The side facing window does bring benefit to the neighbours’ property with direct sunlight into it in the morning and early afternoon. However, it is considered that this will be maintained, to some extent, as the proposal is for a bungalow and there is opportunity for sunlight to enter this window as the sun rises in the morning and climbs above the proposed bungalow in the latter part of the morning and early afternoon; the hipped roofs which have been indicatively detailed will assist in this.

7.12 Given the above, whilst the development will clearly have impact on the amenity of the neighbours at Lynchmere, given that it would be significantly closer than the existing dwelling, the amended indicative layout would address Officer’s concerns to the point where these could not be considered so harmful to light or outlook to justify refusal of outline planning permission. In terms of privacy, this would be addressed by restricting the windows, or their type, in the north-west elevation.

7.13 There is, however, considered a reasonable requirement, as a matter of principle, to remove permitted development rights for extensions to the property and other structures, and the insertion of additional windows, which may otherwise impact on the amenity of the neighbours given the proximity of dwellings and the constraints of the application site. In addition, it is considered reasonable to restrict the times of construction to limit the impact on local residents during the construction period.
7.14 The Local Highway Authority has advised that Old Hackney Lane is a classified road subject to a 30mph speed limit where it passes the application site. Based on current design guidance, the recommended emerging visibility sightlines at this proposed access point are 2.4m x 43m to the south and 2.4m x 37m to the north which are slightly greater than the calculated sightlines within the Highways Impact Statement and, whilst this Statement explains HGV usage on Old Hackney Lane equates to less than 5%, this does not appear to take buses into account and is only based on the 3½ hour speed reading duration. Therefore, based on the speed reading results, the Local Highway Authority’s visibility calculations and the submitted access drawing, the available emerging visibility to the south is 3m less than the recommended distance and the achievable visibility to the north is 15m less than the recommended distance.

7.15 However, on-street parking to the north of the site is a very regular occurrence, meaning the vast majority of vehicles approaching the site from the north are travelling in the correct (opposite) lane. If there are some infrequent times when no on-street parking takes place, the forward visibility for drivers approaching the site from the north is relatively poor due to the roads horizontal and vertical alignment, which means it is very unlikely any overtaking takes place on this stretch of Old Hackney Lane which results in vehicles approaching the site from the north in the nearside carriageway lane.

7.16 Furthermore, there are seven existing vehicular accesses to the north of the application site which have severely restricted emerging visibility and no on-site turning, which results in all vehicles associated with these existing accesses either reversing to or from Old Hackney Lane. Nevertheless, according to the Local Highway Authority’s records, there have been no vehicle accidents associated with the existing substandard accesses in the close vicinity of this site in the last three years. Therefore, there is little evidence to suggest this proposed access, which would include on-site turning, will lead to any severe highway safety concerns.

7.17 In addition, the lowering of the fronting wall to achieve the stated emerging visibility sightlines will also improve the available emerging visibility from the site’s existing vehicular access serving the existing dwelling. Therefore, whilst the proposed vehicular access does not accord with current design guidance with regards to the available emerging visibility sightlines, the Local Highway Authority advises that it is unlikely that an objection on highway safety grounds could be sustained.

7.18 Derbyshire Wildlife Trust has assessed the applicant’s preliminary ecological appraisal and advise that, whilst this was undertaken outside of the optimal time for a botanical survey, it is agreed that, given the habitats present, this does not pose a significant constraint to the evaluation of the site. It is recommended that the stone pile be cleared carefully by hand and, if reptiles are found, that an ecologist be contacted, albeit the likelihood of reptiles being present is considered low. If the application approved, a condition is requested to secure a bird box, a bat box and a hedgehog hole in the new garden fence as ecological enhancement measures.

7.19 The development of the site would allow for a building that could respect the streetscene defined by existing built form but this would entail a single storey development or a dormer bungalow at the most to reflect upon the character and appearance of the area. The access is constrained but the Local Highway Authority has assessed the specifics of the site and raised no objection.
7.20 The main matter for consideration is the impact on the neighbouring property of Lynchmere. However, these impacts have been assessed and it is considered that these are reasonably addressed with the reconfigured, indicative development of the site which would be less of an imposition than the indicative proposals which were originally submitted. Given the above, it is recommended that outline planning permission be granted subject to conditions.

8. RECOMMENDATION

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

1. **Condition ST01a Time Limit on Outline**

   **Reason:**
   Reason ST01a

2. An application for details of the following matters (hereafter referred to as the “reserved matters”) shall be submitted to and approved in writing by the Local Planning Authority before the commencement of any works:-
   a) the scale of the development;
   b) the layout of the development;
   c) the external appearance of the development;
   d) the landscaping of the site.

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

   **Reason:**
   The application was made for outline planning permission and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990 and Article 5(1) of the Town and Country Planning (Development Management Procedure) Order 2015.

3. The dwelling hereby approved shall be a single storey development.

   **Reason:**
   To ensure a satisfactory appearance of the development in the context of the existing dwellings, and in the interests of amenity, to comply with Policies S1, S3 and PD1 of the Adopted Derbyshire Dales Local Plan (2017).

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

   **Reason:**
   In the interests of highway safety.

5. Before any other operations are commenced (excluding Condition No 3 above) a new vehicular access shall be formed to Old Hackney Lane in accordance with application drawing No F17151/01, and provided with visibility sightlines extending from a point 2.4 metres from the carriageway edge, measured along the centreline of the access, for a distance of 40 metres to the south measured to 1m out from the nearside carriageway edge, and 22m to the north measured to 1m out from the nearside carriageway edge. The land in advance of the visibility sightlines shall be retained throughout the life of the
development free of any object greater than 1m in height (0.6m in the case of vegetation) relative to adjoining nearside carriageway channel level.

Reason:
In the interests of highway safety to comply with Policy S3 of the Adopted Derbyshire Dales Local Plan (2017).

6. The dwelling shall not be occupied until details of the proposed parking and manoeuvring areas within the site have been submitted to, and approved in writing, by the Local Planning Authority. These facilities shall be provided prior to the occupation of the dwelling and thereafter be retained for use at all times.

Reason:
In the interests of highway safety to comply with Policies S3 and H21 of the Adopted Derbyshire Dales Local Plan (2017).

7. There shall be no gates or other barriers within 5m of the nearside highway boundary and any gates shall open inwards only, unless otherwise agreed in writing by the Local Planning Authority.

Reason:
In the interests of highway safety to comply with Policy S3 of the Adopted Derbyshire Dales Local Plan (2017).

8. The proposed access drive to Old Hackney Lane shall be no steeper than 1:14 for the first 5m from the nearside highway boundary and 1:10 thereafter.

Reason:
In the interests of highway safety to comply with Policy S3 of the Adopted Derbyshire Dales Local Plan (2017).

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

Reason:
In the interests of highway safety to comply with Policy S3 of the Adopted Derbyshire Dales Local Plan (2017).

10. Construction work shall only be carried out between the hours of 08.00 and 20.00 on Mondays to Fridays; 09.00 and 13.00 on Saturdays, and at no time on Sundays and Bank Holidays unless specifically agreed in writing by the Local Planning Authority beforehand.

Reason:
To safeguard the amenity of the occupants of nearby dwellings.

11. All soft landscaping comprised in the approved details of landscaping to be submitted with the reserved matters application shall be carried out in the first planting and seeding season following the first occupation of the dwelling. 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 part of the
development or in accordance with a programme to be agreed in writing with the Local Planning Authority.

Reason:
To ensure a satisfactory standard of landscaping in the interests of amenity to comply with Policies S1, S3, PD1, PD5 and PD6 of the Adopted Derbyshire Dales Local Plan (2017).

12. The development shall be carried out in accordance with the recommendations of Preliminary Ecological Appraisal received on 5th March 2018 and, prior to the commencement of development, details of ecological enhancement measures shall be submitted to and approved in writing by the Local Planning Authority and shall include a bird box and a bat box (positions/specification/ numbers) and a hedgehog hole in the new garden fence (130 mm x 130 mm). Such approved measures shall be implemented in full and maintained thereafter.

Reason:
In the interest of improving biodiversity to comply with Policy PD3 of the Adopted Derbyshire Dales Local Plan (2017).

13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or in any Statutory Instrument revoking or re-enacting that Order with or without modification) no windows, including dormer windows or other openings, other than those approved with the reserved matters application, shall be formed without the prior written approval of the Local Planning Authority upon an application submitted to it.

Reason:
To safeguard the privacy and amenity of occupiers of neighbouring properties in accordance with Policies S1, S3 and PD1 of the Adopted Derbyshire Dales Local Plan (2017).

14. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or in any Statutory Instrument revoking or re-enacting that Order with or without modification) no buildings, structures, extensions, fences, gates, walls or other means of enclosure shall be erected within the curtilage of any dwelling without the prior written approval of the Local Planning Authority upon an application submitted to it.

Reason:
To safeguard the amenity of occupiers of neighbouring properties in accordance with Policies S1, S3 and PD1 of the Adopted Derbyshire Dales Local Plan (2017).

NOTES TO APPLICANT:

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

2. The following notes have been appended at the request of the Local Highway Authority:

A. Pursuant to Section 184 of the Highways Act 1980 and Section 86(4) of the New Roads and Streetworks Act 1991 prior notification shall be given to the Department of Economy Transport & Environment at County Hall, Matlock regarding access works within the highway. Information, and relevant application forms, regarding the
undertaking of access works within highway limits is available via the County Council’s website:

http://www.derbyshire.gov.uk/transport_roads/roads_traffic/development_control/vehicular_access/default.asp

or email ETENetmanadmin@derbyshire.gov.uk or telephone Call Derbyshire on 01629 533190.

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

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

D. 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.

E. Car parking provision should be made on the basis of 2 spaces per 2 or 3 bedroomed dwellings and 3 spaces for dwellings consisting of 4+ bedrooms. Each parking bay should measure 2.4m x 4.8m with adequate space behind each space for maneuvering.

3. Conditions 2, 3, 8 and 11 of the permission are conditions 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. In addition, Condition 5 requires discharge prior to the occupation of the dwellinghouse.

4. The Town and Country Planning (Fees for Applications, Deemed Applications and Site Visits) (England) Regulations 2012 as amended stipulate that a fee will henceforth be payable where a written request is received in accordance with Article 27 of the Development Management Procedure Order 2015 for the discharge of conditions attached to any planning permission. 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 £ £116 per request. The fee must be paid when the request is made and cannot be required retrospectively.

5. This decision notice relates to the following documents:
   Drawing Nos. 2021-001A and 002 received on 5th March 2017
   Amended Drawing No. 2021-003B received on 30th May 2018
   Planning, Design and Access Statement received on 5th March 2017
   Highway Impact Statement received on 5th March 2017
   Preliminary Ecological Appraisal received on 5th March 2017.
<table>
<thead>
<tr>
<th>APPLICATION NUMBER</th>
<th>17/01243/FUL</th>
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<tbody>
<tr>
<td>SITE ADDRESS:</td>
<td>Land South Of Dale Road North, Darley Dale</td>
</tr>
<tr>
<td>DESCRIPTION OF DEVELOPMENT</td>
<td>Residential development of 100 dwellings and associated access and landscaping</td>
</tr>
<tr>
<td>CASE OFFICER</td>
<td>Mr C. Whitmore</td>
</tr>
<tr>
<td>APPLICANT</td>
<td>Mr George Breed</td>
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<tr>
<td>TOWN</td>
<td>Darley Dale</td>
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<tr>
<td>AGENT</td>
<td>None</td>
</tr>
<tr>
<td>WARD MEMBER(S)</td>
<td>Cllr. J. Atkin, Cllr. M. Salt, Cllr. A. Statham</td>
</tr>
<tr>
<td>DETERMINATION TARGET</td>
<td>5th April 2018</td>
</tr>
<tr>
<td>REASON FOR DETERMINATION BY COMMITTEE</td>
<td>Major application</td>
</tr>
<tr>
<td>REASON FOR SITE VISIT (IF APPLICABLE)</td>
<td>Requested by Officers to enable Members to fully assess the impact of the development on the local environment</td>
</tr>
</tbody>
</table>

**MATERIAL PLANNING ISSUES**

- Site History and Policy Context
- Layout, Density and Housing Mix
- Design and Appearance
- Highway Safety
- Designing Out Crime
- Impact on Residential Amenity / Adjacent Development
- Flood Risk and Drainage
- Open Space and Landscaping
- Archaeology
- Ecology
- Developer Contributions

**RECOMMENDATION**

Approval subject to conditions and the applicant entering into a S106 planning obligation agreement to secure the provision of 20 affordable dwellings (of an appropriate mix and tenure / type) on site, an off-site contribution towards affordable housing of £254,500 (equivalent to 10% provision), £193,783.17 to provide 17 primary school places and £32,699 towards upgrading sports facilities.
Land South of Dale Road North, Darley Dale

Date: 07/06/2018

10019785
1. **THE SITE AND SURROUNDINGS**

1.1 The site comprises a pastoral field, some 3.26ha in area located beyond the southern built up edge of Darley Dale. Irregular in shape, the site slopes gently in a south westerly direction and includes a number of trees and hedgerows along its boundaries (see photographs 1 and 2) and a mature Oak within the central part of the site.

1.2 A new medical centre is currently being constructed on the northern part of the field (see photograph 3). Although this area is shown to fall under the control of the applicant, it does not form part of the application site. The rear gardens belonging to dwellings along Station Road are sited along the north western boundary (see photograph 4). The site includes a narrow strip of land over which access to a County Council depot is formed, extending up to Station Road. To the south west and south eastern boundaries is a County Council Depot, DFS and a single dwellinghouse (see photograph 5) and Peak Rail heritage railway line. The access to DFS runs along the eastern boundary of the site, which is defined by a hedge. The northern boundary of the site with Dale Road North (the A6) is defined by a low level drystone wall. A mix of dwellings and commercial premises, including a petrol filling station and pharmacy are located on the opposite side of the A6 (see photograph 6).
2. DETAILS OF THE APPLICATION

2.1 The application seeks permission for residential development comprising 100 dwellings and associated access and landscaping on the land. It follows the withdrawal of application code ref. 17/00490/FUL for the erection of 126 dwellings and associated access on the 4th September 2017. Members will recall that the item was recommended for refusal at the 5th September 2017 Planning Committee meeting for a number of reasons including the appropriateness of the layout, design and appearance of the housing, the impact of the development on highway safety and lack of consideration of measures to design out crime and information in relation to reduced developer contributions, sustainable urban drainage archaeology and a continuous landscape buffer the along the A6 to provide an appropriate landscaped setting.

2.2 The layout, siting and density of development has been reconsidered and additional information submitted with this application to address the above concerns. The residential development will share the existing access off the A6 with the medical centre. To accommodate the development, it is proposed to form a right turn harbourage within the highway to minimise the impact on traffic flow along the A6. The layout details a central spine road leading from the A6 with side roads and private drives extending from this. A footpath link is proposed towards the southern end of the site to link the development to Station Road and the facilities at Whitworth Park. It was indicated that a link to public footpath no. 32, which runs parallel to the Peak Rail heritage railway line would also be provided. However, the applicant no longer wishes to make this link.

2.3 Provision is made for a 8m wide landscaped buffer between the dwellings and the A6. Tree planting is also shown along the boundary with the access road to DFS and associated with the main areas of public open space. The application proposes a central area of open space to the south west of the medical centre incorporating a water attenuation feature. Between this and a larger water attenuation feature at the southern end of the site will be a series of swales. The applicant advises that these ‘green character areas’ will provide additional amenity to public right of way users and wildlife habitat.

2.4 With the exception of 6 no. affordable bungalows it is proposed to construct detached, semi-detached and short terraces of two storey houses, which will be faced in a mixture of stone, brick and render. Along the A6 and fronting the access to DFS only four different house types, all constructed in stone, will be used. All house types will be of a simple design, incorporating dual pitched roofs and traditional design detailing. Some house types will incorporate faux chimneys, set in from the gable ends. The applicant advises that
consideration has been given to the siting of the dwellings to create character areas and distinctive street frontages and to delineate public and private spaces.

2.5 20% of the units will be delivered as affordable dwellings on site. In total 11 different house types are proposed. The development will deliver the following mix of housing:

**Open Market Dwellings**

<table>
<thead>
<tr>
<th>No. of bedrooms</th>
<th>Quantity</th>
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<tbody>
<tr>
<td>1</td>
<td>4</td>
</tr>
<tr>
<td>2</td>
<td>33</td>
</tr>
<tr>
<td>3</td>
<td>29</td>
</tr>
<tr>
<td>4+</td>
<td>14</td>
</tr>
</tbody>
</table>

**Affordable Dwellings**

<table>
<thead>
<tr>
<th>No. of bedrooms</th>
<th>Quantity</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>6</td>
</tr>
<tr>
<td>2</td>
<td>12</td>
</tr>
<tr>
<td>3</td>
<td>2</td>
</tr>
</tbody>
</table>

2.6 The application as submitted was accompanied by the following information:

- Planning Statement
- Design and Access Statement
- Flood Risk Assessment
- Arboricultural Assessment
- Ecological Appraisal
- Landscape and Visual Baseline Assessment
- Economic Appraisal
- Framework Travel Plan
- Transport Assessment
- Archaeological Desk Based Assessment
- Geophysical Survey Report
- Planning House Types
- Statement of Community Involvement

During consideration of the application an amended layout plan, vehicle tracking plans, an amended house type pack, Design and Access Statement, Noise Report and External Light Impact Assessment have been received.

The above documents are part of the public file, have been referred to statutory consultees and are commented on as appropriate in the Officer Appraisal section of this report.

A viability report to justify a reduced contribution of 20% towards affordable housing has also been submitted by the applicant. Although, at the applicants request, this document has not been made publically available it is considered in the Officer Appraisal section of this report.
3. PLANNING POLICY AND LEGISLATIVE FRAMEWORK

3.1 Adopted Derbyshire Dales Local Plan (2017)
S1: Sustainable Development Principles
S2: Settlement Hierarchy
S7: Matlock/Wirksworth/Darley Dale Development Strategy
S10: Local Infrastructure Provision and Developer Contributions
HC1: Location of Housing Development
HC2: Housing Land Allocations - (k) Land to the rear of RBS
HC4: Affordable Housing
HC11: Housing Mix and Type
HC15: Community Facilities and Services
HC17: Promoting Sport, Leisure and Recreation
HC19: Accessibility and Transport
HC20: Managing Travel Demand
HC21: Car Parking Standards
EC1: New and Existing Employment Development
PD1: Design and Place Making
PD2: Protecting the Historic Environment
PD3: Biodiversity and the Natural Environment
PD5: Landscape Character
PD6: Trees, Hedgerows and Woodlands
PD8: Flood Risk Management and Water Quality
PD9: Pollution Control and Unstable Land
PD10: Matlock to Darley Dale A6 Corridor
DS2: Land to the Rear of the Former RBS Premises, Darley Dale

3.3 Other
National Planning Policy Framework (March 2012)
National Planning Practice Guidance
Darley Dale Neighbourhood Plan Pre-Consultation Draft

4. RELEVANT PLANNING HISTORY
17/00490/FUL Erection of 126 dwellings and associated access - Withdrawn
16/00578/FUL Construction of Medical Centre and Access Road - Granted

5. CONSULTATION RESPONSES

5.1 Town Council

Taking into consideration:

- The decision of the Appeal ref APP/P1045/W/16/3160553, June 2017 regarding Land of Old Road, Darley Dale which lies in very close proximity to the application
- The many representations received regarding this application
- The strength of feeling in the local community
- The contradiction between the emerging Local Plan/the submitted Neighbourhood Plan and the proposed Planning application, and
- The lack of public consultation with the Town Council

the Town Council strongly object to the planning application.

It is considered that the proposed development does not accord with the principles contained within the three key planning documents namely the National Planning Policy
Framework, the Local Plan and the emerging Darley Dale Neighbourhood Plan and therefore should not be permitted.

The Town Council also make the following comments in relation to specific topic areas:

**Green Fields**

The proposed development of 100 houses on this site begins the process of coalescence which the Local Plan specifically promises to avoid.

These fields are part of the distinct character of Darley Dale parish and the views into and out of the Peak District which are supposed to be protected

**Landscape Character and Sensitivity**

The submitted Neighbourhood Plan seeks to positively influence the quality of development in the Parish by allowing development of a scale that reflects the settlement to which it adjoins and the rural nature of the Parish.

That a sense of openness has been maintained between the settlements (where this is a key component of their distinctive character as identified in the Darley Dale Place Analysis).

The green corridor and sense of openness has been maintained along the Derwent Valley. Conflict is identified with Policies NP1 and NP9 of the emerging Neighbourhood Plan.

**Infrastructure**

**Medical provision**

The current local Medical Centre is under-resourced and is stretched to capacity it does not have enough doctors to serve the current local community. There can be considerable delay in getting non-emergency doctor appointments at the moment, a fact which would be exaggerated with the addition of a considerable number of new homes in the Town. The Medical Centre has planning permission to relocate, with the new build having better facilities and bigger consulting rooms, however there are no additional rooms for more Doctors.

**Schools**

The two schools in the area have a combined reception intake of 45 children each September – 30 spaces at the Darley Dale Primary and 15 spaces Churchtown School. The 2016 intake was almost at capacity with 3 spaces remaining available at Churchtown School. The section 106 agreement in the application only makes provision for an additional 21 places at Churctown School, which recently became an Academy. The Headmaster of Darley Dale Primary school has lodged a separate objection to this development.

**Highway Safety**

The proposal of the main junction on the A6 to service the new development does not take into account that there are already four major and four minor junctions joining the A6 within a very short distance. Two of these junctions are not even considered in the application.
The recent traffic survey commissioned by the County Council demonstrates that the A6 is severely overloaded, there has been numerous accidents and near misses. In the last twelve months the air ambulance has had to attend on more than one occasion. The addition of another 100 houses will considerably increase the danger on this stretch of the A6.

The anticipated number of houses required by the District Council during the lifetime of the emerging Local Plan has been significantly reduced, with the effect that the District Council now have more sites available than needed to satisfy the anticipated requirements.

5.2 Local Highway Authority (Derbyshire County Council)

Raised concerns with the following elements of the scheme, which required further consideration and revised information to be submitted before the Local Highway Authority could comment further, or be in a position to sanction the development:

- Reference to a development of 110 dwellings in the Design and Access Statement (which the applicant has subsequently confirmed is an error)
- Lack of defined pedestrian margins to link the site to Station Road, Whitworth Park and The White Peak Loop
- The need to improve the route of public footpath no. 32
- The appropriateness of the information in relation to accident data, and;

in order for the estate street layout to meet minimum safe adoptable criteria the need for:

- ‘Private’ cul-de-sacs to be served via a vehicle dropped crossing rather than a kerbed radii junction
- A pedestrian footway where there is pedestrian demand from fronting development
- A 25m forward visibility splay around bends in the highway alignment and the splay extents laid out as a widened footway margin to ensure the visibility remains available in perpetuity for all highway users
- Shared surface street to take the form of a dropped vehicle crossing point, to highlight to highway users that they are entering a different street environment and the junction provided with 2.5m x 25m visibility splays in each direction together with 2m x 2m x 45 degree pedestrian inter-visibility splays
- Shared surface streets to be laid out within a 7.5m ‘highway corridor – including a circa 6m wide constructed carriageway and ‘comfort’ margins to ensure that pedestrians and vehicles can safely share a common surface
- Streets to be provided with 2.4m x 17m visibility splays from individual junctions (and driveways) and 17m forward visibility around bends (forming part of the street and not part of any adjoining plot or third party land), and;
- Swept path analysis to demonstrate that a large refuse vehicle (11.6m long) can be safely accommodated within the proposed estate street layout – at bends and within turning areas.

The applicant has submitted additional information (including tracking details for the largest refuse vehicle) and an amended site layout plan to address the above concerns and follow up comments relating to the swept path analysis carried out, the need for a larger turning head to one of the estate roads and the need for shared surface streets to be served by vehicle dropped crossing points to give pedestrians priority on primary streets. The Local Highway Authority has advised verbally that these additional details / amended plans address their concerns. Confirmation of this and a list of conditions will be presented to Members at the committee meeting.
5.3 Strategic Planning (Derbyshire County Council)

Seek the following developer contributions:

- £193,783.17 towards the provision of 17 primary school places
- No contribution towards secondary school places as there is capacity at Highfields School to accommodate anticipated pupil numbers from this and other planned development
- the development is served by superfast broadband.

5.4 Lead Local Flood Authority (LLFA) (Derbyshire County Council)

Initially required clarification in relation to the following:

- The proposal to discharge surface water to the surface water sewer in Dale Road North. Parts 4.6 and 4.7 of the FRA states that soakaways are not viable due to infiltration rates and ground stability and that the Warney Brook is not viable location to discharge surface water. Whilst the LLFA was willing to condition a ground investigation to confirm the infiltration rates for the site, further clarification was required to confirm the comment relating to discharge to the watercourse.

- The LLFA also required that consideration be given to a gravity drainage system, removing the requirement to pump surface water to the discharge point.

The applicant has updated the Flood Risk Assessment and Sustainable Drainage Strategy to cover the above points. Upon consideration of this revised document that LLFA comment as follows:

The applicant proposes to discharge from the 3.2 hectare site to the surface water sewer on Dale Road North, to the North of the site, at a rate of 8.2 l/s (2.56 l/s/ha.). Surface water is proposed to be attenuated in a network of swales and ponds on site providing an attenuation volume of 1285.5 m³, managing surface water on site up to the 1 in 100 flooding event.

The applicant has stated in the Flood Risk Assessment that infiltration is not viable for the site due to low infiltration rates and ground stability issues being exacerbated should surface water infiltration be utilised.

Additionally, the LLFA note that a watercourse, the Warney Brook located approximately 50 metres to the East of the site (in third party land) may provide suitable outfall for the site, the LLFA would require the applicant to thoroughly assess the viability of the watercourse as an outfall due to its preferential position in the hierarchy in paragraph 20 of the Planning Practice Guidance. The applicant has indicated that should the discharge to the Warney Brook be viable, this would be the preferred point of discharge for the development.

The LLFA would additionally note that a gravity fed system would be preferential and the applicant would be required to assess the risk to the site should the surface water pumping system not function as intended. The LLFA would additionally require a demonstration of the parties responsible for the management and maintenance of the pumping station and an indication of the management and maintenance requirements of the pumping system to ensure the functionality throughout the lifetime of the development. The applicant has indicated that should a discharge to the Warney Brook be attained, a gravity system may be viable for the site.
The LLFA welcomes the use of suitable allowances for climate change (40% increase in peak annual rainfall intensity) and Urban creep (10% increase in impermeable area) in line with current guidance. Allowances will be required to be consistent with current guidance at the detailed design and modelling stage.

The LLFA will require, at detail design stage, an indication of the party appointed to be responsible for the management and maintenance of the drainage infrastructure on site, in addition.

Subject to conditions, the LLFA raise no objections.

5.5 Force Designing Out Crime Officer
Considers the layout and house treatment to be an improvement on the previously withdrawn application.

However express concerns with regard to the following:

The additional pedestrian link onto PROW32 to the south – The Force Designing Out Crime Officer advises that the PROW is enclosed, unlit, narrow, muddy and runs at angles through the adjacent railway and DCC sites to the west and is not therefore considered to be a safe route to future users. It is considered that the new shared access point off Station Road would be a safer and more convenient route to Station Road and facilities beyond.

Whilst recognising that the link to Station Road is now better overlooked, concerns that two 90 degree turns cut off sight lines along the route are raised. It is recommended that the boundary around plot 77 is clearly defined and the footway is provided along the whole route and a lighting scheme agreed to make the route as safe as possible.

Some changes to the fenestration of dwellings to particular plots are also suggested to improve surveillance.

5.6 Development Control Archaeologist (Derbyshire County Council)

The applicant has submitted the results of geophysical survey as part of the current application, and this information has not identified any potential archaeological features within the site. Although geophysical survey is not completely reliable as an indicator – its accuracy varies depending on site geology and soil conditions, and it is also likely to miss more ephemeral features. This information, coupled with the general archaeological background given in the desk-based assessment, suggests that archaeological potential is low, and that there is no requirement for further archaeological work under the policies at NPPF chapter 12.

5.7 North Derbyshire CCG

Request a financial contribution of £38,040 to expand/alter the GP practices likely to be affected by the development.

5.8 Head of Housing (Derbyshire Dales District Council)

We accept the 20 affordable homes on site, with the remaining affordable housing contribution (equivalent to 10% provision) as an off-site financial contribution to assist with the delivery of affordable housing on other sites. The following comments in relation to the individual affordable house types are made:

6 x 1 bedroomed bungalows for rent
We very much welcome the 6 bungalows on site for rent which are positioned next to the medical centre. However, we require the bungalows to be:

- 2 bedroomed 4 person bungalows (the drawings of the proposed 1 bedroomed bungalows show an extra room but it is not clear whether this is a store room) to allow for a carer to stay over and the use/storage of mobility aids
- which meet the Lifetime Homes Standard M4(2) of the Building Regulations and
- have level access showers
- the gross internal minimum floor areas are not shown but 70m2 is required

6 x 1 bed flats for rent

- We welcome that the flats have separate entrances so that there are no internal communal areas which results in management issues and service charges for the tenant.
- The drawings need to show the internal floor areas and furniture layouts.
- We require a minimum gross internal floor areas of 50 metres squared.

6 x 2 bedroomed house Sunderland (drawings indicate a 2 bedroomed 3 person house) – 3 for shared ownership and 3 for rent

- We require the 2 bedroomed houses to be 2 bedroomed 4 person houses.
- The ensuite bathroom is in ‘Bedroom 2’, which is a single bedroom. Bedroom 1 is the double room. The ensuite should be off the main bedroom.
- The drawings need to show the gross internal floor areas and furniture layouts.
- We require a minimum gross internal floor areas of 79 metres squared.

2 x 3 bedroomed house Chester (semi-detached) – all for shared ownership, drawings indicate a 5 person house

- The drawings need to show the internal floor areas and furniture layouts.
- We require a minimum gross internal floor areas of 93 metres squared.

5.9 Sports Development Officer (Derbyshire Dales District Council)

Sports Development are in support of the overall approach and to utilise nearby facilities including Whitworth Park to cater for play/recreation activities. The access footpath on Station Road which connects the site to adjacent open space and recreation facilities including the cycle/walking trail is also something we feel is very beneficial.

The development would create an additional demand and impact on wider sport and recreation infrastructure within the Darley Dale area. To help mitigate this, we would ask for an off-site contribution towards drainage improvement works to existing playing pitches referenced in the above strategy. A financial contribution of £32,699 towards such projects is requested.

5.10 Derbyshire Wildlife Trust (DWT)

Advise that lowland semi-natural grasslands are one of the most threatened habitats in the UK (listed as a Habitat of Principal Importance for England under Section 41 of the NERC Act 2006) and given that the proposed development will result in the total loss of grassland habitat, a robust evaluation of its importance should be undertaken. DWT express caution with the findings of the Phase 1 habitat survey which was carried out in July 2016 as the field had been cut immediately prior to the survey. DWT advise that a further survey is undertaken by an experienced botanist/ecologist between late-May/June and August, prior
to cutting. This survey should be undertaken prior to determination to ensure a robust assessment of impacts and compensation measures if necessary.

DWT do not support the removal of the Oak tree to accommodate the current layout and we encourage the redesign of the scheme in this area to accommodate the mature oak to form a focal feature within the housing scheme. They advise that the loss of a mature oak tree should only be accepted if it is in particularly poor condition or if there is no viable way to retain it.

DWT welcome the retention of Hedgerow 1 and the incorporation of a buffer zone along this hedgerow, ensuring it is excluded from private gardens. We also welcome suggestions of creating botanically rich habitat around the attenuation pond and the planting of native trees and shrubs elsewhere on site.

Given the grassland and hedgerow habitats present on site, DWT consider that there is potential for the site to support reptiles and amphibians. To maintain a route for amphibians between the Whitworth centre and the new attenuation pond, DWT encourage a corridor along the southern boundary and this should be considered within the scheme design.

DWT also advise that an Amphibian and Reptile Mitigation Strategy is produced, which should include:

- Supervised site clearance under a Method Statement.
- Measures to benefit amphibians, i.e. details of the attenuation pond.
- Connectivity measures including a permeable boundary between the new pond and the railway and also the redesign of the southern boundary.
- Safeguarding measures within the new road design including offset gullies.

5.11 Derbyshire County Council Business Manager and Senior Valuer:

The County Council have a legal right of access to their premises with or without vehicles. The access to Station Road to the Darley Dale Depot is included in part of the application.

The proposed access way from Station Road is the only access road to the depot and in constant use for significant numbers of highways vehicles including HGV’s and staff as well as the access road for vehicles to the rear of the properties immediately to the right of the road. Due to the volume of highways vehicles working from the depot we operate a strict one way system throughout, only allowing entry to the site along this lane with exit from the site being further down Station Road. We would have significant safety concerns if higher volumes of traffic were to use this lane and especially if two way traffic were to operate along this extremely narrow access way.

As the development would be immediately adjacent to the council depot we are concerned about the increased security risk posed to the site.

5.12 Landscape Officer (Derbyshire Dales District Council)

There are no objections in principle to the application. A strong landscape structure is proposed and, if the potential this affords is realised, it is likely that the development can be successfully accommodated within its surroundings as well as being an attractive place to live. The requirement for a detailed landscape/planting plan and long term landscape maintenance/management plan to be submitted and approved by the Council should be a condition of any planning permission.
I do have a concern with the nature of the important pedestrian access route proposed from the development to Station Road at its eastern end where the narrow dog-leg off a private drive is not sufficiently open or inviting for people to use.

5.13 **Natural England**

No objections on the basis that the development will not have significant adverse impacts on protected landscapes.

5.14 **Environment Agency**

Do not wish to comment.

5.15 **Peak and Northern Footpaths Society**

Raise no objections in principle. Comment that the site layout plan shows a pedestrian link from the southern edge of the site to Footpath 32 Darley Dale, and this is essential. Also it is considered that this linking path should be dedicated as a public footpath, or be adopted with the new estate roads. Advise that the full width of FP 32 must remain open and unobstructed at all times and as this path would be much more heavily used as a result of the development, it should be improved in terms of surface, overhanging vegetation etc so that it is suitable for such use.

5.16 **Derbyshire Dales Group of the Ramblers**

The Derbyshire Dales Group of the Ramblers have no objection to the above application providing that Darley Dale FP 32 which runs alongside the railway next to the site is not affected either during or after construction.

6. **REPRESENTATIONS RECEIVED**

6.1 A total of 45 representations from local residents, nearby businesses, the general public, Darley Dale Action Group and the Two Dales Residents Action Group objecting to the proposals have been received. A summary of the representations is outlined below:

**Principle**

- The Local Plan commits to maintain the Important Local Spaces along the A6 and avoid coalescence of Darley Dales and Matlock.
- Volume of building proposed is still at odds with local demand.
- There are more than enough Brownfield or collective smaller sites available for development.
- Darley Dale is expanding too much and cannot cope with more residents.
- We have limited green space left along the A6 corridor.
- The development does not accord with Darley Dale Neighbourhood Plan.
- The application should be rejected for the same reasons as other applications which have been refused for housing development in the area.
- Previous application to build on this site have been rejected.
- There is no proof that additional housing stock is required in addition to the Poppyfields and Cobb Slater sites that have been recently built.
- The size of the development is such that it is not on a scale that reflects that of the settlement to which it adjoins and the rural nature of the parish. The population has grown 5.4% since 1981. The proposed development would result in the number of dwellings increasing by 4.2% in one fell swoop.
- Darley Dale is beginning to lose its identity.
Landscape Impact

- Set back from A6 pays lip-service to the policy of preserving the landscape character.
- A solid view of houses will be detrimental to the view of the Peak District.
- The development will result in the loss of one of the largest, most open pieces of land to the south of Darley Dale with considerable and beautiful open views.
- The development will impact on the adjacent Peak District National Park, being clearly visible from Stanton Moor adding to the ribbon development along the A6.
- A stand of 7 Poplar trees line the DFS side of the boundary. These should be preserved.
- The Oak Tree should not be felled.
- The development will erode the recognised essential separation between Two Dales, Hackney, Darley Dale and Matlock.

Character and Appearance of the Development

- There is no mention of the developments locale of the Two Dales area and how it has been considered and designed with the intent to achieve any of this.
- The development does not respect, compliment or improve the character of the local area.
- The design of the proposed development is not sympathetic in its design, layout, density and building materials to the local area.
- Darley Dale is in danger of becoming one very long built-up area.
- The houses and flats and bungalows proposed are a mixture of brick and render with pre-cast stone features. None of the core houses appear to be built with reference to the local vernacular.
- The scheme is a facsimile of dozens of other ill-conceived housing estates up and down the country.
- The density is too high.
- More fitting building materials should be used.
- There are far too many houses in a small area, backing onto an industrial site.
- The adjacent dwellings on Station Road have been built using traditional local Gritstone and roofed with clay tiles unlike the proposed construction materials.

Impact on Wildlife

- The development will result in the loss of rabbit and bird habitat.
- Badgers, toads, frogs, rabbits, bats, birds, foxes, insects, ferrets, pheasants and butterflies have been seen on the site.
- The removal of the mature oak will reduce the biodiversity of the area.

Infrastructure

- The development will put an unreasonable burden on existing infrastructure and services.
- The is no mention of the contributions to be made by the developer to improve Whitworth Park or any other key services and infrastructure.
- Schools and pre-schools do not have space to support another 100 families.
- The medical centre is full / under strain.
- There are very few employment opportunities in Darley Dale.
- No play area is designated on the site.
- Whitworth Park gets very busy and the little playground is unable to cope already.
- Other planned development is putting pressure on the area.

Land Drainage
• The development will cause surface water to flood Station House.
• The site flooded in 2011.

**Housing Mix**

• Less than 3% of the houses are tailored towards the elderly demographic.

**Highway Safety**

• The new Co-op has not been factored into any assessment of the highways impact, which presents hazards and frustrations to local residents.
• The development will make this stretch of road more dangerous.
• Additional traffic would be detrimental to the area.
• A lack of consideration has been given to the safety of the users of the footpath to the south of the site to Station Road and along Dales Road South.
• The bus stops will block the exit from the road coming out of the new surgery resulting in traffic and chaos. Whilst there is a pelican crossing once the new surgery is open traffic will be at a standstill with all the people crossing.
• The proposal would add another junction on a short stretch of road which already has numerous junctions.
• Congestion is highly likely at school pick up and drop off times and is likely to affect traffic flow.
• To the west of the proposed access road is already one of the most hazardous junctions in the area.
• Traffic monitoring figures taken a mile and a half away has no relevance to traffic flow at Darley Dale.
• There are eleven accesses on to the A6 within 500 yards of the application site.
• Cyclists and drivers occasionally ignore the red lights at the pelican crossing.
• The lack of accidents does not reflect public opinion relating to traffic issues.
• The accident data does not reflect the number of near misses.
• There will be risks to children crossing Station Road to access Whitworth Park.
• The co-op development and commencement of major work on the new medical centre have already worsened traffic problems.
• The narrow paths either side of Dale Road South make it dangerous to push a buggy alongside it. More traffic from the additional dwellings will make this even worse.

**Impact on Residential Amenity / Adjacent Development**

• Residents along the Station Road and along the A6 will lose their privacy, be overlooked, have additional noise and light pollution.
• Lack of consideration has been given to the comments made by the DFS representative, regarding the last application, in that there is still no provision for any future residents in relation to privacy, light and noise from a business operating 24hours a day.
• The development will result in the overshadowing and a loss of light.
• There is no screening between the houses along Station Road and the new site.
• There is potential for the development to be affected by noise and floodlighting from DFS operations - noise and lighting assessments are required to consider these impacts and if necessary appropriate mitigation put in place / changes to the layout made.
• The houses are still too close to the boundaries of existing houses.

**Other matters**
• There has been no public consultation.
• A lack of thought has been given to the access rights of residents along Station Road.
• The footpath along our southwestern boundary will pose a significant security risk in terms of crime, anti-social behaviour and littering. At points the proposed footpath is adjacent to our boundary wall. The plans do not show its treatment.
• The supporting information that accompanies the application contains a number of inaccuracies.
• The development would affect tourism upon which the area depends.
• The developer has not listened to local residents.
• The new development boundary along the right of way at the rear of the properties along Station Road should be a vertical close board fence at least 2m high. It would also act as a securing fence for the new residents.

7. OFFICER APPRAISAL

Site History and Policy Context

7.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission under the Act are determination in accordance with the development plan unless material considerations indicate otherwise.

7.2 Following withdrawal of application code ref. 17/00490/FUL the District Council has adopted a new development plan, the Derbyshire Dales Local Plan (2017). There are no material considerations, at this time, that would indicate that the application should not be considered other than in accordance with this plan which forms the development plan for the area.

7.3 No weight can be given to policies contained within the draft Darley Dale Neighbourhood Plan prepared by Darley Dale Neighbourhood Plan Steering Group, on behalf of Darley Dale Town Council as initial consultation in accordance with Regulation 14 of the Neighbourhood Planning (General) Regulations 2012 has only just concluded (4th June 2018).

7.4 The site includes the majority of the land allocated in the Adopted Derbyshire Dales Local Plan (2017) as a Strategic Site for Residential Development under Policy DS2. Strategic sites are ones that are allocated in the Local Plan to deliver in excess of 100 dwellings. All of the strategic sites contribute to the delivery of the Local Plan’s spatial strategy and overall vision, particularly in respect of the delivery of housing to meet the Districts objectively assessed housing needs. When allocating the site for residential development comprising approximately 135 dwellings it was recognised that although the development would result in the loss of some open space, it was an area of land of much lower landscape sensitivity when compared to other sites elsewhere within Darley Dale and was well related to the existing settlement.

7.5 All strategic sites have complex and specific planning issues with the policy requirements for each site seeking to highlight the issues that need to be considered as part of a planning application. The strategic allocation for this site requires a comprehensive masterplan that incorporates community facilities proportionate to serve the needs of the local community including the provision of a new medical facility, a new access to serve the comprehensive development, a comprehensive landscaping plan which includes retention of key landscape features, an open frontage to the A6 and along the DFS access road and provision of public open space and green infrastructure on the site with links established to the wider countryside, provision of the required proportion of affordable housing and an appropriate mix of housing types to meet the needs of local community, a desk and field based archaeological assessment and buildings appraisal, flood risk assessment, developer contributions towards the provision of infrastructure, educational
service and other community services, ecological assessment and any application to demonstrate sufficient capacity in the local sewage network to accommodate the development.

7.6 Taking the above into consideration, the need to assess the development against other policies contained within the Derbyshire Dales Local Plan 2017 and having regard to the representations made by local residents and consultation responses received, the main issues to consider in respect of this application are:

- Layout, Density and Housing Mix
- Design and Appearance
- Highway Safety
- Designing Out Crime
- Impact on Residential Amenity / Adjacent Development
- Flood Risk and Drainage
- Open Space and Landscaping
- Archaeology
- Ecology
- Developer Contributions

Layout, Density and Housing Mix

7.7 The proposed development of the site for 100 units is below the amount envisaged to come forward in the recently adopted Derbyshire Dales Local Plan 2017. However, not all the allocated site is included in the area subject of this application. The layout of the development would potentially enable access off the main spine road to the land associated with Warney Dene, the dwelling to the north east of DFS, to achieve development on the residual part of the allocated site. It is not considered therefore that the development would prohibit the wider development of this important strategic housing site. The new medical centre is currently under construction and has come forward separately ahead of any housing development on the site.

7.8 A concern with the scheme presented as part of application code ref. 17/00490/FUL was the density of the development and the incohesive layout that that lacked any sense of place. It was considered that this development would be harmful to the character and appearance of this part of Darley Dale. The density of housing development that is now being proposed, enables areas of open space, appropriate surface water attenuation features and green infrastructure (a requirement of Strategic Policy DS2) to be formed through the site. At a little under 31 dwellings per hectare, the density of development is considered to be appropriate for this edge of settlement site and enables the objectives of policy DS2 to be met.

7.9 Policy PD1 of the Adopted Derbyshire Local Plan 2017 deals with design and place making and requires development to contribute positively to an areas layout and relationship to adjacent buildings and landscape features. The shape of the site constrains the way in which it can be developed. The layout of the development, however, makes the most of the space available. A spine road will be formed through the centre of the site, whilst not prejudicing development on the wider allocated site and will link up to the service road to the new medical centre and share the same point of access onto the A6. Careful consideration has been given to the layout of housing fronting the A6 and DFS access and to create strong coherent street scenes along the main spine road and secondary estate roads, whilst allowing space for landscaping. The relationship of new housing to existing residential and industrial development has also been greatly improved so as to not result in development that appears cramped / overdevelopment of the site. Where possible garages are to be sited to the side of dwellings to provide reasonable gaps between buildings.
7.10 Policy HC11 of the Adopted Derbyshire Dales Local Plan (2017) deals with housing mix and type and requires all new residential development to contribute towards the creation of sustainable, balanced and inclusive communities by meeting identified local and District housing needs in terms of housing mix, size and tenure. Policy S7 sets out the strategy for development in Darley Dale and establishes the principle that housing development in Darley Dale should be on allocated sites and include the delivery of appropriate levels of affordable housing. Policy HC4 requires that schemes that are of 11 dwellings or more should provide 30% of the net dwellings proposed as affordable housing. This provision should be in the form of 80% social and affordable rented accommodation with the balance being provided as intermediate housing or discount starter homes. The policy continues that where the proposed provision is below these requirements the District Council will require applicants to provide evidence by way of financial appraisal to justify a reduced provision.

The required mix applied to the proposed development is shown in the table below:

<table>
<thead>
<tr>
<th></th>
<th>1-bed</th>
<th>proposed</th>
<th>2-bed</th>
<th>proposed</th>
<th>3-bed</th>
<th>proposed</th>
<th>4+ bed</th>
<th>proposed</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Market</td>
<td>5%</td>
<td>4 (5%)</td>
<td>40%</td>
<td>33 (41.25%)</td>
<td>50%</td>
<td>29 (36.25%)</td>
<td>5%</td>
<td>14 (17.5%)</td>
<td>80</td>
</tr>
<tr>
<td>Affordable</td>
<td>40%</td>
<td>6 (30%)</td>
<td>35%</td>
<td>12 (60%)</td>
<td>20%</td>
<td>2 (10%)</td>
<td>5%</td>
<td>0 (0%)</td>
<td>20</td>
</tr>
<tr>
<td>Total</td>
<td>15%</td>
<td>10 (10%)</td>
<td>40%</td>
<td>45 (45%)</td>
<td>40%</td>
<td>31 (31%)</td>
<td>5%</td>
<td>14 (14%)</td>
<td>100</td>
</tr>
</tbody>
</table>

The applicant has indicated on the supporting plans and documentation that they achieve the overall mix of house types, albeit with a reduced affordable element. The two bedroomed house type ‘Middlesborough’ contains an office at first floor. The Local Planning Authority is satisfied that its modest size would be unsuitable for use as a bedroom. Larger offices are, however, shown to ‘Longthorpe’ and ‘Chedworth’ 3 bedroomed house types, which could be utilised as bedrooms. These properties have been identified as 4, not 3 bedroomed dwelling for the purposes of calculating housing mix. The Head of Housing has confirmed that the on-site provision of affordable housing proposed as part of this application is acceptable to meet the known affordable housing need in the local area and has agreed to the applicant making an offsite contribution towards affordable housing equivalent to 10% provision to satisfy the requirements of policy HC4. In response to the comments made by the Head of Housing the 1 bed bungalow type has been replaced with a 2 bed Madison type, which has resulted in a slightly higher percentage of 2 bedroomed and reduction in one bedroomed units. Notwithstanding that a higher number of 4+ bedroomed dwellings will be delivered than indicated in the application documentation, the overall mix of housing is close to the mix required by Policy HC11 and will be offset by an affordable housing contribution, which will be geared towards the delivery of smaller units in this case. It is not considered that the variance with Policies HC4 and HC11 would warrant refusal of the application in this respect.

Design and Appearance

7.11 In addition to layout and the relationship to adjacent buildings and landscape features, Policy PD1 of the Adopted Derbyshire Local Plan 2017 requires development to be of high quality design that respects the character, identity and context of the Derbyshire Dales townscapes and contribute positively to an area’s character, history and identity in terms of scale, height, density, appearance and materials.

7.12 The public have raised concern with regard to the appropriateness of the design on the dwellings in the representations received. Following the withdrawal of application code ref. 17/00490/FUL the applicant has reconsidered the design of dwellings, in addition to the density and layout. Only eleven house types are now proposed. With the exception of the 6 no. bungalows within the central part of the site, all the dwellings will be two storeys. 38
They will either be flat fronted or incorporate gable projections to principal elevations. Strong street frontages will be created to the A6 and access road to DFS through the careful siting and limited use of the different house types. Although the frontages to the dwellings along Station Road are more ornate in terms of their design detailing, they face Whitworth Park and turn their back on the development site. They appear as much simpler buildings from the rear and are faced in a mixture of red brick, render and stone. The dwellings on the opposite side of the A6 are simple buildings in both their form and appearance. The bungalows to be delivered on site, will be the only house type with hipped roofs. These properties will, however, be viewed against the backdrop of the dwellings off Station Road which also have hipped roofs. For reasons set out above it is considered that the siting and design of the dwellings would respond positively to the area’s character, history and identity in terms of scale, height, density and appearance in this case.

7.13 The dwellinghouses in the immediate area are constructed with a variety of materials, including those that are fully stone, stone fronted buildings with red brick or rendered sides and rears and buff / brown brick buildings. The area also contains traditional stone built and relatively modern commercial buildings. It is considered that all these materials can be accommodated within a development of this size but careful considered needs to be given as to their distribution across the site. Whilst the applicant has indicated that the dwellings fronting the A6 are considered to be the most sensitive and will be faced in dressed stone, it is considered that a natural ‘Stanton Moor’ or equivalent coursed stone (to match the adjacent medical centre) to standard bed heights and random widths should also be used to the dwellings along the DFS access road and at the junctions to secondary estate roads and careful consideration given to the type and use of brick and render beyond. The applicant agrees to a condition to secure the use of appropriate building materials and their distribution across the site. Some house types incorporate faux chimneys. These, however, shown to be inset from the gable end which is not the tradition in this area. A condition to secure their siting on the gable end, the detail of any porches to the various house types and verges / fascia boards will also be necessary to ensure a high quality development that reflects local vernacular. No details of boundary treatments or the elevational treatment of detached garages have been provided. Again, such details will need to be submitted to the Local Planning Authority and approved before development commences.

Highway Safety

7.14 Concern has been raised by the public in relation to the amount of additional traffic the development will generate, the implications it will have on highway safety and the suitability of the pedestrian access link to Station Road. The Local Highway Authority also raised concerns in their initial consultation response, in relation to the estate street layout, in terms of creating a safe environment for motorists and pedestrians.

7.15 An amended site layout plan has since been submitted which makes provision for an extended pedestrian link to Station Road. Where the link intersects the adopted highway a footpath extension is proposed to replicate the white lined vision splay. This design would extend the footpath edge in-line with parking bays incorporating a tactile paved crossing point across Station Road towards the Whitworth Centre. The informal link to public footpath no. 32 has been removed. The Local Planning Authority is satisfied that the improvements to the footpath to Station Road link meet connectivity needs arising from the proposed development to satisfy the requirements of Policies DS2 and PD4 of the Adopted Derbyshire Dales Local Plan (2017) and provides a safe route for pedestrians.

7.16 Improvements to the geometry and alignment of the estate roads have been made to satisfy the Local Highway Authority’s concerns and ensure that the estate roads can form part of the adopted highway network. The development will utilise the existing access,
which has been designed to serve the comprehensive development of the wider site (a requirement of Policy DS2) and appropriate provision made for car parking. To accommodate the additional vehicle movements and so as to not impede traffic flow along the A6 a right turn harbourage for vehicles needing to cross oncoming traffic will be formed within the existing carriageway. This should prevent the backing up of cars along the A6. The Local Highway Authority have indicated that the access onto the A6 and amended layout of the estate roads will not result in severe impacts on the local highway network, such that a recommendation of refusal could be sustained on such grounds.

Designing Out Crime

7.17 The Force Designing Out Crime Officer notes that the revised proposals are an improvement on the scheme that was withdrawn. In response to the suggestions made in their consultation response, the applicant has removed the link to public footpath no. 32 which is not considered to be a safe route due to being unlit, narrow, muddy, encloses and running at right angles nor critical to the connectivity of the site to Station Road, Whitworth Park or the White Peak Cycle Loop. The footpath link to Station Road has also been revisited. Plot 79 has been substituted for a corner plot Chedworth and parking moved to the side of plot to allow for the footpath route to run un-interrupted to Station Road. The footpath is also shown running along the green verge to separate users from vehicular activities. The parking arrangements to plot 97 have been changed to remove the separation between the house and garage. Whilst some further changes to window positions to particular house types have been suggested, dwellings have been sited to provide good surveillance across the site and over all areas of public open space and will provide a safe environment for future residents / users of the site without compromising the design of the individual house types.

Impact on Residential Amenity / Adjacent Development

7.18 Policy PD1 of the Adopted Derbyshire Dales Local Plan (2017) requires that development achieves a satisfactory relationship to adjacent development and does not cause unacceptable effects by reason of visual intrusion, overlooking, shadowing, overbearing effect, noise, light pollution or other adverse impacts on local character and amenity. The scale, orientation, design and siting of the dwellings along the western boundary of the site relative to the existing dwellings along Station Road, which have long rear gardens would not result in any significant loss of privacy or overshadowing. Some residents have raised concern with the loss of access to the rear of their properties which they have enjoyed over the land. Whilst the site layout provides opportunity for a landscaped buffer and an appropriate boundary to be formed along the western edge of the site, any right of access would be civil matter for the relevant parties to resolve. Although the dwellings to plots 36 and 27 would sit close to the boundary with Warney Dene bungalow to the south (which forms the remainder of the site allocation), they would not result in any significant overshadowing of this property’s private amenity space. The dwelling sits within a relatively large plot and significant open views through the site will be maintained from this properties rear garden. It is not therefore considered that any significant visual intrusion would result. There will, however, be a need to control any first floor windows to the side elevations of these dwellings (which face in the direction of the bungalow) to prevent overlooking / a loss of privacy.

7.19 The site borders existing employment sites / industrial development to the south, including DFS and a County Council depot. An agent representing DFS has raised concern with regard to the proximity of the proposed dwellings to its site with particular concerns relating to how existing 24 hour operation and the associated noise and lighting may impact on residents. Concern is expressed that this could place pressure on the future operations of DFS. The applicant has commissioned independent noise and lighting assessments to consider the impact of the operation of the existing employment sites will have on future
residents. In terms of residential noise exposure, the noise report found none of the site noise levels to be high. The most sensitive plots to noise from existing activities at DFS are plots 46-55. With normal thermal double glazing (giving a sound reduction of 25 dB RTRA) and acoustic vents, internal noise standards will however be within acceptable limits. The highest noise levels were measured at the County Council depot. It is recommended that only the living room windows to plots 59-73 facing the depot would benefit from a sound reduction of 26 dB RTRA coupled with an acoustic vent providing 38 dB when open. 1.8m high close-boarded timber fencing at garden boundaries having an unscreened views towards these noise sources are recommended to mitigate all outdoor noise levels within rear gardens to within acceptable limits. External lighting associated with the existing industrial development would not result in significant nuisance to future occupants of the dwellings which border the site. Taking the above into consideration it is not considered that the development would prejudice the future operation of the industrial sites which border the site.

Flood Risk and Drainage

7.20 Policy PD8 of the Adopted Derbyshire Dales Local Plan (2017) seeks to allow development where the potential adverse effects of flood risk can be mitigated to an acceptable level. Policy DS2, bullet point 7 requires a site specific flood risk assessment in accordance with the findings of the Derbyshire Dales Flood Risk Assessment. The potential flood risk has been raised by a nearby resident and was recognised as a constraint on the site when allocating it for housing development. A detailed Flood Risk Assessment has been submitted with the application. Surface water is proposed to be attenuated in a network of swales and ponds on site providing an attenuation volume of 1285.5 m³, managing surface water on site up to the 1 in 100 flooding event. The proposed system allows for climate change (40% increase in peak annual rainfall intensity) and urban creep (10% increase in impermeable area). Although the applicant proposes to discharge from the site (via a pump) to the surface water sewer on Dale Road North, to the north of the site, at a rate of 8.2 l/s (2.56 l/s/ha.) they have indicated that should the discharge to the Warney Brook be viable, this would be the preferred point of discharge for the development. A gravity fed system may also be viable if discharge to the Warney Brook can be achieved. Conditions to ensure that surface water from the development is directed towards the most appropriate waterbody in terms of flood risk and practicality by utilising the highest possible priority destination, future maintenance / management of the system and details of how surface water will be disposed of during the construction phase are recommended. With such conditions existing and future residents can be satisfied that the urban drainage system will be fit for purpose and will appropriately safeguard them from flooding. Notwithstanding that suitable foul water connections will be enforced as part of the Building Regulations process, enquiries have been made with Severn Trent Water, which suggests that a connection to the mains sewer is possible. This is considered sufficient to meet the requirements of policy DS2.

Open Space and Landscaping

7.21 The north eastern part of the site will be highly visible from the A6 when approaching Darley Dale from the east. The presentation of this area therefore requires careful consideration. The application in its amended form makes provision for an eight metre wide strip of landscaping along the A6 and a return along the length of the DFS access road to help filter views of the development and mitigate any impact on landscape assessed as being of high sensitivity to housing development on the other side of access road to DFS. Areas of open space have been formed within the central part of the site. Indicative tree planting is shown in these areas and associated with the water attenuation features which cross the site. Having regard to the availability of the open space at Whitworth Park off Station Road it is considered that the amount and position of the public open space is sufficient and that sufficient tree planting can be incorporated into the
scheme to provide an appropriate landscaped setting. Whilst an unprotected mature Oak within the centre of the site will need to be removed to accommodate the main spine road, there is significant opportunity for compensatory planting. Being sited behind the new medical centre this tree is of limited amenity value and is in poor health. The supporting arboricultural statement advises that this Category B tree T1 exhibits major dead wood within the Crown and basal cavities at the heartwood. A comprehensive scheme of landscaping, including appropriate boundary treatments will need to be secured by condition. A Landscape and Ecological Management Plan (LEMP) is also recommended to secure the long term maintenance of such landscaping and any associate biodiversity enhancements.

**Archaeology**

7.22 Having considered the findings of the archaeological desk based assessment the Development Control Archaeologist recommended that a geophysical survey be carried out, given the a number of archaeological sites and finds within the close environs of the application site. The applicant has carried out a geophysical survey which did not identify any potential archaeological features within the site and presented this as part of this application. Coupled with the general archaeological background given in the desk-based assessment, the Development Control Archaeologist is satisfied that the archaeological potential is low and that it would not be appropriate to require further archaeological work on this basis. The work undertaken and information presented with the application is considered sufficient to satisfy the requirements of Policies S7, PD2 and DS2 of the Adopted Derbyshire Dales Local Plan (2017).

**Ecology**

7.23 Some concern has been raised with regard to the impact that the development will have on local wildlife. The applicant has submitted a Phase 1 habitat survey by FPCR with the application. This advises that the site is of negligible/low value to protected species with most of the site formed by species-poor, semi-improved grassland. Although Derbyshire Wildlife Trust have expressed caution with the findings of the Phase 1 habitat survey which was carried out in July 2016 as the field had been cut immediately prior to the survey, during the Strategic Housing Land Availability Assessment (SHLAA) Derbyshire Wildlife Trust assessed the site to have low nature conservation value and did not consider that UK BAP species were not dependent upon the habitats present on the site. The applicant’s ecologist has considered the comments from DWT and has advised that the site consists of regularly managed grassland which lacks extensive tussocks or dense under-thatch; features which are important for reptiles. Given the nature of the site and its isolation from the only existing reptile records it is considered that it would be disproportionate to require further survey work as the risk of harm either to individual reptiles or to local populations is negligible. Whilst the removal of the unprotected mature Oak is regrettable, from a biodiversity perspective it is in poor health and is sited at a pinch point, where the main spine road needs to be located to accommodate the development. Significant new planting and a LEMP provides the opportunity to create new wildlife habitat and enhance biodiversity and therefore satisfy the requirements of Policy PD3 of the Adopted Derbyshire Dales Local Plan (2017). The external lighting assessment identifies that a compliant lighting scheme can be designed and installed to have a low impact on both residential properties and wildlife on site. It is recommended that such a scheme is secured by condition to realise any biodiversity enhancements.

**Developer Contributions**

7.24 Policy S10 of the Derbyshire Dales Local Plan (2017) seeks to ensure that infrastructure will be in place at the right time to meet the needs of the District and to support the development strategy. It advises that release of land for development will be informed by
capacity in the existing local infrastructure to meet the additional requirements arising from new development and that suitable arrangements will be put in place to improve infrastructure, services and community facilities, where necessary.

7.25 It is clear from the consultation responses received that developer contributions towards primary school places, local GP practices and sports facilities will be required to accommodate the development / new housing. On the basis that a new medical centre is being constructed on land shown to be under the control of the applicant which forms part of the wider site allocation, it is considered that a sufficient contribution towards health care provision has been made in this case to meet the needs derived from future residents and that an additional contribution in the form of a financial sum towards increasing capacity at the local GP practices could not therefore be construed as being reasonably related in scale and kind to the development.

7.26 In addition to the above contributions 30% of the net dwellings to be delivered on site need to comprise affordable dwellings to satisfy the requirements of Policy HC4 of the Adopted Derbyshire Dales Local Plan (2017). Whilst this policy advises that this should be in the form of 80% social and affordable rented accommodation with the balance being provided as intermediate housing or discount starter homes the Head of Housing is satisfied that the on-site provision of affordable housing proposed as part of this application is acceptable to meet the known affordable housing need in the area and has agreed to the applicant making an offsite contribution towards affordable housing equivalent to 10% provision to satisfy the requirements of policy HC4. This would amount to a sum of £254,500.

7.27 The applicant submitted a viability assessment with the application, which concluded that the scheme was not viable with an affordable housing contribution of more than 20%. This assessment has been independently scrutinised by the District Valuer who has deemed the development to be viable with the developer contributions being sought, including an affordable housing contribution equivalent to 30% of the total provision of housing to be delivered on site. Following the outcome of this assessment the applicant has agreed to make a financial contribution towards affordable housing equivalent to 10% provision in addition to providing 20 affordable units on site and financial contributions towards the provision of 17 primary school places and the upgrading of a local sports facility. Such contributions are considered sufficient to satisfy the requirements of Policies S10 and DS2. As a link will be formed to Station Road giving good access to Whitworth Park and its associated facilities it is not considered necessary for an equipped play to be delivered on site in this case.

Conclusion

7.28 As set out at paragraph 7.4 of this report the site is allocated in the Adopted Derbyshire Dales Local Plan (2017) as a Strategic Site for Residential Development under Policy DS2. Such sites are critical to the District Council meeting the spatial strategy and vision set out in this plan, particularly in respect of the delivery of housing to meet the Districts objectively assessed housing needs. Subject to conditions the development, in its revised form, addresses the site specific requirements of Policy DS2 and complies with other policies of the Development Plan. Subject to the applicant entering into a S106 planning obligation agreement to secure the provision of 20 affordable dwellings (of an appropriate mix and tenure / type) on site, an off-site contribution towards affordable housing of £254,500 (equivalent to 10% provision), £193,783.17 to provide 17 primary school places and £32,699 towards upgrading sports facilities and conditions to ensure a satisfactory external appearance of the development, protect residential amenity, secure landscape biodiversity enhancements and noise attenuation measures and a safe environment for pedestrians and motorists a recommendation of approval is put forward on this basis.
8. RECOMMENDATION

That authority be delegated to the Development Manager to grant planning permission on completion of a S106 planning obligation agreement to secure the following developer contributions:

The provision and subsequent management of the following mix of affordable housing (equivalent to 20%)

- 6 x 2 bedroomed bungalows for rent
- 6 x 1 bedroomed flats for rent
- 6 x 2 bedroomed houses (3 for rent and 3 for shared ownership), and
- 2 x 3 bedroomed houses for shared ownership

An off-site contribution towards affordable housing (equivalent to 10% provision) amounting to £254,500

Funding for 17 primary school places at Darley Churchtown C of E Primary School of £193,783.17, and;
£32,699 towards upgrading sports facilities

subject to the following conditions (in addition to any highway conditions recommended by the Local Highway Authority):

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

   Reason:

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

2. This permission relates to the original application documentation except as amended by the revised Design and Access Statement, House Types and Site Layout Plan received by the Local Planning Authority on the 19th February and 23rd April 2018 numbered DAR/SL/01 Rev C.

   Reason:

   For the avoidance of doubt.

3. Samples of all materials to be used in the construction of the external surfaces of the dwellings and garages and a plan showing the distribution of such materials across the site which shall, unless otherwise agreed, include the use of natural coursed stone to the dwellings to plots 1-5, 19-25, 35-38, 46-47 and 98-99 (on drawing numbered D01 Rev C) on shall be submitted to and approved in writing by the Local Planning Authority before the commencement of development. The development shall thereafter be constructed in accordance with the approved details.

   Reason:

   To ensure a satisfactory external appearance of the development in accordance with policy PD1 of the Adopted Derbyshire Dales Local Plan (2017).

4. Prior to the commencement of development and notwithstanding the submitted details, the following details of the development shall be submitted to and approved in writing by the Local Planning Authority:
- Elevation details of all freestanding garages;
- 1:10 scale drawings of the chimneys to the various house types, which shall be sited on the gable ends of the approved house types;
- Details of porches to all house types;
- Details of all external pipework and rainwater goods and their fixings;
- Details of verges and any fascia boards in terms of finish / treatment;
- The finish to windows and doors (including garage doors), and
- The position of meter boxes.

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

Reason:

To ensure a satisfactory external appearance of the development in accordance with policy PD1 of the Adopted Derbyshire Dales Local Plan (2017).

5. All window and door frames (including garage doors) shall be recessed in their openings a minimum of 80mm behind the front face of the external walls of the buildings unless otherwise agreed in writing by the Local Planning Authority.

Reason:

To ensure a satisfactory external appearance of the development in accordance with policy PD1 of the Adopted Derbyshire Dales Local Plan (2017).

7. No development shall commence until detailed plans showing the design, location, and materials to be used on all boundary walls/fences/screen walls and other means of enclosure have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details. The boundary treatments so approved shall then be completed prior to the occupation of each dwellinghouse and completed around all public areas as may be required on the completion of the development and shall thereafter be retained in perpetuity unless the Local Planning Authority gives written consent to any variation.

Reason:

To ensure a satisfactory external appearance of the development in accordance with policy PD1 of the Adopted Derbyshire Dales Local Plan (2017).

8. No development shall commence on site until a scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority, the details of which shall include :-

   a) all vegetation to be retained including details of the canopy spread of all trees and hedgerows within or overhanging the site, in relation to the proposed buildings, roads, and other works;
   b) details of the planted buffer along the A6 and along the DFS access road return and all other plant species, planting sizes, planting densities to be planted across the site and plant protection;
   c) finished site levels and contours;
   d) car park layouts;
   e) other vehicle and pedestrian access and circulation areas;
   f) hard surfacing materials;
   g) minor artefacts and structures (e.g. furniture, refuse and other storage units, signs, lighting etc), and;
h) proposed and existing functional services above and below ground (e.g. drainage, power, communications, cables, pipelines etc indicating lines, manholes, supports etc).

Reason:

To ensure an appropriate standard of landscaping in accordance with the aims of policies PD1, PD5 and DS2 of the Adopted Derbyshire Dales Local Plan (2017).

9. No development shall commence on site until a scheme for the phasing of the hard and soft landscaping approved in respect of Condition 8 has been approved in writing by the Local Planning Authority. The landscaping of the site shall thereafter be carried out in the first planting and seeding season following occupation of the building(s) or the completion of the development, whichever is the sooner within that particular phase. A 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.

Reason:

To ensure an appropriate standard of landscaping in accordance with the aims of policies PD1, PD5 and DS2 of the Adopted Derbyshire Dales Local Plan (2017).

10. No development shall take place until a Landscape and Ecological Management Plan (LEMP), including long-term design objectives, management responsibilities (to include the legal and funding mechanism) and maintenance schedules for all landscaped areas (except privately owned domestic gardens), to include the water attenuation features and areas of open space, shall be submitted to and approved in writing by the Local Planning Authority. The landscape management plan shall be carried out as approved and any subsequent variations shall be agreed in writing by the Local Planning Authority. The scheme shall include the following elements:

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

Reason:

To secure the management of all landscaped areas and associated biodiversity enhancements in accordance with the aims of Policies PD1, PD3, PD5 and DS2 of the Adopted Derbyshire Dales Local Plan (2017).

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

Reason:

To protect the residential amenity of the occupants of nearby dwellings in accordance with the aims of policies PD1 and PD9 the Adopted Derbyshire Dales Local Plan (2017).
12. The development hereby approved shall not begin until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the Local Planning Authority. The affordable housing shall be provided in accordance with the approved scheme and shall include:

   ii. the timing of the construction of the affordable housing and its phasing in relation to the occupancy of any open market housing;
   ii. the arrangements for the transfer of the affordable housing to an affordable housing provider or the management of the affordable housing if no Registered Social Landlord is involved;
   iii. the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing, and;
   iv. the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

Reason:

To secure the appropriate provision of affordable housing on site in accordance with the aims of Policy HC4 of the Adopted Derbyshire Dales Local Plan (2017).

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

Reason:

To safeguard wildlife and protected species in accordance with the aims of Policy PD3 of the Adopted Derbyshire Dales Local Plan (2017).

14. Prior to the commencement of development a detailed lighting strategy for the entire site shall be submitted to and approved in writing by the Local Planning Authority. Such approved measures shall be implemented in full and maintained thereafter.

Reason:

To minimise the impact of external lighting on the future occupants of the residential properties and wildlife in accordance with the aims of Policy PD3 of the Adopted Derbyshire Dales Local Plan (2017).

15. Notwithstanding the submitted details any first floor windows to the north east (side) elevation of the dwelling to plot 37 and the south (side) elevation to the dwelling to plot 36 shall be glazed in obscure glass and be non-opening unless otherwise agreed in writing by the Local Planning Authority.

Reason:

To protect the residential amenity of the occupants of Warney Dene in accordance with the aims of Policy PD1 of the Adopted Derbyshire Dales Local Plan (2017).

16. Prior to the commencement of development details of the measures to be incorporated into the design of the approved dwellings and boundary treatments to mitigate noise from surrounding land uses (to accord with the recommendations within the Noise Assessment Report by M.E.C Acoustic Air dated April 2018) shall be submitted to and approved in
writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

Reason:

To safeguard the residential amenity of the future occupants of the dwellings and neighbouring employment uses in accordance with the aims of Policies Policy PD1 and EC1 of the Adopted Derbyshire Dales Local Plan (2017).

17. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 or any Order revoking or re-enacting or amending that Order with or without modification), the garage(s) hereby permitted shall not be converted to habitable accommodation.

Reason:

To ensure appropriate car parking provision is maintained in accordance with the aims of policy HC21 of the Adopted Derbyshire Dales Local Plan (2017).

18. 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 the principles outlined within:

a. Flood Risk Assessment & Sustainable Drainage Report – Revision C (April 2018) by Lumax Consulting Civil and Environmental Engineers, and;

b. DEFRA Non-statutory technical standards for sustainable drainage systems (March 2015), have 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 building commencing.

Reason:

To ensure that the proposed development does not increase flood risk and that principles of sustainable drainage are incorporated into this proposal and sufficient detail of the construction, operation and maintenance of sustainable drainage systems in accordance with the aims of Policy PD8 of the Adopted Derbyshire Dales Local Plan (2017).

19. No development shall take place until a detailed assessment has been provided to and approved in writing by the Local Planning Authority to demonstrate that the proposed destination for surface water accords with the hierarchy in paragraph 80 of the planning practice guidance, and to obtain a full understanding of the springs within the site and any associated mitigation requirements.

Reason:

To ensure that surface water from the development is directed towards the most appropriate waterbody in terms of flood risk and practicality by utilising the highest possible priority destination on the hierarchy of drainage options in accordance with the aims of Policy PD8 of the Adopted Derbyshire Dales Local Plan (2017).

20. Prior to commencement of the development, the applicant shall submit for approval to the LPA, details indicating how additional surface water run-off from the site will be avoided during the construction phase. The applicant may be required to provide collection, balancing and/or settlement systems for these flows. The approved system shall be operating to the satisfaction of the LPA, before the commencement of any works leading to increased surface water run-off from site, during the construction phase.
Reason:

To ensure surface water is managed appropriately during the construction phase of the development, so as not to increase the flood risk to adjacent land/properties or occupied properties within the development in accordance with the aims of Policy PD8 of the Adopted Derbyshire Dales Local Plan (2017).

Footnotes:

1. The Local Planning Authority prior to the submission of the application engaged in a positive and proactive dialogue with the applicant which resulted in the submission of a scheme that overcame initial concerns relating to the layout and density of the development and the design of the houses and has further engaged with the applicant during the consideration of the application to resolve matters relating to highway safety, developer contributions and noise from adjacent land uses.

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

3. The Town and Country Planning (Fees for Applications, Deemed Applications and Site Visits) (England) Regulations 2012 as amended stipulate that a fee will henceforth be payable where a written request is received in accordance with Article 27 of the Development Management Procedure Order 2015 for the discharge of conditions attached to any planning permission. 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 £34 per householder request and £116 per request in any other case. The fee must be paid when the request is made and cannot be required retrospectively.

4. The applicants attention is drawn to the advisory notes within the Lead Local Flood Authority consultation response in relation to discharging details reserved by conditions 18-20.

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

This Decision Notice relates to the following documents:

- 1:1250 Scale Red Edged Site Location Plan by Bower Mattin;
- 1:500 Scale Location Plan numbered PS/DD/02;
- Planning Statement by Charles Church dated December 2017;
- Arboricultural Assessment by FPCR dated May 2017;
- Geophysical Survey Report by SUMO Services dated October 2017;
- Archaeological Desk Based Assessment by University of Leicester Archaeological Services;
- Transport Assessment by WYG dated December 2017;
- Framework Travel Plan by WYG dated December 2017
- Ecological Appraisal by FPCR dated May 2017
- Flood Risk Assessment by RPS Dated May 2017, and;
- Landscape and Visual Baseline Assessment by Golby and Luck dated May 2017 received by the District Council on the 22nd December 2017 and 4th January 2018;
- Noise Assessment Report by M.E.C. Acoustic Air Dated April 2018, and;
- External Lighting Impact Assessment by M.E.C dated April 2018;
- Revised Design and Access Statement and House Type Pack received by the District Council on the 19th February 2018, and;
- Revision Site Layout Plan numbered DAR/SL/01 Rev C and vehicle tracking drawing numbered DAR/SL/02 Rev A received by the District Council on the 23rd April 2018.

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<td><strong>SITE ADDRESS:</strong></td>
<td>14 Main Street, Middleton by Wirksworth</td>
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<td><strong>DESCRIPTION OF DEVELOPMENT</strong></td>
<td>Erection of detached garden room with decking above (retrospective)</td>
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<td><strong>CASE OFFICER</strong></td>
<td>J Baldwin</td>
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<td><strong>APPLICANT</strong></td>
<td>Mr Alvin</td>
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<td><strong>PARISH/TOWN</strong></td>
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<td><strong>AGENT</strong></td>
<td>Mr D Brown</td>
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<td><strong>WARD MEMBER(S)</strong></td>
<td>Cllr Peter Slack, Cllr Mike Ratcliffe, Cllr Irene Ratcliffe</td>
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<td><strong>DETERMINATION TARGET</strong></td>
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<td><strong>REASON FOR DETERMINATION BY COMMITTEE</strong></td>
<td>Cllr Slack Request</td>
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<td><strong>REASON FOR SITE VISIT (IF APPLICABLE)</strong></td>
<td>For Members to appreciate the site, context, impacts of the proposal on the character and appearance of heritage assets and amenity of neighbours</td>
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**MATERIAL PLANNING ISSUES**

- The impact of the development on residential amenity of the occupants of neighbouring properties,
- The impact of the development on the character and appearance of the Middleton by Wirksworth Conservation Area, and;
- The impact of the development on the setting of the adjacent Grade II Listed Building.

**RECOMMENDATION**

Refusal
18/00235/FUL

14 Main Street, Middleton By Wirksworth
1.0 THE SITE AND SURROUNDINGS
1.1 The property is located on the western side of Main Street, within the Middleton by Wirksworth Conservation Area. The existing property is an un-listed, historic building with a tiered rear garden which is bounded by the southern elevation of the neighbouring dwelling to the north, a low timber fence to the south and planting to the west between the rear garden and The Alley. The immediately adjacent property Fountain House, along with its associated metal railings is Grade II Listed.

2.0 DETAILS OF THE APPLICATION
2.1 Retrospective planning permission is sought for the construction of a detached timber garden room with decking situated above located in the rear garden of the property. The decking is accessed via existing steps with a new timber handrail. White upvc windows and doors have been installed in the northern and southern elevations of the garden room respectively.

2.2 The garden room has been constructed at 2.3m (height) x 3.3m (width) x 2.4m (depth), the decking which is located above it has dimensions of 5.6m (width) x 3m (depth), and overhangs the garden room by 2.3m to the south. The additional 1m height of the timber balustrades surrounding the decking result in the total height of the structure being 3.4m; which because of the rising land levels means that it is approximately level with the ridgeline of the existing rear projecting gable of 14 Main Street.

3.0 PLANNING POLICY AND LEGISLATIVE FRAMEWORK
1. Adopted Derbyshire Dales Local Plan (2017)
   Policy PD1: Design and Place Making
   Policy PD2: Protecting the Historic Environment
   Policy S3: Development Within Defined Settlement Boundaries
   Policy HC10: Extensions to Dwellings

   National Planning Practice Guidance

4.0 RELEVANT PLANNING HISTORY:
   None

5.0 CONSULTATION RESPONSES
5.1 The application was discussed at a meeting of Middleton Parish Council held on Monday 9th April 2018 where it was resolved to recommend approval on grounds of design and appearance.

Design and Conservation Officer (Derbyshire Dales)

5.2 The existing planting (behind the fence) to The Alley cannot be controlled and in that regard could be removed allowing views of the new decking/balustrading from this public vantage point within the Conservation Area. The curtilage of the adjacent listed building is immediately next to the site and the structure is readily visible from within the curtilage of the listed building. In this regard, the presence, form, and design of the structure are such that it has a detrimental impact on the setting of the adjacent listed building.

The structure itself is visually & physically intrusive within its context and has no assimilation to the garden context of the site or the rear part of the property. In its contrived design, form and construction it appears alien and harmful to the character and appearance of the Conservation Area and the setting of the adjacent listed building.

Conservation Advisory Forum

5.3 CAF discussed the garden room and associated decking & access steps in relation to its potential impact on the character and appearance of the Conservation Area and the adjacent listed building and its curtilage.

CAF considered that the garden room, decking and steps were hugely intrusive elements representing a large alien structure which was not in character with the area. They concluded that, in terms of its impact, design, form, materials and details it is harmful to the character and appearance of the Conservation Area and to the setting of the adjacent listed building.

6.0 REPRESENTATIONS RECEIVED

6.1 A total of 2 representations have been received; one in support of the application and one objection. A summary of the representations is outlined below:

Support

- I have no objection to the facility being proposed. If it enhances the quality of the property and the lives of the residents living there, then good luck to them.

Objection

- The structure adversely affects a listed building and the garden within its curtilage.
- The privacy of neighbouring properties is severely affected.
- There will be noise implications resulting from a group of people using the decking.

7.0 OFFICER APPRAISAL

The following material planning issues are relevant to this application:
- The impact of the development on residential amenity of the occupants of neighbouring properties;
- The impact of the development on the character and appearance of the Middleton by Wirksworth Conservation Area, and;
- The impact of the development on the setting of the adjacent Grade II Listed Building.
Residential Amenity

7.1 Adopted Derbyshire Dales Local Plan (2017) policy PD1 requires development to achieve a satisfactory relationship with adjacent development and ensure it does not cause unacceptable effects by reason of visual intrusion, overlooking, shadowing, overbearing effect, noise, light pollution or other adverse impacts on local character and amenity.

7.2 In the representation received by a local resident objecting to the proposal concerns were raised relating to the increased overlooking resulting in a “severe” loss of privacy within the garden of neighbouring properties.

7.3 It has been highlighted in correspondence received from the applicant along with historic photos; previously a pathway which was built in to the hillside ran along the western boundary (the highest point) of the garden of 14 Main Street. It is also acknowledged that where properties are located on land with sloping gardens there is likely to be an element of overlooking to some degree by the nature of the differing levels. Although prior to the erection of the garden room and decking there would have been a degree of overlooking it is considered that the extent to which it is harmful has been significantly increased following the development.

7.4 The height of the proposed decking is 2.3m - without taking into account the changes in land level - which offers views into both the bottom area of the neighbouring garden adjacent to the house and the western, raised area of the neighbouring garden where an existing shed sits. Despite the pathway previously situated along the western boundary being at approximately this height, the nature of how the proposed decking will be used, as an outdoor seating area will significantly increase the sense of being overlooked and loss of privacy in neighbouring gardens as opposed to the pathway which would primarily have been used to move around the garden, not as a social area which would be used for any considerable length of time.

Impact on Heritage Assets

7.5 The site is located within the Middleton by Wirksworth Conservation Area and adjacent to a Grade II listed building. Policy PD2 of the Adopted Derbyshire Dales Local Plan (2017) requires the proposed developments that affect a heritage asset and/or its setting to “demonstrate how the proposal has taken account of design, form, scale, mass, the use of appropriate materials and detailing, siting and views away from and towards the heritage asset in order to ensure that the design is holistic, sympathetic and minimises harm to the asset. This policy should be read in conjunction with paragraphs 132 and 134 of the National Planning Policy Framework. This guidance stresses that great weight should be given to the conservation of the significance of the heritage assets. Even less than substantial harm to the significance of heritage assets should be resisted unless the public benefits outweigh this harm.

7.6 The setting of a Listed Building is impacted upon by this development but given the partial nature of the setting affected and having regard to the significance of the heritage asset, this is considered to be less than substantial harm. The site is within the Middleton by Wirksworth Conservation Area and contributes to its overall character and appearance, however as it is only a small component of the Conservation Area the impact on significance is less than substantial.

7.7 Concern has been raised by the Derbyshire Dales Conservation Officer, the Conservation Advisory Forum and a local resident within the letter of objection relating to
the development having a harmful impact on both the Middleton by Wirksworth Conservation Area and the setting of the neighbouring Grade II Listed building.

7.8 The development has been constructed using timber with white UPVC window and door frames. It is considered that the use of these materials, along with the scale of the structure results in a large alien structure which was not in character with the area and does not assimilate with the existing garden context. Although the applicant has stated that the planting to the western boundary of the garden would not be removed, this could not be controlled. The removal of this planting would allow close quarter views of the decking/balustrading from a public vantage point – The Alley – within the Conservation Area.

7.9 There would be views of the structure from the rear garden of the neighbouring property, Grade II Listed Fountain House. The structure appears as a visually intrusive addition to the garden context and the views away from the heritage asset. The elevated position of the garden room, decking and hand rails combined with the contrived design is considered to be harmful to both the Middleton by Wirksworth Conservation Area and the setting of the adjacent listed building. There is no public benefit to counterbalance this less than substantial harm to the significance of the heritage assets and both plan policy and National Planning Guidance suggest that in such circumstances harm to the assets should not be countenanced.

8.0 RECOMMENDATION

That planning permission be refused for the following reason(s).

1. The construction of the garden room and decking by reason of their design, scale and materials would be alien to the local sense of place and harmful to the setting and significance of the adjacent grade II listed building and the character and appearance of the Middleton by Wirksworth Conservation Area. That harm is not outweighed by any public benefit and, therefore, the works as undertaken are contrary to policy guidance contained within the National Planning Policy Framework (Part 12) 2012 and policy PD1 of the Adopted Derbyshire Dales Local Plan 2017.

2. The decking, due to its positioning in the garden and the likely nature of its use has a significant detrimental impact on the amenity of the occupants of neighbouring properties in relation to the potential for significantly increased levels of overlooking and a loss of privacy, contrary to policy PD1 of the Adopted Derbyshire Dales Local Plan 2017.

9.0 NOTES TO APPLICANT:

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

This decision notice relates to the following documents:
Site Location Plan (Received 08/03/18)
500/04 – Block Plan (Received 02/03/18)
500/01 – Plans and Elevations (Received 02/03/18)
APPLICATION NUMBER | 18/00286/FUL
---|---
SITE ADDRESS: | Land To The Rear Of Whitelea Lane, Oaksedge Lane, Tansley
DESCRIPTION OF DEVELOPMENT | Proposed change of use and conversion of stable to dwelling
CASE OFFICER | Mr. G. A. Griffiths
APPLICANT | Mr & Mrs D Smith
PARISH | Tansley
AGENT | IBA Planning Limited
WARD MEMBERS | Cllr. Mrs. D. Botham
 | Cllr. S. Flitter
 | Cllr. Mrs. J. Stevens
DETERMINATION TARGET | 15th May 2018
REASON FOR DETERMINATION BY COMMITTEE | Requested by Ward Member
REASON FOR SITE VISIT (IF APPLICABLE) | To assess the site and its context.

MATERIAL PLANNING ISSUES
- Introduction
- Policy principle
- Character and appearance
- Amenity
- Highway safety
- Nature conservation
- Flood risk and drainage

RECOMMENDATION
Refusal
18/00286/FUL

Land rear of Whitelea Lane, Tansley
1. THE SITE AND SURROUNDINGS

1.1 The building is a stable with tack room which was granted planning permission in 2003. It is set at the end of a track between a hedgerow and open fields and accessed off Whitelea Lane. However, the site can also be accessed off The Knoll, albeit this means of access is not detailed within the red edged application site.

1.2 The site is set adjacent to fields and an orchard and there is residential development to the west and northwest which are on the edge of the settlement. To the north of the site is the access track, beyond which is a tall hedge marking the boundary to a field beyond. The applicant owns land to the north west of the site which is currently being developed with a dwellinghouse. He also owns the field immediately to the south of the application site.

1.3 The application site is on the fringe of, but outside, the settlement boundary for Tansley and is within open countryside.
2. DETAILS OF THE APPLICATION

2.1 Full planning permission is sought for a change of use of the stables and tack room to a dwellinghouse.

2.2 The building was granted permission in 2003 and, whilst the intention was for it to be used by the applicants’ daughter for stabling horses, it was ultimately rented out, with the surrounding land, to friends of the applicants who owned horses and alpacas; the stables ceased use in 2015. It is accessed via a track off Whiteleas Lane.

2.3 It is proposed to convert the building by providing a dining/living room, hall, bathroom, bedroom and nursery. The external materials are horizontal timber boarding with concrete roof tiles. Windows and doors frames are proposed to be timber as are the doors on the south elevation. The double doors on the east side of the south projecting gable are proposed to be glazed. A new window is proposed to be inserted into the west facing elevation and a new rooflight on the rear roofslope facing west. There is an adjacent agricultural implement store immediately to the east of the stable which is to be retained as such. Two car parking spaces are proposed to the west of the building and a domestic curtilage, with a hardstanding, is proposed to be created to the south and in front of the stables.

2.4 The applicants have submitted a statement in support of the application. It advises that they are currently constructing a dwellinghouse for themselves on the site to the north west of the application site; this was granted planning permission in 2014. They are currently living with their daughter, her partner and their infant while the dwellinghouse is being constructed. Once the dwellinghouse is completed, the applicants intend to move into it. However, they wish for their family to remain in close proximity to provide childcare and, when required, for their daughter to provide for their care if required in the future. It is the applicants’ intention that both the dwellings would remain within the same ownership in perpetuity.

2.5 The applicants consider that the dwellinghouse will provide the opportunity for additional spending power in the local community to sustain local shops and businesses in the area. The applicants refer to the Localism Act 2012 which stipulates that local planning authorities may have regard to local finance considerations for example on the payment of Council Tax and the New Homes Bonus.
2.6 The applicants refer to Policy HC8 (Conversion and Re-use of Buildings for Residential Accommodation) of the Adopted Derbyshire Dales Local Plan (2017). They advise that the building is of substantial and permanent construction, makes a positive contribution to the surroundings and can be converted without extensive alteration, rebuilding or extension in accordance with criterion a, b and c of the Policy. With regard to criteria d, through the retention of the existing appearance of the building, and with the containment of domestic paraphernalia close to the building, it is considered by the applicants that the proposal will not have any impact on the character and appearance of the buildings or its surroundings.

2.7 The buildings materials and agricultural equipment stored on the surrounding land would also be removed and therefore the applicants consider there will be a tangible improvement to the character and appearance of this part of the countryside. It is also considered that the property will create a two bedroomed dwellinghouse of the size which Policy HC11 seeks to secure 40% of any housing mix as part of any residential development and will thus meet a local housing need.

2.8 The applicant has also submitted an assessment of the building for bats by Ramm Sanderson. This advises that the building offers negligible potential for roosting bats and that gaps at eaves level are blocked with plastic mesh to prevent potential bat ingress. No nesting birds were observed. The applicants ecologist has also advised that nesting boxes for bats and birds be provided by way of biodiversity enhancement.

3. PLANNING POLICY AND LEGISLATIVE FRAMEWORK

3.1 Adopted Derbyshire Dales Local Plan (2005)

S1 Sustainable Development Principles
S2 Settlement Hierarchy
S4 Development in the Countryside
S9 Rural Parishes Development Strategy
PD1 Design and Place Making
PD3 Biodiversity and the Natural Environment
PD5 Landscape Character
PD7 Climate Change
HC1 Location of Housing Development
HC8 Conversion and re-use of Buildings for Residential Accommodation
HC19 Accessibility and Transport
HC21 Car Parking Standards

2. National Planning Policy Framework

4. RELEVANT PLANNING HISTORY

14/00843/FUL Erection of dwelling and detached garage (Re-submission of planning application 14/00126/FUL) - Granted

13/00430/FUL Erection of agricultural implement store – Granted

11/00340/CLEUD Certificate of Lawful Existing Use or Development - Storage of materials and equipment associated with maintenance of garden and touring caravan – Granted
5. CONSULTATION RESPONSES

Parish Council

5.1 - Object:
- the land lies outside of the settlement boundary of Tansley
- the new settlement boundaries have only just been increased at this location in the Local Plan
- the Council did not envisage any more encroachment out of settlement
- not convinced the building formed part of an agricultural unit - the building was not used solely for agriculture
- there is a covenant on the access road from Oaksedge Lane stipulating that access is only for one dwelling - presume this is the dwelling that is being built at this time
- majority of the holding is garden land
- question the use of soakaways for the new building
- not happy with access on to Whiteleas Lane and question whether safe sightlines can be achieved, on the entrance to this track from Whiteleas Lane
- to widen the track, third party land would have to be used
- the location is not sustainable as there are no safe walking or cycling routes, we question where refuse will be collected from
- track unsuitable for passing vehicles, there are no passing points on the single track, the track can only be widened using third party land
- land not in the possession of the applicant.

Local Highway Authority (Derbyshire County Council)

5.2 - no objection subject to a condition with regards to providing the detailed parking, circulation and standing areas for vehicles.

Derbyshire Wildlife Trust

5.3 - bat survey is well detailed and concise and support the conclusions and recommendations
- request condition regarding blocking access points for bats and that a box is provided.

Environment Agency

5.4 - no comment as within Flood Zone 1.

6 REPRESENTATIONS RECEIVED

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

- access onto Oaksedge Lane could be used to access two dwellinghouses (one under construction and the one subject to this application) and appears there is nothing to stop this
- access onto Oaksedge Lane is a very limited, shared access and would be dangerous, cause unacceptable disturbance and a loss of amenity with headlights shining into bedrooms
- covenant exist to restrict access/egress to no more than one dwelling
- appropriate for some physical barrier to ensure no access to Oaksedge Lane
• legal agreement for an agricultural access and access to one property - application is for a second property (documents submitted)
• access onto a small, narrow country lane
• claim that building used as a stable – not aware of such but alpacas kept on land for a short time and land rented contrary to condition of planning approval in 2003
• lies outside settlement boundary
• refer to moving building materials and such should be properly controlled by the Council
• have received no notification of the application.

7 OFFICER APPRAISAL

Introduction
7.1 The original planning application for the stable building (ref:03/07//0492), which was subsequently withdrawn, was for the building to be erected with drystone walls. The application building was granted permission in 2003 (03/09/0661) as a timber structure. However, it was built to a higher specification with the erection of blockwork walls which were clad in timber. The applicant advised this was necessary to support the approved tiled roof.

7.2 Since its construction, the building appears to have been little used for its approved use and its curtilage has become a store area for vehicles, equipment and building materials (Mr. Smith is a builder) during periods in which the stables has been in situ.

7.3 The applicants advise that the building was rented out as stables for horses and alpacas. There is no evidence of this having occurred with the building and this would have also been contrary to the original planning permission where condition 4 states:

*The use of the stable shall not extend to usage in connection with any trade or business.*

7.4 To this end, the renting of the stables was contrary to the requirements of the above condition. In addition, the condition was also required given concerns that the applicant may have been proposing its use for his building business. There have been matters raised with the applicant with regard to how the site was being used and the applicant was subsequently allowed an implement store to be erected adjacent to the stables to accommodate equipment that was stored outside.

Policy Principle
7.5 The site abuts the settlement boundary for Tansley which is a Third Tier settlement. Such villages possess some facilities and services that, together with local employment, provide the best opportunities outside the towns for greater self-containment and can provide for reduced levels of development. Policy S2 of the Adopted Local Plan (2017) advises that new development should be focused within the settlement boundaries of these settlements.

7.6 The site is nevertheless outside of the Settlement Boundary and in open countryside. Policy S4 of the Adopted Local Plan (2017) does allow the conversion of rural buildings and advises that development will be allowed where it preserves and/or enhances the character, appearance and local distinctiveness of the landscape. Point (n) states:

*In the case of proposals to re-use an existing building or buildings, that are capable and worthy of conversion. Any such conversion will involve a building that positively contributes to an established local character and sense of place….*
Policy S1 advises that all developments should seek to make a positive contribution towards the achievement of sustainable development. However, one of the criteria is that development should conserve Peak District character.

7.7 This is also reflected in Policy PD1 which advises that all development shall be of high quality and respect the character, identity and context of the Derbyshire Dales townscapes and landscapes. This also requires that development on the edge of settlements enhances and/or restores landscape character. Development should also contribute to the area’s character, history and identity in terms of scale, height, density, layout, appearance, materials and the relationship to adjacent buildings and landscape features. This Policy also requires development to have a satisfactory relationship to adjacent property to not cause unacceptable effects on local character or amenity.

7.8 Specifically, in the context of conversion of buildings to residential property, regard has to be given to Policy HC8. This allows for the conversion of a rural building if it is of permanent and substantial construction, the form, bulk and general design of the building makes a positive contribution to the character and appearance of its surroundings, it can be converted without extensive alteration and does not have a detrimental impact upon the character and appearance of the building, or group of buildings, and its surroundings.

Character and Appearance

7.9 The building was designed as a timber faced stable building. It has little merit as a rural building and does not contribute to the character and appearance of the countryside; it was merely erected as a functional and modern stable building. To this end, the proposal to convert this poor quality building, which does not positively contribute to an established local character and sense of place, is considered harmful to the character and appearance of the open countryside and, therefore, the proposal is contrary to point (n) of Policy S4 of the Adopted Local Plan (2017).

7.10 In addition, as the building does not make a positive contribution to the character and appearance of the area, its conversion is considered contrary to Policy HC8. This would also be accentuated by the domestication of the site which would be encroaching into the open countryside. To this end, the proposal is also contrary to Policies S1 and PD1 of the Adopted Local Plan (2017).

Amenity

7.11 It is considered that the proposal will not significantly impact on the amenity of neighbouring residents. The building is at such a distance from the nearest dwelling as to not harm privacy. Comings and goings by car are proposed off Whitelea Lane and, therefore, the occupants of existing dwellinghouses will not be significantly impacted upon. In this regard, it is considered that the proposal will comply with Policy PD1.

Highway Matters

7.12 Whilst there have been concerns raised by local residents with regard to covenants over the use of the two accesses to the site (off Whitelea Lane and Oaksedge Lane), the application site is clearly proposed to be served off Whitelea Lane. To this end, the Local Highway Authority has advised of no objection to the proposal subject to adequate parking and manoeuvring space being provided on the site; this can be attached as a condition of any planning permission. In addition, and notwithstanding any covenant over the property, it is considered reasonable to restrict vehicle access along the access to Oaksedge Lane given that this has not been considered as part of this planning application.

7.13 Whilst not a matter raised by the Local Highway Authority, it is considered reasonable to attach a condition to any grant of planning permission that details where refuse bins will be stored within the curtilage of the dwelling and, on collection days, where these will be stored close to the roadside.
Nature Conservation
7.14 The applicants have submitted a bat survey, which has also had due regard to nesting birds. This has been considered by Derbyshire Wildlife Trust and no objections have been raised to the proposals subject to a condition regarding blocking access points for bats and that a box is provided.

Flood Risk and Drainage
7.15 The site is in Flood Zone 1 and the Environment Agency has advised of no objection to the proposal. It is expected that any foul water drainage will be able to be connected to the existing system and will be subject to the requirement for building regulations approval.

Conclusion
7.16 The site is outside of the Settlement Boundary for Tansley and there is no presumption in favour of residential development, as set out in Policy S4. The building has little merit as a rural building and does not contribute to the character and appearance of the countryside. To this end, the proposed residential conversion would be inherently unsustainable and harmful to the character and appearance of the open countryside in that the building is not worthy of conversion, and thus the proposal is contrary Policy S4 of the Adopted Local Plan (2017).

7.17 In addition, the harm would be accentuated by the domestication of the site which would be encroaching into the open countryside. As such, it is considered that the proposal also fails to comply with Policies S1, PD1 and HC8 of the Adopted Local Plan (2017) and, therefore, the recommendation is one of refusal.

8 RECOMMENDATION
8.1 To refuse planning permission for the following reason:

1. The proposed residential conversion of this rudimentary stable building, which does not contribute to the character and appearance of the area, and which lies outside the Settlement Boundary in open countryside, would be inherently unsustainable and lead to domestic encroachment into the open countryside to the detriment of its character and appearance. As such, the proposal is contrary to Policies S1, S4, PD1 and HC8 of the Adopted Derbyshire Dales Local Plan (2017).

NOTES TO APPLICANT:

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

2. This decision notice relates to the following documents:
   Drawing Nos. 2017/05/01, 02, 03 and 04 received on 20th March 2018
   Design and Access Statement received on 20th March 2018
   Bat Building Assessment received on 20th March 2018.

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<td>The Chalet Bungalow, Butts Drive, Matlock</td>
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<tr>
<td><strong>DESCRIPTION OF DEVELOPMENT</strong></td>
<td>Erection of dwelling and associated access</td>
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<td><strong>CASE OFFICER</strong></td>
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<td><strong>APPLICANT</strong></td>
<td>Mr J Green</td>
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<td><strong>PARISH/TOWN</strong></td>
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<td><strong>AGENT</strong></td>
<td>Mr A R Yarwood</td>
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<td><strong>WARD</strong></td>
<td>Councillor S Flitter, Councillor J Stevens, Councillor D Botham</td>
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<td><strong>MEMBER(S)</strong></td>
<td>Councillor S Flitter, Councillor J Stevens, Councillor D Botham</td>
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<td><strong>DETERMINATION TARGET</strong></td>
<td>11.07.18</td>
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<td><strong>REASON FOR DETERMINATION BY COMMITTEE</strong></td>
<td>Due to extent of local objection</td>
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<td><strong>REASON FOR SITE VISIT (IF APPLICABLE)</strong></td>
<td>For Members to appreciate the site and context.</td>
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**MATERIAL PLANNING ISSUES**

- Principle of Development
- Highway Safety
- Visual Impact
- Impact on Dark Lane
- Impact on Residential Amenity

**RECOMMENDATION**

Refusal
The Chalet Bungalow, Butts Drive, Matlock
1.0 THE SITE AND SURROUNDINGS
1.1 The application site is a modest parcel of land currently containing a static caravan. The site is surrounded by garden associated with the adjacent dwelling the Chalet Bungalow and woodland. The site slopes in a northerly direction and has an unformed access route partially laid to stone chippings, the main access to the adjacent dwelling being via Butts Drive which is a private road with a link also through to Hurst Rise. To the north of the site is a stone boundary wall of approximately 2m in height which forms a distinct boundary to the Dark Lane public footpath which forms the edge of the settlement boundary to this part of Matlock.

2.0 DETAILS OF THE APPLICATION
2.1 Outline planning permission is sought for the erection of a single dwelling on the site of the existing static caravan and access to this with all other matters reserved for subsequent approval.

2.2 The supporting statement submitted by the applicant’s agent raises the following pertinent points:

The site is currently occupied by a residential static caravan which has been on site for many years and has been accepted as lawful.

The site is approached by an unmade driveway and is surrounded by woodland.
The existing driveway will be given a metalled surface (covering with small or crushed stones).
The building will be primarily single storey with rooms within the roof space. It is anticipated that the building will be of gritstone with a blue slate roof with a ground floor area of 80 m² with a ridge height of 7m.
No significant existing landscape features will be lost, existing matures trees around the site will be retained.
New boundary treatments will be indigenous hedgerows.
The site is served by an existing driveway which will be surfaced.
A refuse bin storage area will be sited close to Butts Road.
The site abuts the settlement boundary of Matlock and is within close proximity of the community facilities of Matlock Green.

### 3.0 PLANNING POLICY AND LEGISLATIVE FRAMEWORK

1. Adopted Derbyshire Dales Local Plan (2017)
   - Policy S1: Sustainable Development Principles
   - Policy S4: Development in the Countryside
   - Policy PD1: Design and Place Making
   - Policy PD2: Protecting the Historic Environment
   - Policy PD3: Biodiversity and the Natural Environment
   - Policy PD6: Trees, Hedgerows and Woodlands
   - Policy HC1: Location of Housing Development
   - Policy HC7: Replacement Dwellings
   - Policy HC19: Accessibility and Transport
   - Policy HC21: Car Parking Standards

2. National Planning Policy Framework
   - National Planning Practice Guidance

### 4.0 RELEVANT PLANNING HISTORY:

14/00702/FUL Erection of detached garage with storage above (modification to 08/00601/FUL) (part retrospective) – Granted with conditions

08/00601/FUL Erection of triple garage with storage above – Granted with conditions

An enforcement investigation in 2011 determined that the static caravan currently on site had been on site for over four years and therefore there was no breach of planning control in respect of the siting of the caravan.

To the west of the site there have been a number of applications dating from the 1990’s for new dwellings which have been refused for a variety of reasons including highway safety and being outside of a settlement boundary.

### 5.0 CONSULTATION RESPONSES

**Town Council**
5.1 Objection.
On the grounds of loss of amenity to the residents of Butts Drive due to increased traffic on a private road with limited passing places. We understand that a previous application for 2 dwellings to be accessed from Butts Drive was turned down for this reason.

**Derbyshire County Council (Highways)**
5.2 The site is to be served from the existing access from Butts Drive and joins the adopted highway at Matlock Green. Visibility at Matlock Green is good in both directions. There appears to be ample space within the site to accommodate parking and manoeuvring. There are no highway objections and although this application is in Outline I recommend a
condition regarding the provision of parking and manoeuvring areas to be laid out and a footnote relating to the amount of parking required.

Natural England
5.3 No comment to make.

Peak and Northern Footpaths
5.4 No objection provided that the full width of footpath no. 40 remains unobstructed at all times.

Derbyshire Dales Group of the Ramblers
5.5 No objection to the application provided footpath no. 40 which runs along the access track is not blocked or amended so as to interfere with its use. The application indicates that the new dwelling cannot be seen from any public road or footpath, this is clearly wrong.

6.0 REPRESENTATIONS RECEIVED

6.1 16 letters of objection have been received from 11 parties, the comments raised are summarised:

Existing Caravan:

The static caravan was temporary accommodation whilst work was being carried out on the Chalet Bungalow. No planning application to use the static caravan as a permanent residence was sought and no approval given by DDDC. Therefore the replacement of the caravan in this case is irrelevant.

Highway Safety:

Butts Drive is a single lane without passing places which is privately owned by residents. The deeds held by the properties on Butts Drive allow reasonable access to existing properties on the Drive but the owners would be unwilling to agree access to any new properties. The substructure of the access road is not suitable for construction traffic, there are gas and water services beneath the road surface which could be damaged, existing residents pay for the maintenance and upkeep of the road. Damage has already been caused to the road by construction vehicles to the site in the past. Land providing access to the site is owned by other properties only reasonable access is allowed and the deeds do not allow for additional dwellings. The road is difficult for pedestrians which has worsened since the use of the Chalet Bungalow as a bed and Breakfast facility. Access to the site from Hurst Rise would not be possible due to the one way system on Hurst Rise and the sharp blind turn into the narrow entrance. The access also crosses public footpath no. 40 therefore pedestrian safety is of concern. As the road is narrow the safety of children is of concern. The access to Hurst Rise has not been closed and has become a rat run for cars, motorbikes and taxi’s. The amount of traffic already using this private drive is excessive. The driveway has no lighting. Why would a new road be needed to serve a single dwelling? There is no alternative access other than Butts Drive.
Residential amenity:

The development would result in considerable noise, dirt, disturbance, traffic and inconvenience adversely affecting my life. The dwelling would overlook our property.

Character and Appearance:

This is a special environment. Trees on the site would need to be felled to make way for the access and the dwelling. This proposal would spoil this environment.

Planning History:

Proposals for residential development in this area have been rejected. Has permission been granted for the increased traffic associated with the B and B accommodation? It would appear that permission has been granted for the garage to become a dwelling.

Policy:

In view of the new building being proposed in Matlock there is no need for this dwelling. The valued green space between Matlock and Tansley is protected by the strategic framework boundary, should this be breached by this application.

Other:

The proposal will break the covenants on the land. An approval would set a precedent for further housing. The siting of the caravan and the use as a B and B already contravene the title deeds. The drainage system would be overwhelmed by any additional development. Runoff from the site is already causing problems to the planting at adjacent properties.

7.0 OFFICER APPRAISAL

The following material planning issues are relevant to this application:
- Principle of Development
- Highway Safety
- Visual Impact
- Impact on Residential Amenity

Principle

7.1 Settlement boundaries as defined by the Adopted Local Plan define where development should be located in and around the first, second and third tier settlements as defined by Policy S2 of the Adopted Local Plan 2017. The settlement framework boundary for Matlock runs along the length of Dark Lane with land to the north of this being within the settlement and land to the south being outside of the settlement boundary. The application site is located to the south of Dark Lane therefore outside of the settlement where policy S4 of the Adopted Local Plan would apply. This policy seeks to protect the countryside from further unwarranted residential encroachment and as such this proposal for new market housing is contrary to this recently adopted planning policy. As such the principle of the development is not accepted.

7.2 It is clear from the applicant’s supporting information that there is an existing static caravan located on the site. Whilst planning permission has not been granted for the siting of this
caravan the enforcement investigation in 2011 concluded that as the structure had been present on site for more than 4 years no enforcement action could be taken and the siting of the caravan was considered to be lawful although no formal permission or certificate of lawfulness has been issued.

7.3 The siting of the caravan brings into question the issue of a replacement dwelling as technically there is a lawful residential use on this site. In this regard Policy HC7 of the Adopted Local Plan should be considered. This policy whilst allowing for replacement dwellings in appropriate circumstances specially excludes the replacement of a caravan or mobile home. As such the replacement of the existing residential use within the static caravan could not be supported by adopted planning policies.

7.4 The principle of the erection of a dwelling in this location is not supported by adopted planning policies.

Highway Safety

7.5 Concern has been raised regarding the safety of additional vehicles utilising Butts Drive which is a narrow and privately owned lane leading from Matlock Green to the site. The Local Highway Authority have considered the proposal and have raised no concerns regarding the additional traffic which would result from this development given the adequacy of the access and availability of parking. Therefore in terms of highway safety the proposal is considered to be acceptable.

7.6 Numerous concerns have been raised regarding the additional use of the private road which is owned and maintained by existing residents of Butts Drive. This is a matter relating to land ownership and, as the correct notification of the application has been served on the owners of the access road, this is not a material planning consideration. Whilst the concerns of the owners of the access road are understood, this is a purely civil matter which cannot be resolved through the planning system. As such the proposal is considered to be acceptable in terms of highway safety in accordance with policies S4 and HC19 of the Adopted Local Plan 2017.

Visual Impact

7.7 The application site is well screened by the existing Chalet Bungalow and by the rising ground, stone wall to Dark Lane along with trees and shrubs. The proposed dwelling would have very minimal visual impact in this locality due to the densely screened nature of the site. A dwelling of a modest scale, height and design could be assimilated into this context. However, the footpath known as Dark Lane with its high stone wall providing enclosure has the form of a defined edge to the built development with dwellings located beyond this being much more sporadically placed within larger plots and within a wooded setting. It is considered that whilst a dwelling on this site itself would have limited visual impact further development out of the settlement in this location would be encroachment into the countryside harmful to the overall character and definition to the edge of the settlement and would in this respect be harmful.

Impact on Residential Amenity

7.8 Concern has been raised that the erection of a dwelling on this site will cause overlooking to neighbouring properties and that the construction works would cause disruption and inconvenience. The siting of the proposed dwelling is in a well screened area detached from nearby properties, due to the siting and the distance to neighbouring dwellings it is considered that the erection of a dwelling on this site will not have an adverse impact upon the amenity of neighbouring residents. Whilst any construction works would cause a level of disruption to local residents this would be no greater than other development sites and
as such this disruption and inconvenience would not be sufficient to warrant a reason for refusal. As such it is considered that the development of this site would not have any adverse impact upon the amenities of neighbouring residents.

Conclusion

7.9 Whilst concerns of local residents have been considered these concerns in respect of residential amenity and highway safety do not warrant refusal of planning permission in this case. However, the erection of a dwelling on this site outside of the defined settlement framework boundary would be an unwarranted residential encroachment into the countryside beyond the defined settlement boundary contrary to the adopted policies of the local plan and as such planning permission is recommended for refusal.

8.0 RECOMMENDATION
That planning permission be refused for the following reason:

The erection of a dwelling to replace an existing static caravan outside of the area of planned growth for Matlock as a first tier settlement would constitute unwarranted residential encroachment in the countryside outside of a defined settlement that would be intrinsically harmful to its character and appearance and sporadic pattern of development to the south of Dark Lane contrary to policies S1, S2, S4, PD1 and HC7 of the Adopted Derbyshire Dales Local Plan (2017).

9.0 NOTES TO APPLICANT:

9.1 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.

9.2 This decision notice relates to the following documents:
Design and Access Statement received 05.03.18
Location plan received 14.05.18
Block plan received 05.03.18

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<td>SITE ADDRESS:</td>
<td>Land At Asker Lane, Matlock</td>
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<td>DESCRIPTION OF DEVELOPMENT</td>
<td>Regrading of land to accommodate surplus material from adjacent housing site and associated landscaping</td>
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<td>CASE OFFICER</td>
<td>Mr. G. A. Griffiths</td>
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<tr>
<td>APPLICANT</td>
<td>William Davis Ltd.</td>
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<td>TOWN</td>
<td>Matlock</td>
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<td>Pegasus Planning Group</td>
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<td>WARD MEMBERS</td>
<td>Cllr. Mrs. D. Botham, Cllr. S. Flitter, Cllr. Mrs. J. Stevens</td>
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<td>DETERMINATION TARGET</td>
<td>23rd May 2018</td>
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<tr>
<td>REASON FOR DETERMINATION BY COMMITTEE</td>
<td>Number of unresolved objections of local residents</td>
</tr>
<tr>
<td>REASON FOR SITE VISIT (IF APPLICABLE)</td>
<td>To assess the impact of the development on the character and appearance of the area and archaeological and ecological interests</td>
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**MATERIAL PLANNING ISSUES**

- Principle of the development
- Sustainability
- Character and appearance of the area
- Archaeology
- Ecology
- Flooding and drainage
- Highway safety
- Impact on Public Rights of Way
- Residents’ amenity

**RECOMMENDATION**

Approval
18/00347/FUL

Land at Asker Lane, Matlock
1. THE SITE AND SURROUNDINGS

1.1 The site is an area of sloping open grassland of some 0.62ha to the south of Baileys Tump. Beyond this, to the north, is the residential development along Asker Lane. This site is to the east of the site of a residential development of 86 dwellings, currently under construction by the applicant, and the site is to west of the residential development of Bull Lane and Wishingstone Way beyond this.

1.2 Along the southern boundary of the site is a public footpath and Bull Farm Mews and an area of open space leading down to the Hurst Farm residential estate. The site is within the Settlement Boundary for Matlock.

2. DETAILS OF THE APPLICATION

2.1 Full planning permission is sought to move some 10,000m³ of inert, excavated material from the residential development site immediately to the west onto the application site. The applicant has advised that the proposals arise from an unexpected amount of
surplus material on the residential development site given that a considerably larger amount of structural fill (i.e. crushed stone) than anticipated had to be imported onto the site due to the high soil saturation levels that meant that it was not suitable for road construction. The only alternative option to the proposal is to remove the material to a licenced landfill site (between 19 and 25 miles away) and would require almost 2,500 lorry movements over a six week period (40 lorries a day) to achieve this and would create a carbon footprint of some 85,000kg of CO₂ from an estimated 52,000 miles of cumulative travel. The applicant advises that this is consistent with the requirements of Policy W2 of the Derbyshire County Council Waste Local Plan (2005) which seeks to avoid waste related journeys where there is a suitable alternative.

All construction traffic would be within the development site and would enter the application site through an existing gap in the hedgerow. The material will be loaded by a 360 tracked excavator, moved along a designated route within the site and then tipped approximately where it needs to be placed on the application site. A digger would then shape the material into its final contours, using onboard GPS systems to determine the appropriate lines and levels.

2.2 Once the material has been tipped and graded, it is proposed to create a new wildflower and grassland meadow. The area would also include benches and perching boulders to create an informal space with gravel paths through the meadow. It is also proposed to plant fruit trees and areas of native shrubs at the edge that will still allow the views from Baileys Tump to be retained. Prior to the submission of the application, the applicant consulted with Derbyshire Wildlife Trust with regards to the impact on ecology and with the Development Control Archaeologist (DCC) with regard to impacts on the setting of Baileys Tump.

2.3 The applicant has submitted ecological mitigation strategy, to set out protection and enhancement measures, and an ecological management plan for the landscaping and future management of the site.

2.4 The applicant advises that there are no main surface water drainage changes as the site area remains in a greenfield state with no increase in impermeable area. It is advised that the profile of the land may diminish run-off rates.

3. PLANNING POLICY AND LEGISLATIVE FRAMEWORK

3.1 Adopted Derbyshire Dales Local Plan (2005)
S1 Sustainable Development Principles
S2 Settlement Hierarchy
S3 Development within Defined Settlement Boundaries
S5 Strategic Housing Development
S7 Matlock/Wirksworth/Darley Dale Development Area Strategy
PD1 Design and Place Making
PD2 Protecting the Historic Environment
PD3 Biodiversity and the Natural Environment
PD5 Landscape Character
PD6 Trees, Hedgerows and Woodlands
PD7 Climate Change
PD8 Flood Risk Management and Water Quality
PD9 Pollution Control and Unstable Land
HC1 Location of Housing Development
HC2 Housing Land Allocations
HC14 Open Space, Sports and Recreation Facilities
HC17 Promoting Sport, Leisure and Recreation
3. National Planning Policy Framework
4. National Planning Practice Guidance

4. RELEVANT PLANNING HISTORY
17/00978/VCOND Variation of conditions 1 and 24 of approval of reserved matters application 17/00025/REM to allow for minor alterations to the site layout, including the removal of a plot and alterations to the Radbourne house type, garage designs and landscaping - Granted

17/00025/REM Residential development - reserved matters application for the erection of 86 dwellings and associated works (Outline permission 14/00089/OUT) – Granted

14/00527OUT Residential development of up to 110 dwellings and associated open space (outline) – Refused

14/00089/OUT Residential development of up to 110 dwellings and associated open space (outline) – Refused – Appeal Allowed

0399/0183 Residential development and open space (outline) – Refused.

5. CONSULTATION RESPONSES

      Town Council
5.1 No comments.

      Local Highway Authority (Derbyshire County Council)
5.2 Comment:
- no objection
- the proposed works do not appear to affect any public right of way or highway
- will result in less construction traffic movements on the public highway.

      Lead Local Flood Authority (DCC)
5.3 No comment due to the nature and scale of the proposals.

      Derbyshire Wildlife Trust
5.4 Comment:
- no objection subject to conditions with regard to restricting the time period for works, that protection and enhancement measures are undertaken in accordance with the ecological mitigation strategy and that the landscaping and future management are undertaken in accordance with the ecological management plan.

      Development Control Archaeologist (Derbyshire County Council)
5.5 Comment:
- Baileys Tump is an undesignated heritage asset
- setting of the monument makes a contribution towards the understanding of its significance
- sense of elevation enables the monument to be experienced in approximation to its original setting
- proposed contouring of the site works retain Baileys Tump as the dominant high point and will respect the dominance and key views and conserve its significance.

Peak and northern Footpaths Society

5.6 Comment:
- no objection provided the full width of Footpath 8 Matlock remains unobstructed at all times and that any proposed changes to the surface of the path are authorised by the County Council.

Derbyshire Dales Group of Ramblers

5.7 Comment:
- no objection provided Footpath 8 Matlock is not affected during or after the movement taking place without the prior approval of DCC Public Rights of Way department.

6. REPRESENTATIONS RECEIVED

6.1 A total of 25 representations have been received. A summary of the representations is outlined below:

- appears that effective land examination was not conducted
- accumulation of material is not a surprise that has suddenly become apparent – should have been removed as it was excavated
- propose to further destroy the local area
- change in the landscape so close to an ex-WWII anti-aircraft emplacement and this will be lost if the shape of the site is altered
- field is the only flat area now left for public use in the local area – flat recreational use is more use to local residents not another hill which will rise from 178m to 186m with steep rises
- loss of privacy to residents on Bull Lane with people walking across the raised site
- would not wish to see damage to hedgerows or the boundary wall with Bull Lane and any damage will need to be repaired
- site has been little used by residents as it was overgrown – now site has been cleared it is perfectly accessible and creating a flatter surface and steeper ‘toe’ at the bottom of the site would make it less accessible
- trees have already been removed and should be replaced to prove cover for wildlife
- if trees are to be planted on the raised land will obstruct views from Asker Lane and Bull Lane
- infill not appropriate where existing hedgerow is to be removed which will impact on wildlife
- very little space for wildlife in this country as it is and dumping of this waste will only be to the wildlife’s detriment
- would destroy established rough grassland habitat and food source
- no newly seeded area could hope to recreate the habitat
- impact on protected species with impacts on habitat and land drainage
- destruction of the field boundary and extreme disturbance to the site in May and June is in conflict with the Wildlife and Countryside Act 1981
- site was originally planned as local amenity land and a wildlife habitat and should be what the land is used for and absolutely nothing else
- statement of intent to preserve the land for wildlife was a complete ruse to blind the Council to the true purpose
- will top soil be taken off before tipping sub soil?
- how will material be moved to the site and will the boundary hedge need to be removed?
- impact on drainage and consideration should be given to its improvement which could include a pond
• loud noise, dust and diesel fumes emanating from the site from 07.30 to 16.30 Monday to Friday would be extremely unpleasant at a time of the year when elderly people and young families are likely to be outside
• inconvenience for local residents
• have already endured cracked roads and potholes
• land on Bull Lane not Askern Lane
• residents on Bull Lane will be restricted by lorries coming to offload
• application should have been made at the same time as the original scheme
• experienced builders should have foreseen how much waste there would be and suspect that dumping it was part of their plan all along
• is the applicant competent to build at the location as proper site analysis was not done?
• has the applicant lied throughout the initial planning application and merely riding over the planning laws to save money?
• surplus soil could be offered to Cawdor and Halldale Quarries to offset the cost of moving it
• understand Matlock Civic Association have offered to transport the soil at no cost to the applicant
• Planning Authority should have anticipated this at the design stage and conditioned against such an eventuality
• applicant should not be granted any further planning permission in Derbyshire Dales and in Matlock in particular
• want to save somewhere in the region of £500,000 – oppose application unless applicant offers to do more for the site
• residents already putting up with vast amounts of building of housing estates and should not have to put up with more just to line the pockets of these large building firms
• perplexed by the extent of building in Matlock with the lack of job opportunities and infrastructure to cope with this growth
• no limits to lorry movements were highlighted in the original application so why are they highlighted as an environmental issue now?
• if the soil had a value as topsoil and could be sold suspect the developer would be highlighting the environmental benefits of shipping it off site for use elsewhere
• local residents still annoyed at the destruction of the WWII air raid shelters in the developers site without consultation
• red brick houses look peculiar and not in keeping with the rest of the area

6.2 Matlock Civic Association – Comment:

• Bailey Tump is a WWII air defence site and the Civic Association organised its restoration about 10 years ago with Heritage Lottery funds
• tipping on the field below will inevitably damage the historic context of the Tump and object to this
• understand that the developer has taken on board ways the tip site could be improved for public use and understand that suggestions have been incorporated into the scheme because land is intended to be managed as public open space
• suggested material be used in the remediation of Cawdor Quarry but have heard no outcome - District Council should propose this solution
• have suggested that future management of the field be incorporated into the Tump and believe an initial approach has been made to the Town Council
• believe that air raid shelters have been unearthed on the construction site and DDDC should raise the question of protection of these shelters as part of negotiations on the current application.
7. OFFICER APPRAISAL

Principle of Development

7.1 The key matters for assessment are the impacts of the material being deposited on this meadow area, the impact on the setting of Baileys Tump, the impact on protected species and matters of ecology, flooding, highway safety, the impacts on local residents and the public rights of way and whether this is a necessary and sustainable form of development.

Sustainability

7.2 It is clear that the site conditions were not fully appraised by the developer at the outset of this development in terms of the implications that there would be in generating such an extent of surplus material. However, planning permission has been granted for the residential development of the site off Asker Lane and it is clear that the relocation of the spoil within the site would be impractical and alternatives need to be sought.

7.3 In terms of sustainability, Policy W1a Sustainable Development of the Derbyshire County Council Waste Local Plan (2005) states:

3.9 Proposals for waste development will be assessed against sustainability considerations. The assessment will include consideration of the Best Practicable Environmental Option and other sustainable development principles and will take account of the key considerations, which are:

- the waste hierarchy;
- the proximity principle;
- self-sufficiency.

Waste development will be permitted if, in the light of the assessment, the applicant has shown that the development would accord with the principles of sustainable development. Waste development will not be permitted if it would not so accord.

7.4 There is a preference for the material to not have to be transported off the site given the impacts that this would have on the highway network and the amount of pollution that would arise from vehicles. It has been suggested that the material could be used in the remediation of Cawdor and Halldale Quarries. The applicant has advised that, before the application was submitted, the applicant’s project team met with members of the Matlock Civic Association to discuss the proposals. One suggestion was to use all or part of the spoil from the Asker Lane site to dispose at Cawdor Quarry and/or Halldale Quarry as part of the ongoing restoration works. The applicant advises that this recommendation was taken on board and contacted the land agents/owners of each.

7.5 The applicant has advised that information regarding the nature of the spoil was provided to the owners of Cawdor Quarry and the applicant offered to deliver the material to site at no cost to them. An opportunity did not materialise as the owners wanted to enter into discussions regarding a joint venture to develop; they did not welcome a simple arrangement whereby William Davis supplied free fill.

7.6 It is advised that the applicant has previously disposed of subsoil at Halldale Quarry. At that time, the owners required fill to create a new pond in order to relocate Great Crested Newts. It is advised that Halldale cannot accept any further fill until the Newts have been successfully translocated, which could take several months. In addition, Halldale Quarry also needs a Materials Management Plan to be approved by the Environment Agency before they can import anymore fill. In light of this, an opportunity to dispose at the quarry did not come to fruition in time and, against a programme of works at Asker Lane, the applicant pursued the option of managing the spoil on site.
7.7 The applicant advises that a number of house builders (which I believe includes St Modwen, Strata and Taylor Wimpey) were contacted and none within a reasonable travel distance had a requirement for clean fill. The difficulty in searching further afield undermines the primary reason for keeping the material on site.

7.8 Given the above, as the moving of the material onto the adjacent field will involve the least amount of transportation of the material, given the alternatives available will be to transport the material some distance by lorries, it is considered that the proposal is a sustainable way of addressing the situation which has arisen.

**Character and Appearance of the Area**

7.9 The existing landform will be altered. This will be an obvious change resulting in some harm to the character and appearance of the area for a time. However, over time, and as landscaping matures, it is considered that the landform will not appear unnatural. It is considered that the proposals to create a wild grass/flower meadow, with improved footpaths through the site for public enjoyment of the area, and the provision of formal and informal seating areas, will provide some public benefit. Conditions will be required on the details of the surfacing, steps, benches, bins, etc. that are proposed on the site.

7.10 A kneel rail has been detailed along a contour to the south of the footpath proposed to cross from north west to south east across the site. The purpose of this is aesthetic but it is considered unnecessary and a potential hazard when obscured by meadow grass. It serves little use in defining the line of the footpath and therefore it is considered that this should not be provided in the form detailed on the application drawings.

**Archaeology**

7.11 The proposals have been assessed by the Development Control Archaeologist (DCC) given the proximity to Baileys Tump, a former WWII searchlight site which is an undesignated heritage asset. The site derives its primary significance from the evidential value of the earthworks and, perhaps, below ground archaeology. In addition, the setting of the monument makes a contribution towards the understanding of its significance, in particular the sense of elevation afforded this hill top site with views to the south towards the Derwent Valley and Riber castle which enables the monument to be experienced in approximation to its original setting.

7.12 Notwithstanding this, the proposed contouring of the site works retain Baileys Tump as the dominant high point (with an elevation of 194m as opposed to 188m for the highest point of the proposed landform) and will respect the dominance and key views and conserve its significance and, as such, there is no objection to the proposal from the Development Control Archaeologist.

**Ecology**

7.13 The applicant has submitted an ecological report, and additional information, which has been considered by Derbyshire Wildlife Trust (DWT), having regard to protected species in the area. DWT has advised that it has no objection to the proposals but has requested conditions with regard to restricting the time period for works, that protection and enhancement measures are undertaken in accordance with the ecological mitigation strategy and that the landscaping and future management are undertaken in accordance with the ecological management plan.

**Flooding and Drainage**

7.14 The application has been submitted to the Lead Local Flood Authority (DCC) for consultation. The Authority has advised that they have no comments to make on the application due to the nature and scale of the proposals.
7.15 The Local Highway Authority has considered the proposal and advise that the proposal will result in less construction traffic movements on the public highway with the material being moved to an adjacent site rather than to a site elsewhere.

Impact on Public Rights of Way

7.16 The Local Highway Authority has considered the proposal and advised that the works do not appear to affect any public right of way. However, it is considered reasonable to attach a condition to any planning permission to establish how the moving and spreading of the material will be undertaken without causing conflict with people using the public rights of way.

Residents' Amenity

7.17 It is appreciated, with the moving and spreading of the material, that there will be disturbance to residents along Asker Lane and Bull Lane in particular. However, it is considered that this will be over a relatively short time period as much of the material to be moved is already stockpiled and it is considered that the developer would wish to move this material as soon, and as quickly, as possible to allow the construction work on the adjacent development site to not be hindered more than is necessary. It is considered reasonable to restrict the hours of operation for the moving of the material from 8.00am until 5pm, on weekdays only, in order to limit the impact on the local residents.

Conclusion

7.18 It is disappointing that this level of material was not fully accounted for in the development proposal and that this dilemma has been created. The disposal of material on the adjacent meadow will cause short term harm to ecology and requires a modified landform which will take time to assimilate and which will increase the gradient on part of the site.

7.19 However, given this set of circumstances are unlikely to be repeated elsewhere, and as the proposal will involve the least amount of transportation of material, and does not harm the setting of the undesignated heritage asset, the proposal is considered a sustainable solution in the circumstances. In addition, it is considered that the development will provide an area of open space that will be a benefit to local users whilst not compromising the existing and future ecology of the site in the long term. Given the above, it is recommended that planning permission be granted subject to conditions.

1. RECOMMENDATION

That planning permission be granted subject to the following conditions:

1. Condition ST02a Time Limit on Full

   Reason:
   Reason ST02a

2. The movement of material to the site, its spreading and works of mitigation to the site to implement the development shall only be undertaken in accordance with the additional information received on 6th June 2018 and only during the hours of 08.00 and 17.00 on Monday to Friday and shall not be undertaken on Saturdays, Sundays or Bank Holidays.

   Reason:
   In the interests of safeguarding the character and appearance of the area, ecology and amenity to comply with Policies S3, PD1, PD3 and PD5 of the Adopted Derbyshire Dales Local Plan (2017).
3. No earthworks or movement of heavy machinery shall take place between 1st December and 30th June.

Reason:
In the interests of ecology to comply with Policy PD3 of the Adopted Derbyshire Dales Local Plan (2017).

4. All protection and enhancement measures shall be undertaken in accordance with the Addendum Ecological Mitigation Strategy Rev. C (Landscape Science Consultancy Ltd., March 2018).

Reason:
In the interests of ecology to comply with Policy PD3 of the Adopted Derbyshire Dales Local Plan (2017).

5. All landscaping and future management of the application site shall be undertaken in accordance with the Ecological Management Plan Rev. C (Landscape Science Consultancy Ltd., March 2018) and the Soft Landscape Proposal for Earthworks Area Ref: P16-0901_010B(Pegasus Design, February 2018) except as may otherwise be required by Condition 6 of this permission.

Reason:
To ensure the satisfactory appearance of the development and in the interests of ecology to comply with Policy PD3 of the Adopted Derbyshire Dales Local Plan (2017).

6. Notwithstanding the details on the approved drawings, before the development commences, details of works to the boundary walls, details of the seating area (to include the boulders, which shall be gritstone, the benches, bins, interpretation board and the hard surfacing of this area) and details of the surfacing and edging of the footpaths and any steps, shall be submitted to and approved in writing by the Local Planning Authority and the approved details shall be provided within six months of the completion of the earthworks.

Reason:
To ensure the satisfactory appearance of the development to comply with Policies S3 and PD1 of the Adopted Derbyshire Dales Local Plan (2017).

7. Notwithstanding the details on the approved drawing P16-0901_010B, this planning permission does not grant permission for the knee rail fencing.

Reason:
To ensure the satisfactory appearance of the development to comply with Policies S3 and PD1 of the Adopted Derbyshire Dales Local Plan (2017).

8. Before the development commences, details of means of enclosing the site to ensure there is no conflict between vehicles using the site and pedestrians using the surrounding footpaths shall be submitted to and approved in writing by the Local Planning Authority and shall be provided at all times during the period of the earthworks.

Reason:
In the interests of public safety.
NOTES TO APPLICANT:

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

2. The Town and Country Planning (Fees for Applications, Deemed Applications and Site Visits) (England) Regulations 2012 as amended stipulate that a fee will henceforth be payable where a written request is received in accordance with Article 27 of the Development Management Procedure Order 2015 for the discharge of conditions attached to any planning permission. 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 £116 per request. The fee must be paid when the request is made and cannot be required retrospectively.

3. This decision notice relates to the following documents:
   - Drawing Nos. P16-0901_09B, 010B, 11B and 12B and E2348:6 received on 28th March 2018
   - Planning Statement received on 28th March 2018
   - Additional Planning Statement received on 21st May 2018
   - Ecology Statement received on 28th March 2018
   - Additional Ecology Statement received on 21st May 2018
   - Heritage Setting Assessment: Baileys Tump received on 28th March 2018
   - Statement of Community Involvement received on 28th March 2018.

BACK TO AGENDA
**APPLICATION NUMBER** 18/00418/OUT  
**SITE ADDRESS:** The Bungalow, Edgefold Road, Matlock  
**DESCRIPTION OF DEVELOPMENT** Residential Development of Two Dwellings and Associated Access (Outline)  
**CASE OFFICER** H Frith  
**APPLICANT** Mrs A Newton  
**PARISH/TOWN** Matlock Town  
**AGENT** Planning Design Practice Ltd  
**WARD MEMBER(S)** Councillor S Burfoot, Councillor M Burfoot, Councillor A Elliott  
**DETERMINATION TARGET** 20.06.18  
**REASON FOR DETERMINATION BY COMMITTEE** Requested by Ward Members  
**REASON FOR SITE VISIT (IF APPLICABLE)** For Members to appreciate the site and context and to consider the amenity impacts of the proposal.  

**MATERIAL PLANNING ISSUES**  
- Principle of Development  
- Impact on Residential Amenity  
- Visual Impact  
- Highway Safety  
- Drainage  

**RECOMMENDATION**  
Approval subject to conditions
18/00418/OUT

The Bungalow, Edgefold Road, Matlock
1.0 THE SITE AND SURROUNDINGS
1.1 The application site is the garden area of the existing bungalow. The garden rises steeply to the north western corner of the site. The site is largely laid to grass with stone walls and fencing providing the boundary treatments. Access to the site is via a driveway to the frontage of the existing bungalow which faces in a south westerly direction and is sited to the south eastern end of the site close to Edgefold Road. Residential properties largely in the form of bungalows are aligned in an east west linear form to the north of the site; a further dwelling is located to the immediate north east of the site and the Physiotherapy Centre to the south. The Conservation Area boundary is to the opposite side of Edgefold Road.

2.0 DETAILS OF THE APPLICATION
2.1 Outline planning permission is sought to erect two dwellings on the garden of the existing bungalow. Initially permission was sought for the access only with all other matters reserved for subsequent approval. However, given the site constraints it was considered necessary to consider scale and layout at this outline stage.

2.2 Through the application process the layout of the development has been amended to show a dwelling in alignment with the existing bungalow to the west of this fronting towards south and a further dwelling fronting the east (fronting the proposed access route) at 90° to the existing bungalow. The amendments also demonstrate that the dwelling immediately adjacent to the existing bungalow would be at a ridge height of 108.03 when compared with the existing bungalow ridge height of 106.75, and the dwelling proposed to the western end of the site would have a ridge height of 109.30. The detailed design of the dwellings and the landscaping of the site would be subject to a subsequent planning application for reserved matters.
3.0 PLANNING POLICY AND LEGISLATIVE FRAMEWORK

1. Adopted Derbyshire Dales Local Plan (2017)
   - Policy S1: Sustainable Development Principles
   - Policy S2: Settlement Hierarchy
   - Policy S3: Development Within Defined Settlement Boundaries
   - Policy S7: Matlock, Wirksworth, Darley Dale Development Area Strategy
   - Policy PD1: Design and Place Making
   - Policy PD2: Protecting the Historic Environment
   - Policy PD8: Flood Risk Management and Water Quality
   - Policy HC1: Location of Housing Development
   - Policy HC19: Accessibility and Transport
   - Policy HC21: Car Parking Standards

2. National Planning Policy Framework
   National Planning Practice Guidance

4.0 RELEVANT PLANNING HISTORY:
   None

5.0 CONSULTATION RESPONSES

   Town Council
   5.1 Objection, based on loss of amenity. Seek revised application considering single storey buildings.

   Derbyshire County Council (Highways)
   5.2 The site is to be accessed from the private part of Edgefold Road. Parking and manoeuvring space is to be provided for each dwelling with plans to widen the access. The erection of two extra dwellings is not considered to be of detriment to highway safety in this location. Condition recommended.

   Derbyshire County Council (Flood team)
   5.3 No comments to make, refer to standing advice.

6.0 REPRESENTATIONS RECEIVED

   6.1 Ten letters of objection (including one from Matlock Civic Association) received in relation to the initial proposal and are summarised below, any further comments received in relation to the amended scheme will be reported directly to the planning committee.

   Principle and Compliance with Policy

   This is a high density ill-conceived scheme of poor design quality without consideration of the amenity impacts on adjacent properties.
   The proposal does not assist in minimising the use of greenfield land, the use of brownfield land is preferable.
   The proposal is contrary to policies S1, S3 and PD8 of the Adopted Local Plan 2017.
   The proposal is contrary to policy PD1 on grounds of amenity and design and appearance.
   The proposal will have a detrimental impact on the appearance of the locality contrary to planning policy.
   The disturbance and negative impact on the environment hugely outweigh the benefit to housing supply through the erection of two dwellings.
Character and Appearance

The garden is not large enough to accommodate two dwellings in addition to the existing; the proposal should be limited to one additional bungalow.
The proposed development is not in keeping with the surrounding development which is adjacent to the Conservation Area.
The site will be cramped and overdeveloped.
Boundary screening should be improved
The properties appear to be perched on the site rather than nestled into the landscape.
The prominent hawthorn tree needs to be given room to grow; this will avoid future savage pruning or felling and should be protected by condition.
The development is cramped and out of character.

Amenity Impacts

The privacy of neighbouring properties will be harmed, particularly due to the slope of the land.
The dwellings should be single storey.
The existing physiotherapy building is a single storey bungalow and does not impinge on neighbouring properties.
The proposal will reduce light into our garden.
Our view will be harmed.
We will be overlooked by the windows of the property.
The position of windows needs clarifying.
Please restrict the operating times of the development.
The noise and disruption will affect neighbouring businesses.
The height of the dwellings would be intrusive.
The imposition of dwellings in close proximity to existing dwellings will be visually overbearing.
Our front garden areas provide much needed parking therefore all the amenity space is to the rear which will be adversely affected by the proposal
All our main windows look over this site, we would be considerably adversely affected by this development.
The scale and height of the development will result in the acute loss of amenity, enjoyment, overlooking and overshadowing.
The existing bungalow will be left with minimal amenity space and no privacy.
The privacy distances are below the accepted norm.
As a neighbouring business we require a quiet and calm environment which would be disturbed by the development works.

Highway Safety

The proposed access will be dangerous and affect the ever increasing volume of traffic on Edgefold Road opposite the busy car park of DDDC.
There are numerous businesses and residential properties on this road which leads to parking difficulties.
The traffic on this road is also heavy in the evenings.
Additional traffic here will be dangerous.
Lorries should only access from Imperial Road to avoid further damage to Edgefold Road.
The surfacing of the bottom of Edgefold Road should be carried out once the construction works have finished.
The area to the site frontage is frequently used as a turning area for vehicles making additional traffic dangerous.
The man carry distances for waste would not be acceptable.
The road is not capable of more traffic due to its poor condition. The unmade nature of the road makes it unsuitable for additional traffic.

**Drainage**

There is a large wet area on the site which serves as a water catchment for the small tributaries which originate from land behind County Hall. In inclement weather water flows from the pond on the site to the road. Comprehensive drainage arrangements are required to avoid any back up of water from the land. The site can result in flooding in wet weather. The extent of hard surfacing proposed will exacerbate surface water flooding in the area. Excavation of the site could worsen the flooding problems.

**Other**

The minimal ground work proposed is designed to reduce costs only. Re-grading of the land will be required to ensure appropriate gradients of the driveway. Significant excavations required will be impractical so close to site boundaries. There are multiple large trees to the boundary of the site which may cause ground problems on the site and to adjacent land, this is a concern. Works to change land levels may also cause ground disturbance.

7.0 OFFICER APPRAISAL

The following material planning issues are relevant to this application:
- Principle of Development
- Visual Impact
- Impact on Residential Amenity
- Highway Safety
- Drainage

**Principle**

7.1 The application site is located close to the centre of Matlock within the settlement boundary of this first tier market town. As such in accordance with policies S1, S2, S3 and HC1 of the Adopted Local Plan 2017 residential development in this area is acceptable in principle given the sustainable nature of the location.

7.2 However, all other matters also have to be considered alongside locational sustainability in order to determine whether the proposal is acceptable and compliant with all relevant planning policies.

**Visual Impact**

7.3 The existing garden and the immediate surroundings are close to the centre of Matlock but have a distinct character of linear development, largely bungalows, following the contours of the hillside. The area to the north east of the site is much more dense development of more traditional and two storey design. There is a variety of materials with a prominence of stone and slate which are traditional materials in Matlock. Whilst the detailed design and materials are not being considered at this stage the layout and scale are to be given full consideration.

7.4 The amended plan demonstrates two dwellings of a simple form and shape. Unit 2 sitting alongside the existing bungalow is considered to be appropriately sited as and unit 1 is now turned through 90° to face the proposed access driveway. This siting of unit 1 will give
a sense of enclosure to the end of the site nestled into the sloping land. It is considered the proposed layout will assimilate well with the prevailing pattern of development in this part of Matlock. It has been noted by neighbouring residents that the site is only capable one having one additional dwelling. The application site is a larger than average garden from this locality and whilst the properties to the immediate north of the site are larger bungalows in relatively large plots there is a mix of housing density within the locality which is particularly demonstrated to the north east of the site where a much denser form of development is apparent. In this wider context and close to the town centre in a location where there is easy access to the facilities of a main market town it is considered that the density of development proposed is acceptable in this case.

7.5 In terms of scale the amended plan shows that the proposed dwellings will increase in height from the height of the existing dwelling rising in accordance with the contours of the site. Whilst the dwellings will have a higher ridge height than the existing the increase is considered to be appropriate to the context and given the level change to the dwellings north of the site the proposed scale is considered to be appropriate in terms of visual impact in keeping with the prevailing character of the area.

7.6 Subject to restriction of the ridge height via condition for the proposed dwellings to be in accordance with the amended submission, it is considered that dwellings in the form of either bungalows or one and a half storey dwellings, possibly with garaging under, would be appropriate to this setting where there is a mix of housing types and form. It is also likely that the resulting design would be relatively contemporary whilst respecting the simple form and materials of adjacent dwellings. The layout proposed and the maximum of one and a half storey for the ridge height would not be suitable for a traditional design approach. It is therefore considered that in granting outline planning permission there is adequate scope for the submission of a detailed design at the reserved matters submission, which would be acceptable in this context.

7.7 The landscaping of the site including the retention of any trees would be considered as a reserved matter. The existing tree to the centre of the site is not a protected tree and as such could be removed at any time. As there is no protection to this existing tree its removal is not considered to be a matter that would have an adverse impact upon the visual amenity within the wider area and therefore should not restrict the siting of the proposed dwellings. The existing conifers are on the adjacent site and therefore the roots of these trees would need to be protected through the construction of the development, again this is a matter for detailed consideration at the reserved matters stage.

7.8 The site is adjacent to the Matlock Bank Conservation Area but not within it. Nevertheless the impacts of the development upon the setting of the Conservation Area should be considered. In this respect as the site is surrounded by modern development it is considered that provided the scale and layout of the development will assimilate well with the surrounding development the proposal will have no adverse impact upon the character and appearance of the adjacent Conservation Area. The scale and layout as noted above are considered to be appropriate to this context and will assimilate well with surrounding development on the hillside. As such the proposal is considered to be acceptable in accordance with policy PD2 of the Adopted Local Plan 2017.

Impact on Residential Amenity

7.9 Concern has been raised by neighbouring residents that the proposed development of this site will significantly harm the amenity of existing residents through overlooking, overshadowing, loss of privacy and loss of outlook. The original scheme raised some concerns with Officers regarding its impacts. Following negotiations the revised scheme was submitted which is considered to be significantly improved in terms of the impacts on neighbouring residents. The application site is set at a lower land level than the properties
located to the north of the site, in this respect and given the amended layout and ridge heights the proposed dwellings are not considered to have an overbearing impact upon the existing. The proposed dwellings will be located to the south of the existing dwellings to the north on Edge Road, however given the change in land levels between the existing and proposed it is considered that there will not be any significant impact in terms of overshadowing. Again due to the level differences although the view to the south from the properties on Edge Road will alter this will not result in significant issues in terms of the outlook from those properties.

7.10 With regard to privacy, this application is only considering the access, scale and layout of the dwellings proposed. A subsequent application detailing the design and landscaping will be submitted following approval of this application. Therefore at the present time the location of windows and doors is not known and therefore the impacts of these cannot be assessed at this stage. However, scale and layout are to be assessed at this stage. In this respect it is considered that there is sufficient space on the site to adequately accommodate the dwellings as specified on the layout plan, whilst also maintaining sufficient distance between the existing and proposed properties. On balance it is reasoned that it will be feasible to provide detailed designs for the dwellings in the locations specified without causing undue harm to the amenity of neighbouring residents. In this respect it is considered that based on the amended layout and detailed sections submitted, the proposal will not unduly harm the amenity of the neighbouring residents and as such the proposal accords with policy PD1 of the Adopted Local Plan 2017. However, it is not disputed that there will be a significant change to the environment as a result of the development and it should be clearly noted that residents would have the opportunity to comment on any reserved matters application.

7.11 Concern has also been raised regarding hours of construction and the disruption caused by the development, in this regard it is considered necessary to impose a condition to ensure that hours of operation are restricted to 0800 to 1800 Monday to Saturday only.

Highway Safety

7.12 Part of Edgefold Road at the point of the access to the site is an unadopted private road. From the poor maintenance of the road it is unclear who is responsible for the upkeep. However, the access to the site from the adopted area of Edgefold Road is considered to be acceptable in terms of the visibility of the access. The Local Highway Authority also consider the parking and manoeuvring space to be provided to be satisfactory. Therefore, in terms of highway safety matters whilst the area close to the access is used by a large number of vehicles it is not considered that additional traffic caused by this development will cause any harm to highway safety. With respect to the surfacing of the private area of Edgefold Road this is a civil matter relating to land ownership which cannot be resolved through the planning process. It is hoped that the applicant or subsequent developer would aim to provide an enhancement to the condition of at least part of Edgefold Road as a result of this development. However, it is important to note that given the lack of certainty regarding land ownership and responsibilities it would be inappropriate for this Authority to impose such requirements as part of any planning permission.

7.13 Given the condition of the road it is considered reasonable to require that construction traffic will only use the Imperial Road entrance in order to prevent further damage to the remainder of Edgefold Road, this can be secured via condition.

7.14 It is considered that the proposal is acceptable in terms of highway safety in accordance with policies S3 and HC19 of the Adopted Local Plan 2017 subject to conditions.
Drainage

7.15 The existing site can be very wet in adverse weather conditions and it would appear from the comments made by local residents that the water flows from the hillside near County Hall to this site which can then cause surface water flooding onto Edgefold Road. Whilst the Lead Local Flood Authority have no comment to make in respect of this application they have referred to their standing advice. The reference to standing advice would be noted in the footnotes for the attention of the applicant. In association with any reserved matters application it is reasonable to require the submission of surface water drainage information as a condition on this permission. This is considered a reasonable response to the issue of surface water flooding from this site which it is anticipated will be addressed through an engineering solution as part of the construction of the development. Drainage would also have to be considered as part of the submission for Building Regulations.

Other Matters

7.16 Concern has also been raised that the engineering works required to erect the dwellings on the land will impact on the ground conditions of the site and may impact on adjacent boundary trees. Any such construction works should be carried out in a safe manner and as such this would be a matter for consideration under the Building Regulations and cannot be resolved through this outline planning application. The landscaping of the site would also be a reserved matter and it is anticipated that this will also set out what planting on site is to be retained as well as new planting and potential boundary treatments.

Conclusion

7.17 The application site is in a sustainable location with easy access to the services and facilities provided in a first tier market town. As such development of the site is acted in principle in accordance with policies S1, S2 and S3 of the Adopted Local Plan 2017. The amended scale and layout are considered appropriate in this context close to the town centre where there is a mix of housing density. Due to the constraints of this sloping site and the proximity of neighbouring residents it is considered necessary to restrict the ridge heights of the proposed dwellings in order to protect the future amenity of neighbouring residents. The one and a half storey scale of the dwellings in the layout proposed is considered appropriate to this context given the extent of the site area and the variety in the form of housing within the locality. It is also considered that there are benefits to be gained by providing bungalows or one and a half storey dwellings in a location with such ease of access to the town centre. Overall access to the site is considered safe and sufficient parking and space have been demonstrated on the amended plans.

7.18 The proposal is considered to be acceptable in accordance with policies S1, S2, S3, PD1, PD2, HC1 and HC19 of the Adopted Local Plan 2017 and the recommendation is therefore to grant planning permission subject to conditions.

8.0 RECOMMENDATION

That planning permission be granted subject to the following conditions.

1. Condition ST01a: Time Limit On Outline
   Reason ST01a

2. Condition ST03a: Submission of certain Reserved Matters (Delete a, b, d)
   Reason ST03a
3. Before the premises are occupied, the area shown on the approved plans as reserved for parking, garaging, circulation and standing of vehicles shall be provided in accordance with the approved details. Thereafter the area shall be used for those purposes only and maintained free from any impediment to its designated use.

Reason:
In the interest of highway safety in accordance with policies S3 and HC19 of the Adopted Local Plan 2017.

4. Construction traffic shall only enter and exit the site via Imperial Road and not via Edge Road.

Reason: Due to the poor state of repair of Edgefold Road if accessed via Edge Road. In the interests of highway safety in accordance with policies S3 and HC19 of the Adopted Local Plan 2017.

5. Condition IC19: Restrict Operating Hours - 0800 to 1800 Mondays to Saturdays.

Reason:
To protect residential amenity in accordance with policy PD1 of the Adopted Local Plan 2017.

6. This permission relates to the application as amended by the revised plans 004 received 06.06.18 and 003 received 06.06.18.

Reason:
To define the permission and for the avoidance of doubt.

7. The ridge heights of the dwellings hereby approved shall be no greater than the ridge heights indicated on plan 004 received 06.06.18. The layout of the dwellings shall be in accordance with the details shown on plan 003 received 06.06.18. The submission of reserved matters shall be in strict accordance with these approved plans.

Reason:
To define the permission in the interests of visual and residential amenity in accordance with Policies S3, HC1 and PD1 of the Adopted Local Plan 2017.

8. Along with the submission of the reserved matters a detailed scheme for the management of surface water shall be submitted.

Reason:
To ensure the issue of drainage is appropriately considered to alleviate localised flooding issues in accordance with policy PD8 of the Adopted Local Plan 2017.


Reason HI8 in accordance with policies S3 and HC19 of the Adopted Local Plan 2017.

9.0 NOTES TO APPLICANT:

9.1 The Local Planning Authority considered the application as submitted to be acceptable. On this basis, there was no need to engage with the applicant in a positive and proactive manner to resolve any planning problems and permission was granted without negotiation.
9.2. The Town and Country Planning (Fees for Applications, Deemed Applications and Site Visits) (England) Regulations 2012 as amended stipulate that a fee will henceforth be payable where a written request is received in accordance with Article 27 of the Development Management Procedure Order 2015 for the discharge of conditions attached to any planning permission. 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 £34 per householder request and £116 per request in any other case. The fee must be paid when the request is made and cannot be required retrospectively.

9.3 The applicant shall refer to the standing advice of the Lead Local Flood Authority.

9.4 This decision notice relates to the following documents:
   Amended plans 003 and 004 received 06.06.18
   Location plan 001 received 20.04.18
   Planning design and access statement received 20.04.18
   Topographical Survey no 0001 received 20.04.18

BACK TO AGENDA
## Ashbourne North

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<tbody>
<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>
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<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>Notice Issued</td>
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<tr>
<td>ENF/17/00046</td>
<td>Unauthorised engineering comprising of excavations and leveling of land to the rear of 71 Park Avenue.</td>
<td>71 Park Avenue Ashbourne Derbyshire DE6 1GB</td>
<td>Pending Consideration</td>
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<tr>
<td>ENF/17/00094</td>
<td>Unauthorised facia signs at 1 Shawcroft Centre, Dig Street, Ashbourne, DE6 1GF</td>
<td>1 Shawcroft Centre Dig Street Ashbourne Derbyshire DE6 1GD</td>
<td>Pending Consideration</td>
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<tr>
<td>ENF/18/00011</td>
<td>Works to roof not done in accordance with approved plans (Planning permission reference number. 17/00045/FUL)</td>
<td>Blacks Cottage Coopers Close Ashbourne Derbyshire DE6 1EQ</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/18/00020</td>
<td>Change of use to hot food takeaway (A5) and works to a listed building (Grade II) - Shopfront changes, additional side entry and removal of bricks</td>
<td>3 Church Street Ashbourne Derbyshire DE6 1AE</td>
<td>Pending Consideration</td>
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<tr>
<td>ENF/18/00038</td>
<td>Breach of Conditions 6, 16, 17, 18, 21 and 22 of Planning Permission 09/00496/FUL (Allowed on appeal)</td>
<td>The Mount 4 North Avenue Ashbourne Derbyshire DE6 1EZ</td>
<td>Pending Consideration</td>
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<tr>
<td>ENF/18/00066</td>
<td>Erection of gazebo style structure being used as a garage</td>
<td>52 St Oswald Crescent Ashbourne Derbyshire DE6 1FS</td>
<td>Pending Consideration</td>
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## Ashbourne South

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<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/17/00038</td>
<td>Unauthorised works to listed building</td>
<td>Avanti Jewellers 2 - 4 Church Street Ashbourne Derbyshire DE6 1AE</td>
<td>Pending Consideration</td>
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<tr>
<td>ENF/17/00067</td>
<td>Unauthorised erection of two buildings to the rear of factory and north side of Derby Road, Ashbourne.</td>
<td>Homelux Nenplas Limited Blenheim Road Airfield Industrial Estate Ashbourne Derbyshire DE6 1HA</td>
<td>Pending Consideration</td>
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<tr>
<td>ENF/18/00018</td>
<td>Breach of Condition 1 of Planning Application Reference No. 17/00828/FUL</td>
<td>47 South Street Ashbourne Derbyshire DE6 1DP</td>
<td>Pending Consideration</td>
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<tr>
<td>ENF/18/00051</td>
<td>Breach of condition 18 of planning application 17/00337/FUL - Working outside of permitted hours</td>
<td>Land South Of Old Derby Road Ashbourne Derbyshire</td>
<td>Pending Consideration</td>
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<tr>
<td>ENF/18/00052</td>
<td>Breach of Condition 24 (Tree Protection) of planning application reference no. 17/00250/REM</td>
<td>Land South Of Leys Farm Wyaston Road Ashbourne Derbyshire</td>
<td>Pending Consideration</td>
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<tr>
<td>ENF/18/00059</td>
<td>Alleged unauthorised timber building adjacent to 6 Weaver Close, Ashbourne</td>
<td>7 Weaver Close Ashbourne Derbyshire DE6 1BS</td>
<td>Pending Consideration</td>
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<tr>
<td>ENF/18/00092</td>
<td>Holiday homes being used as permanent residences</td>
<td>Peak Gateway Leisure Club Osmaston Derbyshire DE6 1NA</td>
<td>Pending Consideration</td>
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### Brailsford

| ENF/17/00058 | Unauthorised erection of replacement fencing around boundary of South Lodge, Long Lane, Longford, Derbyshire | South Lodge Long Lane Longford Derbyshire DE6 3DS | Pending Consideration |
| ENF/17/00125 | Installation of Flue to Serve Biomass Generator | Marsh Hollow Farm Shirley Lane Hollington Derbyshire DE6 3GD | Pending Consideration |
| ENF/18/00009 | Unauthorised building works to barn at West Mammerton Farm, Sutton Lane, Longford | Buildings At West Mammerton Farm Sutton Lane Longford Derbyshire | Pending Consideration |
| ENF/18/00062 | Breach of pre - commencement condition 2 of listed building consent 18/00070/LBALT - Prior to commencement of works, details of the glazing and timber frames to the proposed doors shall be submitted to, and approved in writing by, the Local Planning Authority. The window and doors shall then be installed in accordance with the approved details and so retained. | Cornerstone Cottage The Green Brailsford Derbyshire DE6 3BX | Pending Consideration |

### Carsington Water

<p>| ENF/16/00034 | Unauthorised erection of Dog kennels | Four Lane Ends Farm Gibfield Lane Hulland Ward Derbyshire DE6 3EJ | Pending Consideration |
| ENF/17/00041 | Unauthorised change of use of land for the stationing of a static caravan for the purpose of human habitation | Barn At Arm Lees Farm Ryder Point Road Wirksworth Derbyshire | Pending Consideration |
| ENF/17/00082 | Unauthorised erection of raised platform on land within the conservation area and to the rear of Barnwood, Hopton, Wirksworth, Matlock, Derbyshire DE4 4DF | Barnwood Main Street Hopton Derbyshire DE4 4DF | Pending Consideration |</p>
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<tr>
<td>ENF/17/00095</td>
<td>Unauthorised building works to create a roof over an existing muck store and unauthorised minor enlargement of approved building, 15/00493/FUL.</td>
<td>Turlow Fields Farm Turlowfields Lane Hognaston Derbyshire DE6 1PW</td>
<td>Pending Consideration</td>
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<tr>
<td>ENF/17/00141</td>
<td>Tipping of Materials on Land</td>
<td>The Ketch Ashbourne Road Kniveton Derbyshire DE6 1JF</td>
<td>Pending Consideration</td>
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<tr>
<td>ENF/18/00013</td>
<td>Building not built in accordance with approved plans</td>
<td>Mulino Lodge Agnes Meadow Lane Kniveton Derbyshire DE6 1JR</td>
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<tr>
<td>ENF/18/00016</td>
<td>Unauthorised demolition/conversion of barn.</td>
<td>Barn At Arm Lees Farm Ryder Point Road Wirksworth Derbyshire</td>
<td>Pending Consideration</td>
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<tr>
<td>ENF/18/00057</td>
<td>Erection of fence to front of property in excess of 2 metres in height</td>
<td>Barney's Cottage Main Street Hognaston Derbyshire DE6 1PR</td>
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### Clifton And Bradley

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<tr>
<td>ENF/18/00015</td>
<td>Unauthorised use of land for wood processing facility</td>
<td>Duke Of York Filling Station Mayfield Road Mayfield Ashbourne Derbyshire DE6 2BN</td>
<td>Pending Consideration</td>
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<tr>
<td>ENF/18/00047</td>
<td>Use of agricultural building as a lorry shed and creation of hardstanding</td>
<td>Wyaston House Farm Orchard Lane Wyaston Derbyshire DE6 2DR</td>
<td>Pending Consideration</td>
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<tr>
<td>ENF/18/00053</td>
<td>Erection of garage, in excess of 2.5m in height adjacent to a boundary and the creation of a boundary wall</td>
<td>The Cottage Mill Lane Shirley Derbyshire DE6 3AR</td>
<td>Pending Consideration</td>
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<tr>
<td>ENF/18/00055</td>
<td>Unauthorised erection of summer house, on land at Cloud Barn, Clifton Road (A515), Clifton, Derbyshire and Untidy Land</td>
<td>Cloud Barn Clifton Road Clifton Derbyshire DE6 2DH</td>
<td>Pending Consideration</td>
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<tr>
<td>ENF/18/00072</td>
<td>Installation of external lighting</td>
<td>Snelston House Sides Lane Snelston Derbyshire DE6 2EN</td>
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### Darley Dale

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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>
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<tr>
<td>ENF/17/00016</td>
<td>Breach of pre commencement conditions on planning permission 15/00718/FUL Demolition of existing dwelling and barn and erection of replacement dwelling and swimming pool building.</td>
<td>Former Bent Farm Farley Hill Matlock Derbyshire DE4 5LT</td>
<td>Pending Consideration</td>
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<tr>
<td>ENF/17/00100</td>
<td>Alleged - Unauthorised Use of Site and Building for the Holding of Weddings</td>
<td>Peak Village Ltd Darwin Lake Holiday Village Jaggers Lane Darley Moor Matlock Derbyshire DE4 5LJ</td>
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<td>ENF/17/00139</td>
<td>Unauthorised erection of a steel framed building, erection of a concrete retaining wall and unauthorised office building</td>
<td>Bent Farm / Amecroft Farm Farley Hill Matlock Derbyshire DE4 5LR</td>
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<td>ENF/17/00142</td>
<td>The unauthorised erection of an agricultural building contrary to planning permission 13/00378/FUL - Erection of agricultural/fodder and equipment building</td>
<td>St Elphins Cottage Blind Lane Hackney Derbyshire DE4 2QE</td>
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<tr>
<td>ENF/17/00158</td>
<td>The unauthorised change of use of land for the storage of domestic and commercial vehicles, building materials and heras fencing</td>
<td>Derwent Valley Farm, Matlock, Derbyshire</td>
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<td>ENF/17/00159</td>
<td>Partial change of use of agricultural building for ancillary domestic purposes, on land at St Elphins Cottage, Hackney</td>
<td>St Elphins Cottage Blind Lane Hackney Derbyshire DE4 2QE</td>
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<td>ENF/18/00035</td>
<td>Erection of Double Garage and engineering works in association with Landscaping to front of property.</td>
<td>Lilac Cottage Holt Road Hackney Derbyshire DE4 2QD</td>
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<td>ENF/18/00043</td>
<td>Breach of conditions 22 and 23 of planning permission 16/00789/FUL</td>
<td>Land South West Of Old Hackney Lane Hackney Derbyshire</td>
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<td>ENF/18/00067</td>
<td>Unauthorised works to widen access</td>
<td>Former Bent Farm Farley Hill Farley Derbyshire DE4 5LT</td>
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<tr>
<td>ENF/18/00070</td>
<td>Breach of condition 14 (hard and soft landscaping) of planning permission 10/00069/FUL - Failure of new trees</td>
<td>Land Off Morledge Bakewell Road Matlock Derbyshire</td>
<td>Pending Consideration</td>
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<tr>
<td>ENF/18/00085</td>
<td>Unauthorised building works to create a cattle isolation unit on land at St Elphins Cottage, Blind Lane, Hackney</td>
<td>St Elphins Cottage Blind Lane Hackney Derbyshire DE4 2QE</td>
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<tr>
<td>ENF/18/00086</td>
<td>Extension to agricultural building</td>
<td>St Elphins Cottage Blind Lane Hackney Derbyshire DE4 2QE</td>
<td>Pending Consideration</td>
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<td><strong>Dovedale And Parwich</strong></td>
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<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>Notice Issued</td>
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<tr>
<td>ENF/18/00076</td>
<td>Unauthorised erection of smoking shelter and adjacent timber fencing</td>
<td>St Elphins Cottage Blind Lane Hackney Derbyshire DE4 2QE</td>
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<tr>
<td><strong>Doveridge And Sudbury</strong></td>
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<tr>
<td>ENF/18/00029</td>
<td>Erection of Porches</td>
<td>17 West Drive Doveridge Derbyshire DE6 5NG</td>
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<tr>
<td>ENF/18/00037</td>
<td>Change of Use to a Childcare Business</td>
<td>The Old School 22 High Street Doveridge Derbyshire DE6 5NA</td>
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### Hulland

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<tbody>
<tr>
<td>ENF/14/00041</td>
<td>Breach of condition 2 relating to planning permission</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>The unlawful use of the buildings, shown in green on the attached plan, as a dwellinghouse (Use Class C3).</td>
<td>Blackbrook Lodge Farm Intakes Lane Turnditch Derbyshire DE56 2LU</td>
<td>Notice Issued</td>
</tr>
<tr>
<td>ENF/17/00064</td>
<td>Unauthorised change of use of land to create a horse riding Manege’ on land West side of Broadway, Kirk Ireton</td>
<td>Caravan At Valley View Broad Way Kirk Ireton Derbyshire</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/17/00109</td>
<td>Use as a collection point for County Council vehicles</td>
<td>Wheel Plant Ltd Winney Hill Farm Hob Lane Kirk Ireton Derbyshire DE6 3LG</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/18/00087</td>
<td>Unauthorised building works. Buildings not in accordance with approved plans - 17/00309/FUL - Erection of 2 no. dwellings</td>
<td>The Smithy Main Road Hulland Ward Derbyshire DE6 3EF</td>
<td>Pending Consideration</td>
</tr>
</tbody>
</table>

### Masson

<table>
<thead>
<tr>
<th>Reference</th>
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<th>Status</th>
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<tbody>
<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/15/00054</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/15/00104</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>Notice Issued</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>Notice Issued</td>
</tr>
<tr>
<td>ENF/16/00090</td>
<td>Erection of a shed, decking and fence.</td>
<td>2 Primrose Cottages St Johns Road Matlock Bath Derbyshire DE4 3PQ</td>
<td>Notice Issued</td>
</tr>
<tr>
<td>ENF/16/00097</td>
<td>Unauthorised engineering operations and the creation of concrete retaining wall.</td>
<td>UK Slipform Ltd Dunsley Mill Via Gellia Road Bonsall Derbyshire DE4 2AJ</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/17/00022</td>
<td>Erection of two wooden sheds.</td>
<td>The Cottage Puddle Hill Bonsall Derbyshire DE4 2BA</td>
<td>Notice Issued</td>
</tr>
</tbody>
</table>
ENF/17/00061  Unauthorised works to a Listed Building  RIVA Rose Cottage 124 - 126 North Parade Matlock Bath Derbyshire DE4 3NS  Pending Consideration
ENF/17/00102  Erection of Four Sheds  Land Adj. The Allotments Between North Street And Bedehouse Lane Cromford Derbyshire DE4 3QZ  Pending Consideration
ENF/17/00145  Unauthorised works to ground floor concrete floor slab, contrary to condition 8 of 15/00329/LBALT  1 High Street Bonsall Derbyshire DE4 2AS  Pending Consideration
ENF/17/00147  Breach of Conditions of Planning Permission Reference 11/00504/FUL  Cromford Hill Hand Car Wash 161 The Hill Cromford Derbyshire DE4 3QU  Pending Consideration
ENF/17/00150  Breach of condition 2 relating to planning permission 17/00104/FUL - Single storey extension, 1 Water Lane, Cromford, Derbyshire, DE4 3QH.  1 Water Lane Cromford Derbyshire DE4 3QH  Pending Consideration
ENF/18/00003  Untidy site - Land at Gullivers Kingdom, Adjacent to the upper car park, Matlock Bath, Derbyshire  Gullivers Kingdom Temple Road Matlock Bath Derbyshire DE4 3PG  Pending Consideration
ENF/18/00017  Unauthorised works to a listed building - Insertion of 3no. UPVC window frames  98 North Parade Matlock Bath Derbyshire DE4 3NS  Pending Consideration
ENF/18/00028  Alleged changed of use of hotel building, Temple Hotel, Matlock Bath.  Temple Hotel Temple Walk Matlock Bath Derbyshire DE4 3PG  Pending Consideration
ENF/18/00032  External alterations - Doorway replaced with a window and window covered up  County And Station Hotel 258 Dale Road Matlock Bath Derbyshire DE4 3NT  Notice Issued
ENF/18/00033  Alleged works to change use of building  Temple Hotel Temple Walk Matlock Bath Derbyshire DE4 3PG  Pending Consideration
ENF/18/00039  Unauthorised Internal and External Alterations to a Listed Building  21 The Hill Cromford Derbyshire DE4 3RF  Pending Consideration
ENF/18/00069  Unauthorised engineering works including excavation of stone to land at the rear of the Mill Managers House in Cromford.  Mill Managers House Cromford Mill Mill Road Cromford Derbyshire DE4 3RQ  Notice Issued
ENF/18/00071  Unauthorised works to provide walls and doors to atrium  Cromford Court Derby Road Matlock Bath Derbyshire DE4 3PY  Pending Consideration
ENF/18/00077  Unauthorised change of use of buildings from to fully self contained holiday cottage.  The Carriage House Building 24 Cromford Mill Mill Road Cromford Derbyshire DE4 3RQ  Pending Consideration
ENF/18/00078  Unauthorised painting of shop front.  196-198 South Parade Matlock Bath Derbyshire DE4 3NR  Pending Consideration
<table>
<thead>
<tr>
<th>Reference</th>
<th>Description</th>
<th>Location/Address</th>
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<tbody>
<tr>
<td>ENF/18/00088</td>
<td>Erection of fence on top of existing wall</td>
<td>18 North Street Cromford Derbyshire DE4 3RG</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/18/00090</td>
<td>Unauthorised Occupancy of building</td>
<td>Cromford Court Derby Road Matlock Bath Derbyshire DE4 3PY</td>
<td>Pending Consideration</td>
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</table>

### Matlock All Saints

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<tr>
<th>Reference</th>
<th>Description</th>
<th>Location/Address</th>
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<tbody>
<tr>
<td>ENF/16/00101</td>
<td>Unauthorised erection of sheds, chicken enclosures and a &quot;shepherds hut&quot;.</td>
<td>High Croft Salters Lane Matlock Derbyshire DE4 2PA</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/17/00043</td>
<td>Engineering operations to create a raised patio area.</td>
<td>161 Smedley Street Matlock Derbyshire DE4 3JG</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/17/00110</td>
<td>Development not being built in accordance with approved plans (Doors in Gable End)</td>
<td>The Lawns Cavendish Road Matlock Derbyshire DE4 3GZ</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/18/00001</td>
<td>Breach of conditions 2 and 3 of planning permission</td>
<td>The Garden House Derwent Avenue Matlock Derbyshire DE4 3LX</td>
<td>Notice Issued</td>
</tr>
<tr>
<td>ENF/18/00042</td>
<td>Unauthorised alteration of shop frontage</td>
<td>Turkish Delight 57 Dale Road Matlock Derbyshire DE4 3LT</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/18/00048</td>
<td>Breach of condition of planning permission</td>
<td>Land Adjacent Matlock Golf Club Chesterfield Road Matlock Derbyshire</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/18/00058</td>
<td>Untidy site and breach of condition 12 of planning permission</td>
<td>Land Off The Close Matlock Derbyshire DE4 3LE</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/18/00064</td>
<td>Erection of fencing more than 1 metre in height adjacent the highway</td>
<td>29 Wolds Rise Matlock Derbyshire DE4 3HJ</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/18/00073</td>
<td>Unauthorised signage and alterations to retail premises</td>
<td>Iceland 1 Firs Parade Matlock Derbyshire DE4 3AS</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/18/00081</td>
<td>Erection of two entrance signs</td>
<td>Golding Grange 68 Cavendish Road Matlock Derbyshire DE4 3GY</td>
<td>Pending Consideration</td>
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<tr>
<td>ENF/18/00082</td>
<td>Banner signage above main entrance</td>
<td>Harveys Wine Bar And Cafe 119 Dale Road Matlock Derbyshire DE4 3LU</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/18/00084</td>
<td>Erection of a new retaining wall more than 8 feet in height</td>
<td>7 Hopewell Road Matlock Derbyshire DE4 3JN</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/18/00095</td>
<td>Breach of condition of 18/00047/VCOND and 17/00969/FUL - Use of toilets</td>
<td>Rubigo 68 Dale Road Matlock Derbyshire DE4 3LT</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/18/00096</td>
<td>Erection of two storage units to rear of building</td>
<td></td>
<td>Pending Consideration</td>
</tr>
</tbody>
</table>
### Matlock St Giles

<p>| ENF/13/00084 | Unauthorised erection of workshop | Phillips Woodware Smuse Lane Matlock Derbyshire DE4 5EY | Notice Issued |
| ENF/16/00053 | Unauthorised access off Riber Road. | Brookdale Riber Road Lea Derbyshire DE4 5JQ | Notice Issued |
| ENF/16/00089 | Breaches of Planning Control | ALS Scaffolding Services Limited Sunnyside Farm Whitelea Lane Tansley Derbyshire DE4 5FL | Notice Issued |
| ENF/17/00020 | Unauthorised use of land for the storage and stationing of caravans. | Duke William Hotel 91 Church Street Matlock Derbyshire DE4 3BZ | Notice Issued |
| ENF/17/00117 | Unauthorised engineering works and formation of access | Land And Track Opposite Willersley Lane Plantation Matlock Derbyshire DE4 5JE | Notice Issued |
| ENF/18/00031 | Erection of signage and second access | Gate Inn The Knoll Tansley Derbyshire DE4 5FN | Pending Consideration |
| ENF/18/00044 | Breach of condition 7 of planning permission | Hilltops View Garage Courtyard Hazel Grove Matlock Derbyshire | Pending Consideration |
| ENF/18/00063 | Unauthorised banner sign | Matlock Cricket Club Causeway Lane Matlock Derbyshire DE4 3AR | Pending Consideration |
| ENF/18/00074 | Engineering operations to create hardstanding for cars and associated removal and disposal of materials on private land | The Croft Green Lane Tansley Derbyshire DE4 5FJ | Pending Consideration |
| ENF/18/00080 | Alleged unauthorised building works at 44 The Knoll, Tansley | 44 The Knoll Tansley Derbyshire DE4 5FN | Pending Consideration |
| ENF/18/00083 | Unauthorised signage to a listed building - Banner sign fixed to building and banner signs in grounds | Tavern At Tansley Nottingham Road Tansley Derbyshire DE4 5FR | Pending Consideration |
| ENF/18/00093 | Dwellings not being built in accordance with planning permission 16/00779/FUL - Built higher than approved | Land Adjacent To 9 Oak Tree Gardens Tansley Derbyshire | Pending Consideration |
| ENF/18/00094 | Breach of Condition 5 of planning application 17/00025/REM (Hours of Operation) | Land At Asker Lane Matlock Derbyshire | Pending Consideration |
| ENF/18/00097 | Erection of unauthorised retaining wall | Land East Of Chesterfield Road / South Of Quarry Lane Matlock Derbyshire | Pending Consideration |</p>
<table>
<thead>
<tr>
<th>ENF/18/00099</th>
<th>Piling of soil and materials</th>
<th>Land And Barn At The Corner Of Thatchers Lane And Alders Lane Tansley Derbyshire</th>
<th>Pending Consideration</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Norbury</strong></td>
<td></td>
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<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 Airports Darley Moor Airfield Darley Moor Ashbourne Derbyshire DE6 2ET</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/16/00068</td>
<td>Alleged breach of condition 9 relating to the slurry pit on land at Four Oaks Farm, Shields Lane, Roston.10/00580/FUL - condition 9 &quot;The slurry lagoon hereby approved shall only be used for the storage of slurry arising from the keeping of livestock on the site and livestock kept at Pear Tree Farm, Stubwood. It shall not be used for the storage of slurry or any other waste material imported from elsewhere&quot;.</td>
<td>Land To The South Of West View Shields Lane Roston Derbyshire</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/17/00056</td>
<td>Unauthorised engineering works to facilitate access at Old House Farm, Can Alley, Roston, Derbyshire</td>
<td>Old House Farm Can Alley Roston Derbyshire DE6 2EF</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/17/00113</td>
<td>Unauthorised engineering works to facicilate what appears to be a hard standing area for the base of a garage.</td>
<td>Old Barn Riggs Lane Marston Montgomery Derbyshire DE6 2FD</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/17/00137</td>
<td>Change of use of agricultural land for the siting of 2 caravans for human habitation</td>
<td>Shaw Lane Farm Shaw Lane Marston Montgomery Derbyshire DE6 2FJ</td>
<td>Notice Issued</td>
</tr>
<tr>
<td>ENF/17/00156</td>
<td>Unauthorised engineering works to create a vehicular access to the holiday lets from the Roston Inn car park</td>
<td>Roston Inn Mill Lane Roston Derbyshire DE6 2EE</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/18/00007</td>
<td>Breach of Condition 1 of 15/00691/FUL - Removal of Mobile Home from site by 8th September 2017</td>
<td>Honeysuckle Farm Shirley Lane Rodsley Derbyshire DE6 3AL</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/18/00089</td>
<td>Siting of a caravan in agricultural field</td>
<td>&quot;Doles&quot; Field Adj. The Elms And Elms Farmhouse Church Lane Cubley Derbyshire</td>
<td>Pending Consideration</td>
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<tr>
<td><strong>Stanton</strong></td>
<td></td>
<td></td>
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<tr>
<td>ENF/18/00075</td>
<td>Engineering works next to Grade II listed building - possibly part of curtilage</td>
<td>Midland Cottages 1 - 2 Dale Road North Rowsley Derbyshire DE4 2EL</td>
<td>Pending Consideration</td>
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<tr>
<td><strong>Winster And South Darley</strong></td>
<td></td>
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<tr>
<td>ENF/17/00053</td>
<td>Unauthorised rear extension</td>
<td>72 Eversleigh Rise Darley Bridge Derbyshire DE4 2JW</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td><strong>Wirksworth</strong></td>
<td></td>
<td></td>
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</tbody>
</table>
ENF/16/00079  Erection of timber fence over 1 metre in height adjacent a highway.

20 Willowbath Lane Wirksworth Derbyshire DE4 4AY  Notice Issued

ENF/17/00002  Unauthorised engineering operations to create a raised area

11 New Road Bolehill Derbyshire DE4 4GL  Pending Consideration

ENF/17/00018  Unauthorised works to remove a fire surround in a Grade II Listed Building.

Red Lion Hotel Market Place Wirksworth Derbyshire DE4 4ET  Pending Consideration

ENF/17/00023  Breach of conditions on planning permission

14/00891/FUL  Mount Cook Adventure Centre Porter Lane Middleton By Wirksworth Derbyshire DE4 4LS  Pending Consideration

ENF/17/00051  Unauthorised change of use of garage/store to beauty studio.

The Mews 3 Wirksworth Hall Farm Wash Green Wirksworth Derbyshire DE4 4FD  Pending Consideration

ENF/17/00104  Non compliance with planting condition

Land Adjacent To 11A Little Bolehill Bolehill Derbyshire DE4 4GR  Pending Consideration

ENF/17/00106  Erection of High Fence Posts

2 New Road Bolehill Derbyshire DE4 4GL  Pending Consideration

ENF/17/00127  Engineering operations

11A Little Bolehill Bolehill Derbyshire DE4 4GR  Pending Consideration

ENF/17/00140  Unauthorised building works to raise the height of building approved under 16/00536/FUL

5 Cromford Road Wirksworth Derbyshire DE4 4FH  Pending Consideration

ENF/17/00153  Unauthorised change of use of agricultural land for the siting of a mobile home and two shipping containers.

Longway Bank Wood Longway Bank Whatstandwell Derbyshire  Pending Consideration

ENF/17/00154  Unauthorised change of use of land and buildings

Sleepy Hollow Farm Hopton Lane Wirksworth Derbyshire DE4 4DF  Pending Consideration

ENF/18/00002  Unauthorised erection of raised platform, above 0.3m from ground level.

14 Main Street Middleton By Wirksworth Derbyshire DE4 4LQ  Pending Consideration

ENF/18/00010  Camping Pods not erected in the approved location

Mount Cook Adventure Centre Porter Lane Middleton By Wirksworth Derbyshire DE4 4LS  Pending Consideration

ENF/18/00014  New Shop Signage

26 - 27 Market Place Wirksworth Derbyshire DE4 4ET  Pending Consideration

ENF/18/00023  Unauthorised erection of fence

Land At Cromford Road Wirksworth Derbyshire  Pending Consideration

ENF/18/00049  Breach of condition of 16/00420/FUL - Colour of fascia boards on dwellings

Land East Of Derby Road Wirksworth Derbyshire  Pending Consideration

ENF/18/00079  Installation of a Stair Lift in property

2 Gells Flats Church Walk Wirksworth Derbyshire DE4 4DP  Pending Consideration
Various alterations to property including the installation of white UPVC windows

7 The Dale Wirksworth Derbyshire DE4 4EJ

Pending Consideration

Total Open Cases

138
## Enforcement Investigations Closed

### In the 6 Months Prior to 07/06/2018

<table>
<thead>
<tr>
<th>Location</th>
<th>Case Number</th>
<th>Description</th>
<th>Complied/Justification</th>
<th>Date</th>
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<tbody>
<tr>
<td><strong>Ashbourne North</strong></td>
<td></td>
<td>Breach of pre-commencement condition 4 of planning permission 17/00169/FUL - erection of garage and swimming pool building and external alterations to barn.</td>
<td>Complied Voluntarily</td>
<td>13/02/2018</td>
</tr>
<tr>
<td></td>
<td>ENF/17/00054</td>
<td>Grange Barn Kniveton Derbyshire DE6 1JQ</td>
<td></td>
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<tr>
<td></td>
<td>ENF/18/00040</td>
<td>Untidy Site (Former Public Toilets)</td>
<td>Complaint Unfounded</td>
<td>23/03/2018</td>
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<tr>
<td></td>
<td>ENF/18/00060</td>
<td>Issues regarding facia's throughout the exterior of the building</td>
<td>Not in the Public interest to pursue</td>
<td>13/04/2018</td>
</tr>
<tr>
<td></td>
<td>ENF/18/00061</td>
<td>Alleged unauthorised creation of raised patio in rear garden of 15 Spire Close</td>
<td>Complaint Unfounded</td>
<td>13/04/2018</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Land Off Horse And Jockey Yard St John Street Ashbourne Derbyshire DE6 1GH</td>
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<tr>
<td></td>
<td></td>
<td>1 Union Street Ashbourne Derbyshire DE6 1FG</td>
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<tr>
<td></td>
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<td>15 Spire Close Ashbourne Derbyshire DE6 1DB</td>
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<td>13/02/2018</td>
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<td>13/04/2018</td>
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<tr>
<td><strong>Brailsford</strong></td>
<td></td>
<td>Alleged breach of condition 9 relating to planning permission DDD/0299/0100 - CHANGE OF USE OF PART OF CHEESE FACTORY TO DWELLING WITH COMMERCIAL STUDIO AND SEPARATE OFFICE - for Mr S Webb</td>
<td>Complaint Unfounded</td>
<td>13/02/2018</td>
</tr>
<tr>
<td></td>
<td>ENF/17/00073</td>
<td>The Cheese Factory Longford Lane Longford Derbyshire DE6 3DT</td>
<td></td>
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<tr>
<td></td>
<td>ENF/17/00093</td>
<td>Alleged unauthorised use of parking area to serve food and provide outdoor seating, use of first floor as living accommodation and siting of log burner</td>
<td>Complaint Unfounded</td>
<td>15/01/2018</td>
</tr>
<tr>
<td></td>
<td>ENF/17/00120</td>
<td>Lakeside Ednaston Business Centre Hollington Lane Ednaston Derbyshire DE6 3AE</td>
<td>Justification from Officer</td>
<td>15/01/2018</td>
</tr>
<tr>
<td></td>
<td>ENF/17/00143</td>
<td>Ivy Cottage Longford Lane Longford Derbyshire DE6 3DT</td>
<td>Complaint Unfounded</td>
<td>13/02/2018</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Change of use of agricultural land into garden land with the creation of new vehicular accesses and creation of vehicle hardstanding</td>
<td></td>
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<tr>
<td><strong>Carsington Water</strong></td>
<td></td>
<td>Unauthorised change of use and conversion of outbuildings on land at Rock Cottage, Brassington, Matlock, Derbyshire, DE4 4HA</td>
<td>Not in the Public interest to pursue</td>
<td>13/02/2018</td>
</tr>
<tr>
<td></td>
<td>ENF/16/00073</td>
<td>Rock Cottage Hillside Lane Brassington Derbyshire DE4 4HA</td>
<td></td>
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<tr>
<td></td>
<td>ENF/17/00052</td>
<td>Unauthorised engineering works to install septic tank on land at the Manor House, Church St, Brassington, Derbyshire.</td>
<td>Complied Voluntarily</td>
<td>26/03/2018</td>
</tr>
<tr>
<td></td>
<td>ENF/17/00052</td>
<td>Manor House Church Street Brassington Derbyshire DE4 4HJ</td>
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<tr>
<td>Planning Application</td>
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<td>----------------------</td>
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<tr>
<td>ENF/17/00085</td>
<td>Unauthorised building works comprising a change of structure on a building approved under PDA change of use</td>
<td>Former Wallands Farmhouse Ashbourne Road Brassington Derbyshire DE4 4DB</td>
<td>Planning Application Received</td>
<td>04/05/2018</td>
</tr>
<tr>
<td>ENF/17/00132</td>
<td>Unauthorised installation of gas cylinder, forward of a principal elevation.</td>
<td>Barnwood Main Street Hopton Derbyshire DE4 4DF</td>
<td>Planning Application Received</td>
<td>16/03/2018</td>
</tr>
<tr>
<td>ENF/18/00050</td>
<td>Trellising in excess of 1m in height, adjacent to a highway used by vehicular traffic</td>
<td>Barney’s Cottage Main Street Hognaston Derbyshire DE6 1PR</td>
<td>Complied Voluntarily</td>
<td>16/03/2018</td>
</tr>
<tr>
<td>ENF/18/00065</td>
<td>Works started on an extant permission (00/07/0521) granted in September 2000</td>
<td>Foxholes Foxholes Lane Kniveton Derbyshire DE6 1JN</td>
<td>Justification from Officer</td>
<td>05/06/2018</td>
</tr>
<tr>
<td>ENF/18/00091</td>
<td>Use of land a camp site, consisting of tents/ motorhomes/caravans</td>
<td>Land To The East Of New House Farm Longrose Lane Kniveton Derbyshire DE6 1JL</td>
<td>Justification from Officer</td>
<td>29/05/2018</td>
</tr>
<tr>
<td>Clifton And Bradley</td>
<td></td>
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<tr>
<td>ENF/17/00122</td>
<td>Addition of lean to building and slabbied area</td>
<td>Woodways 6 Yew Tree Lane Bradley Derbyshire DE6 1PG</td>
<td>Justification from Officer</td>
<td>12/01/2018</td>
</tr>
<tr>
<td>ENF/17/00155</td>
<td>Unauthorised engineering works to create a new spillway on land near Osmaston Saw Mill</td>
<td>Saw Mill Osmaston Derbyshire</td>
<td>Planning Application Received</td>
<td>19/03/2018</td>
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<tr>
<td>Darley Dale</td>
<td></td>
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<tr>
<td>ENF/17/00048</td>
<td>Alleged unauthorised lamp posts.</td>
<td>St Elphins St Elphins Park Darley Dale Derbyshire DE4 2RL</td>
<td>Planning Application Received</td>
<td>13/02/2018</td>
</tr>
<tr>
<td>ENF/17/00114</td>
<td>Breach of pre-commencement conditions relating to planning permission 15/00629/FUL - two storey extension.</td>
<td>1 Church Road Churchtown Darley Dale Derbyshire DE4 2GG</td>
<td>No Code []</td>
<td>26/03/2018</td>
</tr>
<tr>
<td>ENF/17/00119</td>
<td>Access Modifications/ Modifications to Public Footpath</td>
<td>Former Bent Farm/ Ameycroft Farm Farley Hill Matlock Derbyshire DE4 5LT</td>
<td>Complaint Unfounded</td>
<td>13/02/2018</td>
</tr>
<tr>
<td>Doveridge And Sudbury</td>
<td></td>
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</tr>
<tr>
<td>ENF/18/00025</td>
<td>Alleged unauthorised building works on land at The Woodyard, Pump Lane, Doveridge</td>
<td>The Woodyard Pump Lane Doveridge Derbyshire DE6 5LX</td>
<td>Complaint Unfounded</td>
<td>21/02/2018</td>
</tr>
<tr>
<td>Hulland</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>ENF/17/00065</td>
<td>Unauthorised engineering works to create field access with gate onto Hobs Lane, Kirk Ireton.</td>
<td>Winney Hill Farm Hob Lane Kirk Ireton Derbyshire DE6 3LG</td>
<td>Complied Voluntarily</td>
<td>25/01/2018</td>
</tr>
<tr>
<td>ENF/18/00045</td>
<td>Subdivision of property to create an additional dwelling and a holiday let</td>
<td>Addcrofts Farm Hob Lane Kirk Ireton Derbyshire DE6 3LG</td>
<td>Complaint Unfounded</td>
<td>11/05/2018</td>
</tr>
<tr>
<td>ENF/17/00135</td>
<td>Erection of Fence Panels</td>
<td>Brae Mount Waterloo Road Matlock Bath Derbyshire DE4 3PH</td>
<td>Complied Voluntarily</td>
<td>20/12/2017</td>
</tr>
<tr>
<td>Matlock All Saints</td>
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<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>Planning Application Received</td>
<td>02/01/2018</td>
</tr>
<tr>
<td>ENF/17/00090</td>
<td>Breach of condition regarding opening hours.</td>
<td>McDonald's 43 Bakewell Road Matlock Derbyshire DE4 3AU</td>
<td>Planning Application Received</td>
<td>15/12/2017</td>
</tr>
<tr>
<td>ENF/17/00108</td>
<td>Works undertaken to extension and spiral staircase not in accordance with the approved plans</td>
<td>Herd Steakhouse Limited 5 Dale Road Matlock Derbyshire DE4 3LT</td>
<td>Planning Application Received</td>
<td>24/01/2018</td>
</tr>
<tr>
<td>ENF/17/00123</td>
<td>Erection of 2.5m high Fence between properties</td>
<td>131 Smedley Street Matlock Derbyshire DE4 3JG</td>
<td>Complied Voluntarily</td>
<td>24/01/2018</td>
</tr>
<tr>
<td>ENF/17/00146</td>
<td>Development not being built in accordance with the approved plans (Application Reference 17/00567/FUL)</td>
<td>10 Crook Stile Matlock Derbyshire DE4 3LJ</td>
<td>Justification from Officer</td>
<td>05/03/2018</td>
</tr>
<tr>
<td>ENF/18/00034</td>
<td>Replacement Shop Front</td>
<td>Turkish Delight 57 Dale Road Matlock Derbyshire DE4 3LT</td>
<td>No Code []</td>
<td>12/04/2018</td>
</tr>
<tr>
<td>ENF/18/00036</td>
<td>Land clearance and potential use of land as an off road motorcycle track</td>
<td>Land At Masson Hill Salters Lane Matlock Bath Derbyshire</td>
<td>Justification from Officer</td>
<td>23/03/2018</td>
</tr>
<tr>
<td>ENF/18/00054</td>
<td>Pre-commencement conditions 4, 5 and 6 of planning permission 17/00482/FUL not discharged prior to planned start on site</td>
<td>55A Wellington Street Matlock Derbyshire DE4 3GS</td>
<td>Justification from Officer</td>
<td>10/04/2018</td>
</tr>
<tr>
<td>Matlock St Giles</td>
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</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>Justification from Officer</td>
<td>21/02/2018</td>
</tr>
<tr>
<td>ENF/16/00056</td>
<td>Change of use of agricultural land to the rear of 70 - 80 Starkholmes Road Matlock, to incoorporate within the domestic curtilage of 72 Starkholmes Road, Matlock, DE4 3DD.</td>
<td>72 Starkholmes Road Matlock Derbyshire DE4 3DD</td>
<td>Complaint Unfounded</td>
<td>24/04/2018</td>
</tr>
<tr>
<td>ENF/17/00079</td>
<td>Breach of condition 5 on planning permission 16/00889/FUL</td>
<td>ALS Scaffolding Services Limited Sunnyside Farm Whitelea Lane Tansley Derbyshire DE4 5FL</td>
<td>Justification from Officer</td>
<td>12/02/2018</td>
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<tr>
<td>ENF/17/00088</td>
<td>Unauthorised creation of pond</td>
<td>Mount Pleasant Nottingham Road Tansley Derbyshire DE4 5GA</td>
<td>Planning Application Received</td>
<td>24/01/2018</td>
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<tr>
<td>ENF/18/00024</td>
<td>Erection of industrial buildings, sheds and the siting of a chalet/caravan</td>
<td>Ox Close Farm Carr Lane Riber Matlock Derbyshire DE4 5JT</td>
<td>Complaint Unfounded</td>
<td>15/02/2018</td>
</tr>
<tr>
<td>ENF/18/00026</td>
<td>Erection of Breeze Block Wall and Parking of Caravan</td>
<td>44 The Knoll Tansley Derbyshire DE4 5FN</td>
<td>Complaint Unfounded</td>
<td>20/02/2018</td>
</tr>
<tr>
<td>ENF/18/00030</td>
<td>Unauthorised tipping of materials</td>
<td>Land Adjacent To 9 Oak Tree Gardens Tansley Derbyshire</td>
<td>Justification from Officer</td>
<td>12/03/2018</td>
</tr>
</tbody>
</table>

**Norbury**

| ENF/11/00091 | Untidy site - storage of scrap materials (Timber, metal, pipes, bricks, slates, gravel etc), old vehicles and caravans in a state of disrepair. Land at Marston House Farm and Home Farm, Thurvaston Road, Marston Montgomery, Ashbourne, Derbyshire, DE6 2FF | Home Farm Thurvaston Road Marston Montgomery Derbyshire DE6 2FF | Notice complied with | 13/02/2018 |
| ENF/13/00050 | Unauthorised building works to an agricultural building. (Increasing the height). | Barn Opposite Field Cottage Finny Lane Rodsley Derbyshire | Not in the Public interest to pursue | 13/02/2018 |
| ENF/17/00029 | Unauthorised building works, in the burial grounds at the former Methodist Church, Somersal Herbert, to facilitate a kitchen area/summerhouse and tractor shed | WELLIES HQ, Chapel O The Hill Somersal Herbert Derbyshire DE6 5PE | Planning Application Received | 12/12/2017 |
| ENF/18/00046 | Breach of condition 6 of planning permission 13/00417/FUL - Hardstanding for parking free from impediment to it's use | Spring Cottage Rodsley Lane Rodsley Derbyshire DE6 3AL | Complaint Unfounded | 19/03/2018 |

**Stanton**

<p>| ENF/17/00151 | Illuminated Signage, totem pole signage and banner advert | UK Tyres Direct Auto Centre Unit 10 Unity Complex Dale Road North Darley Dale Derbyshire DE4 2HX | Justification from Officer | 31/01/2018 |
| ENF/18/00005 | Removal of boundary fence and extension of lorry hardstanding into neighbouring field | Matlock Transport Northwood Lane Darley Dale Derbyshire DE4 2HQ | Complaint Unfounded | 15/01/2018 |
| ENF/18/00012 | Unauthorised commencement of development relating to land at North Park Farm subject of planning application 17/00995/OUT for Mr G Lowe. | North Park Farm Whitworth Road Darley Dale Derbyshire DE4 2HJ | Justification from Officer | 31/01/2018 |
| ENF/18/00027 | Occupied flat built inside barn | New Fallinge Farm Chesterfield Road Rowsley Derbyshire DE4 2NN | Complaint Unfounded | 05/03/2018 |</p>
<table>
<thead>
<tr>
<th>ENF/18/00056</th>
<th>Alleged unlawful erection of a raised signal box</th>
<th>Peak Rail Rowsley South Station Harrison Way Darley Dale Derbyshire DE4 2LF</th>
<th>Complaint Unfounded</th>
<th>06/04/2018</th>
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**Wirksworth**

<table>
<thead>
<tr>
<th>ENF/12/00022</th>
<th>Unauthorised stationing of a wooden chalet building and two steel containers.</th>
<th>The WoodYard. Homesford. Matlock. Derbyshire. DE4 5HL.</th>
<th>Justification from Officer</th>
<th>15/05/2018</th>
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<tbody>
<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>Complied Voluntarily</td>
<td>13/02/2018</td>
</tr>
<tr>
<td>ENF/17/00031</td>
<td>Unauthorised installation of a white plastic door and window.</td>
<td>1 Cavendish Cottages Cromford Road Wirksworth Derbyshire DE4 4FP</td>
<td>Complied Voluntarily</td>
<td>02/03/2018</td>
</tr>
<tr>
<td>ENF/17/00092</td>
<td>Failure to correctly discharge pre-commencement planning conditions relating to planning permission 16/00229/PDA - change of use of agricultural building to dwelling house(use class C3) and associated building operations.</td>
<td>Arm Lees Farm Ryder Point Road Wirksworth Derbyshire DE4 4HE</td>
<td>Justification from Officer</td>
<td>08/02/2018</td>
</tr>
<tr>
<td>ENF/17/00105</td>
<td>Finished detail on apartment bay windows not in accordance with the approved design</td>
<td>Land At Cromford Road Wirksworth Derbyshire</td>
<td>Justification from Officer</td>
<td>15/02/2018</td>
</tr>
<tr>
<td>ENF/17/00124</td>
<td>Erection of New Railway Building</td>
<td>Ecclesbourne Valley Railway Wirksworth Station Road Wirksworth Derbyshire DE4 4FB</td>
<td>Planning Application Received</td>
<td>24/01/2018</td>
</tr>
<tr>
<td>ENF/17/00136</td>
<td>Artist's studio building not built in accordance with approved details</td>
<td>Walkers Cottage 31 - 33 The Dale Wirksworth Derbyshire DE4 4EJ</td>
<td>Complied Voluntarily</td>
<td>29/05/2018</td>
</tr>
<tr>
<td>ENF/18/00006</td>
<td>Breach of Condition 7 of 14/00462/FUL - Tree Planting</td>
<td>Bailey Croft Car Sales Harrison Drive Wirksworth Derbyshire</td>
<td>Planning Application Received</td>
<td>10/04/2018</td>
</tr>
<tr>
<td>ENF/18/00019</td>
<td>Erection of building and temporary screen</td>
<td>Lant Close Farm Bolehill Road Bolehill Derbyshire DE4 4GQ</td>
<td>Complaint Unfounded</td>
<td>04/04/2018</td>
</tr>
<tr>
<td>ENF/18/00022</td>
<td>Work activities being carried out from the site</td>
<td>Ashleigh House Cromford Road Wirksworth Derbyshire DE4 4FR</td>
<td>Complaint Unfounded</td>
<td>16/04/2018</td>
</tr>
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**Total Closed Cases** 58

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

**Report of the Corporate Director**

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<tr>
<th>REFERENCE</th>
<th>SITE/DESCRIPTION</th>
<th>TYPE</th>
<th>DECISION/COMMENT</th>
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<tr>
<td><strong>Southern</strong></td>
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<td></td>
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</tr>
<tr>
<td>17/00951/FUL</td>
<td>Walnut Cottage, Marston Montgomery</td>
<td>WR</td>
<td>Appeal dismissed - copy of appeal decision attached</td>
</tr>
<tr>
<td>17/00752/FUL</td>
<td>The Manor House, Church Street, Brassington</td>
<td>WR</td>
<td>Appeal being processed</td>
</tr>
<tr>
<td>18/00037/FUL</td>
<td>Ivy Cottage, Twisses Bank, Boylestone</td>
<td>HOUSE</td>
<td>Appeal being processed</td>
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<tr>
<td><strong>Central</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>17/00093/PDA</td>
<td>The Racecourse, Hey Lane, Wirksworth</td>
<td>WR</td>
<td>Appeal allowed - copy of appeal decision attached</td>
</tr>
<tr>
<td>18/00104/FUL</td>
<td>St. Elphins Cottage, Blind Lane, Hackney</td>
<td>WR</td>
<td>Appeal being processed</td>
</tr>
<tr>
<td>ENF/17/00142</td>
<td>St. Elphins Cottage, Blind Lane, Hackney</td>
<td>WR</td>
<td>Appeal being processed</td>
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<tr>
<td>ENF/17/00158</td>
<td>St. Elphins Cottage, Blind Lane, Hackney</td>
<td>WR</td>
<td>Appeal being processed</td>
</tr>
<tr>
<td>ENF/17/00159</td>
<td>St. Elphins Cottage, Blind Lane, Hackney</td>
<td>WR</td>
<td>Appeal being processed</td>
</tr>
<tr>
<td>ENF/16/00079</td>
<td>20 Willowbath Lane, Wirksworth</td>
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<td>Appeal being processed</td>
</tr>
<tr>
<td>17/00453/FUL</td>
<td>20 Willowbath Lane, Wirksworth</td>
<td>WR</td>
<td>Appeal being processed</td>
</tr>
</tbody>
</table>

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

**OFFICER RECOMMENDATION:**

That the report be noted.
Appeal Decision

Site visit made on 17 April 2018

by Kevin Savage  BA MPlan MRTPi

an Inspector appointed by the Secretary of State

Decision date: 04 June 2018

Appeal Ref: APP/P1045/W/18/3195073
Walnut Cottage, Bowling Alley Lane, Marston Montgomery DE6 2FE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr Nigel Reaney against the decision of Derbyshire Dales District Council.
- The application Ref 17/00951/FUL, dated 26 September 2017, was refused by notice dated 22 November 2017.
- The development proposed is a self-contained accessible holiday let.

Decision

1. The appeal is dismissed.

Procedural Matter

2. The Council has confirmed that since the application was determined, it has formally adopted the Derbyshire Dales Local Plan on 7 December 2017 (the 2017 Plan), which has replaced the Adopted Derbyshire Dales Local Plan 2005 (the 2005 Plan). I am required to determine the appeal in accordance with the development plan in force at the time of my decision. Therefore I have not given weight to the now superseded policies of the 2005 Plan, in particular policies EDT19, SF5 and NBE8 cited in the Council’s decision notice. I note that the replacement policies of the 2017 Plan have similar aims to the superseded policies, and indeed they are referenced in the Council’s decision notice, albeit in their draft form, and in some cases with different policy numbers. The Council has clarified the policy position in its statement and the appellant has had an opportunity to comment. I therefore consider that neither party has been prejudiced by this change in policy circumstances.

Main Issues

3. The main issues in this appeal are whether the proposed development would provide a suitable location for holiday accommodation, having regard to 1) the accessibility of services and facilities, and 2) the effect on the character and appearance of the area.

Reasons

Access to facilities and services

4. The proposal involves the creation of a self-contained unit of holiday accommodation within the garden of an existing dwelling. The proposed
dwelling would take the form of a timber cabin and would be designed to be fully accessible to meet the needs of disabled visitors. The site is located within the open countryside around 1.5 miles south of the village of Marston Montgomery. There are isolated dwellings within the immediate vicinity, including one to either side of the appeal site, but the surroundings are unmistakably rural in character, with views out of the site in all directions taking in open fields, trees and hedgerows.

5. Policy S1 of the 2017 Plan sets out the Council’s overarching principles of sustainable development, including conserving the natural environment and minimising the need to travel and reliance on the private car. Development within the countryside is further addressed by Policy S4, which, among other things, seeks to facilitate sustainable rural tourism and economic development. Criterion b) specifically permits development which represents sustainable growth of tourism in sustainable locations where identified needs are not being met by local facilities. Policy EC9 relates specifically to holiday chalets, and sets out 5 criteria, including d) which requires that the site is in an accessible location within, or in close proximity to an existing settlement with good connections to the main highway and public rights of way networks, and access to public transport within a safe, attractive 10 minute walk.

6. These policies are consistent with the core principles at paragraph 17 of the National Planning Policy Framework (the Framework), which include recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it; and actively managing patterns of growth to make the fullest possible use of public transport, walking and cycling, and focusing significant development in locations which are or can be made sustainable. Paragraph 28 of the Framework furthermore supports sustainable rural tourism in appropriate locations where identified needs are not being met by existing facilities in rural service centres.

7. The appeal site is located some distance from the nearest village of Marston Montgomery, along a winding and hilly road which is unlit and has intermittent and uneven verges. This road would not provide a safe, attractive walk and would take considerably longer than 10 minutes if attempted. Access to the site would therefore be heavily reliant on the private car and the proposal would conflict with Policy EC9 in this regard. In addition, I observed that Marston Montgomery had services limited to a primary school and public house, of which only the latter would be of benefit to tourists. The result would be that to meet their day-to-day needs, visitors to the proposed holiday let would be required to travel further, most likely to Uttoxter or Ashbourne, where services would be available. Given the distance from services and facilities, and the reliance on the private car to reach them, the proposal would represent isolated housing in the countryside, which paragraph 55 of the NPPF seeks to avoid.

8. The appellant in his grounds of appeal identifies wider transport links and an abundance of tourist attractions within 35-60 minutes travel time; however this travel time is with reference to use of the private car. I also note reference to a dial-a-bus service available within the area. This would offer an alternative mode of transport, but I am not provided with evidence that the service offered would be frequent enough, or serve destinations where required services and facilities are available, such that it would materially reduce reliance on the private car. I accept that it would not be feasible to expect that tourists in rural
areas would not require use of a car at all, and longer journeys by car to rural tourist attractions would be inevitable; however the site would be isolated from even the most basic of facilities for day-to-day needs, such as a shop, which would be essential given the self-catering nature of the proposed development. It is the isolation from these services in particular which would result in undue reliance on the private car and render the location unsuitable for the proposed development.

9. For the above reasons, the proposal would not provide a suitable location with respect to access to facilities and services. It would conflict with Policies S1, S4 and EC9 of the Derbyshire Dales Local Plan 2017, the aims of which have been described above, and with the guidance of the Framework with respect to development within rural areas, in particular paragraphs 17, 28 and 55.

Effect on character and appearance

10. The Council considers the proposed cabin would have an ‘urbanising’ effect on the character and appearance of the area. The proposed building would be in timber, with a shallow pitched roof in felt shingle and raised timber decking to the front and the side facing the road. The materials would be consistent with those used on the existing outbuildings on the appeal site and would appear similar to them. The shallow pitch of the roof would appear slightly awkward in front of the much steeper pitches of the existing outbuildings; however, this would not appreciably detract from the overall appearance of the proposal or the wider site.

11. In terms of scale and position, the building would be located to the side of the garden, set back from the roadside and in front of the existing outbuildings. It would be low in height and would appear more diminutive than the existing outbuildings, and considerably smaller in scale than the main dwelling. It would also be set apart from the main dwelling and would not lead to the overall site appearing cramped. Whilst the cabin would be seen from the roadside and from the neighbouring dwelling to the north, it would be clustered between existing buildings and given its position, form and scale, it would not be prominent in wider views or intrusive upon the landscape.

12. The proposal would not therefore harm the character or appearance of the area, and would comply with Policy PD1 of the Derbyshire Dales Local Plan 2017, which requires proposals respect the character and context of the landscape and contribute positively to an area’s identity and character; Policy PD5 of the 2017 Plan, which requires that development proposals are sympathetic to landscape character and recognise the intrinsic character, appearance and local distinctiveness of the landscape, and Policy EC9, which amongst other criteria, requires that the development not have a prominent and adverse impact on the character and appearance of the immediate or wider landscape.

Other matters

13. The appellant has submitted evidence of other holiday lets within a 30 km radius of the site, including those which provide accessible accommodation. The appellant considers these examples demonstrate that such accommodation is considered sustainable. I am not provided with the full planning histories of these developments or details of whether they are located close to facilities and services. I cannot therefore be certain that they represent comparable
examples to the proposal before me. In any event I am required to determine the appeal on its own merits and have found the proposal would be located with poor access to services and facilities.

14. The appellant has submitted details of benefits of the proposal, including support from Accessible Derbyshire. I note in particular the accessible specifications it would deliver, where the appellant suggests there is a significant shortage of similar accommodation to meet the needs of disabled holidaymakers. The appellant’s submissions include a map of nearby holiday accommodation which is accessible, with some 9 examples within a 30 km radius. This indicates to me that rather than a shortage there are alternative options available, and whilst they may be popular and more accessible accommodation such as that proposed could enjoy high demand, this does not justify permitting a development which has been found to be in an unsuitable location and in conflict with the development plan and national guidance.

15. The appellant has referred to a permission granted recently for 22 dwellings in Marston Montgomery as evidence of the sustainability of the village for development. I am not provided with the particulars of this permission to determine whether there are considerations which are directly relevant to this appeal. I note, however, the permitted development is of a considerably larger scale, and would appear to be located within the built-up area of the village, which on the face of it are material differences from the appeal scheme before me. This permission therefore does not affect my findings in respect of the appeal, which I have considered on its own merits.

Overall Conclusions

16. I acknowledge that the additional accessible facilities would offer more choice for prospective holidaymakers with disabilities, which would be a social benefit. The use of the proposed accommodation and associated spending by tourists in the local area would provide an economic benefit to the rural economy, as encouraged by the Framework. These benefits would however carry only modest weight in favour of the proposal, given the small scale of the development.

17. There would be a small environmental benefit from the high build standard and energy efficiency of the accommodation; however, this would be outweighed by the isolated location of the site and resulting reliance on the private car, which conflicts with a core principle of the Framework. I attach significant weight to this environmental harm.

18. The social and economic benefits weighing in favour of the proposal would not outweigh the environmental harm identified. There are therefore no material considerations which would outweigh the conflict I have identified with the development plan and the guidance of the Framework.

19. For these reasons, the appeal is dismissed.

Kevin Savage
INSPECTOR

https://www.gov.uk/planning-inspectorate
Appeal Decision

Site visit made on 26 March 2018

by B Bowker  Mplan MRTPI

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

Decision date: 17th May 2018

Appeal Ref: APP/P1045/W/17/3190813
The Racecourse, Hey Lane, Wirksworth DE4 4AF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order (GPDO) 2015 (as amended).
- The appeal is made by B Britland against the decision of Derbyshire Dales District Council.
- The application Ref 17/00093/PDA, dated 1 February 2017, was refused by notice dated 13 June 2017.
- The development proposed is change of use of agricultural building to 3 dwellings (use class C3).

Decision

1. The appeal is allowed and approval is granted under the provisions of Schedule 2, Part 3, Class Q(a) of the GPDO 2015 (as amended), for the change of use of agricultural building to 3 dwellings (use class C3), at The Racecourse, Hey Lane, Wirksworth DE4 4AF, in accordance with the terms of the application Ref 17/00093/PDA, dated 1 February 2017, subject to the standard relevant conditions set out in the GPDO 2015.

Preliminary Matter

2. The description of development used above is taken from the decision notice and appeal form which more accurately reflects the proposed development.

Application for costs

3. An application for costs was made by B Britland against Derbyshire Dales District Council. This application is the subject of a separate Decision.

Background and Main Issue

4. Within the submitted application form, the description of the proposed development refers to “conversion”. In addition, section 4 of the application form (relating to the design and exterior alterations proposed) has been completed by the appellant. However no details of the conversions works, including elevational drawings, have been submitted as part of the appeal proposal. Clarification was sought from the parties on this and other related matters.

5. In response, the parties confirmed that the appeal was determined as a proposal submitted under Class Q (a) only. Accordingly the appeal has been determined under Schedule 2, Part 3, Class Q (a) of the 2015 GPDO only.
6. The Council’s concern relates to the use of the site and Class Q.1a). Based on the information before me, I have no reason to disagree with the Council’s acceptance of the proposal in respect of the other requirements listed at Q.1. Consequently, the main issue is whether the proposal would be permitted development under the relevant provisions of the GPDO, with particular regard to the use of the site.

**Reasons**

7. The appeal site comprises a detached building (and land to its immediate front and rear) sited in an elevated position to the north of Hey Lane. The landholding plan submitted shows the building as part of an 11 hectares holding, indicated as an area of land within the ‘blue line’. As cited by the Council, Class Q (a) requires that the building is currently in use for agricultural purposes. In addition, it is a requirement at Class Q.1 (a) that the site was in sole use for agricultural purposes as of 20 March 2013 as part of an established agricultural unit.

8. During my site visit I saw hay stacks, quad bikes, a small digger, chickens, a static caravan, and an office room and a trailer both within the building. Outside of the building I saw two four by four vehicles, a picnic table, wrapped bales and a car to the rear. In a field further to the north east of the site I saw a vehicle/trailer with letters on it relating to a stage company and a dead sheep to the east of the building. Based on my site visit observations, the site appeared to be solely in agricultural use. However I acknowledge that my observations provide a snap shot only of the use of the site.

9. In November 2016, a Council officer visited the inside of the building and observed hay bales, a caravan, timber, work benches, a go kart and a television set. The Council accept that the caravan, the timber and work benches could be required for agricultural related works. The parties’ dispute whether the appellant was attending to sheep during the visit. However, based on the evidence before me I am unable to reach a firm view on this matter. This aside, plausible grounds have been provided by the appellant in respect of the go kart and television set stored at the site.

10. Furthermore, the Council’s photographs do not indicate that a non-agricultural use operated at the site, and include hay within the building and black wrapped fodder bales outside. Nor does the correspondence address for the appellant’s other business demonstrate that the appeal building (including its office) is used for purposes other than agriculture. This includes consideration of the change in the appellant’s address since the previous application as cited by the Council.

11. The appellant states that the building is used as part of an established agricultural unit that he has operated for 14 years. In addition, a sworn statement dated 24 January 2017 has been signed by the appellant and submitted in support of the development. The appellant states that he fully recognises the serious implications which flow from making a sworn statement.

12. The sworn statement states that the building was solely in agricultural use as part of an established agricultural unit on 20 March 2013. The statement details that during 2014 and 2015 the building was partly partitioned to provide more security for agricultural equipment and to provide a farm office, and that since 2015 a caravan was stored in the building for overnight accommodation.
for when livestock require supervision. The sworn statement also states that
the land has been owned by the appellant since 2003 and that agricultural use
has been carried out on the land ever since, with the appeal building erected in
July 2005 to facilitate this agricultural activity. A photograph taken on 11 July
2006 is included as part of the sworn statement and the appellant states that it
shows the building as it was during the whole of 2013.

13. The photograph attached to the sworn statement shows a trailer associated
with a separate business named 'Stage One Solutions'. The appellant states
within the sworn statement that the trailer was used for the transportation of
fodder. The Council highlight that the sworn statement does not refer to the
separate business in the past tense and query where equipment associated
with it would have been stored. Furthermore, I saw a vehicle/trailer with
similar lettering in a field during my site visit. The Council state that Stage
One Solutions1 appears to have been dissolved and the appellant states that
the businesses referred to were and are dormant. In addition, no evidence is
before me to demonstrate that equipment associated with the appellant’s other
businesses has been stored at the site. Moreover, as set out by the appellant,
the agricultural use of a trailer with lettering relating to/promoting a separate
business does not imply dual use of the site.

14. Audited accounts and sworn statements from third parties could have been
submitted, and I note that the Council’s evidence indicates that the agricultural
holding2 is no longer active with the Animal and Plant Health Agency.
However, whilst concerns have been made regarding certain details within the
sworn statement, its legality has not been questioned by the Council. In this
light, I afford significant weight to the sworn statement and find the evidence
put forward by the appellant to be the more compelling. Consequently and on
the balance of probabilities, I find that the evidence before me demonstrates
that the site’s use on 20 March 2013 and its most recent use have been solely
agricultural.

15. Therefore the proposal would be permitted development under the relevant
provisions of the GPDO, with particular regard to the use of the site. In
reaching this view I note that the Council have adopted its Local Plan since the
determination of the proposal. However the decision notice refers to the GPDO
and policies of the Local Plan have not been determinative factor in my
decision.

Conditions

16. In granting approval, Paragraph Q.2 (3) stipulates that development shall be
completed within a period of three years. A condition has been suggested by
the Council requiring the appellant to apply to the local planning authority for
determination as to the items referred to as Class Q (b). However such
matters would require determination under a separate application.

17. As the application relates to a change of use only, I have not considered the
suggested conditions relating to landscape details and to remove permitted
development (PD) rights for gates, fences and walls any further. As PD rights
within the curtilage of a dwelling house do not apply to a dwelling house

1 Registered at the appellant’s home address given within the application form based on the Council’s Officer’s Report.
2 The Council’s evidence indicates that this holding is registered at 28 Malthouse Close, Wirksworth, Matlock,
Derbys DE44 4FT.
granted by virtue of Class Q of the GPDO, a condition removing these PD rights is not necessary.

**Conclusion**

18. For the reasons given above, and having taken all matters raised into account, I conclude that the appeal should be allowed.

*B Bowker*

INSPECTOR
BACKGROUND PAPERS

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

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

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

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

BACK TO AGENDA