7 December 2015

To: All Councillors

As a Member or Substitute of the Planning Committee, please treat this as your summons to attend a meeting on Tuesday 15 December 2015 at 6.00pm in the Council Chamber, Town Hall, Matlock DE4 3NN

Yours sincerely

Sandra Lamb
Head of Corporate Services

AGENDA

SITE VISITS

The Committee is advised a coach will leave the Town Hall at 1:30pm prompt. A schedule detailing the sites to be visited is attached to the agenda.

1. APOLOGIES/SUBSTITUTES

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

2. APPROVAL OF THE MINUTES OF THE PREVIOUS MEETINGS

Planning Committee – 1 December 2015

3. INTERESTS

Members are required to declare the existence and nature of any interests they may have in subsequent agenda items in accordance with the District Council’s Code of Conduct. Those interests are matters that relate to money or that which can be valued in money, affecting the Member her/his partner, extended family and close friends. Interests that become apparent at a later stage in the proceedings may be declared at that time.
4. APPLICATIONS FOR DETERMINATION

Please note that for the following items, references to financial, legal and environmental considerations and equal opportunities and disability issues will be embodied within the text of the report, where applicable.

PUBLIC PARTICIPATION

To provide members of the public WHO HAVE GIVEN PRIOR NOTICE (by no later than 12 noon on the working day prior to the meeting) with the opportunity to express their views, ask questions or submit petitions relating to planning applications under consideration. Representations will be invited immediately before the relevant item of business/planning application is discussed.

4.1 APPLICATION NO. 15/00429/FUL (Site Visit)
Erection of agricultural storage building at land adjacent to 11 Little Bolehill, Wirksworth

4.2 APPLICATION NO. 15/00664/FUL (Site Visit)
Residential development of 31 dwellings and associated infrastructure at land east of Cromford Road, Wirksworth

4.3 APPLICATION NO. 15/00566/FUL (Site Visit)
Demolition of garages and erection of 2 dwelling houses at Hilltops View Garage Courtyard, off Hazel Grove, Matlock

4.4 APPLICATION NO. 15/00567/FUL (Site Visit)
Demolition of existing garages and storage unit and erection of 4 no. flats at Hazel Grove Garage Courtyard, off Hazel Grove, Matlock

4.5 APPLICATION NO. 15/00718/FUL (Site Visit)
Demolition of existing dwelling and barn and erection of replacement dwelling and swimming pool building at Bent Farm, Farley Hill, Matlock

4.6 APPLICATION NO. 15/00211/FUL (Site Visit)
Extension of transport yard at land to the east of BJ Waters Transport, Main Road, Darley Bridge

4.7 APPLICATION NO. 14/00778/OUT
Residential development of up to 9 dwellings and associated access (outline) at land off Pump Close, Starkholmes

4.8 APPLICATION NO. 15/00087/OUT
Erection of dwelling house (outline) at 106 Northwood Lane, Darley Dale

4.9 APPLICATION NO. 15/00640/FUL
Residential development of up to 60 dwellings and access (outline) at Stancliffe Quarry, Dale Road North, Darley Dale

Issued 7 December 2015
4.10 APPLICATION NO. 15/00641/FUL

Partial change of use of agricultural building to provide two animal pens and dog grooming facility and installation of septic tank and animal turnout area at North Park Farm, Whitworth Road, Darley Dale

4.11 APPLICATION NO. 15/00642/FUL

7 no. Pitch traveller site and pitch for Site Manager at The Woodyard, Homesford

5 APPEALS PROGRESS REPORT

To note a report on appeals to the Planning Inspectorate.

NOTE
For further information about this Agenda or on the Public Participation initiative contact the Committee Team on 01629 761133 or e-mail committee@derbyshiredales.gov.uk.

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

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

SITE VISITS
Members will leave the Town Hall, Matlock at 1.30pm prompt for the following site visits:

2.00pm Application No. 15/00429/FUL
LAND ADJACENT TO 11 LITTLE BOLEHILL

To enable the Committee to undertake a site visit following the deferral of the application at the November planning committee to enable Members to assess the impact of the proposal upon the character and appearance of the Conservation Area

2.35pm Application No. 15/00564/FUL
LAND TO THE EAST OF CROMFORD ROAD, WIRKSWORTH

Requested by Officers to allow the Committee to appreciate the site and its context and assess the impacts of the proposal upon visual amenity and highway safety
3.00pm  Application No. 15/00566/FUL
HILTOPS VIEW GARAGE COURTYARD, OPFF HAZEL GROVE, MATLOCK
Requested by Ward Member to allow the Committee to fully assess the impacts of the proposed dwellings upon the character and appearance of the area, highway safety, parking and amenity.

3.15pm  Application No. 15/00567/FUL
HAZEL GROVE GARAGE COURTYARD, OFF HAZEL GROVE, MATLOCK
Requested by Ward Member to allow the Committee to fully assess the impacts of the proposed flats upon the character and appearance of the area, highway safety, parking and amenity.

3.30pm  Application No. 15/00718/FUL
BENT FARM, FARLEY HILL, MATLOCK
Requested by Ward Member to assess the impact of the replacement dwelling on the character and appearance of the area.

3.50pm  Application No. 15/00211/FUL
LAND TO THE EAST OF BY WATERS TRANSPORT, MAIN ROAD, DARLEY BRIDGE
Requested by Officers to assess the impact of the proposed extension to the haulage yard upon the landscape, the setting of the listed bridge, highway safety and amenity.

4.20pm  RETURN TO THE TOWN HALL
COMMITTEE SITE MEETING PROCEDURE

You have been invited to attend a site meeting of the Council’s Planning Committee/Advisory Committee. The purpose of the meeting is to enable the Committee Members to appraise the application site. The site visit is not a public meeting. No new drawings, letters of representation or other documents may be introduced at the site meeting. The procedure will be as follows:

1. A coach carrying Members of the Committee and a Planning Officer will arrive at the site as close as possible to the given time and Members will alight (weather permitting)

2. A representative of the Town/Parish Council and the applicant (or representative can attend.

3. The Chairman will ascertain who is present and address them to explain the purpose of the meeting and sequence of events.

4. The Planning Officer will give the reason for the site visit and point out site features.

5. Those present will be allowed to point out site features.

6. Those present will be allowed to give factual responses to questions from Members on site features.

7. The site meeting will be made with all those attending remaining together as a single group at all times.

8. The Chairman will terminate the meeting and Members will depart.

9. All persons attending are requested to refrain from smoking during site visits.
15/00429/FUL

Land Adjacent 11 Little Bolehill

Date: 07/12/2015

100019785

Derbyshire Dales DC

1:1,250

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

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

Issued 7 December 2015
INTRODUCTION:
This planning application is being re-presented further to the decision of the Planning Committee on 3rd November 2015 to defer the determination of the application until Members have undertaken a site visit. As no additional material has been received since the report was first presented, the original report is reproduced below.

THE SITE AND SURROUNDINGS:
The application site is a sloping area of agricultural land with a plateau on the eastern part of the site. On the plateau there is a barn which was granted planning permission in 1999; the barn has been constructed in blockwork and is still to be fully faced with stone.

The land to the north of the barn has been turned over to hardstanding. There is a meandering access track up the slope of the field on the western side of the site which links to the lane into Little Bolehill. The field in which the barn is set comprises some 1.4ha. This is in the applicant’s ownership and lies directly opposite Nos. 14, 16 and 18 Little Bolehill and extends to the rear of 11 and 11A Little Bolehill.

The site lies in open countryside within the Wirksworth Conservation Area and close to the boundary of the Bolehill Conservation Area.

THE APPLICATION:
Full planning permission is sought for the erection of an agricultural equipment and fodder store building on an area of hardstanding to the north of the existing field barn. It should also be noted that this application has been submitted further to the dismissal of Prior Approvals for an agricultural building on the site in July 2014 (ref: 13/00704/AGR) and 13th April 2015 (ref: 14/00538/AGR).

The building is now proposed to measure 13.4m wide by 6m deep and 5m high. The building would be constructed with natural stone walls and a blue slate roof. There is proposed to be tree planting on the bund to the west of the site. The application site is otherwise screened by existing mature woodland and a conifer hedge. The building is also proposed to be re-orientated and set further back on the site than previously proposed building. The proposed building has also been reduced by some 3m in depth and 0.8m in width with the height being similar compared to the previous proposal (ref: 14/00538/AGR).

The application site is 1.4 ha in area and the applicant rents a further 6 ha at Duke Street in Middleton-by-Wirksworth. The applicant advises that he has farmed the site for several years and, whilst the existing field barn is now being converted into an office, the remainder of the site would be in agricultural use. Previous storage was in the field barn loft.

However, further to stating the above, the applicant has now advised that the use of the building as an office is a fall-back proposal if planning permission is not granted for the storage building. It is advised that if the applicant cannot store fodder at the site, it will be
inconvenient to keep livestock there, in which case the office use of the building is a way of making use of the site. The applicant advises that this was all put before the previous appeal Inspector, who raised no concern about that possibility. The applicant considers that the appeal was dismissed solely on the grounds of the non-traditional appearance and its impact on the landscape, so those are the only issues which should now be under consideration. The office conversion has not yet been implemented and if the current application is granted, it is proposed that the remainder of the site will continue with agricultural activity on the site.

The applicant refers to the reason for dismissal of the Appeal with respect to the previous Prior Approval application was solely based on the design being ‘unsympathetic to the surrounding traditional stone buildings which characterise the Conservation Area’. The applicant considers that, the proposed building is now of ‘traditional’ form and materials, and that this overcomes these concerns. The applicant advises that the height is the minimum to house a tractor. The applicant also considers that housing the fodder and machinery in the open would be far more discordant than within the proposed building.

The applicant’s agent advises that his client’s use of the barn as an office is a fall-back position if the storage building is not approved as, without fodder storage, it will be inconvenient to keep livestock. It is advised that this was all put before the previous Planning Inspector who raised no concern about this possibility, solely dismissing the Appeal on the non-traditional appearance and the impact on the landscape.

RELEVANT HISTORY:
15/00210/FUL Surfacing access drive with tarmac - Granted
14/00760/VCOND Variation of condition 4 of planning permission 09/00085 to allow modified landscaping scheme for access track supplementing existing planting with native hedge planting – Refused – Appeal allowed
14/00538/AGR Agricultural prior notification - erection of fodder store – Refused – Appeal dismissed
13/00704/AGR Agricultural Prior Notification – Erection of agricultural storage building – Appeal APP/P1045/A/14/2216629 against non-determination - Dismissed
13/00687/CLPUD Certificate of lawfulness of proposed use – conversion of agricultural building to guest house – Appeal against non-determination - Dismissed
12/00113/AGR Erection of fodder/agricultural store - Refused
11/00220/FUL Extension to agricultural building for livestock – Refused – Appeal Dismissed
ENF/09/00107 Extension to agricultural building and extension to hardstanding – Appeal APP/P1045/C/10/2121253 Dismissed
09/00469/FUL Extension to agricultural building, extension to hardstanding and improvements to agricultural access track – Refused – Appeal APP/P1045/A/09/2114971 Dismissed
09/00085/VCOND Retention of development without compliance with Conditions 2, 3 and 4 of planning permission 07/01024/VCOND - Granted
07/01024/VCOND Retention of development without compliance with Condition 1 of planning permission DDD/1298/0814/C to allow variation of surface treatment of access track - Granted
DDD/0799/0501/C Erection of Field Barn - Granted
DDD/0499/0210/C Erection of Agricultural Barn - Refused

Issued 7 December 2015
CONSULTATIONS:
Town Council – Object:
- inconsistent with the development plan for the Little Bolehill area
- traffic and highway safety issues – the original plan was for a building for agricultural usage thus the increased traffic / storage of wide girth farming equipment in an area which already has significant issues with parking will be of a concern to all
- scale of development, design, appearance, layout and material is very confusing now - originally a new barn to replace an older one, then agricultural usage then back to an attempt to convert to residential now storage of vehicles on land where we understand that no animals have been present for over 10 years
- meant to be the garage to accompany the other building on site
- the proposed change of use would have a detrimental effect on area, especially as the previous applications have not been adhered to (hedges and track) and the imposing nature of this building does not sit well when viewed from across the valley as per Star Disc.
- aware of a number of residents who have expressed concern regarding the development and ask that these concerns also be considered.

Local Highway Authority – No objection provided the use is only in support of the existing farming activities carried out on the surrounding, controlled farmland

REPRESENTATIONS:
One letter of representation from a local resident. The comments are summarised as follows:

- obtrusive by design
- in special landscape area, outside village development area
- agricultural buildings are isolated to small field barn – already one on the site
- building of this size only appropriate if attached to a farmstead – not one on the site
- would be visible if leylandii hedge was removed which he is required to do
- visual intrusion with requirement for further hardstanding
- agricultural need for the development cannot be justified
- former fodder storage barn has been converted to other uses
- little agricultural grazing land remaining – fodder store cannot be justified
- land is too steep for agricultural implements to be used on the land
- if implements bought for storage from the holding 2 miles away would cause traffic and highways hazard in the village
- turning onto the road would cause a risk to other highway users

POLICIES:
1. Adopted Local Plan 2005
   SF4 Development in the Countryside
   SF5 Design and Appearance of Development
   EDT13 Buildings Associated with Agriculture, Forestry or Other Rural Based Enterprise
   NBE3 Other Sites of Importance for Nature Conservation
   NBE8 Landscape Character
   NBE21 Development Affecting a Conservation Area
   TR1 Access Requirements and the Impact of New Development
2. National Planning Policy Framework

3. National planning Practice Guidance

4. Wirksworth Neighbourhood Plan (2015-2028)

5. Wirksworth and Bolehill Conservation Area Appraisals

ISSUES:
1. Background to Application
The application follows an application for Prior Approval for an agricultural building, which was dismissed at Appeal in March 2015, albeit with amendment to its size, height and materials.

2. Policy
Before considering the proposal, it is considered necessary to set out the current policy considerations. In terms of current planning policy, the Adopted Derbyshire Dales Local Plan (2005) is given significant weight in cases where the policies are compliant with the National Planning Policy Framework. Where the policies of the Adopted Local Plan are not compliant with advice within the National Planning Policy Framework, then the National Planning Policy Framework takes precedence.

In this case, Policies SF4, SF5, EDT13, NBE8 and NBE21 of the Adopted Derbyshire Dales Local Plan (2005) are considered to be of particular relevance to the consideration of this application and, because they are consistent with the National Planning Policy Framework, they continue to carry substantial weight as the primary consideration in decision making. The Wirksworth Neighbourhood Plan also seeks to ensure proposals strengthen and improve the landscape and settlement qualities (Policy NP1) and that the quality and character of development is acceptable (Policy NP2).

3. Assessment
The proposal is for a relatively large building set in an elevated location in the open countryside which would be visible in views within the wider Wirksworth Conservation Area. A modest field barn currently exists on the applicant’s holding close to the proposed site for the agricultural building which has been recently granted Prior Approval to be used as an office in line with the government’s revision to permitted development rights.

There appears to be a limited scale of farm operation on the land and there are no other buildings on this holding. The sensitive landscape for the proposed development has been recognised by previous Planning Inspectors who have considered various development proposals on the site. A previous Planning Inspector advised the following:

….I find that the scale and siting of the proposal, on a plateau at the top of a steep slope, would lead it to appear as a prominent and intrusive feature, particularly in distant views. This intrusiveness would, I find, result in it failing to assimilate into the landscape. I consider the harmful impact of this would not be mitigated to a significant extent by existing and proposed trees and landscaping. The proposed development would not be completely screened but would still be visible above and between landscaping and/or trees.
In addition to the above, I find that the proposal would relate poorly to the existing barn. It would, I find, appear overly large, awkward and dominant, particularly in views of the two buildings together. This would create an uncomfortable, imbalanced relationship, to the detriment of local character.

Taking all the above into account, I find the proposed development would be detrimental to the character and appearance of the Wirksworth Conservation Area. This would be contrary to the Framework and to Local Plan policies SF4, SF5, EDT13, NBE8 and NBE21, which together amongst other things, protect local character.

Rather than make the positive contribution desired by paragraph 131 of the Framework, the proposal would harm local character. The harm caused would be significant in terms of the immediate context of the proposal, but is less than substantial in the context of the Conservation Area as a whole. In these circumstances, paragraph 134 of the Framework should be weighed against any public benefit. There are no public benefits resulting from the proposal.

However, the applicant has sought to reduce the scale the building and to re-orientate it and locate it to the rear of the site, where it is likely to be less conspicuous in views. This has to also be assessed in the context of a recent Appeal decision that has allowed the conifer hedge provided along the access road to remain; the height of these trees, and the other such trees and shrubs the applicant has planted on the bund in foreground of the proposed building, without the need for any formal consent, will ultimately screen the building.

The applicant has proposed to use stonework in the construction of the proposed building to reflect upon that of the existing field barn and as a response to comments made previously by Planning Inspectors about how this relates to the field barn. However, it is the view of Officers that the building should appear as a lower status building to the stone faced field barn. In this respect, it is considered that the building should be clad with a dark coloured green/grey sheeting to emphasise this.

4. Highway Issues
The Local Highway Authority has raised no objection to the proposal provided the activity is in association with the applicant’s surrounding land. However, the applicant currently stores farm equipment in the open, at the application site for use in this wider holding. In this respect, it is considered by Officers that it reasonable to require that the agricultural building is only used for the purposes of the applicant’s holding and for no other usage.

5. Conclusion
There is a significant amount of planning history associated with the application site. It has always been considered by Officers that a modern agricultural building would be visually intrusive on the site and the agricultural activity on the land is questioned. This is particularly the case when the applicant has sought, and now has approval for, the field barn to be used as an office, bringing some doubt as to the level of agricultural activity.

However, the applicant rents land in Middleton-by-Wirksworth for the purposes of agriculture and, as it is rented land, he does not wish to erect a building on such land that he does not own. The applicant has advised that he is seeking to use the application site for agricultural purposes but, given that previous agricultural buildings have been refused, he sought an alternative use with the office proposal, which he currently undertaking works
to the field barn to create. However, the applicant’s agent has indicated that his client would be prepared to forego such a use as an office, if he could have the additional building and utilise the site for agricultural purposes.

In this respect, given that the proposed agricultural building has been reduced in scale and set in a more recessive location on the site, it is considered reasonable to grant planning permission for the building provided it is clearly used for agricultural purposes to justify it being there. In this respect, and on balance, it is considered that planning permission should be granted subject to the applicant entering into a unilateral undertaking that the existing field barn is only used for agricultural purposes, relinquishing in that respect the office use and clearly demonstrating an agricultural use of the land.

OFFICER RECOMMENDATION:
That subject to the applicant entering into a Section 106 unilateral undertaking to relinquish the use of the existing field barn as an office, planning permission be granted subject to the following conditions:

1. Condition ST02a Time Limit on Full

2. Notwithstanding the details on the approved drawings, the building hereby approved shall be clad with a dark coloured green/grey sheeting in accordance with details to be first submitted to and approved in writing by the Local Planning Authority.

3. The building hereby approved shall only be used in the operation of the applicant’s agricultural holding.

Reasons:
1. Reason ST02a

2. To ensure the satisfactory appearance of the development to comply with government guidance contained in the National Planning Policy Framework and to comply with Policies SF4, SF5, EDT13, NBE8 and NBE21 of the Adopted Derbyshire Dales Local Plan (2005).

3. In the interests of highway 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 agreement that the proposed building will be metal clad and a unilateral undertaking would be provided to not utilise the existing field barn as an office which overcame initial problems with the application relating to justification of the development.

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

Site Location Plan 1:1250 received on 25th June 2015
Block Plan 1:500 received on 25th June 2015
Elevation and Layout Plan 1:100 received on 25th June 2015
Design and Access Statement received on 25th June 2015
Additional Information received on 24th September and 19th October 2015.

Back to agenda front sheet
15/00664/FUL

Land at Cromford Road, Wirksworth

Derbyshire Dales DC

Date: 07/12/2015

100019785

1:2,500

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

Derbyshire Dales District Council,
Town Hall, Bank Road, Matlock, Derbyshire DE4 3NN.
Telephone: (01629) 731100.
Website: www.derbyshiredales.gov.uk

Issued 7 December 2015
THE SITE AND SURROUNDINGS:
The land is located to the north of Wirksworth town centre on the south eastern side of Cromford Road and immediately north of the Ecclesbourne Valley Railway. Coneygreave House lies immediately to the north. The site is a pastoral field sloping from the road to a stream with associated trees which defines the south eastern boundary. There is a stone wall to the road frontage with prominent horse chestnut trees. The town centre lies some distance to the south with intervening residential development up to the railway. To the north ribbon development extends along the road. Wirksworth Conservation Area extends to the southern and eastern boundaries of the site. The site is outside of the defined settlement boundary specified in the Adopted Derbyshire Dales Local Plan.

THE APPLICATION:
Planning permission is sought to erect 31 dwellings on the site, the proposed development is set out in the following form:

**Apartment block plots 7 to 11**
To the front corner of the site to the south west an apartment block of 7 units is proposed to provide affordable accommodation for the elderly. The building is intended to be a stone fronted two storey building to the road frontage with double bays giving symmetry to the front elevation. To the rear the building would be of three storey height utilising the slope of the land with parking to the rear area.

**Plots 1 to 4**
To the Cromford Road frontage a terrace of four dwellings is proposed each of 3 bedroom accommodation, sited to the road frontage with pedestrian gates formed through the existing stone boundary wall. The buildings to the road frontage would be stone faced. Parking for these dwellings is proposed to the rear of the buildings and within a proposed garage block running in an east/west direction.

**Access road and plots 15/16**
The access road for the site is then proposed to the north of the terraced row with an open area then fronting to the road frontage towards Coneygreave House. The garages are then present along the access road leading to plots 15/16 (House type Penrose and Milton) a pair of double fronted dwelling of traditional appearance fronting the access road and forming the street scene to the corner of the access road into the site. Due to the prominent position plot 15 would have stone to the front elevation. Each dwelling would provide 3 bedroom accommodation.

**Plots 12 to 14**
A garage is then proposed to lead from plot 16 to the access to the parking court which will serve the apartment block and the rear of plots 12 to 14 (House type Penrose and Milton as 15/16) this would again be two double fronted dwellings of traditional appearance with a further semi-detached property on the far end towards the southern boundary of the site and to each property would provide 3 bedroom accommodation. Plot 13 has a garage to
the rear parking courtyard. Plot 14 would utilise part of the double garage to the south of plot 16.

**Plot 19**
On the opposite side of the access road from this would be plot 19 (House type Crawford) which would be slightly angled to the site to provide a visual end to the street. This plot is a double fronted dwelling of traditional appearance providing 4 bedroom accommodation.

**Plots 17 and 18**
Travelling back along the access road plots 17 and 18 form a pair of semi-detached dwellings each providing 3 bedroom accommodation; garages to which would be located to either side of the dwelling.

**Plots 29 and 30**
On the opposite corner to plots 15/16 would be plots 29/30 of the same design, the frontage of which would be visible to the main access to the site and would therefore be stone fronted. Garages to these plots would be to either side of the dwellings.

**Plot 31**
To the north of site a detached dwelling is proposed slightly angled to address the street frontage, again a double fronted traditional design (House type Ashton). Due to the prominence of this plot this would be stone to the front and side elevation.

**Plots 23 to 28**
To the eastern boundary 6 dwellings are proposed all detached and of four bedroom accommodation with garages. There are two designs to these plots, with plots 23 and 25 would be the Holbrook house type which is of a more modern design with integral garage but has attempted to maintain the more traditional detailing seen across the rest of the site. Plot 24 is the double fronted Crawford house type and plots 26 and 27 being the Ashton house type of double fronted traditional design with porch. Plot 28 would be the Ashford house type specifically designed to face the north giving a better street frontage in that location and with windows to the side elevation to give a better appearance on this prominent corner plot.

**Plots 20 to 22**
To the southern end of the site a terrace of three of two storeys in height each providing 3 bedroom accommodation with parking to the frontages. (House Type Compton)

To the far east of the site a landscaped area with swale is proposed adjacent to the existing watercourse to assist in surface water from the site. The landscaped area also leads on to the northern eastern corner of the site adjacent to where an agricultural access is proposed to the access the existing buildings to the north of the site.

Along with the application the applicant has provided the following information, key points from which may be referred to later in this report:

**Preliminary ecological appraisal which reaches the following conclusions:**
- The site is improved grassland that is of low ecological importance.
- The trees along the railway bank and the water course to the east form important ecological corridors. These boundaries should be retained and appropriate lighting design considered in respect to bats.
- The presence of Great Crested Newt is extremely unlikely.
• The site is an area of moderate quality for foraging bats, lighting should be considered to be bat friendly.
• The presence of foraging badgers cannot be ruled out. Best working practices should be followed in this regard.
• Given that most trees are to be retained it is unlikely there will be harm to nesting birds, removal of tree should consider the potential presence of bird nests. Therefore clearance works should take place within a specified period unless first checked by an ecologist. In respect of reptiles preparation of the lagoon should take place during the winter months. Enhanced planting should take place to the southern corner (swale area) along with basking areas for reptiles; further enhancement can be created in this area.

Supporting planning statement:
• A description of the site, the proposal and compliance with planning policy is included in the statement.
• A section on compliance with the Wirksworth Neighbourhood Plan is included which allocates development on this site and notes that the site was identified for development under the now withdrawn local plan.

A further letter has been submitted by the applicant on the 2nd December 2015 in response to specific WNP policies NP4, NP5, NP6 and NP7. The response to each policy is as follows:

NP4: Size Of New Homes And Space Standards
This states that residential development of 3 or more dwellings should have at least 65% of those dwellings as three bedroom units. This development is in compliance with this policy. The floorspace schedule identifies that 3 bedroom plus dwelling sizes are of a size equal to or greater than the Greater London Standards in compliance with this policy.

NP5: Principle Residential Homes
Policy NP5 of the WNP requires that planning permission for new dwellings will be subject to a restriction to ensure their occupation only as a principle residence. The applicants planning consultant has correctly identified that the word ‘normally’ should have been inserted into this policy in accordance with the Inspectors findings from the examination of the plan. (This is a clerical error which has now been brought to the attention of the Neighbourhood Plan Group who are now seeking to rectify this matter). The applicant’s consultant has noted that this error questions the legality of the policy. In addition the applicant is of the view that imposing such a condition is unnecessary as it is unlikely that the proposed dwellings would be purchased as second homes. In addition the stamp duty on second homes has increased making such second home purchases less likely. Such a restriction would in the applicants consultants view inhibit sales and therefore slow build out rates and delivery and therefore the economic benefits of the scheme should be considered and outweigh the need for imposing this restriction.

NP6: Quality Of Residential Development
The development has been assessed against the 20 Building For Life criteria as developed by CABE. The point score for this development is 19.5, therefore the proposal complies with this policy.

NP7: Energy-Saving Standards For New Dwellings
Following a review of housing standards, the Government announced on the 27th March 2015 that it has withdrawn the Code for Sustainable Homes. This policy is now rendered out of date and as such can be afforded no weight in the determination of the application.
Notwithstanding the above policies the applicant strive for high quality housing incorporating modern building methods and resulting in high energy insulated homes which fully comply with current Building Regulations.

Arboricultural impact assessment and Arboricultural method statement:
This identifies that the three trees to the western boundary along the road frontage are of poor quality and that the tree to the north eastern corner is also of poor quality. The trees along the southern and eastern boundaries forming a belt of trees are of fair condition. The tree to the frontage of the site where the site access is proposed is considered to be of fair condition. Tree protection measures are proposed for the retained trees.

A drainage statement has been submitted which recommends a swale to the eastern boundary of the site.

A statement has been submitted in response to the Wirksworth Neighbourhood Plan: This statement advises that the proposal complies with NP4. Concerns are raised regarding the validity of Policy NPS and NP7.

A building for life assessment has been submitted in accordance with Policy NP6 and results in a total of 19.5 points out of a possible 20.

RELEVANT HISTORY:
14/00881/AGR Erection of 2 no. agricultural storage buildings with associated formation of yard – Permitted with condition

WIR/567/5 (1967) Residential development- Refused

AHP/H3193 (1953) Proposed police house – No objection

CONSULTATIONS:
Town Council – No objection

Local Highway Authority –
It would appear that the majority of issues identified in the Highway Authority’s pre-application response have now been addressed through minor modifications to the layout/drawings, which are now considered generally acceptable in principle from a highways point of view.

The layout of the private drive does not meet Derbyshire County Council standards to be considered for adoption, and it would appear from the application that the applicant is aware of this. However no information regarding the setting up of a management company for future maintenance appears to have been submitted as part of the application. Whilst the areas would remain private the Highway Authority needs to ensure that future residents have a properly constructed and safe access to their property. Ideally the future maintenance proposals for such private areas should be included in a Section 106 Agreement.

The proposed apartments have a significant frontage onto Cromford Road and given the level access that is proposed to the entrance to the apartments, it is considered highly likely that vehicles may be tempted to park on Cromford Road, adjacent to the apartment access point. Roadside parking restrictions are already in place further along Cromford Road and it is considered these should be extended (on both sides of the road) to cover

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the entire, controlled site frontage. This will require a Traffic Regulation Order to be promoted by the County Council, the outcome of which cannot be pre-empted at this stage. It would not be possible to secure this process / works by a planning condition, however, it may be possible to achieve this through a section 106 Agreement or unilateral undertaking, containing a ‘best endeavours’ clause. All costs associated with the Order process would need to be borne by the developers, whether the Order process is successful or not.

On the basis of the above comments, and securing a section 106 Agreement or unilateral undertaking for the items above, it is unlikely the Highway Authority would be in a position to sustain an objection in principle to the development proposals on highway safety grounds. Recommend conditions

Suggested Section 106 / unilateral undertaking content:
The applicant shall use their best endeavours to secure new roadside parking restrictions across the entire site frontage (both sides of the road) linking to existing provision further along Cromford Road. Any Traffic Regulation Order will need to be promoted by Derbyshire County Council, the cost of which (up to a maximum contribution value of £5000) shall be borne by the developer, whether the Order process is successful or not.

Environmental Health –
Have spoken with Ecclesbourne Valley Railway and the stretch of track between Ravenstor and Wirksworth is used on a regular basis. The line is used for testing new rail plant before they go on to Network Rail and they also run a steam hauled train (see attached photographs) along the line from Wirksworth. It is understood that the track is used 3 days per week on average.

Steam-hauled trains were operating on the short 1-in-27 incline between Wirksworth and Ravenstor on October 17th and 18th. I went out with our noise equipment on Saturday and witnessed the train running. I personally did not find it to be excessively loud or intrusive and I am not aware of any past problems of noise being an issue to any of the existing residential properties within a similar distance to the above mentioned line. Based on this I think the noise from trains on this stretch of line will have a minimal impact.

I would recommend the privacy of people’s homes is considered e.g. retaining as much of the existing tree screening, that runs directly along the rail line/proposed site, as possible.

There is also a mine shaft on site, I am not certain if this would be a structural stability issue for Building Control to consider, but from an Environmental Health perspective I would recommend that at least a desktop contaminated land study is carried out. If this highlights any contamination then a condition should be applied to carry out the necessary remedial works.

Natural England –
No comments to make

Derbyshire Wildlife Trust –
We have checked the site against the Trust’s data sets (see Endnote) and have considered the relevant documents submitted as part of the planning application with particular reference to the following:

• Preliminary Ecological Appraisal report ref: RSE_086_01_V2 prepared by RammSanderson Ecology Ltd dated June 2015
The Trust is not aware of any nature conservation interest on site. Two potential Local Wildlife Sites (pLWS) are present 20m west and 70m south of the site. These potential sites are proposed due to their open mosaic habitat, and unimproved neutral and semi-improved neutral grassland respectively. It is not anticipated that the development would affect these pLWS.

The application is supported by a Preliminary Ecological Appraisal report. The assessment was carried out by a suitably competent ecologist in line with current best practice guidance.

The primary habitat features of the site are the tree lined boundaries, the banks of the River Ecclesbourne and the corridor provided by the Ecclesbourne Valley Railway. These features are to be retained as part of the development. It is recommended that in accordance with Section 5 of the ecology report tree belts are retained and a scheme for lighting is appropriately designed and implemented to reduce lighting the trees, railway, swale and river.

In addition, wet grassland, in the southern corner has potential to “provide a net biodiversity gain” it is therefore recommended that the area is retained and incorporated within the design. The swale size, if possible, could be reduced in size to accommodate the retention of wet grassland, or, where possible, a pond could be included instead of a swale.

The changes would enhance the application from a biodiversity perspective and incorporated as detailed above and below.

Furthermore, design measures i.e. low level bollards, are recommended to ensure vehicle access does not affect the wet grassland, swale and/or river. This will also help to prevent pollutants entering the water course.

We would recommend a condition that a landscape and ecological management plan (LEMP) shall be submitted.

The approved plan will be implemented in accordance with the approved details.

Environment Agency –
This proposal falls outside of the scope for matters on which the EA is statutory consultee therefore no comments to make, would advise you to consult the lead local flood authority.

DCC Flood Team –
The application does not include an indication of the total proposed impermeable area, the drainage layout or detailed drawings associated with the proposed SuDS features. The applicant has not calculated the pre development greenfield rate for which the surface water discharge should be limited to. Additionally there has been no calculation submitted to show how this figure has been produced. Depending on the calculated greenfield rate, scour control may also be necessary at the outfall. CIRIA SuDS manual Table 21.2 (maximum allowable velocities based on soil types) recommends that for turfed clay soils, velocity should not exceed 1.5m/s without scour control.

The drainage strategy stipulates that surface water run-off will be discharged into the nearby watercourse however, there is no evidence provided to show an assessment that the watercourse can accommodate the development runoff. Evidence should demonstrate
that the designed surface water system can accommodate all surface water from the 1 in 30 year rainfall event and that, during the 1 in 100 year rainfall event, flooding from the system can be managed safely to avoid any flooding on or off the proposed site. There should be an appropriate reference to reducing the risk of surface water flooding from the development to existing development within the drainage strategy. The designed exceedence flow routes from the development for events in excess of the 1 in 100 year rainfall event have not been presented as evidence that there is no off site flood risk. Whilst the drainage strategy states that the swale will act as a second stage of treatment for surface waters it is not clear which part of the drainage system will act as the first stage.

Without a detailed drainage layout it is not clear that appropriate provision has been given for the access to the watercourses and drainage features for appropriate maintenance. The applicant should ensure there is a sufficient buffer strip in place which will allow for efficient maintenance to take place. The County Council would recommend an easement of approximately 3m if the channel is less than 2m in width and 4.5m for channels over 2m in width. The County Council recommends this easement for the ordinary watercourse and the proposed swale. The applicant should submit a full maintenance plan, detailing the persons/organisation that will be responsible for adopting and/or maintaining the surface water drainage system for the life of the development, demonstrating the maintenance requirements for all drainage features.

It is highly likely that there may be a historic sough (ordinary watercourse) draining through the proposed site. Due to the historic mining and mineral extraction operations in Derbyshire, networks of old stone soughs (drainage channels, sometimes known as adits) may exist beneath the grounds surface. The applicant is therefore strongly advised to investigate the potential for hidden watercourses existing on the land prior to any works being undertaken and assess any flood risk this may pose. The Merebrook Sough is thought to run from the north of Wirksworth to the south of Cromford.

The County Council do not adopt any private SuDS schemes. As such, it should be confirmed prior to commencement of works which organisation will be responsible for SuDS maintenance once the development is completed.

Any works in or nearby to an ordinary watercourse require consent under the Land Drainage Act (1991) from the County Council (e.g. an outfall that encroaches into the profile of the watercourse, etc)

Conditions are recommended.

DCC Strategic Policy - The development falls within the normal area of Wirksworth Infant School, Wirksworth CE Controlled Infant School, Wirksworth Junior School and Anthony Gell School. The development is of 31 dwellings from which we will discount 7 x 1 bedroom properties. Therefore, we assess 24 dwellings which would generate 2 infant, 3 junior, 3 secondary and 1 post 16 pupils.

Wirksworth Infant School has capacity for 90 pupils with 68 on roll projected to decrease to 55 during the next 5 years, giving an overall predicted surplus of 35. Wirksworth CE Controlled Infant School has capacity for 87 with 49 pupils on roll, projected to decrease to 47 within the next 5 years, giving an overall surplus of 40 places. On this basis, there is no requirement for a developer contribution towards education provision at Infant level.
At Junior level, Wirksworth Junior School has capacity for 150, with 146 pupils on roll, projected increase to 161 within the next 5 years. This puts the school over capacity by 11 pupils, without taking into account the impact of other developments in the normal area. We would therefore seek a contribution towards education at Wirksworth Junior School for the 3 Junior aged pupils generated by the development.

At secondary level, Anthony Gell School has capacity for 778 with 676 on roll, which is projected to increase to 705 within the next 5 years. This would indicate a surplus of 73 places, therefore accommodating the pupils from this and other currently approved developments.

We would therefore seek a total contribution of £34,197.03 towards education at Wirksworth Junior School. The school is located on a former secondary school site, with the main accommodation being within a two-storey listed Widdowes building and the other two buildings being of non-standard construction. Monies secured would be used to internally remodel the existing accommodation to ensure that all necessary functions are provided for the increasing numbers of pupils. This will be known as Internal Remodelling Project A.

South Derbyshire CCG – No contribution is required.

REPRESENTATIONS:
Four letters received from five local residents raising the following issues:

Highways
- The traffic survey was carried out midweek, there will be approximately 46/50 additional vehicles turning onto/from Cromford Road along with vehicles already allowed in connection with agriculture.
- The entrance should be as wide and safe as possible by increasing the length of the corner radius, little evidence of prioritising for pedestrians and cyclists
- Parking on the main road would block visibility
- There should be a dedicated layby to the front of the site
- The development has a feeling of concrete and hard standing without any open green spaces, promotes vehicles over pedestrians
- Additional traffic will cause congestion and hazard

Loss of trees
- The trees on the frontage should be retained along with the frontage wall
- A width of land should be set back for replanted trees
- The existing trees near to Cromford Road soften the area; if these are lost they should be replaced

Neighbourhood Plan
- The application dismiss the Wirksworth Neighbourhood Plan (WNP) as of minimal relevance which is incorrect
- The application fails to address the policies of the WNP and looks only at the concept statement
- The standard house types and road layouts makes this contrary to Policy NP1 of the WNP
- The proposal does not conform with Policy NP2 as it does not take its lead from the characteristics of Wirksworth
The proposal does not comply with Policy NP3 referring to the concept statement in the plan for the following reasons:

- No indication of floor levels
- If ground floor levels are raised views across the countryside would be compromised
- No consideration has been given to orientation for low energy design
- The pedestrian is not given priority over vehicles
- Characterless vehicles spaces are common throughout the site the open space has the potential to become a neglected area
- A footpath should be formed to the south western end of the site to meet with Cromford Road
- Connection to the surrounding fields has not been considered as required by policy NP19
- The space between buildings is characterless and suburban estate in nature, views are blocked by the garages
- Whilst there is a good mix of dwelling types they are rectangular and monotonously laid out in regular patterns with insufficient variety of materials
- Access should be altered to allow the retention of the large lime tree
- The concept statement does not support garages
- The planning statement refers to Fanny Shaw playing field as acceptable alternative to the provision of on site play space the path to this is along Cromford Road is substandard and dangerous
- No information is given regarding floor areas as required under NP4, B3 and B4
- The apartments seem small for 4 person units
- The apartments do not seem to be wheelchair accessible
- NP5 should be a condition
- There is little information regarding boundary treatments
- Front gardens appear open plan this is not characteristic
- Bin storage is in rear gardens where they are not easily accessible; the bins to the apartments are across the courtyard
- The access road off Cromford Road gives a strange sense of place with the gable end and garages
- Non conformity for building for life criteria
- Defer or reject this application until these matters are resolved.

Other
- Disabled access has not been fully considered
- The apartments seem small for their purpose

POLICIES:
1. Adopted Derbyshire Dales Local Plan:
   - SF4: Development In The Countryside
   - SF5: Design and Appearance of Development
   - SF6: Protection Of The Best Agricultural Land
   - SF7: Waste Management And Recycling
   - H4: Housing Development Outside Settlement Framework Boundaries
   - H9: Design and Appearance Of New Housing
   - H13: Affordable Housing Exceptional Sites In Rural Areas
   - NBE4: Protecting Features Or Areas Of Importance To Wild Flora And Fauna
   - NBE5: Development Affecting Species Protected by Law Or Are Nationally Rare
   - NBE6: Trees and Woodlands
   - NBE7: Features Important In The Landscape
Before assessing the planning merits of this particular application, it is important to set out the policy context (local and national) and the weight to be given to the different components of the development plan. Conformity or conflict with the policy context will then need to be weighed in the planning balance with other material considerations.

The Derbyshire Dales Local Plan is the sole development plan for the area. Its policies have been saved and continue to have force where consistent with the NPPF.

The National Planning Policy Framework (NPPF) was published in March 2012. Whilst the Framework does not change the statutory status of the development plan as the starting point for decision-making (Paragraph 12), in accordance with Paragraph 212 the policies contained within the Framework are material considerations which must be taken into account.

Paragraph 214 of the Framework gave full weight to existing plan policies for 12 months from March 2012. Paragraph 215 advises that beyond the end of March 2013, due weight should still be given to relevant policies in existing plans according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given). The current application therefore needs to be determined having regard to Paragraph 215 advice.
Paragraph 14 advises that at the heart of the National Planning Policy Framework is a presumption in favour of sustainable development. For decision-taking, this means approving development proposals that accord with an up-to-date Local Plan; and also in circumstances where the development plan is absent, silent or relevant policies are out-of-date granting permission, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.

Paragraph 49 advises that housing applications should be considered in the context of the presumption in favour of sustainable development and that relevant policies for the supply of housing should not be considered up to date if the Local Planning Authority cannot demonstrate a five year supply of deliverable housing sites.

The calculation of the five year supply figure for housing in the current circumstances has to be based on the Council objectively assessed needs. The Council sought to promote a local plan on a figure of 4400 in summer 2014 but were forced into withdrawing that plan because the Inspector who chaired the first two days of the examination in public concluded that this figure did not actually reflect the objectively assessed need which he concluded was in the region of 6500 and the Council had not fully demonstrated why this or a higher figure could not be met through available sites and/ or cooperation with neighbouring authorities. Until the Council are able to fully justify an alternative figure any calculation of five year supply in the interim has to be based on this OAN figure of 6500. The Council even allowing for the recent granting of permission at Asker Lane in Matlock and on the assumption that both Ashbourne Airfield and Leys Farm Ashbourne and Bakers Lane, Doveridge will soon be issued as decisions cannot currently demonstrate a supply of developable sites equivalent to five years plus 20% as required by the NPPF.

The Adopted Local Plan
Policies SF4 and H4 of the Local Plan deal with settlement frameworks and development in the countryside. It is important to reflect on how these sit with the NPPF, what conclusions Planning Inspectors have reached on their applicability and how this impacts on the planning balance.

The Council received the decision on a housing appeal at Asker Lane, Matlock at the start of July. The Council sought to argue in this instance that the landscape harm outweighed the benefits of the scheme. The Council agreed with the appellants that they were unable to demonstrate a 5 year housing land supply and this remains the case. The Inspector concluded that having regard to paragraph 49 of the NPPF in the absence of a 5 year supply both policies H4 and SF4 had to be viewed as out of date and should be disregarded in the planning balance which instead should focus on the wording of paragraph 14.

The other local plan policies quoted above remain largely in tune with the aims of the NPPF and as such can continue to carry weight in decision making.

The Wirksworth Neighbourhood Plan
The Wirksworth Neighbourhood Plan (WNP) was adopted earlier this year and is therefore the most recent adopted policy of the Council and therefore has significant weight in the decision making process. The WNP specifically allocates this land for development in appendix 3 which is a concept statement for the Coneygreave House site on Cromford Road with guiding principles for the development.
The concept statement sets out the following principle issues to be followed when looking at development for this site:

- As an undeveloped site it provides a vital visual connection between the town and its landscape surroundings, critical visual connections should be retained in this regard.
- Should create a high quality living environment whilst preserving landscape qualities
- Create a natural logical and visionary extension of Wirksworth
- Quality of design will be determined by the creation of quality spaces that preserve and define views towards the landscape: critical view corridors which lie to the northeast, due east and south east. The preservation of the corridors is a key idea within this concept statement.
- The falling contours of the site along with restrictions in building heights should be used to ensure views of the landscape are maintained from road level
- Maximise opportunities for low energy design including building orientation
- Prioritise pedestrian over the vehicles to create quality outdoor spaces
- Expected to create a rich and varied townscape character with the identity being distinctive, progressive, contemporary and respectful
- The development should employ a variety of built forms and materials appropriate to Wirksworth
- Street lines and building lines should be non linear
- The proposal should be based on an extensive and rigorous site appraisal giving clear consideration of site history, ecology, character and qualities and the potential impact on town and landscape character
- Drawings and models required at the planning stage
- Significant trees should be preserved
- Mix of density and 2 and 3 storey homes
- Apartments for the elderly are required
- Short terraces of dwellings as well as semi’s
- Bungalows will not be supported
- Off street parking or in bays
- Open space retained to the south of Caulton Villa (Coneygreave House)
- Communal Space Provided
- Home zones should be created to create a quality living environment giving pedestrian priority- reduce the impact of road surfaces, maintain green space
- 27 dwellings on this site was proposed through the Draft Local Plan

In addition to the concept statement there are also a number of policies within the WNP relating to new residential development in terms of the sustainability of development, principle homes restriction, internal size and mix of units and design/character requirements. This proposal will require assessment against these policies; such assessment is considered later in this report.

The National Planning Policy Framework and Paragraph 14
In accordance with the above and in the absence of a 5 year supply of deliverable housing sites the NPPF directs decision making on planning applications to the guidance in paragraph 14.

It states: -
For decision taking this means:
• Approving development proposals that accord with the development plan without delay and
• Where the development plan is absent, silent or relevant policies are out-of-date granting permission unless:
  - Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in this Framework taken as a whole; or
  - Specific policies of the Framework indicate that the development should be restricted.

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

2. Other Planning Considerations
In assessing the scheme for its specific affects, both positive and negative, it is useful to break the report down further into the topic areas as follows:-

a) The sustainability of housing provision in Wirksworth.
b) Compatibility with the Wirksworth Neighbourhood Plan.
c) The impact of development on the character and appearance of the area.
d) The impact on heritage assets.
e) Residential amenity impacts for existing and proposed residents.
f) Provision of affordable housing.
g) Provision for children’s play.
h) Provision of infrastructure through developer contributions / infrastructure capacity.
i) Impact on ecology.
j) Drainage.
k) Highway safety.
l) The Planning Balance.

a) The sustainability of housing provision in Wirksworth
The development of green fields outside settlements is to a degree unsustainable but this has to be judged in the wider context of the need to provide an adequate supply of housing to meet the future needs of the district. Even if all suitably located brownfield sites across the district came forward for development there would still be the need to develop green fields outside existing settlements to meet the indicative figure set by Inspector Holland of 6500 which forms the current basis for analysis against objectively assessed needs.

Although the Council chose to withdraw the emerging Local Plan in order to carry out further analysis of objectively assessed need and the capacity of the district to accommodate this, it is considered relevant to reflect on the general approach to meeting housing needs that was adopted across the range of settlements within the Planning Authority area in that emerging plan document.

It was always anticipated that the major settlements, which are intrinsically the most sustainable locations to live with their access to jobs and services, would accommodate the majority of housing growth. In this regard the market towns such as Wirksworth are areas where there will be growth. In this context this site is considered to be a location suitable for residential development to meet the housing need.

b) Compatibility with the Wirksworth Neighbourhood Plan
Concerns have been raised by residents that the proposed scheme does not comply with the requirements within the WNP both in terms of the concept statement and specific
policies within the plan. The WNP is the most recent element of the development plan and therefore has weight in the decision making process. The proposed development has sought to comply with many of the requirements defined in the plan policies and the concept statement in the following ways.

The area to the south of Caulton Villa (Coneygreave House) has remained as an open area.
There are no bungalows within the development
Affordable apartments for the elderly are proposed fulfilling a distinct local need
An area of open space to the eastern boundary of the site will remain as a landscaped area
There is a good mix of housing proposed of two storeys in height
The design and proposed materials respect the character and appearance of the locality ensuring a good quality development
The proposal more than meets the requirements for building or life criteria – whilst the score provided by the applicant is possibly on the optimistic side the score would nevertheless be above that required by policy NP6
Minimal adopted standard road ways are proposed with some roads within the site being proposed as private roads and will be surfaced to minimise their visual impact
The internal space requirements required under policy NP4 are for the most part met

Whilst it may be possible to meet all of the requirements specified in the WNP the need to provide housing in terms of the NPPF also requires consideration and a balanced and reasonable judgement on these matters is necessary. As this proposal has for the most part met the requirements of the WNP it is considered that on balance the proposal is acceptable in this regard.

The applicant’s consultant has commented on the applicability of Policy NP5. The concerns of the applicant’s consultant are noted; however, the WNP requires full consideration as an adopted part of the development plan. In the absence of an overriding viability reason not to impose the condition it is considered that the restriction on principle residence should be imposed on this site. Subject to this condition the proposal is considered on balance to comply with the WNP.

c) The impact of development on the character and appearance of the area
Through the application process the originally submitted plans have been amended to achieve a further set back of development from Cromford Road, improve the design of the dwellings and improve the street scenes within the site itself. These amendments have resulted in a scheme that is considered to be appropriate to the surrounding context and will sit comfortably as a new development on the outskirts of Wirksworth. The topography of the site will result in the roofscape being of importance and in this regard a slate finish to the roof with chimneys provided for the dwellings will be required. The detail of the scheme will be important to ensure that the quality of the scheme comes to fruition on the ground therefore detailed conditions are required. Subject to these conditions the proposal is considered to be acceptable and meets the requirements of the WNP and Policies SF5 and H9 of the Adopted Derbyshire Dales Local Plan and guidance contained within the National Planning Policy Framework.

d) The impact on heritage assets
The site is adjacent to the Wirksworth Conservation Area and therefore the setting of this designated heritage asset requires consideration. The development is contained within the confines of the site which follows the line of existing development and is of a design, layout
and scale which is in keeping with the prevailing character. In view of this it is considered that the development of this site will change the setting of the Conservation Area but will not cause harm to that setting. The proposal is therefore acceptable in accordance with Policy NBE21 of the Adopted Derbyshire Dales Local Plan and guidance contained within the National Planning Policy Framework.

e) Residential amenity impacts for existing and proposed residents
The contained nature of the site and the breaks created by the space to the frontage of Coneygreave House and the tree belt along the southern boundary will ensure that the privacy and amenity of existing residents is not adversely affected by the proposed development. In this respect the proposal complies with the requirements of Policies SF5 and H9 of the Adopted Derbyshire Dales Local Plan and guidance contained within the National Planning Policy Framework.

f) Provision of affordable housing
The applicant has proposed 7 on site affordable units within a block to create apartments to serve the elderly in the community. This provision is acceptable in terms of planning policy and in terms of the requirements of the housing team and will meet an identified housing need. The provision of a lift within the apartment block will put a burden on the registered social landlord (RSL) that ultimately takes on the responsibility of these units. To alleviate this burden the applicant has agreed to contribute a sum of money to transfer to the RSL for the long term maintenance of the lift.

This on site provision will not wholly fulfil the affordable housing requirement; in view of this the applicant is proposing to also pay an off-site contribution in accordance with policy requirements. This on-site and off-site contribution will meet the requirements of planning policy and is considered to be acceptable. A legal agreement will be necessary in this regard.

g) Provision for children’s play
Given the scale of the development there is a requirement for the provision of open/play space. The development of the site will result in an area of landscaping but this will incorporate a swale with biodiversity enhancements which would not provide an appropriate area for open space in connection with the development. There is an existing play area in close proximity to the site on the same side of the road which the applicant is prepared to pay a contribution towards the upgrading of. This is considered to be acceptable in accordance with Policy L6 of the Adopted Derbyshire Dales Local Plan and guidance contained within the National Planning Policy Framework.

h) Provision of infrastructure through developer contributions / infrastructure capacity
As the proposal will add to the need for school places in the locality the Strategic Policy section of Derbyshire County Council have confirmed that there is a requirement for a developer contributions towards junior school places. The applicant has agreed to the required payment which can be secured through the legal agreement. No other contributions have been requested.

i) Impact on ecology
The application site itself is considered to be improved grassland of low ecological importance and this view is confirmed by Derbyshire Wildlife Trust (DWT). However, the trees along the railway bank and the water course to the east form important ecological corridors and therefore these boundaries should be retained. In order to protect this area in terms of foraging species an appropriate lighting design considered in respect to bats
and avoiding lighting of the trees, river, swale and railway line. DWT have advised that the recommendations contained within the survey are followed and secured via condition.

In accordance with the survey a condition is also required to ensure there is no harm to nesting birds through construction works and tree removal.

The survey requires that in order to further enhance the biodiversity of the site enhanced planting should take place to the southern corner (swale area) along with basking areas for reptiles and other enhancement such as bat and bird boxes. Derbyshire Wildlife Trust considers that the design of the swale and associated planting should be considered in full in terms of biodiversity enhancements. As details are required regarding the finalised land drainage proposal for the site such a condition should also include the provision of biodiversity enhancements where possible in association with the swale. Such matters shall be covered by appropriate conditions.

**j) Drainage**

There is an existing water course to the eastern boundary of this sloping site and it is possible there are hidden watercourses through the site. Furthermore there are likely to be works below ground connected to former mining in the area. Whilst the applicants have proposed a swale to accommodate surface water on the site they have failed to fully meet the requirements of the DCC Flood Team in terms of land drainage. In order to appropriately deal with these matters a number of conditions are required to be imposed to ensure appropriate drainage and long term management of the drainage system on the site. Subject to these detailed conditions the proposal is considered acceptable in terms of land drainage. In accordance with the advice of Derbyshire Wildlife Trust the design of the swale will also need to include the where possible biodiversity enhancements in the form of wet grassland areas and associated planting. This matter will also need to be included in any condition.

**k) Highway Safety**

The Highway Authority has confirmed that they are satisfied with the access. However some of the internal access roads are not to adoptable standards and therefore would be private roads. In this respect the highway authority would want to ensure a management plan for the ongoing maintenance of these roads is provided. This can be done via condition as part of the wider management of the site including landscaping.

The Highway Authority also note that as pedestrian access to some of the residential units will be directly from Cromford Road there is likely to be a natural tendency of occupants to park on the main road, in order to alleviate this the highway authority require the funding of a traffic regulation order from the developer to be gained through the legal agreement. The requirement to fund this matter does not prejudice the outcome of the matter. This required funding can be ensured through the legal agreement.

In terms of highway safety the proposal is considered to be acceptable.

**l) The Planning Balance**

Part 1 of this ‘issues’ section set out the Local (Wirksworth Neighbourhood Plan and Adopted Derbyshire Dales Local Plan) and National Policy Guidance that applies in assessing the merits of this application and the other material considerations that need to weigh in the planning balance.
In addition to the WNP which is the most up to date element of the development plan the Councils adopted local plan can still be a consideration in assessing planning applications. However, following on from the local plan inspectors finding on Objectively Assessed Housing Need in July last year and the subsequent withdrawal of the local plan the Council are currently having to assess 5 year housing land supply on the 6500 figure he provisionally identified. This figure not only sets a higher supply need but the Council also have to add buffers for historic undersupply of 20% and incorporate a backlog into the target. Therefore the Council are still unable to demonstrate a 5 year housing land supply.

In the absence of a 5 year housing land supply the guidance in paragraph 49 of the NPPF is clear that the housing policies of the local plan are out of date. Accordingly, both policies H4 and SF4 carry no weight in the consideration of this housing application immediately adjoining the settlement boundary and the Council are directed to paragraph 14 of the NPPF in particular and the framework as a whole to reach a balanced judgement on the merits of an application in addition to the allocation of the site in the WNP.

Paragraph 14 requires the decision maker in assessing the merits of an application to grant permission unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the framework taken as a whole by weighing the benefits and adverse impacts in terms of the three dimensions of sustainability, namely economic, social and environmental.

As described above the Council has a shortfall in housing land supply. The development of this site will make an important contribution to meeting the shortfall in supply, which lends substantial weight to supporting the scheme.

The provision of affordable housing to meet current parish needs and also to meet future needs through an offsite contribution in line with policy also has to be given significant weight even though it merely aligns with development plan policy.

The social dimension would be served by the provision of developer contributions towards open space and play equipment available to the development and existing residents. This social benefit has only limited weight.

The economic dimension would be served by employment generated during construction and by a benefit to businesses within the town from additional resident spend.

In environmental terms the site is close to a market town where a variety of services and facilities are available. The development of the site is proposed in a way which is respectful of its surroundings and will provide attractive street scenes to the Cromford Road and within the site. The topography of the site will result in the roofscape being of importance and in this regard a slate finish to the roof with chimneys provided for the dwellings means that in terms of environmental impacts the proposal is acceptable. The development will have some impact in terms of altering the setting of the adjacent conservation area but this is considered to be acceptable given the design, layout and scale of the proposal.

Flora and fauna around the site will not be adversely as appropriate landscaping and biodiversity enhancements will be provided.

In highway terms it is considered that the development can be well served by access from Cromford Road without threat to safety or congestion.
When all of the above matters are weighed in the balance, including the allocation of the site in the WNP, the small areas where the aspirations of the WNP have not been met are not considered to be of sufficient harm to push the balance against the development which will provide a contribution towards the housing need in the district. Therefore as the adverse impacts of granting planning permission do not significantly and demonstrably outweigh the benefits the presumption in favour of granting planning permission enshrined in paragraph 14 of the NPPF applies.

OFFICER RECOMMENDATION:
To grant planning permission subject to the completion of a S106 agreement with regard to contributions for the following: off-site affordable housing, lift maintenance, play space, junior school provision and funding of traffic regulation order along with the transfer of on site affordable housing and subject to the following conditions:

1. Condition ST02a: Time limit on full

2. Condition DM1: Materials to be agreed (after samples, add in ‘along with sample panels, details of tooling, geological source, head and cill details and construction details where considered necessary’)

3. The permission relates to the following plans:
   - Site layout plan WIR/PL/03 Rev C received 03.12.15
   - Alderwood plots 1-4 WIR/PL/ALDplots1,2,3,4/01 Rev A received 03.12.15
   - Apartment block 5-11 WIR/PL/APARTMENTS/01 Rev A received 03.12.15
   - Compton house type plot 12 WIR/PL/COMplot12/01 received 11.09.15
   - Penrose/Milton house types plot 13 and 14 WIR/PL/PROMILplot13,14/01 received 17.09.15
   - Penrose/Milton house types plot 15 and 16 WIR/PL/PROMILplot15,16/01 Rev B received 20.11.15
   - Compton house type plots 17 and 18 WIR/PL/COMplot17-18/01 received 11.09.15
   - Crawford plot 19 WIR/PL/CRAplot19/01 received 11.09.15
   - Compton house type plots 20 – 22 WIR/PL/COMplot20-22/01 received 20.11.15
   - Holbrook house type plots 23 and 25 WIR/PL/HBKplot23&25/01 Rev A received 20.11.15
   - Crawford house type plot 24 WIR/PL/CRAplot24/01 Rev A received 12.11.15
   - Ashton house type plot 26 WIR/PL/ASNplot26/01 Rev A received 20.11.15
   - Ashton House type plot 27 WIR/PL/ASNplot27/01 Rev A received 20.11.15
   - Ashford house type plot 28 WIR/PL/ASHplot28/01 Rev A received 03.12.15
   - Penrose/Milton house types plot 29 and 30 WIR/PL/PROMILplot29,30/01 received 17.09.15
   - Ashton house type plot 31 WIR/PL/ASNplot31/01 Rev A received 03.12.15
   - Detached garage blocks WIR/PL/garage block/02 Rev A received 03.12.15

4. Landscape scheme, management and ecology enhancements and management
A landscape and ecological management plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior to the commencement of the development and shall include the following details:

   a) Description and evaluation of features to be managed.
   b) Ecological trends and constraints on site that might influence management.
   c) Aims and objectives of management.
d) Appropriate management options for achieving aims and objectives.
e) Prescriptions for management actions.
f) Preparation of an annual work schedule.
g) Details of the body or organization responsible for implementation of the plan.
h) Ongoing monitoring and remedial measures.

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

5. No development shall take place until a detailed design and associated management and maintenance plan of surface water drainage for the site, in accordance with Defra non-statutory technical standards for sustainable drainage systems (March 2015), has been submitted to and approved in writing by the Local Planning Authority. The approved drainage system shall be implemented in accordance with the approved detailed design prior to the use of the building commencing.

6. No development shall take place until a reasonable assessment is undertaken of the existing ordinary watercourse within the curtilage of the developable zone, identified to be the point of surface water discharge.

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

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

9. Before any other operations are commenced, a new estate street junction shall be formed to Cromford Road in accordance with the application drawings, laid out, constructed to base level and provided with 2.4m x 73m visibility splays in either direction, the area in advance of the sightlines being levelled, constructed as footway and not being included in any plot or other sub-division of the site.

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

11. The carriageways of the proposed estate roads shall be constructed in accordance with Condition 10 above, up to and including at least road base level, prior to the
commencement of the erection of any dwelling intended to take access from that road(s). The carriageways and footways shall be constructed up to and including base course surfacing to ensure that each dwelling prior to occupation has a properly consolidated and surfaced carriageway and footway, between the dwelling and the existing highway. Until final surfacing is completed, the footway base course shall be provided in a manner to avoid any upstands to gullies, covers, kerbs or other such obstructions within or abutting the footway. The carriageways, footways and footpaths in front of each dwelling shall be completed with final surface course within twelve months (or three months in the case of a shared surface road) from the occupation of such dwelling, unless otherwise agreed in writing by the Local Planning Authority.

12. The premises, the subject of the application, shall not be occupied until space has been provided within the application site in accordance with the application drawings for the parking of resident’s vehicles (including secure covered cycle parking), laid out, surfaced and maintained throughout the life of the development free from any impediment to its designated use.

13. The garages hereby permitted shall be kept available for the parking of motor vehicles at all times. The garages/car spaces shall be used solely for the benefit of the occupants of the dwelling of which it forms part and their visitors and for no other purpose and permanently retained as such thereafter.

14. Within 28 days, or other such period of time as may be agreed with the Local Planning Authority, of the junction, the subject of condition 9 above being constructed all other means of access to Cromford Road (existing or temporary) shall be permanently closed and the existing vehicle crossover(s) reinstated with full height kerbs and appropriate footway/verge construction in accordance with a scheme first submitted to and approved in writing by the Local Planning Authority.

15. Prior to the occupation of any dwelling on site a management plan to cover the future maintenance and liability for the private drive, any private lighting scheme, site drainage system and landscaping of the site shall have been submitted to and approved in writing by the Local Planning Authority. The approved management plan shall be fully implemented and be maintained throughout the lifetime of the development.

16. Prior to the commencement of development a detailed lighting scheme for the site shall be submitted which minimises the impacts of light on potential habitats.

17. No removal of hedgerows, trees or shrubs or demolition of buildings or structures that may be used by breeding birds shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check or active birds’ nests immediately before the work is commenced and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the Local Planning Authority.

18. Notwithstanding the submitted details and prior to the commencement of development the design of the swale shall include biodiversity enhancements details shall be submitted to and agreed in writing by the Local Planning Authority. Works shall be completed in accordance with the agreed details.
19. Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until sections A and B have been complied with.

A. Site Characterisation
An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced and submitted in electronic format. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:-

i. a survey of the extent, scale and nature of contamination;
ii. an assessment of the potential risks to:-
   - human health;
   - property (existing or proposed), including buildings, crops, livestock, pets, woodland and service lines and pipes;
   - adjoining land;
   - controlled waters, ground waters and surface waters;
   - ecological systems;
   - archaeological sites and ancient monuments
   - any below ground mining works
iii. an appraisal of remedial options and proposal of the preferred option(s)
   This must be conducted in accordance with DEFRA and the Environment Agency’s ‘Model Procedures for the Management of Land Contamination, CLR 11’.

B. Submission of Remediation Scheme
A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works, site management procedures and proposals for how the remediation works will be verified once completed. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

20. Notwithstanding the submitted details the boundary walls to the road frontages shall be of curved form rather than the angled detail as submitted. Details of all boundaries to the site including construction details, heights, finished details and works to the Cromford Road frontage wall shall be submitted to and agreed in writing by the Local Planning Authority. Works shall be completed in accordance with the agreed details.

21. Prior to the commencement of development 1:20 details of the chimneys including finish shall be submitted to and agreed in writing by the Local Planning Authority. Works shall be completed in accordance with the agreed details.
22. Notwithstanding the submitted information and prior to the commencement of development 1:20 details and sections including materials, design, details of recess and finished colour of all windows and doors including garage doors shall be submitted to and approved in writing by the Local Planning Authority. Works shall be completed in accordance with the agreed details.

23. All external pipe work and guttering shall be of black construction a detail of which shall be submitted to and agreed in writing by the Local Planning Authority. Works shall be completed in accordance with the agreed details.

24. Condition LA12: approval of landscaping agreed before commencement of development. After c) insert ‘including details of root protection areas to all trees and hedgerows (to BS 5837 standards) to be retained’. After e) insert ‘all to provide biodiversity enhancements to the site in accordance with the submitted ecological survey received 11.09.15. Delete m)

25. Condition LA13a: Landscaping to be carried out and maintained

26. The development shall be completed in accordance with the recommendations of the submitted ecological survey received 11.09.15

27. Prior to the commencement of development a scheme for the phasing of the affordable housing to be provided on site, its transfer and future management shall be submitted to be submitted to and agreed in writing by the Local Planning Authority. The agreed details shall be fully complied with.

28. Condition IC19: Restrict operating hours - 0800 to 1800 Monday to Saturday no working on Sundays and Bank Holidays

29. 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 alterations or extensions or outbuildings or structures shall be carried out to the front or side elevations of any of the plots and no dormer windows shall be formed and no alterations to boundary treatments shall take place to any of the street frontage boundaries throughout the site, all without the prior written approval of the Local Planning Authority upon an application made to it.

30. The dwelling hereby approved shall only be occupied as a principle residence and shall not be utilised as a second home or for holiday accommodation.

Reasons:

1. Reason ST02a

2. Reason DM1: in accordance with Policies SF5, H9 and NBE21 of the Adopted Derbyshire Dales Local Plan and guidance contained within the National Planning Policy Framework.

3. For the avoidance of doubt
4. In order to ensure appropriate ecology and landscaping of the site in accordance with Policies NBE5 and NBE26 of the Adopted Derbyshire Dales Local Plan and guidance contained within the National Planning Policy Framework.

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

6. To ensure the proposed surface water runoff can be appropriately discharged from the site. In accordance with guidance contained within the National Planning Policy Framework.

7-14. in the interests of highway safety in accordance with Policies

15. To ensure future ongoing maintenance of the site features in the interest of the welfare of the occupiers of the dwellings, visual amenity and biodiversity in accordance with Policies SF5, H9, NBE21, NBE5, NBE26 and TR1 of the Adopted Derbyshire Dales Local Plan and guidance contained within the National Planning Policy Framework.

16-17. In order to protect species and habitats in accordance with Policy NBE5 of the Adopted Derbyshire Dales Local Plan and guidance contained within the National Planning Policy Framework.

18. In the interests of land drainage and biodiversity in accordance with guidance contained within the National Planning Policy Framework.

19. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with guidance contained within the National Planning Policy Framework.

20-23. To ensure an appropriate finished form of development in accordance with Policies SF5, H9 and NBE21 of the Adopted Derbyshire Dales Local Plan and guidance contained within the National Planning Policy Framework.


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

27. To ensure the appropriate transfer and maintenance of the affordable housing in accordance with guidance contained within the National Planning Policy Framework.
28. To protect residential amenities in Policies SF5 and H9 of the Adopted Derbyshire Dales Local Plan and guidance contained within the National Planning Policy Framework.

29. Reason PD9: in accordance with Policies SF5, H9 and NBE21 of the Adopted Derbyshire Dales Local Plan and guidance contained within the National Planning Policy Framework.

30. To ensure the property is used as a primary dwelling to protect local housing stock to comply with the requirements of Policy NP5 of the Wirksworth Neighbourhood Plan.

Footnotes:
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 problems with the application and consent was granted without negotiation.

2. With effect from the 6th April 2008, the Town and Country Planning (Fees for Applications and Deemed Applications) (Amendment) (England) Regulations 2008 (SI 958/2008) stipulate that a fee will henceforth be payable where a written request is received in accordance with Article 21 of the General Development Procedure Order. Where written confirmation is required that one or more conditions imposed on the same permission have been complied with, the fee chargeable by the Authority is £97 per request. The fee must be paid when the request is made and cannot be required retrospectively. Further advice in regard to these provisions is contained in DCLG Circular 04/2008.

3. Pursuant to Section 38 and the Advance Payments Code of the Highways Act 1980, the proposed new access road should be laid out and constructed to adoptable standards and financially secured. Advice regarding the technical, financial, legal and administrative processes involved in achieving adoption of new residential roads may be obtained from the Strategic Director of the Economy, Transport and Environment Department at County Hall, Matlock (tel: 01629 533190). The applicant is advised to allow approximately 12 weeks in any programme of works to obtain a Section 38 Agreement.

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

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

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

7. Pursuant to Section 278 of the Highways Act 1980 and the provisions of the Traffic Management Act 2004, no works may commence within the limits of the public highway without the formal written Agreement of the County Council as Highway Authority. It must be ensured that public transport services in the vicinity of the site are not adversely affected by the development works.

8. Advice regarding the technical, legal, administrative and financial processes involved in Section 278 Agreements may be obtained by contacting this Authority via email – es.devconprocess@derbyshire.gov.uk. The applicant is advised to allow approximately 12 weeks in any programme of works to obtain a Section 278 Agreement.

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

10. 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.

11. A minimum 32mm water supply capable of delivering the required volumes to allow the installation of a domestic sprinkler system shall be installed for this development.

12. This decision notice relates to the following documents:
Site layout plan WIR/PL/03 Rev C received 03.12.15
Alderwood plots 1-4 WIR/PL/ALDplots1,2,3,4/01 Rev A received 03.12.15
Apartment block 5-11 WIR/PL/APARTMENTS/01 Rev A received 03.12.15
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Ashton house type plot 31 WIR/PL/ASNplot31/01 Rev A received 03.12.15
Detached garage blocks WIR/PL/garage block/02 Rev A received 03.12.15
Existing site layout WIR/PL/01 received 11.09.15
Drainage plan W136/100/P received 17.11.15
P and DG response to neighbourhood plan policies letter dated 02.12.15 received 03.12.15
Building for life criteria received 03.12.15
Preliminary ecological appraisal received 11.09.15
Supporting planning statement received 11.09.15
Arboricultural impact assessment and Arboricultural method statement received 11.09.15
Letter for Armstrong Stokes and Clayton Ltd relating to drainage dated 10.06.15 received 11.09.15
Design and access statement received 11.09.15
Location plan received 11.09.15

Back to agenda front sheet
THE SITE AND SURROUNDINGS:
The application site is an open area of garages and parking tucked away behind the dwellings on Hazel Grove. Access is gained from the east of the site via a steeply sloping roadway. The site itself is level with open access to the playground to the western end of the site. The site is surrounded by residential development to the north, east and south. The dwellings to the north are at an elevated level and those to the south area on land sloping away from the site.

THE APPLICATION:
Planning permission is sought to demolish the existing garages to erect a pair of semi-detached dwellings each with 3 bedrooms almost central on the site. The dwellings are to front to the east with parking for 4 dwellings. Access will be as existing and a footpath would lead to the south of the site giving a 3.1m wide access to the play area to the west which will enable a vehicle to continue to access the play area for maintenance; this has been the subject of an amendment to the scheme. A retaining wall is proposed to the northern boundary of brick with piers and stone copings. Timber fencing is proposed to the south and west.

RELEVANT HISTORY:
None relevant to this proposal.

CONSULTATIONS:
Town Council – No comment

Local Highway Authority – In terms of the existing use of the site as garage parking/lock-ups for surrounding properties, the proposals are unlikely to significantly increase the traffic generation associated with the existing access. Adequate parking and manoeuvring is being proposed to enable all vehicles to enter, turn and exit in a forward gear.

Whilst the proposals may increase the demand for on-street parking, the surrounding highway network is minor residential roads which already experience on-street parking. The minor increase in the demand for on-street parking the proposals have the potential to generate is more of an inconvenience to surrounding residents than a safety concern. As you will be aware, current guidance means the Highway Authority can only object to planning applications which are likely to lead to a severe highway safety issue.

Therefore, whilst potentially increasing the demand for on-street parking on the surrounding minor highway network is not ideal, there are no grounds for a highway safety objection.

Derbyshire Constabulary Crime Prevention Design Adviser – On the amended plans the footpath has been widened and the kink in the path removed and new lamp post proposed, therefore no further comments to make.
REPRESENTATIONS:
Eight letters have been received which raise the following concerns:
• loss of privacy
• obtrusive
• adverse impact upon Nos. 29 – 35 Hazel Grove as this gives access to the park
• loss of parking, Hazel Grove is narrow and a bus route and junction, this road cannot
  sustain the amount of parking that would be displaced onto the roads
• drainage issues on the site, the garages and garage area can flood / stand in water
• further strengthen retaining wall to rear of 29 – 35
• higher fence to enable privacy
• lighting for security
• adequate drainage
• removing vehicle access to the park – how will it be maintained, the police often drive
  onto the park from here to sort out drug problems
• impact on roots of nearby tree
• increase anti-social behaviour by restricting police access
• path would need to be wide enough for a mobility scooter and push chairs
• will the fire service be able to access the rear of our properties
• loss of community space

One letter of support has been received.

POLICIES:
Adopted Derbyshire Dales Local Plan 2005
SF1: Development Within Settlement Framework Boundaries
SF5: Design And Appearance Of Development
H1: New Housing Development Within Settlement Framework Boundaries
H9: Design And Appearance Of New Housing
H10: Affordable Housing Within The Settlement Framework Of Market Towns
NBE26: Landscape Design In Association With New Development
NBE27: Crime Prevention
TR1: Access Requirements And The Impact Of New Development
TR8: Parking Requirements For New Development

National Planning Policy Framework
National Planning Practice Guidance

ISSUES:
The issues to consider are those of principle, amenity, loss of parking/highway safety and
  drainage.

Principle
As the Council cannot demonstrate a 5 year housing supply there is a need to find sites for
additional housing within the most sustainable areas. This site is within the settlement of
Matlock and therefore in close proximity to a variety of services and facilities. This is a
brownfield site within a residential area. Therefore the development of the site is in
principle acceptable in accordance with Policies SF1 and H1 of the Adopted Derbyshire
Dales Local Plan and guidance on sustainable development contained within the core
principles of the National Planning Policy Framework.
The demolition of the garages and the redevelopment of the site for two dwellings will overall alter the appearance of the site but it is considered that the change to the character and appearance of the area is acceptable. The design of the dwellings is considered to be in keeping with surrounding development subject to appropriate choices of materials and landscaping of the site.

The development is being promoted by Dales Housing as affordable housing to be managed by them and this contribution to local needs is a positive to weigh in the balance.

Amenity
Concerns have been raised by neighbouring residents regarding the impact of the development in terms of overlooking and loss of privacy.

In terms of the loss of privacy and overlooking the only windows to the side elevation are small secondary windows to the lounge and WC on the ground floor and a primary bedroom on the first floor to the southern elevation only. The windows to the southern elevation have been designed to ensure natural surveillance of the footpath area. The use of these windows for natural surveillance of a potential area for anti-social behaviour is considered to outweigh any potential issues regarding potential overlooking in this case. There are no upper floor windows proposed to the northern side elevation and therefore there will be no overlooking in this direction. The windows to the front and rear of the dwellings would not overlook any other properties to an unacceptable degree. Therefore, in terms of amenity, the proposal is acceptable in accordance with Policies SF1, SF5 and H9 of the Adopted Derbyshire Dales Local Plan and guidance contained within the National Planning Policy Framework.

Concern has been raised regarding the impact the footpath access will have upon the properties to the south of the site. The public footpath to be created would ensure access for the community to the play area. This would focus access closer to the southern boundary of the site which would impact upon the residents of these properties. Through amendments to the application the footpath access has been widened to 3.1m and lighting added, which will reduce the impact of the path in terms of the potential for antisocial behaviour, therefore alleviating these concerns as far as is reasonable. Access will remain to the properties currently served via the parking/garaging area. It is therefore considered that the impact of the dwellings and associated footpath link will not be such that refusal would be warranted on amenity grounds. The widening of this path will also allow access for emergency vehicles if necessary, therefore alleviating the concerns that the police and fire services would not be able to access this area in a vehicle.

The loss of the garages may lead to the loss of enclosure to existing gardens to the north and it is, therefore, reasonable to request a temporary boundary treatment is constructed if necessary once the garages are demolished.

Parking
Whilst it is acknowledged that the demolition of the garages will lead to the loss of parking on the site and that this will cause inconvenience to residents, the Local Highway Authority have considered this matter in detail and have concluded that the loss of parking will not lead to a danger to highway safety and therefore is not a matter for which planning permission could be refused.
Drainage
Concern has been raised that the site currently has drainage issues. Through the redevelopment of the site such drainage issues would be resolved. A condition shall be imposed to ensure Sustainable Urban Drainage systems (SUDs) are used.

Conclusion
To conclude, the proposal is appropriate sustainable development on a brownfield site which will add to the provision of housing within the District and is therefore an overall benefit to the community. The development will not adversely impact upon neighbours in terms of overlooking and whilst the loss of parking may inconvenience existing residents it does not result in a highway safety concern to such an extent that refusal is warranted. As such the proposal is recommended for approval.

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

1. Condition ST02a: Time Limit on Full
2. Condition ST06: Amended plan 14050/HV/SK100 received 2.11.15
3. The car spaces to be provided shall be kept available for the parking of motor vehicles at all times. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and/or re-enacting that Order) the car parking space hereby permitted shall be retained as such and shall not be used for any purpose other than the parking of private motor vehicles associated with the residential occupation of the property without the grant of further specific planning permission from the Local Planning Authority.
4. Prior to the commencement of development details of temporary enclosures to the neighbouring garden shall be provided where the boundaries of the gardens will be altered as a result of the demolition of the garages. The agreed enclosures shall be installed within 3 days of any part of the garages being removed.
5. Condition LA12a: approval of landscaping scheme before commencement of development. (Delete a, b, c, d, f, l, m, n)
6. Condition LA13a: landscaping to be carried out and maintained. (After ‘all hard landscaping’ add… ‘and boundary treatments’)
7. Condition DM1: All materials to be approved - general
8. 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.
9. Throughout the period of development vehicle wheel cleaning facilities shall be provided and retained within the site. All construction vehicles shall have their wheels...
cleaned before leaving the site in order to prevent the deposition of mud and other extraneous material on the public highway.

10. No dwelling shall be occupied until space has been laid out within the site, in accordance with the submitted application drawings, to enable vehicles to park and turn within the site so that they may enter and leave the site in forward gear at all times.

11. Prior to the commencement of development details of the lighting to the footpath shall be submitted to and approved in writing by the Local Planning Authority. The lighting shall be installed prior to occupation of the units and work completed in accordance with the agreed details.

12. No development shall take place until a detailed design and associated management and maintenance plan of surface water drainage for the site, in accordance with Defra Non-statutory technical standards for sustainable drainage systems has been submitted to be 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.

13. Condition PD10: Permitted Development – Barn Conversions

Reasons:

1. Reason ST02a

2. Reason ST06

3. In the interests of highway safety in accordance with Policies TR1 and TR8 of the Adopted Derbyshire Dales Local Plan and guidance contained within the National Planning Policy Framework.

4. To ensure amenity is protected in accordance with Policies SF1, SF5 and H9 of the Adopted Derbyshire Dales Local Plan and guidance contained within the National Planning Policy Framework.

5. To ensure amenity is protected and the development is finished to an acceptable standard in accordance with Policies SF1, SF5, H9 and NBE26 of the Adopted Derbyshire Dales Local Plan and guidance contained within the National Planning Policy Framework.

6. Reason LA13a: in accordance with Policy NBE26 of the Adopted Derbyshire Dales Local Plan and guidance contained within the National Planning Policy Framework.

7. To ensure an appropriate finished form of development in accordance with Policies SF5 and H9 of the Adopted Derbyshire Dales Local Plan and guidance contained within the National Planning Policy Framework.

8-10. In the interests of highway safety in accordance with Policies TR1 and TR8 of the Adopted Derbyshire Dales Local Plan and guidance contained within the National Planning Policy Framework.
11. To ensure appropriate illumination of the footpath in the interests of amenity and to prevent anti-social behaviour in accordance with Policy SF5 and NBE27 of the Adopted Derbyshire Dales Local Plan and guidance contained within the National Planning Policy Framework.

12. In order to ensure appropriate drainage of the site in accordance with guidance contained within the National Planning Policy Framework.

13. To preserve the amenity of neighbouring residents and preserve the character and appearance of the development in accordance with Policies SF5, and H9 of the Adopted Derbyshire Dales Local Plan and guidance contained within the National Planning Policy Framework.

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

2. 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 access to the playing field.

3. The Town and Country Planning (Fees for Applications and Deemed Applications, Requests and Site Visits) (England) Regulations 2012 (SI 2012/2920) stipulate that a fee will henceforth be payable where a written request is received in accordance with Article 30 of the Town and Country Planning (Development Management Procedure) Order 2010. Where written confirmation is required that one or more Conditions imposed on the same permission have been complied with, the fee chargeable by the Authority is £97 per request or £28 where the related permission was for extending or altering a dwelling house or other development in the curtilage of a dwelling house. The fee must be paid when the request is made and cannot be required retrospectively. Further advice in regard to these provisions is contained in DCLG Circular 04/2008.

4. This decision notice relates to the following documents:
Amended Development Proposals Plans, Elevations and Site Layout 14050/HV/SK100 received 2.11.15
Existing Site Plan 14050/S/01
Topographical Survey 1011-191

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15/00567/FUL

Hazel Grove Garage, Courtyard, Off Hazel Grove, Matlock

Derbyshire Dales DC

Date: 07/12/2015

100019785

1:500

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Derbyshire Dales District Council,
Town Hall, Bank Road, Matlock, Derbyshire DE4 3NN.
Telephone: (01629) 701100,
website: www.derbyshiredales.gov.uk

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Issued 7 December 2015
THE SITE AND SURROUNDINGS:
The application site is an area of garaging and parking accessed via Hazel Grove adjacent to the community centre and fronting onto Lumsdale Crescent. There is a steep slope northwards towards Lumsdale Crescent which is currently a grassed bank. Residential properties surround the site which is within the town of Matlock.

THE APPLICATION:
Planning permission is sought to demolish the existing garages and erect a two-storey building to house 4 one-bedroom flats. The building would be set into the bank with stepped access being provided onto Lumsdale Crescent along with landscaping of the bank. The building would have the appearance of a dwelling but with double doorways to the front elevation. The plans have been amended through the planning process removing the rear balconies to now show a relatively blank rear elevation with eight windows to the rear elevations of the building leaving a predominance of walling to window. To the south (rear) 4 allocated parking spaces would be provided along with 3 unallocated spaces. Access is also provided from the parking area to the rear of garden of no. 10 Lumsdale Crescent. Due to the topography of the surroundings the dwellings to the east would sit lower than the proposed building and the dwellings to the west would sit higher ensuring the built form follows the topography of the land.

RELEVANT HISTORY:
None relevant to this proposal.

CONSULTATIONS:
Town Council – No comment

Local Highway Authority – In terms of the existing use of the site as garage parking/lock-ups for surrounding properties, the proposals are unlikely to significantly increase the traffic generation associated with each existing access. Adequate parking and manoeuvring is being proposed to enable all vehicles to enter, turn and exit in a forward gear.

Whilst the proposals may increase the demand for on-street parking, the surrounding highway network is minor residential roads which already experience on-street parking. The minor increase in the demand for on-street parking the proposals have the potential to generate is more of an inconvenience to surrounding residents than a safety concern. As you will be aware, current guidance means the Highway Authority can only object to planning applications which are likely to lead to a severe highway safety issues.

Therefore, whilst potentially increasing the demand for on-street parking on the surrounding minor highway network is not ideal, there are no grounds for a highway safety objection.
REPRESENTATIONS:
4 letters have been received which raise the following concerns:

- Disabled tenants need an accessible safe place to store their vehicles, the garages provide this.
- Safe off-road parking is needed.
- Displaced parking could lead to congestion and difficult access for emergency vehicles.
- Other similar applications will only exacerbate the parking difficulties.
- Dales Housing have not consulted with the garage tenants affected.
- As a disabled resident I rely on access through the garages as I cannot use the front steps, also have vehicle access to rear which would be lost so I would not be able to leave my home.
- Cars are often vandalised when parked on the street.
- Widening the access would lead to the loss of the community centre.
- Houses / flats are often left empty in this area.
- New residents from out of area may increase crime.

1 letter of support:
- It fills the gap in the street scene and will remove an eyesore that has attracted vandalism and anti-social behaviour.

POLICIES:
Adopted Derbyshire Dales Local Plan 2005
SF1: Development Within Settlement Framework Boundaries
SF5: Design And Appearance Of Development
H1: New Housing Development Within Settlement Framework Boundaries
H9: Design And Appearance Of New Housing
H10: Affordable Housing Within The Settlement Framework Of Market Towns
NBE26: Landscape Design In Association With New Development
TR1: Access Requirements And The Impact Of New Development
TR8: Parking Requirements For New Development

National Planning Policy Framework
National Planning Practice Guidance

ISSUES:
This report will address issues of the principle of the development, character and appearance, parking and amenity.

**Principle**
The application site is located within the settlement of Matlock in close proximity to a variety of services and facilities. Notwithstanding the District Councils inability to demonstrate a five year supply of housing land, Policies within the Adopted Derbyshire Dales Local Plan support the redevelopment of previously developed (brownfield) land for residential purposes within defined settlement framework boundaries where full and effective use of the land is made.

Therefore the development of the site is acceptable in principle in accordance with Policies SF1 and H1 of the Adopted Derbyshire Dales Local Plan which remain in accordance with guidance on sustainable development contained within the core principles of the National Planning Policy Framework.
The application has been put forward by Dales Housing as affordable housing to be managed by them and this contribution to local needs is a positive to weigh in the balance.

Character and appearance
The demolition of the garages and the redevelopment of the site for 4 flats will overall enhance the character and appearance of the street scene in this locality. The design of the dwellings is considered to be in keeping with surrounding development and will be acceptable subject to appropriate choice of materials and landscaping of the site.

The development will sit at the lower level of the sloped bank. In view of the topography it is reasonable to require finished floor levels of the development to ensure the height of the dwellings is not elevated to an unacceptable degree.

Parking
The demolition of the garages will lead to the loss of parking on the site and will lead to a displaced need for parking elsewhere within the locality. The Local Highway Authority has considered this matter and concluded that the loss of parking, whilst an inconvenience to local residents, will not lead to a danger to highway safety and therefore is not a matter for which planning permission could be refused.

Amenity
In terms of amenity, the balconies originally proposed to the rear of the have been removed to now show a rear elevation with windows only. Given the siting of dwellings around the site it is considered that the proposal will have no adverse impact upon amenity. Therefore, the proposal is considered acceptable in accordance with Policies SF, SF5 and H9 of the Adopted Derbyshire Dales Local Plan and guidance contained within the National Planning Policy Framework.

Concern has been raised by a neighbouring resident who has access needs and requires access from the proposed parking area to the rear of his property at no. 10 Lumsdale Crescent. In view of the concerns raised the plans have been amended to show an access route through from the parking area to the south of the site to the rear garden of no. 10 to alleviate these concerns.

Conclusion
To conclude, the proposal is appropriate sustainable development on a brownfield site which will enhance the appearance of the area. The development will not lead to overlooking or loss of parking to such an extent that refusal is warranted. The proposal will add to the supply of affordable housing in the district and overall will be a benefit to the locality. The proposal meets local and national policy criteria for sustainable development and as such the proposal is recommended for approval subject to conditions.

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

1. Condition ST02a: Time Limit on Full
2. Condition ST06a: 02.11.15 no. 14051/P/01-B
3. The car spaces to be provided shall be kept available for the parking of motor vehicles at all times. Notwithstanding the provisions of the Town and Country Planning Act 1990.
Planning (General Permitted Development) Order 1995 (or any Order revoking and/or re-enacting that Order) the car parking space hereby permitted shall be retained as such and shall not be used for any purpose other than the parking of private motor vehicles associated with the residential occupation of the property without the grant of further specific planning permission from the Local Planning Authority.

4. Condition LA12a: approval of landscaping scheme before commencement of development. (Delete a, b, c, d, f, l, m, n)

5. Condition LA13a: landscaping to be carried out and maintained. (After ‘all hard landscaping’ add… ‘and boundary treatments’)

6. Condition DM1: All materials to be approved - general

7. 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.

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

9. No dwelling shall be occupied until space has been laid out within the site, in accordance with the submitted application drawings, to enable vehicles to park and turn within the site so that they may enter and leave the site in forward gear at all times.

10. Condition LA8: Detailed sections and land levels

11. Prior to the commencement of development details shall be submitted of a privacy screen to either side of each of the proposed balconies to the rear elevation of the building hereby approved. Works shall be completed in accordance with the agreed details.

12. Prior to the commencement of development a scheme for the long term management of the housing shall be submitted to and agreed in writing by the Local Planning Authority.

Reasons:

1. Reason ST02a

2. Reason ST06
3. In the interests of highway safety in accordance with Policies TR1 and TR8 of the Adopted Derbyshire Dales Local Plan and guidance contained within the National Planning Policy Framework.

4. To ensure the development is finished to an acceptable standard in accordance with Policies SF1, SF5, H9 and NBE26 of the Adopted Derbyshire Dales Local Plan and guidance contained within the National Planning Policy Framework.

5. Reason LA13a: in accordance with Policy NBE26 of the Adopted Derbyshire Dales Local Plan and guidance contained within the National Planning Policy Framework.

6. To ensure an appropriate finished form of development in accordance with Policies SF5 and H9 of the Adopted Derbyshire Dales Local Plan and guidance contained within the National Planning Policy Framework.

7-9. In the interests of highway safety in accordance with Policies TR1 and TR8 of the Adopted Derbyshire Dales Local Plan and guidance contained within the National Planning Policy Framework.

10. Reason LA8: in accordance with Policies SF1, SF5 and H9 of the Adopted Derbyshire Dales Local Plan and guidance contained within the National Planning Policy Framework.

11. To protect residential amenity in accordance with Policies SF1, SF5 and H9 of the Adopted Derbyshire Dales Local Plan and guidance contained within the National Planning Policy Framework.

12. To ensure the accommodation remains affordable in the long term in accordance with guidance contained within the National Planning Policy Framework.

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

2. 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 an acceptable scheme.

3. The Town and Country Planning (Fees for Applications and Deemed Applications, Requests and Site Visits) (England) Regulations 2012 (SI 2012/2920) stipulate that a fee will henceforth be payable where a written request is received in accordance with Article 30 of the Town and Country Planning (Development Management Procedure) Order 2010. Where written confirmation is required that one or more Conditions imposed on the same permission have been complied with, the fee chargeable by the Authority is £97 per request or £28 where the related permission was for extending or altering a dwelling house or other development in the curtilage of a dwelling house. The fee must be paid when the request is made and cannot be
required retrospectively. Further advice in regard to these provisions is contained in DCLG Circular 04/2008.

4. This decision notice relates to the following documents:
   Design and Access Statement received 5.8.15
   Amended Development Proposals Plans, Elevations and Site Layout 14051/P/01-B received 2.11.15
   Location Plan 14051/L/01 received 5.8.15
   Topographical Survey 10011-191 received 5.8.15
   Existing Site Plan – 14051/S/01 received 5.8.15

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15/00718/FUL

Bent Farm, Farley Hill, Matlock

Derbyshire Dales DC

Date: 07/12/2015

100019785

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

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

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Issued 7 December 2015
THE SITE AND SURROUNDINGS:
The property is a traditional farmhouse with associated barn with cattle stalls and a double bay garage built adjacent to the high west side boundary wall. The building is set side on to a highway verge to the east of Farley Hill. To the east and south, the site is bounded by open fields. To the north, there are agricultural buildings which form the remnants of a chicken farm enterprise and are currently being used and altered without the benefit of planning permission.

The farmhouse has been stripped back to a shell and previous extensions to the dwellinghouse have been demolished by the applicant. An agricultural building set to the south east of the farmhouse has had its roof removed.

Access to the property is directly off Farley Hill via access gates that the applicant has erected without planning permission albeit this is in a similar position to the former access.

THE APPLICATION:
Full planning permission is sought for the demolition of the existing farmhouse and agricultural buildings and the replacement with a larger dwellinghouses and a separate building to house a swimming pool. The applicant has submitted a structural report of the dwellinghouses and its attached buildings which advises the following:

Front elevation
- extensive cracking in the mortar joints varying in size up to 4mm which tend to run in a diagonal direction at an angle to the horizontal of some 50°
- a number of weathered cracks.
- cavity width between inner and outer walls is excessive and has limited mild steel ties
- flat bar ties corroding
- no evidence of damp proof coursing

Rear Elevation
- extensive cracking in the mortar joints varying in size up to 4mm which tend to run in a diagonal direction at an angle to the horizontal of some 50°
- walling to the lounge area has a large vertical crack
- a section of wall is leaning out from vertical.

In terms of foundations, trial pits were excavated against the walls of the dwellinghouse and barn walls. These identified no structural foundation and a footing stone to the dwellinghouse was found at 1.2m depth set on a silty clay strata of low bearing capacity.

Given the above, the structural report recommends the demolition and rebuilding of the front and rear elevations to comply with Building Regulations with new foundations likely to require piling below the clay strata.
The replacement dwellinghouse is proposed to be constructed with tooled sandstone walling and slate with smooth stone quoins, copings and lintels. The window and door frames are proposed to reflect sash style windows but be of metal construction, coloured cream, and would be set in a minimum 100mm recess. Rainwater goods are proposed to be black coloured aluminium. The rear flat roofed element would have a single ply membrane and the roof lanterns would be of aluminium construction with slender frames.

The pool building is proposed to be constructed with once tumbled sandstone to the lower walls with timber clad weatherboarding above and a slate roof. The window and door frames are proposed to be of metal construction, coloured cream. Rainwater goods are proposed to be black coloured aluminium.

The link is proposed to be largely glazed. The window and door frames are proposed to be of metal construction, coloured cream. The roof is proposed to have a single ply membrane with decorative cornice and parapet with hidden guttering.

The dwellinghouse is proposed to measure as follows:

- main element - to measure 16m wide by 9m deep and 9m high
- east side projection to measure 7m wide by 9m deep and 8.5m high
- front west side two storey projection to measure 5.5m wide by 6.5m deep and 7.5m high
- front west side single storey projection to measure 5m wide by 8.3m deep and 3.8m high
- front porch to measure 4m wide by 2m deep and 3.65m high
- two storey rear projection measuring 8m wide by 8m deep and 8.3m high
- single storey flat roofed rear projection measuring 14.5m wide by 7m deep and 3.8m high with two roof lanterns set atop
- pool building measuring 12.8m wide by 21.4m deep and 6.2m high
- link building measuring 7m wide by 5.4m deep and 3m high.

In terms of the size of the proposed buildings, to those that are proposed to be replaced, the dwellinghouse would have a floor area of some 454sqm compared to the existing dwelling and its attached buildings having a floor area of some 407sqm. The pool building would have a floor area of some 275sqm and the link some 37sqm.

In terms of accommodation, the proposed dwellinghouse would have a sitting room, dining room, kitchen, hall, study and family area on the ground floor. The link would provide a sunroom leading to the pool building which would include a pool, sauna, steam room, shower and plant room. At first floor level there is proposed to be five bedrooms with some expected to have ensuites facilities (full details are to be submitted of the first floor layout through building regulations. The basement would contain a family room and toilet.

In considering the above, amendments have been sought to the scheme and agreed by the applicant in the submission of amended drawings. The alterations include:

- the windows to the main element of the dwelling have been given a vertical emphasis to be representative of sash windows;
- the ground floor windows are now larger than the first floor windows to provide an appropriate hierarchy;
- the windows are proposed to be cream painted timber to reflect the more traditional nature of the building;
- the window and door frames to the pool building and link should are to be a more recessive, grey colour to reflect the different character and appearance of the main dwelling element with the more ancillary elements; and
- the porch is now proposed with a lean-to roof rather than presenting a gable.

The applicant has submitted a protected species survey from a licensed bat consultant. This advises that there was no evidence internally or externally to support the view that bats were using any of the building structures for roosting purposes. It is advised that bat activity in the vicinity is light and restricted to foraging pipistrelle bats although one building, which was unable to be accessed, had some lifted slates which may have been of interest to bats. However, the emergence survey did not identify any significant bat activity. It was noted that the single storey garage block contained a small colony of Swallows and it was recommended that this building was not demolished until such time as the nesting activity ceased.

The applicant has also been advised that the entrance gates that were erected will require planning permission given they are higher than 2m and that there have been concerns raised with Officers in this respect. A more simple and traditional five bar gate has been suggested to the applicant. Whilst the applicant has advised that he considers the entrance gate has no bearing on this application, and was never included in any documents, he has confirmed that these will be removed albeit he advises that these are the first negative comments he has heard with respect to the gates and has been complemented previously on ‘a great job, and how good they look.’

**RELEVANT HISTORY:**

0492/0274 Conversion of cow shed to dwelling - Granted

Site to the rear of Bent farm

15/00717/FUL Demolition of redundant poultry sheds and erection of two business/agricultural buildings, retention of retaining wall and alterations to parking area/access (Part Retrospective) – to be determined

**CONSULTATIONS:**

Town Council – No comments received.

Local Highway Authority – No objection subject to retaining existing access.

Derbyshire Wildlife Trust – Comment:
- adequate survey work has been undertaken in order for this application to be determined
- conditions required with respect to a swallow compensation and enhancement strategy and that no works of demolition or landscaping removal are undertaken within the bird breeding season

**REPRESENTATIONS:**

One letter of representation from neighbours. The comments can be summarised as follows:
- concerns regarding scale and visual impact
- very prominent site but farm sits comfortably on it
- proposed house (with or without the swimming pool, building) will completely overwhelm the area
- will stand some 8-10 feet taller than the existing property
- roof will be twice as expansive
- suggest sitting dwellinghouse lower on the site by abandoning basement and/or lowering roof height (perhaps using dormer windows with upper floor rooms partially in the roofspace, reduce the size of the swimming pool building
- restore the walls, trees and shrubs which previously screened at the bottom end of the yard and add substantial screening along the south west boundary and on the road side of the property.

POLICIES:
1. Adopted Derbyshire Dales Local Plan (2005):
   SF4 Development in the Countryside
   SF5 Design and Appearance of Development
   H6 Replacement Dwellings in the Countryside
   H9 Design and Appearance of New Housing
   NBE5 Safeguarding Species Protected by Law or are Nationally Rare
   NBE8 Landscape Character
   NBE12 Foul Sewage
   NBE26 Landscape Design in Association with New Development
   TR1 Access Requirements and the Impact of New Development
   TR8 Parking Requirements for New Development

3. National Planning Practice Guidance

ISSUES:
1. Introduction - Policy
Policy H6 of the Adopted Derbyshire Dales Local Plan (2005) advises that outside the Settlement Framework defined on the Proposals Map planning permission will be granted for replacement dwellings provided that:

   (i) the number of dwelling units is not increased;
   (ii) renovation and/or repair of the original building is not a more satisfactory alternative and;
   (iii) the replacement dwelling does not have a detrimental impact upon the character and appearance of its surroundings.

Policy H6 aligns with guidance within the National Planning Policy Framework in seeking to avoid new isolated homes in the countryside and encouraging development which responds to local character and history, and reflects the identity of local surroundings and materials.

The National Planning Policy Framework in respect of design states that that development should add to the overall quality of the area and respond to local character and history, and reflect the identity of local surroundings. It is recognised that good design is a key aspect of sustainable development and should contribute positively to making places better for people. Policies SF5 and H9 of the Adopted Derbyshire Dales Local Plan (2005) are in general accordance with this guidance.

In light of the above policy considerations, the main issues to assess in the consideration of this application are:
(i) whether the replacement dwelling is a more satisfactory alternative to renovating and repairing the existing building in this case;  
(ii) the impact of the replacement dwelling on the character and appearance of its surroundings;  
(iii) the impact on neighbours’ amenity  
(iii) the affect the development will have on protected species and;  
(iv) whether there would be any highway safety implications.

2. **Principle of Replacing the Dwellinghouse**  
Policy H6 advises that a replacement dwelling should not be approved where a more satisfactory alternative is renovating and repairing the existing building. However, this element of the Policy is rather onerous when compared against the test for new development within Green Belt areas for example as set out in the NPPF. Paragraph 89 states that provided the new building is of the same use and not materially larger, it does not require the applicant to demonstrate whether the existing building is beyond renovation. In this respect whilst the building is larger and would be a dwellinghouse with ancillary domestic building, rather than a farmhouse with agricultural building, it is considered that the proposal is in general accordance with this guidance in the NPPF. The applicant has submitted a structural survey to detail the condition of the dwellinghouse.

Whilst it cannot be ignored that the property was, until recently, occupied by a separate party, it does appear that significant renovation works are required. On balance, whilst it is recognised that the current building could be renovated, given the proposed dwelling is of a similar scale and will sit comfortably in its context, it is concluded that the replacement proposed is acceptable in principle.

3. **Impact on the Character and Appearance of the Area**  
It is considered that, whilst the replacement dwellinghouse is larger than the existing dwellinghouse, the design of the replacement dwelling is appropriate in its context and will sit comfortably in this rural, edge of settlement location when read in context with the neighbouring dwellinghouses, particularly the larger ones to the north. However, given the size and scale of the proposed dwellinghouse, and the consideration of its design and appearance, it is reasonable to attach a condition that permitted development rights are removed. It is also considered reasonable that details of any garden sheds are submitted for approval prior to the erection of the dwellinghouse to ensure the extent of built form is not overbearing on this prominent site.

4. **Impact on Amenity**  
With regard to the amenity, the proposed replacement dwellinghouse is of sufficient distance from the neighbouring dwellinghouses to not result in a significant loss of privacy, outlook or light to those properties.

5. **Impact on Protected Species**  
Derbyshire Wildlife Trust has advised that the submitted report is acceptable to address matters of protected species and has suggested conditions to provide a swallow compensation and enhancement strategy and that no works of demolition or landscaping removal are undertaken within the bird breeding season.

6. **Highway Matters**  
With regard to access and parking issues, the Local Highway Authority have raised no objection subject to the retention of the existing vehicle access arrangement to the site.
7. **Conclusion**

Given the above, it is considered that the replacement of the existing traditional dwellinghouse and agricultural building is acceptable. It is considered that the design of the dwellinghouse still draws on traditional elements in terms of materials and features. The ancillary building also takes on a utilitarian appearance and it is considered that this approach diminishes the sense of scale of the overall dwellinghouse. As such, it is recommended that planning permission be granted subject to the conditions relating to materials, landscaping, protecting birds and also the removal of permitted development rights for further extensions or outbuildings.

**OFFICER RECOMMENDATION:**

Planning permission be granted subject to the following conditions:

1. Condition ST02a Time Limit on Full

2. The development hereby approved shall be carried out in accordance with the original drawings and specification except as amended by Drawing Nos. BF002 Rev. 1, 006 Rev 2, 007 Rev 1, 008 Rev 2 and 009 Rev 2 received on 2nd December 2015 and except insofar as may otherwise be required by other conditions to which this permission is subject.

3. Condition DM1 All Materials to be Approved: General

4. Condition DM12 Sample Panel to be Inspected on Site

5. Condition DM26 Window/Door Frames: Details Required

6. Condition LA9 Boundary Treatment: Details Required (the occupation of the dwellinghouse)

7. No development shall commence on site until details of the hard surfacing areas and materials have been submitted to and approved in writing by the Local Planning Authority and the development shall thereafter be carried out in accordance with the approved details.

8. Prior to the occupation of the dwellinghouse, details of any sheds or other outbuildings that may be required shall be submitted to and approved in writing by the Local Planning Authority and shall only be provided in accordance with the approved details.

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

10 Prior to the commencement of development, a swallow compensation and enhancement strategy should be produced and agreed in writing by the Local
Planning Authority. Once agreed, the mitigation strategy should be implemented in full.


Reason
1. Reason ST02a

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

3-5. To ensure the satisfactory appearance of the development to comply with government guidance contained in the National Planning Policy Framework and Policies SF5, H6 and H9 of the Adopted Derbyshire Dales Local Plan (2005).

6-8. To ensure the satisfactory appearance of the development to comply with Policies SF5, H6, H9 and NBE26 of the Adopted Derbyshire Dales Local Plan (2005).


11. To safeguard the character and appearance of the development to comply with Policies SF5, H1 and H9 of the Adopted Derbyshire Dales Local Plan (2005).

NOTES TO APPLICANT:
1. The Local Planning Authority have, prior to and during the consideration of this application, engaged in a positive and proactive dialogue with the applicant which has resulted in revised proposals which overcame initial problems with the application relating to the design of the dwellinghouse and ancillary building.

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

3. This decision notice relates to the following documents:
   Site Location Plan 1:1250 received on 15th October 2015
   Drawing No. BF003, 004 Rev. 1 and 005 received on 15th October 2015
   Amended Drawing Nos. BF002 Rev. 1, 006 Rev 2, 007 Rev 1, 008 Rev 2 and 009 Rev 2 received on 2nd December 2015
   Design and Access Statement received on 15th October 2015
   External Wall Defects Structural Assessment Report received on 15th October 2015
   Protected Species Survey received on 15th October 2015
   Additional information received on 2nd December 2015.

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15/00211/FUL

Land  East Of B J Waters Transport, Main Road, Darley Bridge

Derbyshire Dales DC

Date: 07/12/2015

100019785

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Derbyshire Dales District Council,
Town Hall, Bank Road, Matlock, Derbyshire DE4 3NN.
Telephone: (01629) 732100.
Website: www.derbyshiredales.gov.uk

58  Issued 7 December 2015
Parish Council: South Darley  
Application type: Full  
Date of receipt: 25.03.15  
Case Officer: Mrs H. Frith

THE SITE AND SURROUNDINGS:
The application site is a green field with a footpath running diagonally through it. The field is of open character with limited screening. The existing haulage site is well screened by existing planting. The site is relatively level and located adjacent to the river Derwent. Darley Bridge which is in close proximity to the site is a grade II* listed building and Scheduled Ancient Monument.

THE APPLICATION:
Planning permission is sought to extend the existing haulage yard into the adjacent field. The extended yard would utilise the existing access onto Main Road adjacent to the bridge. The hours of operation specified are 0800 to 1800 Monday to Friday, 0800 to 1300 on Saturdays and no working at all on Sundays or Bank Holidays. The proposed surfacing material is permeable asphalt. A post and rail fence and hedge screening is proposed to the north eastern and south eastern boundaries. It is intended that the extended yard would be for the storage of trailer units only.

The applicant has submitted the following information with regard to the proposal:

**Trailer storage:**
Currently there are 30 trailer units stored on the site  
The extended area will increase this number to 45

**Traffic movement:**
Monday – approximately 40 units leave the site  
Tuesday to Thursday – approximately 10 to 20 units leave and return to the site  
Friday – approximately 40 units return to the site  
Saturday – occasional movement in the yard  
Sunday – very rarely there is movement in the yard

The current yard provides parking for tractor units only  
The trailer units are stored on land at Middleton by Wirksworth  
The trailer units are collected in the morning and returned in the evening  
By storing the trailer units on the new site, the proposal will create no additional traffic movement but ultimately will reduce traffic movement to and from Middleton by Wirksworth and help the environment  
Operational traffic movements involve up to 40 vehicles in total at weekends – up to 10 on weekday evenings – leave site on Monday and return on Friday/Saturday for both domestic and international deliveries.

**RELEVANT HISTORY:**
1098/0684 Installation of fuel tanks and construction of bund area and storage building – Granted subject to conditions including landscaping and details and provision of impervious bund and tanks

0498/0207 Replacement of workshop with larger workshop and re-siting of fuel tanks – Granted
0996/0638 Extension to offices – Granted subject to matching materials

WED/1087/0702 Car parking area and landscaping - Granted subject to parking for non-commercial vehicles only and landscaping (Relates to a small area of land to the western edge of the site)

WED/0685/0451 Conversion of outbuilding to offices – Granted subject to matching materials

WED/1182/748 Renewal of consent for extensions and alterations to vehicle maintenance depot – Granted unconditionally

WED/877/459 Erection of temporary office – Granted subject to materials

MAT/973/32 Extension to existing building to provide storeroom – Granted

MAT/673/2 Extension to form storeroom at rear of maintenance building – Refused due to the impact upon outlook and daylight from the neighbouring dwelling.

MAT/373/2 Erection of garage to replace one to be taken down for new offices – Granted

MAT/1172/14 Extensions and alterations to existing vehicle maintenance depot – Granted up until 31st December 1982 and agreement of materials

MAT/370/3 Demolish existing building (Timber Office) and erect new office building – Granted subject to materials

MAT/868/23 Garage and office accommodation – Granted subject to details of external materials.

MAT/364/18 Proposed vehicle shelter - Granted subject to grey colour

MAT/659/4 Proposed use of land for lorry parking and installation of 500 Gal Diesel oil storage tank – Granted subject to use being as stated in the application and no breaking or repairing of vehicles shall take place on the site.

There was a footnote attached to this conditions drawing attention to the requirements of the rivers act 1951 in that the diesel tank should be sited and precautions taken to prevent oil passing into the river.

MAT/856/8 Proposed permanent buildings to replace existing temporary buildings comprising garage, stores and workshop with sanitary conveniences – Granted subject to the condition that the colour be agreed.

MAT/1154/3 Extension of the temporary life granted in respect of temporary garage, engineering workshops and offices - Granted until 31st December 1957

MAT/1154/2 Extension of the temporary life granted in respect of temporary workshop and store – Granted until 31st December 1957

MAT/1053/5 Proposed temporary workshop and store at garage – Granted until 8th January 1955
MAT/1251/2 Continue use of temporary engineering workshop and offices – Granted for a further period of three years

MAT/651/1 Erect proposed distemper works - Refused

MAT/1148/9 Erection of garage, workshop and office in connection with transport business and for storage and repair of vehicles – No decision available in records

MAT/1148/8 Erect proposed temporary garage, workshop and office - Granted for three years

CONSULTATIONS:
South Darley Parish Council – Object:
• The proposed increase in size of the transport yard is not in keeping with a predominantly residential area.
• It would be visually unacceptable
• The increase in the number of vehicle movements with trailers over the bridge would increase the significant traffic problems in the area
• The statement that the yard provides for tractor units only is open to question
• This is a 24/7 operation
• There will be additional air pollution and noise
• The surfacing will only be effective if the underlying construction can act as a soakaway
• Increasing the land level will increase visibility of the site
• The proposal may lead to increased flood risk

Stanton in Peak Parish Council – Object:
• The already overly used bottleneck at Darley Bridge will see increased HGV congestion on a major artery to Stanton Lees and Warren Carr
• The cumulative effects of traffic to Enthoven’s and to this development will exacerbate an already heavily used HGV route making a greater traffic hazard
• This will increase the number of HGV’s getting ‘lost’ in the area

Darley Dale Town Council – Object:
• Concern at the accuracy of the submission in particular regarding the impact on the local community in terms of increased number of vehicles.
• It is impossible to claim there will be no increase in traffic along Station Road and consequent congestion at the junction with the A6.
• Concern regarding the impact on the local environment in terms of: heavy lorries on local roads, on the bridge, congestion and air pollution
• Would like to see current traffic survey data, if one has not been carried out the application should be held in abeyance
• Concern regarding flood risk

Local Highway Authority – The application is to extend the site into the adjacent field to create an area for storing trailer units only. No part of the application is to increase the number of HGV’s associated with the site so on this basis (and provided your Authority can condition this application for the storage of trailer units only), the proposals are unlikely to increase the traffic generation associated with the site. Therefore, the Highway Authority has no objections to the proposals.
As you will be aware, there is an existing public right of way which crosses the application site and this will need to be diverted onto an acceptable route. The applicant should therefore discuss the proposals with Derbyshire County Council’s public rights of way team. Recommend conditions and footnotes.

Further comments received: the Highway Authority considers it important to explain the following points:-

1 – the proposal is to provide additional on-site storage for trailer units, which do not actually generate vehicle movements. At present the trailer units are stored off site and the HGV’s from the site at Darley Bridge need to drive off site to pick them up before continuing on their onward journey. When the work trip is complete the trailer would be dropped off at the off-site yard and the HGV would return to the yard. In theory if the trailers are stored on the site at Darley Bridge it would not particularly alter the number of vehicle trips over the current situation.

2 – each HGV has to have an Operator’s licence to state where the vehicle is parked / operates from. This is controlled through the traffic commissioner. At present the highway authority is not aware that any additional ‘o’ licence applications have been applied for to extend the HGV usage of the yard, which would alter the daily traffic volumes.

3 – at present there are no restrictions in place as to how may vehicle trips the site may generate.

4 – the existing access is located on the outside of a bend in the highway alignment, immediately over a bridge, where existing vehicle speeds are naturally suppressed to relatively low levels. It is not considered there are safety issues with respect to visibility and HGV’s, with their elevated driver position have a reasonable view of oncoming traffic approaching the bridge (travelling southwards).

5 - whilst the bridge itself is limited in geometry the ‘tidal’ nature of traffic to and from this site and nature of HGV operations (majority of traffic movements being well before and after peak times) means that vehicle conflict is minimised.

6 – there are no recorded accidents within last 3 / 5 years in the close vicinity of the site to indicate that there is an inherent highway safety problem at this location. Even if vehicle activity at the site was to increase it is unlikely the highway authority would have a sufficient evidence base to demonstrate that severe harm would be caused by the development proposals (having reference to the NPPF) to warrant rejection on highway safety grounds.

This information is intended to clarify the reason why the Highway Authority does not consider an objection to the application on highway safety grounds could be sustained.

DDDC Environmental Health – With regards noise recommend hours of operation is restricted to that in the application of 8am - 6pm Monday to Friday, 8am-1pm Saturday and no working Sunday and Bank Holidays. In addition a noise report should be submitted to assess any likely noise impact to neighbouring residents and any recommendations complied with.
Should contamination be a concern, then limit storage of trailers to the new area and the tractor units to the existing land. Recommended condition for noise.

I am in receipt of a report from the residents nearby the transport depot in Darley Bridge. From the concerns in the document the following could also be looked at as conditions although some should be addressed in the noise assessment as already requested. My previous comments still stand.

1. No idling of engines
2. White noise reversing alarms
3. Radios in cabs off or not audible at neighbouring premises
4. Sounding of horns only for emergency purposes
5. No external lighting unless approved and agreed with the Local Planning Authority
6. Maximum number of vehicles in line with the application
7. Doors closed on workshop when in use
8. All fabrication and maintenance indoors of workshop

Environment Agency – No objection subject to conditions including the following matters:
- No raising of ground levels within the 1 in 100 year flood outline
- No raising of ground levels, storage of vehicles, laying of hard standing, erection of any building or structure within the 1 in 20 year flood plain
- No planting or landscaping within 8m of river Derwent
- Surface water drainage from area of hardstanding shall be passed through an oil interceptor prior to being discharged into any watercourse.
Informatives are also required.

Derbyshire Wildlife Trust – The proposal on a field near the River Derwent has not been accompanied by an ecological assessment of the vegetation in the field. We have been made aware that the plant ‘ragged robin’ grows in at least one part of the field. This species is indicative of marshy grassland and often occurs in association with other plant species of interest. The ‘ragged robin’ is now classified as a Near Threatened plant in England. Its presence should be ascertained to ensure measures to inform the level of impact and measures to address any impacts are feasible.

DCC Rights of Way – Please make the applicant aware of the legal alignment of footpath No. 7. The rights of way section has no objection to the proposal as it appears that the applicant proposes to divert the footpath as part of the application. Advisory notes recommended.

Peak and Northern Footpaths – No objection. The applicants have recognised the need to divert part of footpath No. 17 South Darley. The diversion is acceptable in principle provided it is separated from the development by a post and rail fence and new hedge. The path should be 2m wide and 1m away from the foot of the new hedge. The surface must be level, safe and convenient for walkers and the path waymarked.

Derbyshire Dales Ramblers – Provided the path is diverted with an appropriate surface and is moved prior to construction work and remains clear from obstruction, no objection.

Historic England – The application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.
REPRESENTATIONS:
46 letters of objection have been received from 39 local residents. Their concerns are summarised below:

Principle
A similar application at Northwood Lane was refused
Contrary to the core principles of the NPPF
This does not meet the requirements of sustainable development
Contrary to the draft local plan
Adverse impact on local businesses
This is an attempt to create a brownfield site for housing
Contrary to Policy EDT12

Increase in vehicles and highway safety
It is assumed they will look to increase their number of vehicles through licence as a result of this application
Additional vehicles would damage the listed bridge
An increase in the number of vehicles will add to traffic congestion in the area
Lorries have become larger since the original permission worsening the impact of the use
The bridge is already a bottleneck
Increased risk of accidents near the yard entrance
Tractor and trailer units are stored on the site therefore traffic movements would increase due to the extra capacity of the site
They have outgrown the site and should move elsewhere
Will increase danger to pedestrians, particularly on Wenslees Lane
Using the footpaths is intimidating for residents due to the scale of the vehicles
Contrary to paragraph 32 of the NPPF
The site is not only used for the parking of tractor units, trailers are also parked and the driver’s cars, the applicant’s submission is misleading
The roadside parking bays are used by the drivers and for minibuses for kayaking and other activities in the area, the residents try to park here, there will be even less space available as a result of the proposal
Parked lorries limit visibility
Unacceptable levels of traffic on the local road network
Existing congestion already causes delays for residents
Highways have produced a plan to solve the traffic problem which has not worked
Emergency vehicles cannot get through due to the congestion
The proposal should provide parking for employees, the application form is misleading in this respect, there are in the region of 55 staff
The information from the agent regarding vehicle movements is confusing
What are the contingency plans if the bridge were to fail
The vehicles will bring additional weight onto the bridge
Repairs of the bridge will fall to taxpayers
The applicant is licenced by VOSA for 28 trailers and 34 tractor units
At Middleton there are 6-7 uncoupled trailers, 2 light haulage vehicles, 8 tractor units with trailers, it is assumed all of these will transfer to this site, therefore a traffic increase in inevitable
The information given on numbers of vehicles does not stack up
There is potentially fraudulent information in the application
HGV’s owned by other companies often visit the site
There are 80 vehicle movements each weekend from this site and 27,000 movements per year
Is the proposal to take over the Siddall operation at this site

Amenity
Concern regarding the increased noise
Noise from pressure washing, banging metal, revving engines, idling lorries, bleepers, air brakes, compressors, grinders
Loss of amenity
Increased light pollution
The existing disruption to residents is already wholly unacceptable and would be exacerbated
Our children have asthma and the fumes from the traffic are a concern
The expansion will severely harm the quality of life for residents
The site operates 7 days per week, vehicles are often moving on site at 4am
The detrimental impacts of the yard have increased in recent years
Adverse impact upon the residents of the senior citizens complex who need peace and quiet
The yard is tolerated by residents, we cannot tolerate an expansion
High hedges and fencing will block out natural light

appearance
This is an attractive area which would be spoilt by this proposal
A green field would be replaced by ugly hardstanding
The council has a duty to protect the beauty of the area
Increase in ground level would be an unacceptable blot on the landscape
Vehicles would be visible form higher land
This is turning a green field site into a brown field site
This village location is inappropriate for a large haulage site
It will detract from the enjoyment of the Derwent Valley Heritage Way
Any hedge would take a long time to screen the site
Detrimental impact upon the Scheduled Ancient Monument (bridge)
Close to the Peak Park
A hedge will not screen the vehicles
Adverse impact upon the ancient bridge and have a negative impact upon this historic site
Adverse impact upon the allotments

wildlife
The field is wet and becomes a habitat for ducks and heron in wet weather
A Great Crested Newt has been identified near the site
A recent planning application refused due to newts nearby
The wetland habitat will be lost
Adverse impact upon Kingfishers

- Letter from the Derbyshire Amphibian and Reptile Group: Great Crested newts are using the terrestrial habitat in the vicinity of and very close to the application site. The location of the breeding pond has not yet been discovered. In view of this the application needs to be supported by sound ecological evidence that no animals will be killed or injured by the development and that the impact of the development is mitigated against. Until such information is received and duly considered the application should be refused.
Loss of facility
The existing field is a popular recreational space used by locals
Footpaths would be ruined
Destruction of an attractive meadow
Footpaths would be diverted on wet ground which is not suitable

Flooding
The Environment Agency have objected due to the potential for increased flooding
Concern regarding the potential for flooding
Potential for run off from the hard surfaced area
Reduced capacity of the land to store surface rainwater from Oker Hill therefore leading to risk of flooding of dwellings nearby
The riverbank is continually being eroded and there is evidence of subsidence along Wenslees Lane, the development will prevent future remedial work
Existing properties currently miss inundation by inches
Flooding elsewhere has been caused by over development of flood plains
The Environment Agency have concerns

Contamination
Additional risk of water contamination from oil and diesel, vehicle exteriors and cargo areas when hosed down.
Increased washing and industrial processes would lead to contamination of the drainage system
Are existing pollution control measures in place
There is no reference to hazardous substances at the site
The trailers sometimes contain hazardous substances and keep these on site overnight

Tourism
The expansion would lead to further noise and traffic and put an end to tourism in the area
Tourism jobs depend upon the beauty of the area

Suggested conditions
Offices and workshops moved to the east of the site to reduce noise and increased manoeuvring space
No weekend working
Part of the area could be extra parking for villagers
CCTV coverage to prevent vandalism

POLICIES:
Adopted Derbyshire Dales Local Plan 2005
SF4: Development In The Countryside
SF5: Design And Appearance of Development
EDT7: Extension And Expansion Of Existing Industrial And Business Land And Premises
EDT8: Design And Appearance Of New Industrial And Business Premises
EDT12: Haulage Operations
NBE4: Protecting Features Or Areas Of Importance To Wild Flora And Fauna
NBE5: Development Affecting Species Protected By Law Or Are Nationally Rare
NBE6: Trees And Woodland
NBE8: Landscape Character
NBE16: Development Affecting A Listed Building
NBE24: Archaeological Sites And Heritage Features
ISSUES:
The issues for consideration are the principle of the development and the impacts upon:
highway safety, amenity, flooding, landscape impact, heritage assets and ecology. This
report will address each of these issues.

Principle
Policy EDT12 of the Adopted Derbyshire Dales Local Plan refers to proposals for haulage
operations. This policy requires that:
Planning permission will be granted for proposals to establish, relocate or extend haulage
operations provided that; a) the proposal would not result in an adverse impact on the
character and appearance of its surroundings and the immediate or wider landscape and;
b) the site can be effectively screened at all times from all residential properties and public
vantage points, where necessary the Council will seek to impose conditions or seek to
negotiate S106 obligation to limit hours of operation and ensure that lorry routes avoid
residential areas and unsuitable roads.

In this location the site is within close proximity to Darley Dale where there is a major road
network. Given the proximity of Darley Dale, South Darley is considered to be reasonably
sustainable. Concerns have been raised by residents regarding many of the issues raised
on Policy EDT12 and these matters will need to be considered in detail.

The National Planning Policy Framework (NPPF) in Part 3 supports the sustainable
expansion of all types of business in rural areas. The NPPF also promotes the protection
of the character and beauty of the countryside, the protection of residential amenity and
that new development should avoid harm to heritage assets. All of these matters need to
be considered in the round to determine where the balance lies in terms of meeting the
requirements of sustainable development. The NPPF promotes sustainable development;
there are three elements to sustainable development, the economic role, the social role
and the environmental role.

 Whilst in principle it may be acceptable to expand a business in this locality, the impacts of
this need to be carefully considered.

Highway Safety
The Local Highway Authority has noted that the application is to extend the site into the
adjacent field to create an area for storing trailer units only. Given the significant objection
to the proposed development the Highway Authority has fully considered the proposal in
detail and acknowledges that there is the potential for the proposal to increase vehicle
movements at the site. However, it remains the view of the Highway Authority that even
with an increase in vehicle movements a highway reason for refusal could not be
sustained at appeal due to the good visibility at the access. It is also worth acknowledging
that some control over traffic at the site is available through the operators licencing regime.
In the current operation it is mainly tractor units utilising the site, the proposed expansion of the yard would likely lead to an increase in tractor and trailer units using the access and the surrounding road network which has the potential to lead to inconvenience to other road users particularly at the bridge. However, the Highway Authority has made it clear that a highway reason for refusal in connection with this proposal could not be sustained at appeal. The proposal is therefore considered to be acceptable in accordance with Policies TR1 and TR8 of the Adopted Derbyshire Dales Local Plan and guidance contained within the National Planning Policy Framework in relation to highway matters.

A public footpath is intended to be diverted as part of the proposals and there are no objections raised in regard to this element of the proposal.

**Amenity**

Significant concern has been raised regarding the impact the development of the site would have upon the amenity of neighbouring residents. It is acknowledged that the site as it currently operates does on occasion have an adverse impact upon amenity. Having a haulage yard in such close proximity to residential properties would always lead to some conflict in this regard and it must be acknowledged that the existing site operates without restriction which is not a matter than could be altered through this application to expand the site. In the application submission the applicant has given details of the hours within which the business is intended to operate. From the comments of neighbouring residents it is clear that the business currently operates outside of these hours as is typical for a haulage business.

The Council’s Environmental Health Officer considers that impacts can be ameliorated by condition including a restriction on operating hours. However, given that the existing operation clearly takes place outside these operating hours it is difficult to appreciate how a restricted site and a none restricted site could operate as one business unit without breaching the suggested restrictions. Therefore given the discrepancies in the applicant’s submission it is considered that the applicant has failed to demonstrate how the business will operate without causing harm to residential amenity as required by policy SF5 of the Adopted Derbyshire Dales Local Plan and guidance contained within the National Planning Policy Framework. This potential for increased impact on the amenity of nearby residents will be exacerbated by any congestion and associated manoeuvring on the approach to the bridge caused by a change in the nature of traffic from the site.

**Flooding**

The Environment Agency has concluded that with regard to the proposed development they have no objection subject to stringent conditions. Those conditions will decrease the usable area of the site by approximately a 5th and as any new landscaping would have to be 8m or more away from the top of the river bank moving the area for landscaping further within the site would also reduce the developable area. However, given the comments of the Environment Agency the proposal is considered to be acceptable subject to conditions in terms of the impact of the development upon flood risk and contamination from vehicles. In respect of these matters the proposal would comply with local and national policy requirements. However, the reduction in the useable area of the site would raise the questions in relation to its suitability for the stated purpose.

**Landscape Impact**

Policy EDT12 requires that any expansion of a haulage site would be assessed on the basis that the proposal would not result in an adverse impact on the character and
appearance of its surroundings and the immediate or wider landscape and the site can be effectively screened at all times from all residential properties and public vantage points.

Policy NBE8 of the Adopted Derbyshire Dales Local Plan requires that planning permission will only be granted for development that protects or enhances the character, appearance and local distinctiveness of the landscape.

The existing site is located on an area of relatively level land with open views of the site from the north, east and south. There is some hedge screening to the western boundary of the site which currently acts as a screen for the main haulage site. The site is located within a wide area of flat land which forms the flood plain in the locality and therefore the site is visible within a landscape that is largely of open fields with hedging and tree cover close to the developed land. The application site is adjacent to the existing developed area of Darley Bridge.

Whilst it would be possible to provide planting to screen the site, such planting is not in place at present and would take some years to be at a point where it would effectively screen the development. In addition it is unlikely that planting would ever completely screen the site at all times of the year. This is a sensitive landscape area where the change of the use of this open field to a haulage site would have a detrimental impact upon the character and appearance of the landscape. The proposal is therefore contrary to the requirements of Policy EDT12 and NBE8 of the Adopted Derbyshire Dales Local Plan and to guidance contained within the National Planning Policy Framework which seeks to recognise the intrinsic character and beauty of the countryside.

Heritage assets

In close proximity to the site is Darley Bridge which is both a Grade II* Listed building and a Scheduled Ancient Monument. Whilst the proposed change of use will not impact directly upon this protected structure the impact upon the setting of such an important structure needs to be carefully considered and can be wide reaching. The original context of the Bridge would have been largely rural and remains to the north and east. Historically the settlement of Darley Bridge has evolved to the south and west of the Bridge. Increasing development in the largely rural area to the west of the site would have an impact upon the setting of the Bridge. The expansion of the haulage yard in this locality in association with the loss of the green field would be harmful to the wider setting of the bridge. This harm would be less than substantial as identified in part 12 of the National Planning Policy Framework but the harm would not be outweighed by any public benefit of the scheme. The applicant has confirmed in the application form that whilst the proposed expansion will assist the business it would not lead to any further jobs being provided. Given the significance of the heritage asset and the lack of any public benefit the harm to the wider setting cannot be justified.

Ecology

Concerns have been raised that there are important and rare plant species on the site and that there could be a presence of great crested newts on or near the site which may be adversely affected by the development. Policies NBE4 and NBE5 of the Adopted Derbyshire Dales Local Plan seek to protect species and areas important to flora and fauna and these policy requirements are reiterated in the National Planning Policy Framework. The applicant has failed to provide an ecological appraisal and survey of the site to inform the impacts of the development upon flora and fauna including protected species, the applicant has therefore failed to meet the requirements of planning policy in this respect.
Conclusion
The golden thread running through the National Planning Policy Framework is for development to be sustainable. There are three elements to sustainability, the economic, social and environmental roles. In terms of these roles the proposed development is considered as follows:

In terms of the economic role, this would only be partially met as it may make the existing business more effective but would not lead to an increase in the number of jobs.

In terms of the social role the adverse impacts from the existing business and the potential for further impacts upon amenity from the expanded site would mean that the development in the round would fail to meet the social role of sustainability.

The environmental role requires the development to be acceptable in terms of protecting and enhancing the natural, built and historic environment. In this respect the change of use of the land to a haulage yard where lorries would be visible in the landscape would harm the character and appearance of the landscape and the wider setting of the Grade II* listed Bridge which is also a scheduled Ancient Monument. In addition the impacts upon ecology have not been assessed.

In this respect as the proposal fails to meet the environmental and social roles of sustainability it cannot be considered as sustainable development to which there is a presumption in favour in terms of the Framework. The development fails to meet the requirements of policies NBE8, NBE16 and EDT12 of the Adopted Derbyshire Dales Local Plan in terms of the impact upon the landscape and the wider setting of the heritage asset. The application fails to demonstrate that the expansion of the business operation will not cause additional harm to the amenity of neighbouring residents in accordance with Policy SF5 of the Adopted Derbyshire Dales Local Plan. The applicant has also failed to assess the impacts of the development upon ecology and therefore the requirements of Policies NBE4 and NBE5 have not been met. The proposal is therefore unacceptable and has been recommended for refusal.

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

1. The expansion of the haulage yard into an open field with limited screening will have an adverse impact upon the character and appearance of the landscape within the locality and upon the wider rural setting. As such the proposal fails to meet the requirements of Policies NBE8, and EDT12 of the Adopted Derbyshire Dales Local Plan and guidance contained within the National Planning Policy Framework.

2. The expansion of the haulage yard into an open field with limited screening will have an adverse impact upon the historic rural setting of Darley Bridge which is both a grade II* listed building and scheduled ancient monument. As such the proposal is contrary to Policies NBE16 and NBE24 of the Adopted Derbyshire Dales Local Plan and guidance contained within the National Planning Policy Framework.

3. The application submitted does not include an assessment of the flora on site and fauna that may use the site. In the absence of survey information or assessment of the impact of development on ecology, the application has failed to meet the
requirements of Policies NBE4 and NBE5 of the Adopted Derbyshire Dales Local Plan and guidance contained within the National Planning Policy Framework.

4. The application submitted fails to demonstrate that the expansion of the haulage site will not cause harm to the amenities of neighbouring residents through noise, nuisance and disturbance. As such the proposal is contrary to policy SF5 of the Adopted Derbyshire Dales Local Plan and guidance contained within the National Planning Policy Framework.

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

This decision notice relates to the following documents:
Proposed site plan no. 1728-02 received 25.03.15
Existing site plan no. 1728-01 received 25.03.15
Design and access statement received 25.03.15
Supporting letters from agent received 05.05.15 and 21.05.15
Location plan no. 1728-1250A received 25.03.15

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14/00778/OUT

Land Off Pump Close, Starkholmes, Matlock

Derbyshire Dales DC

Date: 07/12/2015

100019785
INTRODUCTION:
Following the determination of the 8th September 2015 planning committee meeting to support the Officer recommendation, further concern was raised from a neighbouring resident regarding the potential for contaminants on the site. In view of these concerns the Council’s Environmental Health section was consulted and it is considered necessary in view of the concerns raised to add a condition requiring an assessment of potential contaminants on the site. The remainder of this report remain unchanged other than in respect to this issue and an additional footnote relating to the necessary legal agreement.

THE SITE AND SURROUNDINGS:
The application relates to a single field of undulating nature located to the end of the cul-de-sac known as Pump Close. The site is in an open countryside location on the edge of the settlement of Matlock. The site is bounded by hedging with trees sparsely sited on the boundary. The site has a downhill slope from south to north. To the west of the site are a number of larger detached residential properties all accessed via Pump Close which is a private road. Pump Close connects to Starkholmes Road where there is a mix of residential properties.

THE APPLICATION:
Outline planning permission is sought to erect up to 9 dwellings on the existing field. All matters other than access are reserved for future consideration under a reserved matters application. An indicative layout has been submitted along with an Arboricultural Report, a Design and Access Statement incorporating a Visual Impact Assessment, a brief report regarding the potential for the presence of Great Crested Newts, a Phase 1 Habitat and Protected Fauna Survey and Highway Impact Statement.

RELEVANT HISTORY:
WED/874/273 2 dwellings and garages - Refused
MAT/773/18 Residential development – Refused - Appeal dismissed
MAT/573/4 Erection of 2 storey dwelling with garage – Permitted
MAT/372/25 Erection of dwelling – Permitted
MAT/771/25 Residential development – Refused

CONSULTATIONS:
Town Council – Object.
- Proposed development significantly intrudes on Riber castle setting
- Proposed development would be creeping development onto hitherto safeguarded hillside
- Proposed development outside settlement boundary framework.

Local Highway Authority – The Highway Authority has been in consultation with the agent regarding the proposed access modifications / recommended emerging visibility splays, and the revised drawings are generally in line with current
guidance. The applicant is bringing Pump Close’s junction out and realigning/tapering the footways either side to tie-in with the revised give way markings. Whilst specific details/distances regarding the footway tapers have not been submitted, these can be finalised when the Section 278 Agreement for the works are submitted. However, for the applicant's information, it is recommended the footways are tapered at a ratio of 1:30.

As the application is outline with only access approval being sought, no detailed comments on the internal layout are being provided. However, judging from the indicative layout submitted, it seems adequate space for access/parking/turning etc. can be accommodation within the site.

No objections, conditions and footnotes are recommended.

Derbyshire Wildlife Trust –Whilst the semi-improved grassland habitat present across the majority of the site is of limited interest the area of marshy grassland associated with the spring provides greater botanical diversity. A number of plant species are not included in the species list appended to the survey. Therefore the overall botanical composition of the site has not been accurately reflected in the report. However, DWT accept that the grassland habitat present across the site is unlikely to be of sufficient quality to meet local wildlife site selection criteria.

The spring on the site is unlikely to raise any protected species issues but needs to be fully considered in terms of the hydrology and drainage of the site. These features should be protected and retained within undeveloped buffers and not incorporated within the curtilage of the site.

The proposed development is unlikely to impact upon Great Crested Newts. No direct impacts upon roosting bats are anticipated as a result of the proposed development. No impacts upon badger are anticipated as a result of the proposed development. Recommend a condition regarding nesting birds.

The retention of the northern and eastern boundary hedgerow and trees and their associated ditches is welcomed. DWT do not support the use of existing native hedgerows as private garden boundaries as their long term retention and management cannot be guaranteed. Therefore the final layout will need to allow for these areas to be within landscape buffer zones and would advise that this be secured by condition.

DWT advise that the site’s hydrology has potential to place significant constraints on the extent of developable land within the site.

DCC Tree Officer – No objections at this stage, further information will be required as part of the reserved matters including: Detailed plans showing all trees to be retained, removed, pruned with full tree work schedule, canopy spreads, root protection areas in relation to the footprint of buildings, method statement and tree protection plan. The category A and B trees will need to be retained and will involve consideration in preparation of the final layout. New planting will be required to replace the category U trees to be removed.
DDDC Environmental Health - Contaminated land should ideally be investigated at the planning stage, particularly as there is suspicion of contamination on this site. The Environmental Protection Act 1990 (EPA) does deal with contaminated land, however, it works on the ‘polluter pays’ principle (particularly IPC permitting) and generally deals with the worst cases of contaminated land and special sites through remediation notices, although it does define contaminated land etc. The guidance (Defra Circular 01/2006 Environmental Protection Act 1990: Part 2A Contaminated Land September 2006) mentions how the Act can interact with other regimes, for example:

PLANNING AND DEVELOPMENT CONTROL

41) Land contamination, or the possibility of it, is a material consideration for the purposes of town and country planning. This means that a planning authority has to consider the potential implications of contamination both when it is developing plans and when it is considering individual applications for planning permission. Planning Policy Statement 23,“Planning and Pollution Control”, published by ODPM (now replaced by the National Planning Policy Framework) , and in particular Annex 2“Development on Land Affected by Contamination” sets out policy and practice in detail, including the relationship with Part 2A.

42) In some cases, the carrying out of remediation activities may itself constitute “development” within the meaning given at section 55 of the Town and Country Planning Act 1990, and therefore require planning permission.

43) In addition to the planning system, the Building Regulations (made under the Building Act 1984) requires measures to be taken to protect new buildings, and their future occupants, from the effects of contamination. “Approved Document Part C (Site Preparation and Resistance to Moisture)” published in 2004 gives guidance on these requirements.

44) In any case where new development is taking place, it will be the responsibility of the developer to carry out the necessary remediation. In most cases, the enforcement of any remediation requirements will be through planning conditions and building control, rather than through a remediation notice issued under Part 2A.

Recommend use of condition SD12 Land Affected by Contamination - Submission of Remediation Scheme, to request a preliminary investigation/desk top study and risk assessment of the site.

REPRESENTATIONS:
26 letters of representations have been received from 16 parties; these representations raise the following concerns:

Highways
- Since the building of Sainsbury’s Starkholmes Road has been used much more as a route through to Matlock
The location of the bus stop further restricts visibility
It is already difficult for the elderly to cross the road, this proposal will make it worse
Have witnessed extremely dangerous situations on the road, particularly at school times
The pavements are very narrow
More traffic in the area will harm road safety leading to accidents
Concerned about the road junction onto Starkholmes Road which has poor visibility
Cars parked for the school cause road blockages
Highways have previously objected to development at this junction
For up to 9 dwellings 18 or more cars would use the poor junction
Vehicle speeds on the road are above 30mph
The surface of Starkholmes Road is degraded and requires Inspection
Cars travelling at 30mph and above will not be adequately seen in time by vehicles leaving the junction
Pump Close is narrow and difficult for two cars to pass
Service and construction vehicles will worsen the highway safety problems
It is difficult to pull out from Pump Close at peak times due to queueing traffic
Pump Close is often blocked with parked vehicles
Pump Close is higher than the garden at no. 39 and potential collapse of the road along this boundary has been an issue, the road was strengthened by the use of buttresses. More vehicles on Pump Close will make this situation worse.
Permission has previously been refused what has changed
The road geometry means that the pedestrian intervisibility cannot be achieved.
The applicant has misrepresented Manual for Streets (MfS) in relation to:
   The distance they have considered for the visibility splay from the 2.4m stopping position on Pump Close is smaller than they should have done
   They start from a position that a 34m visibility splay would be acceptable and that this can be achieved at the centre line of the road — MfS advocates a distance of 43 measured to the kerb line not the centreline.
   The safe stopping distance of 43m for a speed of 30mph ignores the fact that many vehicles exceed this due to the downhill gradient. Even at 30mph the reaction times and decelerations suggested by MfS cannot be met due to the downhill gradient.
Do not accept that 26mph is representative of the traffic situation that we see every day
Average speeds are higher in an evening
Disagree with the comments made in the Design and Access Statement regarding highway matters.
The traffic report ignores key points of safety
The visibility splay evidence submitted ignores parked cars on the road at the corner of Pump Close
In six locations Starkholmes Road is a single carriageway
There have been several minor and major accidents at the Starkholmes Road/Willersley Lane stretch 2005 to 2013; the personal injury statistic should not be the basis for safety, some accidents result in no injury
The survey produced is not valid as it was undertaken on northbound traffic on a very limited baseline and at a time when school traffic was reduced. The survey looked only at afternoon traffic when higher volumes are south bound the site was recently considered as a potential site and was dismissed due to the poor visibility.
Large vehicles cannot pass along Pump Close when cars are parked on the road.
• Children currently play on the road which is reasonably safe with a limited number of properties, this area would be unsafe for play should the proposal go ahead
• The nearest school is only 100 yards away
• Narrowing the access from Pump Close to Starkholmes Road will make the exit more dangerous
• Larger vehicles have to reverse into Pump Close, the access alterations would make this more dangerous
• 70% of northbound traffic proceeding downhill exit the bend above Pump Close over the centre line.
• The car parking bays naturally conduct cars across the road
• The survey undertaken by DCC after its unilateral discussions with the applicant repeats the error that cars do not cross the centre line and compounds the misleading assessment
• Alterations to the access would make left turns from the north more difficult and dangerous
• The revised plan relies on the assumption that the outward curve of the pavement on the Starkholmes side of the junction already exists which is not the case

Character and appearance
• The field should be retained as an integral part of the lower slopes of Riber hillside
• The integrity of Riber hillside should not be diminished
• Matlock is a conservation area close to the Peak Park and is of great natural beauty which adds to tourism, why would we destroy this. Such harm could lead to a reduction in the tourist industry in the area
• Previously refused shed building relating to St Giles school due to visual impact, thus matter is no different
• The proposal, does not constitute any logical infill and is out of proportion to the east side of Starkholmes

Wildlife
• The development will harm wildlife including newts, badgers, toads, insects, birds, bats, pheasants, foxes, hedgehogs and plants
• There has been a gradual destruction of habitat on Riber hillside
• The fauna and topography report is not fully representative, the northern boundary is a stream
• Newts have been seen in a residents garden

Policy matters
• This is a green field not a brown field site
• The land has been neglected for some years the site is outside the settlement framework boundary
• The application is premature in relation to the local plan
• The applicant is using the delay in this process to push forward an unsuitable site other permissions on this road have not been commenced
• The recent call for sites will bring forward more appropriate sites for development

Other matters
• There may be high levels of lead and cadmium on the site as found elsewhere in Starkholmes, this matter requires further assessment in addition asbestos has previously been buried on the site
• Query neighbour notification
• The application form is misleading

Amenity
• There is a farm next to the site which will impact on the new dwellings in terms of noise, nuisance, smells etc.
• No information has been submitted as to how overlooking issues will be addressed
• The proposal will harm privacy causing overlooking and loss of light and views

Drainage
• There is no drainage on the existing roadway
• There is a spring in the field which in winter becomes a torrent and has caused flooding in the past, any development will increase flooding by obstructing the natural underground courses
• Run off from the existing road surface goes onto gardens on Pump Close or onto Starkholmes Road

Ownership issues
• Pump Close is privately owned
• The residents of Pump Close paid for the cost of the re-surfacing of the road, the owner of the field did not contribute to this, therefore query rights of access
• The roadway has already broken up and residents have had to pay for resurfacing
• New residents would not be responsible for the upkeep and maintenance of the private road
• Current owners would not maintain the road at their exclusive cost.
• The field boundary to no.43 includes the fence and adjoining farm gate
• Rights of way are subject to the owner of the field paying a fair share of the maintenance and upkeep of the road, the owner has not contributed
• The road is rolled limestone with one layer of tarmac
• There are limits to the right of way
• The pathway in front of 57 and 59 edged by the stone kerbs is not part of the right of way.
• The rights of access do not allow alterations to the junction

Matlock Civic Association:
Object. The site is outside of the settlement framework boundary and is unjustified development on a green field site. The development would impact upon Riber hillside. Pump Close is narrow, concern over the increased use of the road. Brownfields sites on Starkholmes Road should be developed before green field sites are considered.

POLICIES:
Adopted Derbyshire Dales Local Plan (2005)
SF5: Design And Appearance Of Development
H9: Design And Appearance Of New Housing
NBE5: Development Affecting Species Protected By Law Or Are Nationally Rare
NBE6: Trees And Woodland
NBE8: Landscape Character
NBE16: Development Affecting A Listed Building
L6: Outdoor Playing And Play Space In New Housing Developments
TR1: Access Requirements And The Impact Of New Development
ISSUES:
Principle and appearance
The National Planning Policy Framework (NPPF) advises that there is a presumption in favour of sustainable development and Paragraph 11 states that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise. It advises that proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused, unless other material considerations indicate otherwise. The Development Plan includes the Adopted Derbyshire Dales Local Plan (2005).

However, the site is not located within the Settlement Framework boundary as defined by the Adopted Derbyshire Dales Local Plan (2005) and normally regard would be given to Policies SF4 and H4 of the Adopted Local Plan which restrict residential development outside of Settlement Framework boundaries. However, the District Council is currently unable to demonstrate a 5 year housing land supply to meets its objectively assessed need and these policies cannot be given weight.

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

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

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

It is necessary to consider whether there are any environmental constraints that would necessitate consideration and Policy NBE5 advises that where the proposals may have an impact on protected species, planning permission will only be granted if it can be demonstrated that there is an overriding need for the development. Policy NBE6 seeks to protect trees from development that may impact directly or indirectly upon them and Policy
NBE8 advises that planning permission will only be granted for development that protects and enhances the character, appearance and local distinctiveness of the landscape. The application site is on the hillside approach to Riber Castle which is a Grade II listed building, whilst the site is not within close proximity of this Listed Building the landscape impact has to take into account the distant setting of that Listed Building, Policy NBE16 seeks to protect the setting of a listed building.

In order for the development of the site to be acceptable, it is also necessary to determine whether the site can be served by a safe and secure access, and therefore be able to satisfy Policy TR1, and provide adequate off-street parking to comply with policy TR8. Given the scale of development proposed it is not considered necessary to provide an area of public open space as the size of the site is below the threshold specified in Policy L6.

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

However, the development is proposed on a greenfield site and will have an impact on environmental sustainability which would include the character and appearance of the landscape, relationship to a heritage asset, drainage and wildlife. The development of the site would also have the potential to impact the amenity of nearby residents and highway safety and, therefore, these elements of sustainability require consideration. These matters are addressed below.

**Impact on Character and Appearance and Heritage Assets**
Concern has been raised that the development of this site will be an infringement of the hillside approaching Riber Castle and therefore the development will have an adverse impact both upon the landscape character of the area and upon the setting of Riber Castle itself.

The locality has been assessed for its landscape sensitivity to development. Whilst Riber hillside is sensitive to development it is considered that there is scope for development in discrete pockets of land most closely associated with the existing development on the edge of Starkholmes, without causing undue harm to landscape character and appearance.

In view of this analysis it is considered that the development of this site which has existing residential development to the northern and western boundaries will assimilate well into the existing built up area as logical consolidation of the settlement. It is appreciated that the development of the fields in general to the east of Starkholmes Road would likely have adverse impact upon landscape character. However it is not considered that the development of this one field closely constrained by existing development will have a significant adverse impact upon the landscape character of the area.

The site is some considerable distance from Riber Castle. However, it is acknowledged that the setting of a listed building can be far reaching. It is considered that the
development of this site will assimilate well with the prevailing pattern of development and will not be conspicuous in views from or to the castle such that it will not adversely impact upon the setting of the listed building. Therefore the proposal complies with policies NBE16 of the Adopted Derbyshire Dales Local Plan and guidance contained within the National Planning Policy Framework.

**Impact on Trees**

There are protected trees located along the boundary of the site to the north, east and south. Whilst an Arboricultural Survey and Constraints Report have been submitted, the specific impacts of any development cannot be determined at this outline stage. Once the reserved matters are submitted detailed information regarding the trees and the relationships with the siting of the proposed dwellings will be required. The impacts of the development upon the trees can therefore be considered at the reserved matters stage as part of a detailed landscaping scheme.

**Impact on Protected Species**

Concerns have been raised regarding the potential impact the development will have upon the protected species. Derbyshire Wildlife Trust have considered the submitted survey in detail and subject to conditions regarding nesting birds and hydrology along with a detailed landscaping scheme to be submitted through the reserved matters the development of the site will not adversely impact upon protected species or habitats such that planning permission should be resisted. Therefore subject to conditions the proposal meets the requirements of Policy NBE5 of the Adopted Derbyshire Dales Local Plan and guidance contained within the National Planning Policy Framework.

**Drainage**

Comments have been made regarding the spring that is on the site. How this stream will be dealt with will be submitted in detail as part of the reserved matters. However, given the local concern regarding this matter and the impacts this could have upon habitats it is considered reasonable at this stage to impose a condition requiring full details of how this matter will be resolved along with details of the wider ground water effects of this work.

**Impact on Neighbour’s Amenity**

At the outline stage it cannot be determined what the impact of the development will be upon the amenity of neighbouring residents. With the existing dwellings located primarily along the western boundary of the site it is considered that housing can be erected on this site without having a significant adverse impact upon the amenity of existing residents. It is acknowledged that as a part of the reserved matters landscaping scheme a suitable boundary treatment will be required along the boundaries with the existing properties. The outline application is therefore considered to be acceptable in terms of the impacts upon residential amenity.

**Highway Matters**

Significant consultation has taken place between the Highway Authority and the applicant’s highway consultants. The result of those ongoing discussions is that a proposal has been put forward to alter the junction at Pump Close and Starkholmes Road. The intention is to build out the junction by 0.5m along with realigning/tapering the footways either side to tie-in with the revised give way markings. Specific details/distances regarding the footway tapers have not been submitted but the Highway Authority is satisfied that these can be finalised when the S278 agreement for the works are submitted, it is recommended that the footways are tapered at a ratio of 1:30.
The conclusions of the Highway Authority have been questioned by local residents in terms of vehicles crossing the centre line of the road when travelling in a downhill direction. A survey by residents noted that approximately 70% of vehicles had to cross the centre line due to parked vehicles on the far side of Starkholmes Road. However the Highway Authority are aware of this and are satisfied that the width of the roadway is acceptable for the proposed alterations to the junction to give a satisfactory access.

Pump Close is a private road and comments have been made regarding the rights of the applicant to alter the junction and have new housing accessed along this road. The applicant's agent has confirmed that there is an appropriate right of way and have completed the certificates on the application form in their view correctly in this regard. Such matters of ownership will have to be resolved as a private legal matter and cannot be resolved through the planning process. This also applies to the potential for damage to be caused to the surface of Pump Close and ongoing maintenance costs.

Based on the detailed assessment of the Highway Authority the proposal is considered to be acceptable with regard to highway safety in accordance with Policy TR1 of the Adopted Derbyshire Dales Local Plan and guidance contained within paragraph 32 of the National Planning Policy Framework.

Contamination
Residents have raised a concern that the land may be contaminated with high levels of lead and cadmium in the soil along with asbestos which has been left on this site in the past. In view of these concerns the Council’s Environmental Health team have requested that a standard contamination assessment condition be added to any permission to ensure that any potential contaminants are appropriately dealt with.

Affordable Housing
In accordance with the evidence put forward as part of the Draft Local Plan it is clear that affordable housing is required in this District. In light of the recent Judicial Review regarding the scale of development that can require affordable housing the development of up to 9 dwellings is now required to contribute to affordable housing. In this case the affordable housing requirement for a development of this scale would be 33%. The applicant's agent has provided a draft S106 agreement stating that the 33% requirement will be provided on submission of an affordable housing strategy. This complies with the policy requirement and is therefore acceptable subject to agreement through a S106.

Conclusion
Having regard to the provisions contained in Paragraph 14 of the NPPF, there is a requirement to grant planning permission where a development plan is absent, silent or where relevant policies are out of date, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

The site will form an acceptable addition to the town’s housing stock located, as it is, immediately adjacent to the current Settlement Framework Boundary of the Adopted Local Plan (2005).

The proposal also fulfils all three roles of sustainability as follows:
- In terms of the economic role the proposal will be beneficial to the economy and providing economic benefit with employment in the construction process and by assisting with sustaining local services.
• In terms of the social role the proposal will assist in the supply of needed housing and affordable housing close to services and facilities that the town can offer.
• In terms of the environmental role there are not considered to be any adverse environmental impacts of the development that cannot be sufficiently mitigated against via conditions and the submission of reserved matters.

The delivery of housing is being given significant weight in the balancing exercise to be carried out under paragraph 14 of the National Planning Policy Framework. Whilst there are understandable concerns from the local population it is concluded, however, that any adverse impacts of the scheme fall well short of significantly and demonstrably outweighing the benefits. On this basis planning permission is recommended to be granted for this sustainable expansion of the settlement.

OFFICER RECOMMENDATION:
That authority be delegated to the Development Manager to grant planning permission, subject to the completion of a Section 106 Planning Obligation Agreement to secure an appropriate affordable housing provision and subject to the following conditions:

1. Condition ST02a: Time Limit on Outline
2. Condition ST03a: Submission of Certain Reserved Matters
3. No works of construction shall take place on the site outside of the following hours:
   - Monday to Friday 08.00 to 20.00
   - Saturday 09.00 to 13.00
   - Sunday/Bank Holidays No construction
4. 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.
5. Throughout the period of development vehicle wheel cleaning facilities shall be provided and retained within the site. All construction vehicles shall have their wheels cleaned before leaving the site in order to prevent the deposition of mud and other extraneous material on the public highway.
6. Before any other operations are commenced (excluding Condition No 2 above) Pump Close’s existing junction to Starkholmes Road shall be modified in accordance with the revised application drawings 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 41 metres to the south and 38 metres to the north measured to the nearside wheel track in each direction. 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.
7. No dwelling shall 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 thereafter be retained for use at all times.

8. 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.

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

10. Prior to the commencement of development a detailed strategy for resolving the presence of the spring on the site shall be submitted along with a detailed assessment of the effects of this upon ground water and wildlife habitats within the locality. The development shall be carried out in accordance with the agreed strategy.

11. No removal of hedgerows, trees or brambles shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds bests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the Local Planning Authority.

12. Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until sections A and B have been complied with.

A. Site Characterisation
An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced and submitted in electronic format. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

i. a survey of the extent, scale and nature of contamination;

ii. an assessment of the potential risks to:-
   - human health;
   - property (existing or proposed), including buildings, crops, livestock, pets, woodland and service lines and pipes;
   - adjoining land;
   - groundwaters and surface waters;
   - ecological systems;
   - archaeological sites and ancient monuments.
iii. an appraisal of remedial options and proposal of the preferred option(s)

This must be conducted in accordance with DEFRA and the Environment Agency’s ‘Model Procedures for the Management of Land Contamination, CLR 11’.

B. Submission of Remediation Scheme
A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works, site management procedures and proposals for how the remediation works will be verified once completed. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Reasons:

1. Reason ST02a
2. Reason ST03a
3. To protect residential amenity in accordance with Policy H9 of the Adopted Derbyshire Dales Local Plan and guidance contained within the National Planning Policy Framework.
4-9. In the interests of highway safety in accordance with Policy TR1 of the Adopted Derbyshire Dales Local Plan and guidance contained within the National Planning Policy Framework.
10. In order to prevent localised flooding and loss of habitat in accordance with Policy NBE5 of the Adopted Derbyshire Dales Local Plan and guidance contained within the National Planning Policy Framework.
11. In order to ensure the protection of nesting birds in accordance with Policy NBE5 of the Adopted Derbyshire Dales Local Plan and guidance contained within the National Planning Policy Framework.
12. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with guidance contained within the National Planning Policy Framework.

Footnotes:
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 problems with the application and Permission was granted without negotiation.
2. Pursuant to Section 184 of the Highways Act 1980 and Section 86(4) of the New Roads and Streetworks Act 1991 prior notification shall be given to the Department of Economy Transport & Environment at County Hall, Matlock regarding access works within the highway. Information, and relevant application forms, regarding the undertaking of access works within highway limits is available via the County Council’s website: http://www.derbyshire.gov.uk/transport_roads/roads_traffic/development_control/vehicular_access/default.asp, email ETENetmanadmin@derbyshire.gov.uk or telephone Call Derbyshire on 01629 533190.

3. Pursuant to Section 163 of the Highways Act 1980, where the site curtilage slopes down towards Pump Close measures shall be taken to ensure that surface water run-off from within the site is not permitted to discharge onto Pump Close. This usually takes the form of a dish channel or gulley laid across the access, discharging to a drain or soakaway within the site.

4. Pursuant to Section 278 of the Highways Act 1980 and the provisions of the Traffic Management Act 2004, no works may commence within the limits of the public highway without the formal written Agreement of the County Council as Highway Authority. It must be ensured that public transport services in the vicinity of the site are not adversely affected by the development works. Advice regarding the technical, legal, administrative and financial processes involved in Section 278 Agreements may be obtained by contacting this Authority via email – es.devconprocess@derbyshire.gov.uk. The applicant is advised to allow approximately 12 weeks in any programme of works to obtain a Section 278 Agreement.

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

6. With effect from the 6th April 2008, the Town and Country Planning (Fees for Applications and Deemed Applications) (Amendment) (England) Regulations 2008 (SI 958/2008) stipulate that a fee will henceforth be payable where a written request is received in accordance with Article 21 of the General Development Procedure Order. Where written confirmation is required that one or more conditions imposed on the same permission have been complied with, the fee chargeable by the Authority is £97 per request. The fee must be paid when the request is made and cannot be required retrospectively. Further advice in regard to these provisions is contained in DCLG Circular 04/2008.

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

7. This decision notice relates to the following documents:
   Junction plan 825-002A received 08.05.15
   Arboricultural survey and constraints report received 12.11.14

86   Issued 7 December 2015
Design and access statement incorporating visual impact assessment and appendices A and B received 17.11.14
Whitcher wildlife phase 1 habitat and protected fauna survey received 17.11.14
Letter from Whitcher wildlife received 17.11.14
Indicative layout 825-SK003 received 12.11.14
Highway impact statement received 17.11.14
Site plan received 12.11.14

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THE SITE AND SURROUNDINGS:
The application relates to the garden land of the existing dwelling at no. 106 Northwood Lane. The land slopes downwards away from the access road towards the west. The site is accessed via a private shared driveway leading from Northwood Lane immediately adjacent to no. 110 Northwood Lane. A hedge encloses the garden land along the access road. The owner of no. 106 currently uses the south eastern corner of the site for parking. To the end of the driveway is the adjacent dwelling no. 108 Northwood Lane which is a two storey modern property. The site is outside of any settlement framework boundary in what is classed as open countryside under the provisions of the Adopted Derbyshire Dales Local Plan (2005).

THE APPLICATION:
Outline planning permission is sought to erect a dwelling on the garden land of the existing property. Whilst the application is in outline, permission is sought at this stage for access, layout and scale of the proposed dwelling.

The size of the proposed dwelling is 14m by 11m positioned slightly forward of no. 106 and forward of no. 108. On the submitted plans, the applicant has shown a dwelling that is single storey to the eastern driveway side of the site and stepping down the hill becoming a two storey building with rear dormer with an eaves height of 2.8m to the front, 5m to the rear and an overall ridge height of 6.5m. It is noted in the Design and Access Statement that the dwelling would be of a simple rectangular design with dormer/gable roof utilising the slope to maximise internal space.

It is proposed that the existing pedestrian access to no. 106 will be widened to allow access for the parking of two vehicles to the frontage of no. 106. This will involve the construction of a retaining wall within the line of the existing hedge with a post and rail fence above for safety, the siting of the vehicle access will ensure that the hedge will be retained. This is proposed in order to ensure that the existing dwelling will not use the shared private driveway.

Access and parking for the new property will be via the shared driveway and will be in front of and to the northern side of the proposed dwelling which is to be located to the eastern end of the site.

A bin storage area is proposed part way along the private driveway to ensure that bins can be easily collected.

As this application is intended to overcome the previous appeal decision which was dismissed on the grounds of amenity and highway safety the applicant has submitted a statement in support of the application, the key points of which are as follows:

The application is substantially the same as the application refused in May 2014 with the exception that it resolves the access issues and includes:
• A fence above the proposed relocated retaining wall to mitigate the safety reasons raised at the appeal.
Turning to the proposed dwelling to enable vehicles to enter and leave the private drive currently serving no’s 106, 108 and 110 Northwood in a forward gear.

The application is an opportunity to create a sustainable dwelling to assist the shortfall in housing supply

The site is large enough to easily accommodate a dwelling

The site is within easy reach of schools, shops and other facilities

This is a sustainable location

The slope of the site allows for a discreet development

The siting will avoid amenity issues

The design would be in keeping with existing properties

The scale is appropriate

Materials would reflect those locally

The dwelling would be energy efficient to achieve a high level sustainable homes rating

The private drive serving 108 also provides access for 106 and 110. The proposals are unlikely to result in an increase in vehicles using the land; whilst the existing parking provision is for one vehicle there is consent for a double garage currently used for storage but could be re used for parking.

Extensions were approved at no. 108 in 2004 for extension to garage and conservatory which would have increased vehicle trips – at the time the access was considered substandard but granted a 36% increase in vehicle movements

The proposed dwelling would result in a 6.5% increase in vehicle movements and this is difficult to consider significant or causing severe harm.

The change of parking arrangements for no. 106 will not represent a material increase in vehicle usage.

Visibility is no longer an issue as the land is under highway control

Amenity was not raised as a concern by the LPA and it would therefore be unreasonable to consider this a valid reason for this application

To ensure the occupants of 106 no longer continue to exercise a right of access along the private drive the applicant is prepared to enter into a legal agreement to ensure the right of access is removed.

Landscaping of the site would be carried out sympathetically

106 Northwood Lane benefits from parking served off the shared access with 108 and 110.

The proposals make use of this existing access and parking to form the access to the proposed dwelling

The Highway Officer from the Local Highway Authority made reference in the appeal to land in the visibility splay being within the Public Highway but currently in adverse possession, evidence is attached to show that the land to the frontage of no. 110 is highway land, therefore the required visibility splay can be provided.

The continued use of the access for no. 106 and the new dwelling would create additional vehicular trips detrimental to no. 110. To mitigate this, a new access is proposed to serve no. 106.

RELEVANT HISTORY:
14/00102/OUT Erection of dwelling (outline) – Refused for the following reasons:

1. The development is proposed in an unsustainable rural location outside of a defined Settlement Framework boundary. As the Council are able to demonstrate a five year supply of housing land plus 5% in accordance with the requirements of the National Planning Policy Framework, the development of this site for housing would be inherently unsustainable and unwarranted. As such, the proposal is contrary to
The proposed development if permitted, involving the creation of a new access to Northwood Lane, would introduce traffic movements to and from the public highway at a point where emerging visibility is restricted due to third party land, thereby leading to danger and inconvenience to other highway users. As such the proposal is contrary to the requirements of Policy TR1 of the Adopted Derbyshire Dales Local Plan and Development Management Policy 22 of the Pre Submission Draft Local Plan.

This matter then went to appeal and the Inspector made the following observations in dismissing the appeal:

- As the Council cannot currently demonstrate a 5 year housing land supply, policy SF4 is out of date. The proposed development would provide a suitable site for housing in principle.
- The proposal would be detrimental to highway safety and would have an adverse impact upon the living conditions of the occupiers of the adjoining property.
- These impacts significantly and demonstrably outweigh the benefits of the proposal when assessed against the policies of the Framework as a whole.

WED/1189/1011 House (Outline) – Refused and dismissed on appeal.

CONSULTATIONS:
Parish Council: The access is not good and will present a danger and inconvenience when construction traffic is trying to access and egress the site. Adverse impact on neighbouring properties, in particular 110 where the access abuts the boundary wall. Construction vehicles would pass within inches of no. 110. Nothing has changed since the previous application which was turned down on appeal. The applicant is claiming neighbours own their land in adverse possession, this has serious implications for all affected neighbours as they are threatened with a diminution in the value of their properties, they believe they are the rightful owners of their properties. No. 110 has deeds dating back 100 years. Should land owners have been made aware of this issue by the Authority. Consider the impact the new access would have upon no. 104 and in terms of proximity and amenity. To form the access there will need to be substantial foundations to ensure no slippage to 104 and 106. The applicant has a right of access to his property over the lane leading to 108, does he have a right to extend this to more than one property. Refer to committee.

Local Highway Authority: The Highway Authority removed its objection during the recent appeal due to the results of a speed survey. However, the appeal was dismissed with highway safety being a concern. The Inspector concluded that the emerging visibility splay of 2m x 24m from the proposed access in the easterly direction could not be achieved due to third party land. The Inspector also decided that whilst the proposed dwelling being served via the existing access would be replacing the existing dwellings traffic, a traffic increase on the existing access would still be likely due to the service, delivery and visitor traffic the new dwelling would be likely to generate.

There is a material difference within this current application insofar that the ‘third party’ land fronting no’s 110 and 114 is public highway according to the
Highway Authority’s record. Taking this new information into account, the recommended visibility splay can be achieved. Should permission be approved and the adjacent resident failed to maintain the splay then the Highway Authority would have the option of using section 154 of the Highway Act 1980 to secure cutting back of vegetation and recovering its costs. On this basis the Highway Authority has no objection subject to conditions.

REPRESENTATIONS:
14 letters have been received from 5 local residents, raising the following concerns:

Previous application
- Proposal is little different to the previous application
- Worrying that an applicant can submit an almost identical proposal when planning permission has already been refused.
- The Inspectors decision should not be ignored
- There are two refusals on this land now

Legal issues
- Dispute the claim that our garden fronting Northwood Lane is owned by Derbyshire County Highways
- The land is clearly shown in the deeds of your property, the porch to 114 was existing on the conveyance dated 1922 which pre dates the DCC plan of 1936
- Title deeds go back to 1899 showing the boundary as it is today
- Land searches from 1946, 1978 and 1989 none of which showed any issues in relation to DCC
- Dispute the legal claim of DCC to this land and therefore dispute that the visibility splay can be provided over this land
- It is not possible to unilaterally terminate the legal agreement
- The applicant is not the sole beneficiary of this right of way; four properties share this right of way in addition to the owners of the lane
- The hedge cannot be unilaterally removed by the applicant, it is jointly owned, and he cannot dig up the surface of the right of way
- Concerned regarding the County’s view regarding the front gardens of the properties
- The neighbour has submitted a letter from their solicitor which confirms that the applicant cannot simply give up his right of way, cannot see how the applicant can put anything in a document that would amount to an abandonment of the right of way so that it was extinguished such that it could not possibly be revived or exercised by a successor in title to his property.
- The detail on the highway plans is not accurate and therefore cannot be relied upon
- The plan includes a bin store on our land to which we do not agree – legal points made are backed up by solicitors letter
- Unfair to allow one of the properties within the highway to have a porch whilst the other would not be able to have vegetation above a certain height

Amenity
- Potential for overlooking to no’s 98 and 100
- Increase in vehicular traffic on the private access drive, both during construction and by the occupiers of the proposed dwelling, including deliveries
- Extra traffic passing close to our dining/kitchen window, the Inspector considered this to be an issue and this has not altered under this application
- Removing the small wall near the window would bring traffic nearer the house
- Harm privacy, additional impact from noise and disturbance

**Highway safety**
- A decision other than refusal would open the matter up to judicial review
- Potential for vehicles to reverse onto Northwood Lane
- The access remains unacceptable as found by the Inspector
- Highway safety will be compromised there is a blind bend on a steep incline with car parked on the highway, there have been many near misses in the locality
- More strain on parking in the area
- Danger to pedestrians
- Another access will compound the highway dangers
- Even if parking is provided for 106 there will remain intensification in traffic, including delivery vehicles, there is a difference in servicing a back land plot with one where vehicles can stand on the street
- The issue of intensity of use is not only related to the additional dwelling but also the servicing of this from the right of way rather than the public highway as no. 106 would be served from the highway
- The visibility slay is only a maximum of 2m x 20m as measured by an Architect
- Highways have not addressed the substandard nature of the access, the applicant has employed a consultant in this regard, the consultant’s views are summarised as follows:
  - The servicing of the proposed dwelling is an issue in terms of intensification; this situation is unchanged by the current proposals
  - The Inspector noted that the intensification of the driveway would have an adverse impact upon the amenity of the neighbour; this situation is unchanged by the current proposals
  - The applicant wants a legal agreement to demonstrate that there would be no intensification of use on the basis that there is already parking on the driveway which would transfer to the new house
  - There is an intensification of vehicles movements as a result of this proposal
  - No legal agreement can control the additional servicing and operational vehicles that will be attracted to the new dwelling – refer to the Inspectors decision
  - The proposed access does not comply with the 6C’s design Guidance which dictates the standard highway geometries that should be achieved in Derbyshire, the width of the access should be 6m
  - The minimum width for access to allow emergency vehicles is 3.7m with a turning area sufficient to allow a fire engine to turn, the applicant has not shown how these requirements will be met
  - The driveway is of insufficient width
  - The land under the control of the Highway Authority would need to be maintained as such otherwise there will be a danger to highway safety
  - The proposal would be contrary to Policy TR1 of the Adopted Derbyshire Dales Local Plan

**POLICIES:**
1. Adopted Derbyshire Dales Local Plan (2005)
   SF4: Development in the Countryside
   SF5: Design and Appearance of Development
   H4: Housing Development Outside Settlement Framework Boundaries
3. National Planning Practice Guidance

ISSUES:
The issue to consider under this application is whether the concerns of the Inspector raised in the recent appeal case have been overcome.

Principle of Development
In the appeal decision the Inspector found that as the Council could not demonstrate a 5 year housing land supply that the policies of the Adopted Derbyshire Dales Local Plan in respect to housing provision were to be considered out of date. As Northwood is a sustainable location being within close proximity of local services and facilities the Inspector considered that in principle this location was suitable for new residential development as a sustainable location in accordance with the National Planning Policy Framework. This is still considered to be the case.

Visual Impact
The Inspector did not raise any issues in terms of prevailing character, layout and form of the proposed dwelling. It is therefore considered that the site could be developed in such a way that the proposal would not adversely affect the character and appearance of the locality.

The site is detached from neighbouring properties and is of a size that can accommodate an additional dwelling. The scale of the dwelling proposed being single storey to the eastern elevation and two storeys to the rear western elevation assimilates well into the site context with two storey dwellings to either side of the site. It is considered that a dwelling of the scale and layout shown can be accommodated in this plot with an appropriate design solution. In terms of visual impact the proposal is considered to be acceptable.

Amenity
In the Inspectors decision it was clear that in her opinion the increased use of the driveway would have a detrimental impact upon the amenity of no. 110. As the existing driveway is in such close proximity to the side windows of no. 110 the additional traffic would have an impact upon the amenity of that property in terms of noise, disturbance and privacy.

In order to overcome this issue the applicant is seeking to rescind the right of way no. 106 has over the lane and has produced a legal agreement to this effect. However based on the Council’s own legal advice a right of way over land cannot be given up without the full cooperation of the other land owners, in this case that is the main objectors to the application. Furthermore there would be no way within planning legislation to avoid the reintroduction of that right of way as such a legal land ownership issue would not be a matter that could be controlled under planning legislation. Therefore, there is no mechanism through which the existing right of way can be removed and enforced in perpetuity. It is concluded that the increase in traffic associated with the proposal cannot be overcome via the removal of the right of way to the existing property no. 106. In any case in accordance with the Inspectors decision it is clear that a dwelling in this location
would result in an increase in traffic as it would be wholly serviced from the lane rather than the public highway, as is the case in the existing situation. Therefore the adverse impact upon amenity remains a valid concern.

**Highway Safety**

In terms of highway safety the Highway Authority are clear in their view that the area within which the visibility splay would be located would be within the control of Derbyshire County Council. This is heavily disputed by the relevant land owner who has documents dating back to 1899 with no reference of the highway control. The planning process cannot resolve this matter. The Highway Authority has made it clear that they would be willing to use their powers to enforce the maintenance of the splay, the District Council cannot dispute this and therefore it would appear that the required visibility splay can be provided and that the proposal therefore meets the access requirements of the Local Highway Authority. Therefore on balance the proposal is considered to be acceptable in accordance with Policy TR1 of the Adopted Derbyshire Dales Local Plan and guidance contained within the National Planning Policy Framework.

In order to alleviate some of the concerns of the neighbours whose land is considered to be within the highway, it should be noted that the ownership of the land remains with the owner of the property albeit restricted in how they use the land as they cannot interfere with the highway limits, but this does not alter land ownership.

**Conclusion**

The Inspector in the earlier appeal decision clearly considered the site to be acceptable for residential development in principle. However, there were two concerns regarding the site; firstly, that the visibility splay would be over third party land and secondly, that the intensification in the use of the access would be detrimental to the amenity of the neighbouring resident. Whilst the applicant has overcome the first issue given the highway authority exercise some control over the land the second issue cannot be satisfactorily addressed. The development of the site will lead to an intensification in the use of the access. The use of the back land site for development would always be an intensification over and above a dwelling fronting the highway in terms of servicing and deliveries. It is therefore considered that the proposal will have an adverse impact upon the amenity of the neighbouring resident based upon this increased level of activity in close proximity to the kitchen/dining window and the perceived overlooking from vehicles using the access and for this reason planning permission is recommended for refusal. In accordance with the former appeal decision this impact significantly and demonstrably outweighs the benefits of the proposal when assessed against the policies of the Framework as a whole and is therefore recommended for refusal.

**OFFICER RECOMMENDATION:**

To refuse planning permission for the following reason:

The intensification in the use of the access located immediately to the west of no. 110 Northwood Lane would have a harmful impact upon the amenity of the occupiers of that property through noise, increased general disturbance and perceived overlooking from vehicles using the access. As such the proposal is contrary to Policies SF5 and H9 of the Adopted Derbyshire Dales Local Plan and guidance contained within the National Planning Policy Framework.
FOOTNOTES:
The Local Planning Authority considered the merits of the submitted application and judged that there was no prospect of resolving the fundamental planning problems with it through negotiation. On this basis the requirement to engage in a positive and proactive manner was considered to be best served by the Local Planning Authority issuing a decision on the application at the earliest opportunity and thereby allowing the applicant to exercise their right to appeal.

This decision notice relates to the following documents:
Site plan 001/2015
Typical elevation 007/2015
Proposed access - Visibility splays within public highway 009/2015 received 13.02.15
Existing access - Visibility splays within public highway 008/2015 received 13.02.15
Proposed parking arrangement for no. 106 006/2015 received 13.02.15
Proposed block plan 003/2015 received 13.02.15
Existing block plan 002/2015 received 13.02.15
Design and access statement and appendix A received 13.02.15
Photo montage 005/2015 received 13.02.15
Letter from Mr Mead received 17.06.15
Proposed unilateral undertaking from the applicant
Letter from Mr Mead received 15.06.15
Letter from Mr Mead received 19.08.15
Email and letter from Mr Mead received 05.06.15
Letter from Mr Mead received 27.04.15

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15/00640/OUT

Stancliffe Quarry, Dale Road North, Darley Dale

Derbyshire Dales DC

Date: 07/12/2015

100019785
THE SITE AND SURROUNDINGS:
The site is a quarry close to the A6. It covers an area of approximately 10 hectares and supports a mosaic of woodland, scrub, grassland and open vegetation. It is contained within an area which was formerly part of the grounds of Stancliffe Hall which is located just to the north east. The site has been quarried for over 130 years and is still in (occasional) use with access gained off the A6 via Whitworth Road and Sir Joseph’s Lane. Although the site is attached to the north western end of Darley Dale, it is set within woodland that wraps around the boundaries on the northern western and southern sides while the landscape across the A6 to the west is open in nature with fine views across agricultural fields to the River Derwent and the high ground of the Peak District beyond. Steep sided quarry faces and embankments enclose the site to the extent that it is completely obscured from view except from high and long distant ground to the south.

The quarry floor is much disturbed, levels can vary quite dramatically and it is characterised by substantial piles of large dimension stone and individual rocks. The disturbed ground has become substantially colonised by pioneer vegetation such as silver birch, goat willow, buddliea and gorse. An open grass sward with native herb species has become established on some of the thin soils. Silver birch and rowan is colonising some of the bare quarry faces.

What remains of the former drive from West Lodge on the A6 to the Hall is now a pathway through the woodland on the western side. The site frontage to the A6 is also bounded by a stone wall which is a listed structure given its importance in relation to Stancliffe Hall.

THE APPLICATION:
Outline planning permission is sought for a development of up to 60 dwellinghouses. Permission is sought with the application for the access, layout and scale of the development. The applicant has submitted a red edged site plan which includes the access and the area on which the dwellinghouses, curtilages and associated infrastructure would be placed; the areas that are also in the applicant’s ownership, which include the quarry face and land below and the woodland areas, have been excluded from the application.

The site would be accessed off the A6 via an access built to adoptable standards which has been agreed with the Local Highway Authority with respect to planning permission 10/00238/FUL. This would include footpaths and shared surfaces for pedestrians and cyclists without inhibiting motor vehicles, and the site would be laid out to provide access for people with mobility difficulties.

The applicant has submitted the following supporting documents:

Design and Access Statement
This identifies the site as having potential for residential development in the Housing Allocations Document for 60 dwelling units. The development proposals are for a mix of 2, 3 and 4 bedroomed, detached, semi-detached and link detached, two storey dwellings.
units and two and a half storey townhouses. The space about dwellings is proposed to be 21m face to face and 12m face to side. It is proposed to provide a percentage of affordable housing, subject to negotiation and a financial development assessment would be submitted as part of a detailed planning application to follow this outline planning application if approved.

The applicant’s guiding principles for the design of the dwellings are:
- to create a high quality design of its own distinct identity whilst celebrating elements instrumental in the design of the area;
- to enhance the character and appearance of the area;
- to produce a safe and secure environment;
- to create attractive views in and out of the site.

The applicant advises that the materials are proposed to blend ‘extremely well’ with the existing built environment without adverse effects on existing residential amenity and will form part of the detailed planning application (approval of reserved matters).

It is advised that the scheme has been worked up due to consideration of site levels, the character of the local area and the need to protect the visual amenity of the adjacent land and settlements. The tree belt on the top of the quarry and on the lower slopes along the roadside would be retained whilst not under-utilising the site and provide a level of development appropriate for the housing needs of the area. The quarry face would be stabilised as part of a detailed scheme to be submitted.

Public open space is proposed in the centre of the site and a water retention pond is proposed as part of the drainage system and to be a feature on the site. It is proposed to create a streetscene with tree planting and low level shrubs. Swales are proposed along the lower edge of the quarry face incorporating a permeable land drain to direct surface water not taken up by absorption around the site as part of the SuDS scheme (see also Flood Risk Assessment below)

The applicant has also submitted a document that refers to the LDF Core Document and refers to former national planning guidance contained in PPS1, PPG13 and PPS25. However, all this national planning guidance has since been superseded by the NPPF and the LDF Core Document is no longer a working document as this relates to work undertaken some time ago as a Joint Plan with High Peak Borough Council and has been superseded by the work currently being undertaken on the District Council’s emerging Local Plan. The applicant does not refer to any of the saved policies of the Adopted Local Plan (2005).

**Derbyshire Dales District Council Strategic Housing Land Availability Assessment 2013**

This details the site being put forward for inclusion in the emerging Local Plan for residential development and was a proposed allocated site in the emerging Local Plan prior to its withdraw from consideration given the inadequacy of the housing land supply proposed.

**Flood Risk Assessment**

This identifies the site within Flood Zone 1 (low risk of flooding). It is advised that surface water drainage will form part of the detailed application which would incorporate a sustainable drainage system (SuDS), including swales and land drains, attenuation tanks and a filtration pond; the applicant advises there will be no greater impact on drainage
facilities. The dwellings are proposed to be set a minimum of 200mm above the road levels and hard surfaces will be permeable.

Bat and Badger Activity Report
This is a copy of the report submitted with a previous application and is dated 2010

RELEVANT HISTORY:
15/00645/LBALT Partial demolition of wall and rebuilding to new alignment and new access gateway – to be determined
11/00690/EXF Extension of Time Limit - Redevelopment of site to include remodeling of quarry, formation of access road to A6, erection of self-catering hotel and 38 no. holiday lodges – Granted
10/00238/LBALT Alterations to listed building - Partial demolition and rebuilding of boundary wall to facilitate new vehicular access - Granted
08/00311/FUL Redevelopment of site to include re-modelling of quarry, formation of access road to A6, erection of self-catering hotel and 38 no. holiday lodges - Granted
0489/0338 Hotel (Outline) and regrading of levels – Granted
0189/0079 Access Road - Granted

CONSULTATIONS:
Town Council – No objection – Comment:
- proper precautions to be undertaken to ensure the stability of Stancliffe Hall and quarry walls
- subject to satisfaction of Local Highway Authority comments

Northwood and Tinkersley Parish Council - No objection – Comment:
- expected to see a level of affordable housing contribution

Local Highway Authority – Comment:
- proposals for a residential use are likely to increase the level of vehicular and pedestrian activity associated with the site over the previous approved use
- gradients previously permitted for a private road may not be acceptable for residential use or possible adoption by the Local Highway Authority
- means of access, layout and scale are all matters to be determined at this stage but the level of detail provided is lacking
- detailed designs of the access to the A6 and internal estate streets need to be provided if they are to be given detailed consideration
- scale of development would warrant assessment of transport matters, possibly a transport statement
- advise that the above issues should be addressed prior to determination of the application.

Environment Agency – Comment:
- condition required with respect to site contamination.

DCC Land Drainage Authority – Object:
- would expect flood risk assessment
- require following details:
  o current site drainage
  o overview of all sources of flood risk
  o estimated impermeable area post development
estimated volume of surface water run-off the proposed development will generate
- plans for managing surface water to ensure there is no increase in the volume of surface water and the rate of run-off to adhere with Part H of the Building Regulations
- details of the proposed drainage strategy to include SuDS

DCC Planning Control – Comment:
- will not adversely affect minerals safeguarding interests.
- ongoing concern with regard to the stability of the quarry face given unauthorised quarrying works that took place further to the previous grant of planning permission for the holiday accommodation development
- current breach of condition notice relating to condition 43 to which the existing mineral planning permission is subject (which to date has not been complied with), and that condition 48 of those conditions provides for restoration of the quarry in accordance with a scheme will also need to be fully complied with.
- any grant of a new permission for a development on the site should be subject to a requirement for compliance with the requirements of these conditions in advance of the substantive development under the new permission or the proposed development could well be in conflict with, or prejudice, compliance with a restoration condition (so that the development would be a “county matter” by virtue of section 1 and paragraph (i)(h) of schedule 1 of the 1990 Act)
- consideration should be given to the extent of any cut and fill required and appropriate cross sections, to achieve development levels, the amount of waste material and previously discarded stone within the mineral tips to be removed/worked, (including whether such works may indicate a County Matter) and protected trees contained within the site and surrounding “blue edged” land.

DCC Strategic Policy - Comment:
- no requirement for a financial contribution towards school place provision
- has sufficient capacity to accommodate the additional demand for refuse collection – no financial contribution required
- advise access provided to high speed broadband and designing new homes to Lifetime Homes standards
- advise that domestic sprinkler system is incorporated into the dwellinghouses or the means to provide for such in the future.

DCC Archaeologist – Comment:
- Stancliffe Quarry appears on a list of stone sources for historic building repairs and paragraph 144 of the NPPF requires Local Planning Authorities/Mineral Authorities to consider the “small-scale extraction of building stone at, or close to, relic quarries needed for the repair of heritage assets”
- the previous applicant undertook to recover and stockpile some stone in advance of the development, to safeguard the historic stone supply - suggest that this consideration is just as relevant and that a similar condition would be appropriate
- will have no impact on below-ground archaeology being situated entirely within the 19th century quarry
- necessary that the Local Planning Authority has sufficient information to understand the significance of heritage assets and the development impacts thereon - no such information appears to have been supplied by the applicant, and it therefore appears that the application is deficient in terms of paragraph 128 of the NPPF
to address this omission the applicant should provide a ‘heritage impact assessment’ or similar, establishing the direct and indirect impacts proposed to the significance of designated heritage assets in and around the site, including setting impacts (visual, light, noise etc), and drawing on professional expertise as appropriate.

Historic England – Comment:
- should be determined in accordance with national and local policy guidance
- would request repeating previous condition with respect to the storage of stone on the site for use in which would reduce any incentive to just sell off as hardcore to free up storage space.

Derbyshire Wildlife Trust – Comment:
- due to time lapse, the reports are considered out of date and, therefore, up to date Extended Phase 1 and Protected Species surveys are required.

DCC Crime Prevention Design Advisor – Comment:
- no comments to make with respect to the proposed layout and ask that are consulted on the more detailed application if planning permission is granted.

REPRESENTATIONS:
A total of two letters of representation from neighbours. The comments can be summarised as follows:

- traffic implications
- loss of aged woodland would be immense
- housing not the correct development
- loss of trees and wildlife
- access road already blasted but apparently want to move it
- site is a complete tip
- site is supposed to be listed
- still believe that use of site as a tourist park would be good for the District - granting permission for residential development not in the best interest of local tourism
- application states site is not overlooked – completely ignores presence of 500 year old Stancliffe Hall
- are the houses close enough to Stancliffe Hall to require a heritage statement especially with regard to 2.5 storey dwellings
- with Stancliffe Hall some 25-30m above the quarry, raises concern with regard to dust, noise and light pollution
- applicant has played down the risk of collapse of the quarry face - despite legal action by DCC no attempt has been made to remedy the situation
- substantial fill material will be required to prevent further collapse and unlikely that this can be provided from the site alone
- self-set landscaping gives a false impression of the developable area by concealing the many changes in levels
- difficult to see how the costs of the remedial works, construction levels and access formation would make residential development viable
- would house buyers and housing associations wish to invest in such a location
- will be ongoing liability in association with the dangerous quarry faces
- site is isolated from Darley Dale
- as a tourist development people would expect a degree of isolation and provides an ideal setting for such bringing in visitors to contribute to the local economy.
Matlock Civic Association –
- coping stones along the A6 wall should be replaced during the development
- did not seem obvious where any emergency access would be.

POLICIES:
1. Adopted Local Plan (2005)
   SF4 Development in the Countryside
   SF5 Design and Appearance of Development
   SF7 Waste Management and Recycling
   SF8 Catering for the Needs of People with Disabilities in Development and
      Redevelopment
   H4 Housing Development Outside Settlement Frameworks
   H9 Design And Appearance Of New Housing
   NBE4 Protecting Features or Areas of Importance to Wild Flora and Fauna
   NBE5 Development Affecting Species Protected by Law or are Nationally Rare
   NBE6 Trees and Woodlands
   NBE7 Features Important in the Landscape
   NBE8 Landscape Character
   NBE9 Protecting the Important Open Spaces Alongside the A6 through Darley
      Dale
   NBE12 Foul Sewage
   NBE16 Development Affecting a Listed Building
   NBE17 Alterations and Extensions to a Listed Building
   NBE19 Demolition of Listed Buildings
   NBE24 Archaeological Sites And Heritage Features
   NBE26 Landscape Design in Association with New Development
   NBE27 Crime Prevention
   TR1 Access Requirements and the Impact of New Development
   TR2 Travel Plans
   TR6 Pedestrian Provision
   TR7 Cycling Provision
   TR8 Parking Requirements for New Development
   L5 Safeguarding the Tourism/Leisure Potential of Stancliffe Quarry and Ball
      Eye Quarries
   L6 Outdoor Playing and Play Space In New Housing Development

2. National Planning Policy Framework

3. National Planning Practice Guidance

ISSUES:
1. Policy
The National Planning Policy Framework (NPPF) advises that there is a presumption in
   favour of sustainable development and Paragraph 11 states that planning applications
   should be determined in accordance with the development plan unless material
   considerations indicate otherwise. It advises that proposed development that accords with
   an up-to-date Local Plan should be approved, and proposed development that conflicts
   should be refused, unless other material considerations indicate otherwise. The
   Development Plan includes the Adopted Derbyshire Dales Local Plan (2005).

The site is not located within the Settlement Framework boundary as defined by the
Adopted Derbyshire Dales Local Plan (2005) and normally regard would be given to
Policies SF4 and H4 of the Adopted Local Plan which restrict residential development outside of Settlement Framework boundaries. However, the District Council is currently unable to demonstrate a 5 year housing land supply to meets its objectively assessed need and these policies cannot be given weight.

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

Given the above, the District Council has to have particular regard to Paragraph 14 of the NPPF in the decision making process. This states that where the Local Plan is absent on this matter (as the existing Local Plan now is given the lack of identified housing land supply), regard has to be given primarily to the National Planning Policy Framework. Paragraph 14 advises that there is a presumption for granting planning permission unless any adverse effects of doing so would significantly and demonstrably outweigh the benefits against other policies within the NPPF. As such, there is a presumption in favour of the development unless other material considerations determine otherwise. One such matter is that of sustainability which is the ‘Golden Thread’ running through government guidance contained in the NPPF which is assessed below.

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

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

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

Stancliffe Quarry is allocated for Tourism/Leisure purposes under Policy L5 of The Adopted Local Plan and previously had planning permission for a holiday complex. However, this development has not proceeded and the planning permissions have now lapsed.
In consideration of the emerging Local Plan, the site was proposed to be allocated for residential development up until the Plan was withdrawn from consideration. The site is located near to the town of Darley Dale and will allow for relatively easy access by walking and cycling and thus less reliance on the use of motor vehicles. Whilst the District Council is still in the early stages of promoting the new Local Plan, given the above, the principle of residential development is considered acceptable to provide housing land towards meeting the objectively assessed need for the District.

With this acceptability in principle, the main issues in relation to this application are the detailed elements of the proposal and the potential impact that they have. In this respect key considerations are design and appearance of the development on the site and, whilst the application is in outline only, regard will need to be given to Policies SF5 and H9 with respect to layout of the site.

The access crosses a heavily wooded area that has the potential impact on biodiversity and therefore account has to be taken in respect of Policies NBE4 and NBE5. The proposal may also have an impact on trees/woodland and this needs to be considered in the light of the above Policies and Policy NBE6. Furthermore, the impact that the development has on the landscape character of this part of Darley Dale is considered to be an important element and, as such, has to be assessed against Policies NBE7 and NBE8.

The proposals include the partial demolition of the listed wall to create the access entrance and the alteration of the boundary wall fronting the A6. As such, Policies NBE16, NBE17 and NBE19 need to be taken into consideration in relation to the extent that the works will harm the special character and appearance of the Grade II listed wall.

The landscape design elements of the proposals will be critical to the success of the application, and its ability to integrate/enhance its surroundings. As such Policy NBE26 applies to this application.

The Highways Authority will need to be satisfied that the access arrangements and parking are appropriate, in order satisfy the requirements of Policies TR1 and TR8. As a major development, if planning permission is granted, in order to mitigate against a significant number of vehicle movements by private car, Policy TR2 requires that development proposals are accompanied by a relevant Travel Plan.

Given the above, as the principle of residential development is considered acceptable, permission should be granted in accordance with the requirements of the NPPF unless there are significant reasons for not granting such a permission. In this respect, the matters thrown up by the Policies above are considered relevant and are assessed below.

2. **Sustainability**

The site is on the fringe of Darley Dale and, in the context of the District Council having to look outside Settlement Framework boundaries to meet its housing needs, this site has reasonably close access to shops, employment and services such that it can be considered locationally sustainable. The development itself would provide for economic benefit with employment in the construction process and would assist with sustaining local services. In this respect, the proposed development would meet with the requirements for social and economic sustainability.
In terms of environmental sustainability, the development would bring a brownfield site into a viable reuse. There is a general presumption in favour of developing such sites, in sustainable locations, prior to considering greenfield sites; given the lack of such sites generally within the District; the District Council has already accepted through its decision making process, and through Appeal decisions, the need to develop some greenfield sites. In this respect, it is considered that the proposed development could meet with environmental objectives of sustainable development. However, notwithstanding the above, there are further detailed matters and material considerations, which feed into the assessment of environmental sustainability and which need to be assessed as follows:

- site layout
- affordable housing provision
- amenity
- landscaping
- trees and woodland
- wildlife
- Grade II listed wall bounding the A6 and other archaeological matters
- drainage
- highway safety
- land stability
- play space and open space provision
- crime prevention
- infrastructure contributions

3. Site Layout
   The applicant has applied for layout and scale for the development to be approved as part of this outline planning application. It is considered that this cannot be approved without fully understanding how such development would sit within the undulating site and there are queries of where certain forms of development would be located and what their scale would be in that context. The application refers to two and a half storey townhouses which may be an inappropriate dwellinghouse form in a rather more rural setting. An application for these matters would have been more appropriate, to either fully establish the principle or, alternatively, this could have been a reserved matter for later consideration if the principle of development is accepted.

4. Affordable Housing Provision
   The layout denotes dwellings of a scale that raises questions as to whether any of these could constitute affordable dwellinghouses operated by a registered social landlord, such as a housing association, in line with Adopted Local Plan policy. It would be expected in the light of emerging policy, and recent planning decisions, that there would be a need for the provision of 45% as affordable housing. The provision of affordable housing is a matter of priority in the District and its provision also reflects on the guidance of the NPPF.

   The applicant has advised that they would wish to provide a negotiated amount of affordable housing and this may be appropriate if the viability of bringing forward residential development of this quarry site could be demonstrated to be marginal. However, the applicant has provided no details of what level of affordable housing is proposed nor a viability assessment of the proposals by way of justifying anything but the amount that would be required by the District Council. This is a fundamental element of any development proposals which is set at the heart of any planning permission and cannot be addressed through a reserved matters application. In this respect, it is
considered that the absence of a clear proposal to address Council policy on this issue is a reason why the outline planning application should not be supported.

5. Amenity Issues
Access to the site would be via the A6 and therefore it is considered that there would be no significant impact on neighbouring residential properties. There will be more activity in the site but this is not considered to significantly harm the amenity of the nearest residents at Stancliffe Hall set above the quarry. There would be some dust and noise during construction and general noise resulting from the residential use of the site. However, this is not considered to be of such significant harm to justify a recommendation of refusal. Given the area proposed to be developed would be some distance from other existing residential properties, it is not considered that there would not be a significant impact on the amenity of other local residents.

6. Landscaping
This is a matter that needs to be considered with the more detailed proposals for the site. Suffice it is to say that the woodland areas which are in the applicant’s ownership, and provide a valuable setting to the development, would need to be fully considered and conditions required for their management. However, these areas have been excluded from the application site. The inability of the District Council, based on the submitted information, to fully assess the relationship between the site and its immediate woodland context, which will be directly and indirectly affected by the development, is a major shortcoming of the way in which the application has been presented. In this respect, and as previously advised to the applicant, these areas should have been included within the red edged application site.

7. Impact on Trees and Woodland
The County Council’s Arboriculturalist has provided comments on previous applications in that the only concern in terms of the potential impacts on the woodland area, protected by the County Council’s Tree Preservation Order, is the new access route and associated tree clearance. There were no objections with regard to the general development of the quarry and, if it provides an opportunity for securing appropriate pro-active management of the woodland instead of the current situation of neglect, this would be supported.

In terms of tree protection, the County Council’s arboriculturalist has previously advised that they do not believe it is practicable or necessary to follow BS 5837:2005 in terms of assessing individual trees. However, they have previously requested an annotated Tree Protection Plan showing the position of protective fencing for areas of the woodland that are in close proximity to areas of substantial construction activity.

In terms of securing pro-active woodland management in future years, the County Council’s Arboriculturalist has previously advised of the need to see some general timescales attached to specific management activities, for at least the first five years after construction is completed. It is believed that imposing a planning condition to produce a general management plan, for the first five or ten years, will ensure that there will be a continuation of much needed woodland enhancement for amenity and biodiversity objectives as well as for safety.

As such, it is considered that an outline of management proposals for the next five years is possible at this stage. However, the principally treed areas are outside of the planning application site and it is considered that it is unreasonable to impose a condition on land
which has not been included in the red edge application site to avoid the requisite planning fee to cover this area.

8. **Wildlife Issues**

Derbyshire Wildlife Trust has assessed the application and the information submitted by the applicant. It has been noted previously that the site has identified historic badger records known to be within the quarry, with activity found and setts in the wider area. Brown hare are located 300m east; common lizard is present 200m south and a *pipistrellus sp* bat roost located 240m south. Surveys have also been undertaken which include a Phase 1 habitat survey by Andrew McCarthy Associates in 2007, badger surveys in 2008 and 2010 and a bat tree and tunnel inspections followed by nocturnal activity surveys in 2010 by Sheaf Ecology.

In brief, from the previous but outdated survey work, it is clear from the ecological report undertaken by Andrew McCarthy Associates that the site supports UK Priority habitat types and supports a diverse mosaic of semi-natural habitats that would potentially make it of sufficient interest to meet Local Wildlife Site selection guidelines for mosaic habitats. The quarry should therefore be considered to support habitats of substantive nature conservation value and their presence is a material consideration in the making of the planning decision. The badger and bat report identified the site being used by badgers and recommended further surveys and monitoring works to the site.

With regards to bats, the assessment found low levels of foraging and commuting bats and no bat roost within the tunnel. However, feeding remains and bat droppings were found in the tunnel, which following the Bat Conservation Trust Guidelines (2012) would be considered as a ‘Feeding Roost’. Therefore, the tunnel would be considered as a roost and European Protected Species Licence (EPSL) would be required before any works on site commence. It is unclear from the report if the tunnel offers hibernation potential for bats and, therefore, it is recommended a bat hibernation survey as well as bat tunnel inspection, ground level tree assessment, nocturnal surveys and automated surveys are undertaken by a suitably qualified licensed ecologist. The report discusses an artificial tunnel. However, it is highly recommended, where practical, the tunnel remains in situ. A metal grid can be placed over the tunnel entrance to stop general public from entering the tunnel.

Due to the passage of time, the above reports are considered out of date. Therefore, Derbyshire Wildlife Trust has advised that up to date Extended Phase 1 and Protected Species surveys are required. The format and content of reports should follow current guidelines - such as CIEEM Ecological Report Writing and British Standards BS:42020. In addition the reports, where possible, should include mitigation and enhancement measures that may be required, to secure as a condition of any permission. Where appropriate this should include a detailed method statement for undertaking works that would avoid harm to protected species and appropriate mitigation and compensation for any loss of biodiversity.

Nevertheless, the applicant has failed to include the woodland setting in the application area. It is considered unreasonable to impose a condition on land which has not been included in the red edge application site, where the development will have direct and indirect impacts on that area which will require detailed mitigation.
9. **Impact on Historic Wall and other Archaeological Matters**

The Development Control Archaeologist has made an assessment of the application as it relates to the listed wall through which the access to the site is proposed. It is advised that, in determining the application, it is necessary under Paragraph 128 of the NPPF that the Local Planning Authority has sufficient information to understand the significance of heritage assets and the development impacts thereon, including indirect impacts through setting.

The Development Control Archaeologist raises concern that no such information appears to have been supplied by the applicant and it therefore appears that the application is deficient in terms of NPPF para 128. To address this omission, it is advised that the applicant should provide a ‘heritage impact assessment’ or similar, establishing the direct and indirect impacts proposed to the significance of designated heritage assets in and around the site. However, the impact on the boundary wall has been previously assessed in the granting of previous listed building consent and is to be also considered with the current application (ref: 15/00645/LBALT).

The boundary wall along the A6 has been listed by English Heritage during the consideration of the previous applications and is of national importance associated with Stancliffe Hall. The original submitted scheme for forming the access and altering the listed wall was considered in terms of its layout, arrangement and design, to be wholly inappropriate for the listed wall/new entrance. However, further to discussions with the Local Highway Authority and with Officers, the wall was redesigned to retain much of it in its current form and character (including the horse trough which is an important feature). Although no details have been submitted with the planning application, there are details submitted with the listed building consent application (ref: 15/00645/LBALT) of the alterations proposed to the wall as previously approved.

The scheme is for a simple curved entrance, which is considered appropriate in terms of its form and shape than the original submitted scheme for altering the access which was angular in design and had formal entrance features. However, full details will need to be provided by the applicant to ensure that the design, form and construction of the proposed alterations are considered appropriate. This will include the need to provide new walling and coping stones that address the curvature of the wall and a condition will also need to include details for the reinstatement of the original stone copings which were removed from the wall.

The scheme will undoubtedly cause some harm to the continuity, character and appearance of this historic wall which has national recognition through it being a listed building. However, this has always been the only practicable way of creating an access into this site and was envisaged to be the access route when the site was allocated for tourism/leisure development in the adopted Local Plan. The proposed access is the most appropriate location given the constraints of highway safety or residential amenity which would be harmful if situated in other locations.

In this respect, it is considered that, whilst there is some conflict with Policies NBE16 and NBE17 which seek to safeguard listed buildings, Policy NBE19 of the Adopted Local Plan does make provision for listed buildings to be demolished and altered where the merits of the redevelopment of the site outweigh the loss of the listed structure.

Stancliffe Quarry is on a list of stone sources for historic building repairs held by Derbyshire County Council and is also on the Strategic Stone Study database (Historic
England and British Geological Survey). In this respect, Para 144 of the NPPF requires Local Planning Authorities/Mineral Authorities to consider the “small-scale extraction of building stone at, or close to, relic quarries needed for the repair of heritage assets”. In the case of the previous application, the applicant undertook to recover and stockpile some stone in advance of the development, to safeguard the historic stone supply, and it is considered just as relevant now and that a similar condition would be appropriate.

The development itself will have no impact on below-ground archaeology being situated entirely within the 19th century quarry.

10. **Drainage**
The Environment Agency has raised no objection to the proposals subject to a condition with regard to site contamination. The Environment Agency raised concerns with the previous applications with regard to drainage on the site. Whilst this is now the responsibility of DCC as Land Drainage Authority, they have raised similar concerns. In this respect, which the applicant has submitted a brief flood risk assessment, the County council has advised that it requires further details to include the following:

- current site drainage
- an overview of all sources of flood risk
- estimated impermeable area post development
- estimated volume of surface water run-off the proposed development will generate
- plans for managing surface water to ensure there is no increase in the volume of surface water and the rate of run-off to adhere with Part H of the Building Regulations
- details of the proposed drainage strategy to include SuDS.

If the above are provided to the satisfaction of the Local Drainage Authority, Conditions would be required with respect to the design and management of the surface water drainage for the site and to demonstrate that the drainage destination accords with the hierarchy with respect to Building Regulations.

11 **Highway Safety Issues**
The access has been partially formed further to the granting of the previous planning permission and listed building consent, albeit this has not been completed and is currently subject to enforcement considerations as the planning permission and listed building consents were not lawfully commenced and have now lapsed.

The Local Highway Authority has assessed the proposals as submitted. It has been recognised that there is previous planning history relating to this site for leisure/tourist purposes. The previous consent issued allowed a certain quantum of development served by a new access to the A6. Certain concessions were also agreed in terms of internal estate street gradients, given the private nature of the development being considered at that time.

However, the current application seeks a residential use and the site has also previously been assessed as part of the District Council’s housing allocation sites process. However, the current proposals for a residential use are likely to increase the level of vehicular and pedestrian activity associated with the site, over the previous approved use, and the gradients previously permitted for a private road may not be acceptable for residential use or possible adoption by the Local Highway Authority.
Whilst the application is in outline form, means of access, layout and scale are all matters to be determined at this stage. However, the level of detail provided for such an application is somewhat lacking and more akin to details associated with a pure outline planning application, with all matters reserved for future consideration. Detailed designs of the access to the A6 and internal estate streets, including layout, geometry, visibility splays, gradients, etc, will all need to be provided if they are to be given detailed consideration as part of the current application, rather than the master-plan type sketch details currently provided.

The scale of development would also warrant assessment of transport matters, possibly a transport statement, which should include reference and a comparison to the previous consented use. Given the nature of the application, the Local Highway Authority advises that the above issues should be addressed prior to determination of the application.

13. **Land Stability**

There has been an ongoing concern with regard to the stability of the quarry face given unauthorised quarrying works that took place further to the previous grant of planning permission for the holiday accommodation development. The County Council as Mineral Planning Authority has taken the opportunity to remind the District Council that there is a current breach of condition notice relating to condition 43 to which the existing mineral planning permission is subject (which to date has not been complied with), and that condition 48 of those conditions provides for restoration of the quarry in accordance with a scheme will also need to be fully complied with.

It is therefore considered that any grant of a new permission for a development on the site should be subject to a requirement for compliance with the requirements of these conditions in advance of the substantive development under the new permission. The County Council has advised that, if such a requirement is not secured at the time of permission being granted, the proposed development could well be conflict with or prejudice compliance with a restoration condition (so that the development would be a “county matter” by virtue of section 1 and paragraph (i)(h) of schedule 1 of the 1990 Act).

The County Council also advise that consideration should be given to the extent of any cut and fill required and appropriate cross sections, to achieve development levels, the amount of waste material and previously discarded stone within the mineral tips to be removed/worked, (including whether such works may indicate a County Matter) and protected trees contained within the site and surrounding “blue edged” land. However, it is again considered that in order to assess the impact that the stability of the cliff face could have on the proposed residential development, in the short or long term, that this should be included within the application site at the outset as a fundamental element for consideration in the determination of the application.

The remediation measures, as they have not been quantified, could also lead to an impact on the land available for the development and impact on the applicant’s proposed layout. In this respect, layout of the site cannot be fully appraised unless this matter is properly addressed.

13. **Play Space and Open Space Provision**

Given the extent of development, the applicant has indicated the provision of children’s play space on the site. The normal requirement would be based on a financial contribution of £500 per dwelling unit. In this respect, the applicant would be expected to make
provision for play equipment in the region of £30,000 on the application site. This would need to be secured through a legal agreement on any grant of planning permission.

14. **Crime Prevention**  
The application is in outline and whist layout is sought as part of any permission, the Crime Prevention Design Advisor has advised that he does not wish to make comment until such times as the details of the dwellinghouses are submitted.

15. **Contributions to Infrastructure**  
DCC Strategic Planning has advised that there is no requirement for a financial contribution towards school place provision and that it has sufficient capacity to accommodate the additional demand for refuse collection. It is advised that access provided to high speed broadband and designing new homes to Lifetime Homes standards and that that a domestic sprinkler system is incorporated into the dwellinghouses or the means to provide for such in the future.

NHS England Derbyshire and Nottinghamshire Area Team has reviewed the planning application for the proposed housing development site on the land at Stancliffe Quarry in relation to the potential impact on primary and secondary care health services. A development of this nature would result in increased service demand which would not be easily accommodated within existing primary care resources. It is advised that the proposal would trigger the need to provide health related section 106 funding of £551 per dwelling based on 2.3 person occupancy.

It is unlikely that the NHS would support a single handed GP development as the solution to sustainably meet the needs of the housing development and that the health contribution would ideally be invested in enhancing capacity/infrastructure with existing local practices. The local practices are in the process of assessing the options available to them due to the significant amount of houses being proposed in the area. As the GP practices are independent contractors, it is advised that these need to be supported to identify a solution that does not destabilise the local health economy. Options available to the practices include increasing capacity at each premise by extending their existing premises or providing new premises.

However, until all the options have been explored, the NHS is unable to give a definitive answer where the contribution would be spent but advise that it will ensure that the solution provides the best value for money for all parties. As such, the development would need to be considered and approved through the NHS England national process and would no doubt be considered more viable with section 106 contributions.

However, as the District Council does not currently operate a Community infrastructure Levy (CIL) in this regard, it is considered unreasonable to impose such requests as requirements on the developer.

14. **Conclusion**  
In the absence of a five year housing land supply (plus 20%) the guidance in paragraph 49 of the NPPF is clear that the housing policies of the Local Plan are out of date. Accordingly, both Policies H4 and SF4 carry no weight in the consideration of this housing application immediately adjoining the settlement boundary and the Council are directed to Paragraph 14 of the NPPF in particular, and the Framework as a whole, to reach a judgement on the merits of an application.
Paragraph 14 requires the decision maker, in assessing the merits of an application, to grant permission unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the framework taken as a whole. The principle matters for consideration is whether the proposal meets with the social, economic and environmental requirements for sustainable development. In the social context, as described above, the Council has a shortfall in its housing land supply and, in line with previous Inspectors approaches on this issue, the contribution of the 60 dwellinghouses proposed to meeting this shortfall in supply lends substantial weight to supporting the scheme on this basis.

However, there are several material concerns with the application as presented. The applicant has made vague statements with regard to the proposed character and appearance of the development. The applicant has applied for layout and scale for the development to be approved as part of this outline planning application but it is considered that this cannot be approved without fully understanding how such development would sit within the undulating site. There are also significant unresolved questions with regard to how the housing development relates to the quarry face and securing its stability, where certain dwellinghouse types would be located and what their scale would be in that context; two and a half storey townhouses are proposed which may be an inappropriate form in a rather rural setting.

There are also fundamental matters for consideration in establishing the principle of development on the site. With respect to the application site, these include the provision of affordable housing, impact on wildlife, the stability of the quarry face, the impact on trees, the impact on the Grade II listed wall, highway matters and drainage provision. These are not satisfactorily addressed in the application and the applicant has sought to address some matters with outdated information.

The Local Planning Authority advised the applicant of concerns at the outset with respect to the inadequacy of extent of the red edged application site and the level of information submitted with the outline planning application. In this respect, the applicant failed to provide the necessary information to enable a full and proper assessment of the material considerations referred to above, of which many are matters that need to be addressed at the outset of granting any outline planning permission in principle, not as reserved matters. In addition, matters such as the storage of stone for future use for important buildings, as identified by the Development Control Archaeologist previously and in his comments on the current application, have not been given consideration by the applicant.

Given the above, whilst Officers consider that the principle of residential development can be supported, significant additional information is required to assess the significant material considerations which have not been adequately addressed. The absence of necessary information, and the need to fully assess the direct and indirect impacts on land surrounding the site, but outside the application site, means that the application submitted cannot be supported and must be rejected on the basis of its inadequacies.

OFFICER RECOMMENDATION:
Planning permission be refused for the following reasons:

1. The applicant has failed to properly appraise the direct and indirect impacts that the proposed development would have on the surrounding area and the direct and indirect impacts that the surrounding area could have on the proposed development, which are matters integral to the consideration of the outline planning application. As
such, the proposals fail to provide adequate information to support the application and address matters of principle and, therefore, fails to comply with government guidance contained in the National Planning Policy Framework and Policies SF5, H9, NBE4, NBE5, NBE6, NBE8, NBE16, NBE17, NBE18, NBE19, NBE24, NBE26, TR1, TR6, TR7 and TR8 of the Adopted Derbyshire Dales Local Plan (2005).

2. The layout of the dwellinghouses, without details of the design of the dwellinghouses and a full understanding of the levels on which these are set, could result in a development that fits poorly within the context of the quarry and the rural location. As such, it is considered that the proposal fails to comply with Policies SF5, H9, NBE8 and NBE26 of the Adopted Derbyshire Dales Local Plan (2005).

3. The applicant has failed to adequately address matters of affordable housing provision within the application, which is a matter of principle and not a reserved matter. The failure to adequately address this makes the proposal contrary to government guidance contained in the National Planning Policy Framework.

NOTES TO APPLICANT:

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

2. This decision notice relates to the following documents:

Site Location Plan 1:2500 received on 23rd September 2015
Drawing No. 780.01 received on 3rd September 2015
Drawing No 02 received on 17th September 2015
Design and Access Statement received on 1st September 2015
Bat and Badger Activity Report received on 1st September 2015
Flood Risk Assessment received on 1st September 2015
Derbyshire Dales District Council Strategic Housing Land Availability Assessment 2013 received on 1st September 2015

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15/00641/FUL

North Park Farm, Whitworth Road, Darley Dale

Derbyshire Dales DC
Date: 07/12/2015

100019785

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Derbyshire Dales District Council,
Town Hall, Bank Road, Matlock, Derbyshire DE4 3AX.
Telephone: (01629) 761150.
Website: www.derbyshiredales.gov.uk
THE SITE AND SURROUNDINGS:
The application site is situated on open agricultural land to the south-east of Northwood and just off Whitworth Road. There is an existing access off Whitworth Road and a steep track leads down to a large building being used for a combination of agricultural and equestrian purposes. The land slopes down, away from the road and there is a substantial belt of tree planting alongside Whitworth Road and groups of trees in the wider area. A public footpath runs along the southern boundary.

THE APPLICATION:
Full planning permission is sought for the partial change of use of an agricultural building to provide two animal pens. The building would also be used in part to provide a dog grooming facility. The applicant operates a mobile dog grooming business but advises that the facility would be for occasional use, approximately five hours a week, to allow for grooming larger dogs. To facilitate the above, the applicant has already sectioned off three pens within the building.

The applicant advises that she is qualified as a dog groomer and works with a professional dog groomer in Sheffield. There are proposed to be no set hours for the dog grooming as this would be a part time job based on a small number of dogs nearer to the applicant’s home. This is not expected to exceed 5 times per week. The dogs would be brought to the site by the applicant or the owners and would be dogs no larger than a Labrador. The applicant will be on-site when the dogs are being handled and they will not be left unattended or overnight.

A 25m x 40m animal turnout area is proposed to the sited to the north west of the agricultural building as detailed in planning application 15/00208/FUL. The animal turnout pen is not proposed to have any changes other than the erection of a fence to be used for exercising horses and for containing sheep and cattle. This is to ensure that in poor weather conditions that the sloping land will not become poached or boggy by animals using the fields.

The mixed pens within the building are for farm animals and horses. It is also proposed to install a small septic tank hidden underground at the bottom of the driveway. This is proposed to be the smallest available as it will have limited use.

RELEVANT HISTORY:

<table>
<thead>
<tr>
<th>Application Number</th>
<th>Description</th>
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<tbody>
<tr>
<td>15/00208/FUL</td>
<td>Proposed horse training area and hardstanding - Granted</td>
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<tr>
<td>12/00033/AGR</td>
<td>Agricultural Prior Notification – Extension to agricultural storage building - Granted</td>
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</table>
11/00294/AGR Agricultural Prior Notification – Erection of agricultural storage building - Granted
02/08/0624 Erection of two storey dwelling - Refused
01/01/0038 Extension of barn to provide building or stabling and breeding of horses - Granted
0199/0045 Construction agricultural building, yard area, drive and vehicular access - Refused
WED/95/17 Erection of barn for storage of hay and straw - Granted

CONSULTATIONS:
Parish Council - No objection – Comment:
- application states that site cannot be seen from a footpath but it can from the footpath running from Whitworth Road down the hill through North Park emerging at the A6.

Darley Dale Town Council – Object:
- support objections of local residents on grounds raised by the Chairman of the Darley Hillside Association

Local Highway Authority – No objection – Comment:
- comment on how the dog-grooming operation could be limited to only 5 hours a week
- may wish to consider a personal consent
- unlikely to see significant increases in the level of traffic movements
- acceptable level of parking
- not aware of highway safety issues that could substantiate refusal
- applicant needs to consult with the refuse collection department regarding number and location of bins
- conditions that use be ancillary to the existing authorised uses on the site
- dog grooming operations shall be by appointment only.

REPRESENTATIONS:
Five letters of representation. The comments are summarised as follows:
- potential increase in traffic will exacerbate traffic and safety issues
- concerns with people delivering and picking up dogs at the facility
- impact of dogs barking – potential nuisance
- commercial business in a green belt location – at variance with the Local Plan as not agricultural use
- any business would have an adverse impact on the tranquillity of Darley Hillside
- what are the opening hours?
- will members of the public access the site?
- how are the larger dogs to be brought to and from the site?
- will the applicant be at the site when the dogs are there?
- will dogs be left on site overnight?
- what animals would be in the mixed pens?
- is there any intent to use the pens for horse livery?
- horse training area should not be used as a commercial facility
- land clearance and tipping added to the site – previous infringements subject to planning enforcement and reported to the Environment Agency
- gated entrance considerably enlarged
- within area designated as being one of outstanding natural beauty
- if granted, would ask for conditions regarding the dog grooming being solely by the applicant and not for a business use, that the applicant be present on the site, that no dogs kept on site overnight due to nuisance and proximity to horses, no commercial operations (horse livery and kennelling) conducted and that the facility is compliant with environmental legislation.

POLICIES:

1. Adopted Derbyshire Dales Local Plan (2005)
   SF4 Development In The Countryside
   SF5 Design And Appearance of Development
   EDT13 Buildings Associated With Agriculture, Forestry Or Other Rural Based Enterprise
   EDT14 Farm Diversification
   EDT16 Re-Use Of Rural Building For Industrial And Business Use
   NBE6 Trees And Woodlands
   NBE8 Landscape Character
   TR1 Access Requirements And The Impact Of New Development
   L11 Equestrian Development

2. National Planning Policy Framework (NPPF)

3. National Planning Practice Guidance

ISSUES:

1. The animal/horse turnout area is considered reasonably justified for the benefits of care of the animals and the landholding.
2. The animal pens are contained within the building and are to be used in association with the applicant's horses and livestock which is a reasonable use.
3. The installation of the septic tank is not considered to adversely impact upon the character and appearance of the area.
4. The key matter for consideration is the dog grooming facility. This is a modest business proposal and it would not be expected to generate a significant amount of comings and goings from the premises that would lead to significant disturbance to neighbouring residents or raise issues of highway safety. The applicant has advised that the dog grooming element would be unlikely to exceed 5 dogs a week and it is proposed that it will only be carried out by the applicant.
5. The objections have been taken into consideration, but the proposals are not considered to raise significant matters with regard to noise nuisance, general disturbance or highway safety that would provide sufficient grounds to oppose the application. Therefore, it is considered reasonable to grant planning permission in accordance with the additional information submitted by the applicant and restriction on the dog grooming facility would be operated. It is considered reasonable to place some restriction on the hours of operation to limit the use to reasonable hours in the day. In this respect, it is considered that hours of operation should not be outside of 8.00am until 08.00 pm each day.
OFFICER RECOMMENDATION:

Planning Permission be granted conditionally.

1. Condition ST02a: Time Limit on Full.

2. The dog grooming operation shall be carried out only by the applicant and by no other person, shall be by appointment only and shall not operate outside of the hours 8.00am and 8.00pm Monday – Saturday and 9.00am and 1.00pm on Sundays, and not be operated on Bank Holidays. No dogs shall be kept at the site overnight.

Reasons:

1. Reason ST02a.

2. For the avoidance of doubt and in the interests of amenity and highway safety in accordance with government guidance contained in the National Planning Policy Framework and in accordance with Policies SF4, SF5, EDT14 and TR1 of the Adopted Derbyshire Dales Local Plan (2005).

NOTES TO APPLICANT:
This decision notice relates to the following documents:

Site Location Plans 1:2500 and 1:1250 received on 2nd September 2015
Block Plan received on 2nd September 2015
Drawing Nos. 215/03 received on 2nd September 2015
Additional Information received on 16th November 2015

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THE SITE AND SURROUNDINGS:
The site is an area of open land bounded by woodland of mature trees to the north, east and west. The woodland is subject to a Tree Preservation Order (DCC/TPO/115/A5). The southern boundary is open to views from the A6 and bounded by a low stone wall. The site is largely down to hardstanding. The site is within the open countryside and within the Derwent Valley Mills World Heritage Site (DVMWHS).

THE APPLICATION:
Full planning permission is sought for the provision of seven pitches for travellers and a pitch for the site manager. The current access to the site is proposed to be blocked up and the access relocated to the east end of the site where it is proposed to provide two parking spaces and a turning area. The access through the site is proposed to run largely along the southern edge of the site leaving space for a 2m high timber fence and landscaping between the access and the site boundary wall with the A6. A turning head is proposed at the end to the access to the west.

Other than the site manager’s caravan located close to the access, and a small area associated with pitch 8 to the west of the site, the pitches are proposed to be aligned along the north side of the access road; no details have been provided as to how the pitches will be separated. The manager's caravan would be set to the south of the proposed access track but would also be partially screened by the 2m high fence with landscaping set in front of this and behind the boundary wall.

The applicant recognises that the site is within the Derwent Valley Mills World Heritage Site but considers, given the use of the former use of the site (a timber yard), that the proposed development will have no adverse impact on the World Heritage Site. The applicant advises that the site is extensively afforested and there are no views of the site where evidence of the industrial archaeology, which gave rise to the designation, can be seen.

The applicant has submitted a supporting statement. This advises that the site has previously been used as a commercial site with a managed woodland and woodland craft business. The site also benefits from an extant planning permission for an agricultural building for livestock and storage of fodder and implements which would measure some 223m² in area once erected.

The applicant considers, given the commercial nature of the site, that the concerns of the Local Planning Authority with respect to development on the site being unduly prominent, encroaching and detrimental to the high quality landscape cannot be justified. The applicant advises that the site is surrounded by dense tree cover and additional landscaping is proposed with the application details and it is considered that this is the sort of landscape into which traveller pitches will be most easily assimilated without undue harm.

The applicant advises that the site is within 3km of the extensive community facilities at Cromford, with easy, level footpath linkage and a frequent bus route. The applicant
advises that whilst there are many local employment opportunities, travellers must, by definition, travel in pursuit of employment and therefore considers this aspect of sustainability to be irrelevant.

The applicant refers to Policy H15 – Accommodation for Gypsies - of the Adopted Local Plan (2005) and considers the proposal satisfies the criterion of the Policy which are that such sites will:
- need to be close to the road network (with good access to it) and public transport services;
- be in reasonable distance of local services and facilities;
- be a site provided with a reasonable level of utilities;
- be well drained and have flat areas of hardstanding, include separate areas for business activities (as necessary);
- provide an acceptable level of living standards;
- where necessary, be sufficiently distant from established residential areas to avoid harm to living conditions due to disturbance and noise; and
- does not cause harm to the character and appearance of the area.

The applicant nevertheless advises that some caution needs to be given to this Policy as it pre-dates Planning Policy for Traveller Sites (PPTS) and has not been tested through a Local Hearing since the introduction of the PPTS. The applicant considers that Policy H15 recognises the need for such sites to be located in the open countryside as it precludes location close to residential areas and there is also no criterion that traveller sites be located within settlement boundaries.

The applicant states that the PPTS and the National Planning Policy Framework (NPPF) support what they consider to be a sustainable form of development. It is also advised that the District Council must make an assessment of the need for traveller sites and set pitch targets, which the applicant considers it has failed to do since the Gypsy and Traveller Accommodation Assessment (GTTA) in 2008 and that this assessment is now outdated and will require a significant increase in the pitches required.

The applicant appreciates that the site is within the Derwent Valley Mills World Heritage Site (DVMWHS) but considers the proposal will have no adverse effect given the established commercial use of the site and that the proposal is in an extensively afforested location. The applicant considers that there are no views of the site in the context of the industrial archaeology which gave rise to the designation. It is noted that the railway line and canal are close but it is advised that these are not visible from the site and therefore the DVMWHS will not be affected by the proposals.

RELEVANT HISTORY:
14/00767/VCOND Variation of Condition 2 of planning permission 14/00133/FUL to allow for permanent use as a 3 no. pitch traveller site – Refused.
14/00617/FUL Change of use of land to use for siting of 4 holiday lodges erection of building for stables and store and new access – Refused – awaiting Appeal Decision.
14/00133/FUL 3 no. pitch traveller site – Granted for temporary period of three years and to be commenced within three years.
14/00117/FUL Change of use of land to use for siting of 6 no. holiday lodges – Refused.
13/00838/FUL Change of use of land to use for siting of 8 no. holiday lodges (chalets) – Refused.
CONSULTATIONS:
Wirksworth Town Council – Object:
- site is within World Heritage Site corridor and consider development would adversely affect the character and appearance of the area
- access/egress remains a concern notwithstanding the Highway Authority comments
- application premature – should be delayed to allow consideration of the broader issue of the provision of traveller sites to ensure the location is suitable as part of the DDDC Local Development Plan.

Cromford Parish Council – Object:
- within World Heritage Site which attracts thousands of visitors each year
- feel traveller site in this position would be detrimental to the character and appearance of the World Heritage Site
- permission would set a precedent for further inappropriate planning applications
- proximity of site to dangerous, fast and poorly lit road is of great concern
- highway danger for all with vehicles pulling on and off the site, including long and slow vehicles
- a number of applications have been refused on grounds of highway safety
- steep bank leading to railway track and river causes unease with regard to safety, especially children
- possibility of contamination of the river and its banks which is used by Cromford Fishing Club
- in time of cutbacks, feel spending a disproportionate amount of money on a traveller site is grossly unfair to the local tax payer
- application premature – should be delayed pending publication of the Local Development Plan.

Amber Valley Borough Council – No specific comment.

Local Highway Authority – No objection subject to conditions.

The Coal Authority – Comment:
- does not fall in the defined Development High Risk Area.

Natural England – Comment:
- refer to standing advice.

Derwent Valley Mills World Heritage Site Conservation and Planning Panel – Object:
- proposal does not address comments on previous applications
- one of the reasons why the Derwent Valley is a World Heritage Site is because of its industrial landscape arrested in a rural setting.
- A6 is a turnpike road introduced nearly two centuries ago and is one of the key transport routes developed along the Derwent Valley and is an attribute of the World Heritage Site.
- objected to previous proposal as considered the development would have an adverse impact on Outstanding Universal Value of the World Heritage Site – a permanent consent would certainly cause more harm by removing any ability to reinstate the site’s current natural character and incremental change on the site
- not clear if the wall will be set back from its existing alignment in order to accommodate visibility sight lines and wall only breached by the existing opening - would represent an undesirable break in the extensive continuity of this associated historic built structure along the A6 road.

Environment Agency – Comment – within Flood Zone 2 and refer to standing advice.

DCC Land Drainage Authority – Object:
- no specific Flood Risk Assessment

DCC Countryside and Woodlands Officer – Comment:
- refer to Tree Preservation Order 115 Area A5
- accepted that not all the area contains trees but it is reasonable to expect the proposal will impact, to some degree, on trees that are protected
- would welcome the submission of a tree survey as recommended in BS5937:2005.

DDDC Environmental Health – No objection.

REPRESENTATIONS:
A total of 12 letters of representation from local residents objecting to the application. The comments can be summarised as follows:
- guidance advises should be near amenities such as shops and schools and have good transport links - nearest shop 2.5 miles away, nearest school 1 mile away and bus is somewhat curtailed at weekends and bank holidays and the service is only likely to deteriorate with cut in subsidies
- guidance advises that should not impact adversely or overwhelm existing population – Homesford has a population of around 25 and a 7 pitch traveller site would potential double the population
- applications for residential development have been rejected
- site unsuitable for residential use
- larger development and would have greater impact
- noise levels from traffic cause disturbance
- would change quiet area
- within WHS and its preservation is paramount
- A6 is gateway and main route to Derbyshire Dales and Peak District
- shielding the site would be obtrusive
- if holiday lodges are unacceptable would be a contradiction to look at caravans
- highway safety issues regarding access/egress
- highway unsuitable for slow moving vehicles
- accident statistics are horrendous and have been fatalities in the area
- footpath is narrow
- no streetlighting, double white lines and on a bend
- danger for children with proximity to A6, steep bank, railway line, canal, river and sewerage facility
- costs and concerns over sanitation and pollution to the River Derwent
- litter
- contaminants e.g. diesel, oil, petrol
- temporary permission only granted as a stop gap
- prospect of traveller site affecting house prices
- state of uncertainty is causing stress which is human rights issue – repeated applications should not be allowed.

POLICIES:
1. Adopted Local Plan (2005)
   SF4   Development in the Countryside
   SF5   Design and Appearance of Development
   H15   Accommodation for Gypsies
   NBE5  Development Affecting Species Protected by Law or are Nationally Rare
   NBE6  Trees and Woodlands
   NBE7  Features Important in the Landscape
   NBE8  Landscape Character
   NBE25 Derwent Valley Mills World Heritage Site
   NBE26 Landscape Design in Association with New Development
   TR1   Access Requirements and the Impact of New Development
   TR8   Parking Requirements for New Development

2. Government Guidance
   National Planning Policy Framework (March 2012)
   National Planning Practice Guidance
   Planning Policy for Traveller Sites (August 2015)

3. Other
   Derby, Derbyshire, Peak District National Park Authority and East Staffordshire Gypsy and Traveller Accommodation Assessment 2014.
   Derwent Valley Mills World Heritage Site Management Plan 2014/2019

ISSUES:
1. Introduction - Background
   Planning permission has been granted for a temporary period of three years for a three pitch traveller site (ref: 14/00133/FU). Condition 2 of that permission states:

   2. The use hereby permitted shall cease within three years of the first occupation of the approved site, the date of the proposed first occupation having been advised in writing previously to the Local Planning Authority. On the cessation of the occupancy of the site, the land shall be restored to its former condition. All caravans, vehicles, fences and any other structures erected on the land pursuant to the approved use shall be permanently removed from the site immediately upon cessation of the use hereby permitted.

   The reason for the condition was set out in the Officer’s report. This advised that the site was not considered suitable to meet the needs of Gypsy and Traveller community in the long term given the location of the site within the Derwent Valley Mills World Heritage site and the unsustainable nature of the location. However, in recognition of the need to provide a site, it was considered that a temporary planning permission for a period of 3 years would be justified. This was to enable the District Council to meet its obligation in accordance with Government Policy, secure the completion of the revised Derbyshire GTAA and enable the District Council to consider the implications of that study in terms of any permanent provision that may be required.
2. **Policy Principle**

In assessing the planning merits, it is important to first provide the planning policy context for the determination of the proposal. The National Planning Policy Framework (NPPF) was published in March 2012, whilst the Framework does not change the statutory status of the development plan as the starting point for decision making (paragraph 12); in accordance with paragraph 212 the policies contained within the Framework are material considerations which must be taken into account. Policies within the Planning Policy for Traveller Sites are also material considerations which must be taken into account.

The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 7 of the NPPF outlines the three dimensions of sustainability as economic, social and environmental. Paragraph 14 advises that at the heart of the NPPF is a presumption in favour of sustainable development. For decision taking, this means approving development proposals that accord with an up to date Local Plan; and also in circumstances where the development plan is absent, silent or relevant policies are out-of-date, unless adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.

In the context of this application, which seeks the release of land associated with a woodland craft business and a supporting building onsite within the countryside, it is particularly important to assess the degree of conformity and relevance of policies in the Adopted Derbyshire Dales Local Plan (2005) with the NPPF.

The Derbyshire Dales Local Plan was adopted on 24th November 2005 and covered the use and development of land across the District up to 2011. Key to the consideration of any application for development in the countryside is Policy SF4 - Development in the Countryside. The Policy states that development in the countryside will only be permitted if it represents the acceptable re-use, adaptation or extension of an existing rural building and that the proposal is appropriate in nature and scale to a rural area; it preserves and enhances the natural character and appearance of the countryside and minimises any adverse impact on the local environment.

In this context it was established at the Willow Meadow Farm appeal that as the policy was drawn to guide development up to 2011, the policy should be considered out of date and not consistent with the more balanced approach to decision taking established within the Framework. Paragraph 25 of the Planning Policy for Traveller Sites states that Local Planning Authorities should ‘very strictly limit new traveller site development in open countryside that is away from existing settlements or outside areas allocated in the development plan.’

Of further relevance is Paragraph 7 of the National Planning Policy for Traveller Sites which states that planning decisions regarding traveller sites should be based upon a robust evidence base which establishes accommodation needs. Paragraph 10 of the Planning Policy for Travellers makes reference to the need to have a five year supply of deliverable and longer term view of developable sites; currently such a supply cannot be demonstrated in the District. The Derby, Derbyshire, Peak District National Park Authority and East Staffordshire Gypsy and Traveller Accommodation Assessment 2014 indicates that within the Derbyshire Dales District there is a need for 9 pitches over the period of 2014-2034, 6 pitches within the first five year 2014-2019 and a further 3 pitches 2019-2034. Whilst the Council have previously granted a permanent permission for four pitches at Ashbourne, this falls short of the policy requirement for the first five years
As the proposal is for a traveller site, Policy H15 of the Adopted Local Plan would have had some relevance. This states that planning permission will be granted provided that the site is close to the road network and public transport, is within reasonable travelling distance of services, will be well drained and able to accommodate flat areas of hardstanding suitable for caravans and other vehicles, where necessary is able to incorporate a separate area or areas for business uses, provides an acceptable standard of living conditions, is sufficiently distant from established residents and does not cause harm to the character appearance of the area. In the context of this application, it is particularly important to consider the impact of the proposed development on the landscape of the area with regard given to the location of the site within the Derwent Valley Mills World Heritage Site.

However, notwithstanding the above, Policy H15 can now not be attributed a great deal of weight as the Council cannot demonstrate that it can meet the five year land supply for traveller pitches. In this respect, Paragraph 27 of the government’s Planning Policy for Traveller Sites (August 2015) states that the lack of such a supply should be a significant material consideration in any planning decision with regards to granting temporary planning permissions but also states that in granting such temporary provision, there is no presumption that planning permission will be granted permanently.

In assessing the impact of the proposal upon the character and appearance of the area Policy SF5 is pertinent. This states planning permission will only be granted for development where the scale, density, massing, height, layout and access, materials of construction and landscaping preserves or enhances the quality and local distinctiveness of its surroundings; it reinforces the sense of place engendered by the presence of distinctive local building styles and materials; it is well related to surrounding properties and land uses; it minimises the risk and fear of crime and disorder; it gives priority to pedestrians and cyclists over the movement and parking of vehicles and it maximises the energy efficiency of built development. Paragraph 25 of the Planning Policy for Traveller Sites also states that, within rural areas, planning authorities should ensure that development does not dominate the nearest settled community.

The application site falls within a countryside location surrounded by a high quality landscape characterised by trees and woodland and falls within the Derwent Valley Mills World Heritage Site. Accordingly in assessing and determining this application consideration of Policies NBE6 Trees and Woodland and NBE8 Landscape Character needs to be made. These state that planning permission will only be granted for development where it can be demonstrated that the justification for development outweighs the importance of trees and woodland and for development that protects or enhances the character, appearance and local distinctiveness of the landscape. Policy NBE25 states planning permission will only be granted for development within the Derwent Valley Mills World Heritage site where it does not have an adverse impact upon its character and appearance.

The majority of the site lies within Flood Zone 2 which has a greater probability of river flooding. Paragraph 103 of the NPPF states that when determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where, informed by site specific flood risk assessment following the Sequential Test and if required the Exception Test, it can be demonstrated that:
• Within the site, the most vulnerable development is located in areas of lowest flood risk unless there are overriding reasons to prefer a different location; and

• Development is appropriately flood resilient and resistant, including safe access and escape routes where required, and that any residual risk can be safely managed, including by emergency planning; and it gives priority to the use of sustainable drainage systems.

The National Planning Policy for Traveller Sites indicates, within paragraph 13, that particular regard should be given to the risk of flooding when considering applications for traveller sites due to the vulnerable nature of caravans.

Assessment of the proposal also needs to include consideration against Policy TR1, which seeks to ensure that development proposals requiring to be served by vehicles should be accessible to a road network of adequate standard to accommodate the anticipated traffic generated by the development safely and without detriment to the character of the road network. In this regard the views of the Highways Authority should be obtained.

The consideration of this application needs to balance two conflicting issues. On the one hand, there is an acknowledged local need, and a Government policy requirement, to provide sites for Gypsy and Traveller sites. Government Policy makes it clear that Local Planning Authorities should identify a five year supply of sites and, in the absence of such an identified supply, places a presumption in favour of the granting planning permission to meet identified needs. Whilst planning permission has recently been granted for a four pitch site at Watery Lane, Ashbourne (ref: 15/00181/FUL), this has yet to be implemented and would only meet a portion of the traveller accommodation required in the District. The previous application on this site preceded the identification of the site in Ashbourne and, in light of identified need at that time, there was a strong presumption in favour of granting a temporary planning permission for this site on the application site under planning permission 14/00617/FUL.

On the other hand, whilst the provision of 7 pitches will make a contribution towards ensuring that the Gypsy and Traveller needs are met, this needs to be balanced with consideration as to whether the development proposed on this site will have adverse effects on the character and appearance of the locality, which is environmentally sensitive due to its location within the World Heritage Site. Consideration should also be given as to whether the development proposal can be deemed to be in a sustainable location, considering the distance to the nearest services.

3. Sustainability

Paragraph 7 of the NPPF outlines the three dimensions of sustainability as economic, social and environmental. In terms of social sustainability, the proposals would be acceptable in meeting with the requirements for Gypsy and Traveller site provision to meet the District Council’s objectively assessed need. In terms of economic sustainability, the site has a relatively limited role to play in the creation of employment and the role it would play in the rural economy. The historic use of the site would appear to have as just as much potential for economic benefit as the usage proposed as a traveller site.

In terms of environmental sustainability, it is considered that the site is an unsustainable location away from employment opportunities and services and inappropriate to meet the needs of travellers in this respect. The nearest settlement that could provide basic facilities is Cromford which is some 3km away. The site is in such a location that would not be considered acceptable for the erection of a permanent dwellinghouses and, whilst

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the site may be for persons who are transitory, the permanency of use as a site for accommodation must be given similar consideration. In this respect, it is considered that the site’s isolation would lead to persons residing at it to access employment and services by car, given the relative distances to settlements which would provide for such and the limitations on public transport.

It was identified by Officers, in consideration of the previous planning application for the traveller site, that this site was within the Derwent Valley Mills World Heritage Site and the unsustainable nature of the location would not be conducive to the site providing a permanent, long term solution to meeting identified needs. This was latterly reflected in the refusal of application 14/00767/VCOND to grant the permanent siting of 3 no. pitches through the lifting of Condition 2 of planning permission 14/00617/FUL. This also reflects the government guidance contained in Paragraph 25 of Planning for Traveller Sites (August 2015) which states that planning authorities should very strictly limit new traveller site development in the open countryside that is away from existing settlements.

4. Impact on the Local Community
The government’s Planning Policy for Traveller Sites (August 2015) advises in Paragraph 14 that sites should not dominate the nearest settled community. Local residents have raised concern that the number of travellers would be similar to the number of existing residents locally. However, the site is not of such a substantial size, where its physical size would dominate Homesford, or there would be a large predominance of travellers to existing local residents to the point that it would be considered reasonable to refuse planning permission. However, given how apparent the site is from the A6, and the extent of screening proposed, it does present a site that appears deliberately isolated from the rest of the modest community, which is a concern raised in Paragraph 26 of government’s Planning Policy for Traveller Sites (August 2015).

5. Impact on the Outstanding Universal Value of the World Heritage Site
It is considered, as with the application for the permanent siting of 3 pitches, that the proposal (which is essentially for eight pitches to allow for the site supervisor) would cause harm to the outstanding universal value of the DVMWHS with the siting of caravans and screening with fencing. Whilst this was previously considered acceptable in the short term, to address a pressing requirement for the District Council to meet the needs of travellers, the applicant has advised this to be impractical for such a short period of occupancy given the works required to implement such a scheme.

The site is larger than the three pitches previously approved on a temporary basis. The extent of screening required is a significant length of 2m high boundary fencing which will present a stark vista to the A6 which would be permeated with views over the fence of caravans and vehicles. Therefore, it is considered that the development would have a detrimental impact on the character and appearance of the countryside and the outstanding universal value of the World Heritage Site. As such, the long term impacts of the proposal, in such a prominent location, are considered to outweigh the District Council’s requirement to meet the needs of travellers with a permanent site in such a sensitive location.

6. Impact on Protected Trees
With regard to this application, the DCC Countryside and Woodlands Officer has raised concerns with respect to the potential impact on protected trees. It should be noted that such concerns have not been raised with respect to previous applications, and the applicant has advised this was not a matter that was raised when DDDC Corporate
Services investigated potential of the site to provide for gypsy and traveller pitches. Whilst this is noted by the applicant, DDDC Corporate Services did advise that any consideration of the site would need to be considered from a planning perspective.

Given the above, the applicant has refused to provide further information with respect to the protected trees and has invited DCC Officers to visit the site if they so wish to consider the impacts. It is the view of DDDC Officers that the impacts, if there are any, should have been raised previously by DCC if they had any particular concerns with regard to the several planning applications submitted prior to this application. Nevertheless, it is not considered that the trees will be unduly affected to the point that planning permission could be refused on this basis. Measures could be undertaken to site any caravans, etc. outside of the canopy spread. It is not considered, given the fall of the land, that the root protection areas would be significantly impacted upon. Responsibility for advising any residents that the trees are protected would rest with the applicant and future site managers.

7. **Highway Issues**
The Local Highway Authority has assessed the proposal and, given the revised access, has raised no objection to the proposal subject to conditions with regard to the re-siting of the access, the closure of the existing access, the provision of parking and manoeuvring space, the retention of the car parking spaces for such purposes and that no gates be set within 10m of the highway.

8. **Conclusion**
Given the above, the consideration of this application needs to be a balanced one, considering the District Council’s requirement to meet the needs for the traveller community (with the applicant offering their site to meet this requirement) balanced against the unsuitable nature of the site in terms of its location and the impacts that such a permanent development would have on a site that is set within a World Heritage Site of international importance.

The Gypsy and Traveller Accommodation Assessment 2014 indicates that within the Derbyshire Dales District there is a need for 9 pitches over the period of 2014-2034, 6 pitches within the first five year 2014-2019 and a further 3 pitches 2019-2034. At present, the District Council has granted planning permission for four pitches at Watery Lane in Ashbourne which leaves it with a need to find a minimum of two further pitches to meet its current provision requirement until 2019. In this respect, in a case where the District Council cannot meet its objective assessed need, there is a presumption in favour of such development unless there are significant material considerations that may otherwise deem such development to be inappropriate as set out in Paragraph 27 of the government’s Planning Policy for Traveller Sites (August 2015).

In such a context it is important to reflect on the inherent sustainability of what is proposed. As stated above, sustainability has social, economic and environmental dimensions. In terms of social sustainability, the proposals would be acceptable in meeting with the requirements for Gypsy and Traveller site provision but it is considered to have a relatively limited role to play in economic sustainability. However, in terms of environmental sustainability, it is considered that the site is an unsustainable location, away from employment opportunities and services and inappropriate to meet the needs of travellers in this respect. It is also the view of Officer’s that the permanent siting of a 7 no. pitch traveller site, with a further pitch for the site manager’s accommodation, would be detrimental to the character and appearance of the
countryside in this area of high quality and historic landscape within the Derwent Valley Mills World Heritage Site. It is appreciated that the applicant gives limited value to the character and appearance of the area, being set away from historic features that underpin the 'outstanding universal value' of the World Heritage Site. However, the A6 itself is a primary route through the World Heritage Site, from which not only its built heritage appreciated, but the environmental heritage is also revealed.

Therefore, it is considered that the long term impacts of a permanent site, in such a prominent location within the DVMWHS, outweigh the District Council's requirement to meet the needs of travellers with a permanent site in this location. This was clearly stated in the Officer’s report regarding the granting of the temporary permission. However, there was no presumption that the temporary planning permission should become permanent and this is reflects Paragraph 27 of the government’s Planning Policy for Traveller Sites (August 2015). As such, the proposals are considered environmentally unsustainable and, given the above, it is recommended that planning permission be refused for the following reasons.

OFFICER RECOMMENDATION:
That planning permission be refused for the following reasons:

1. The permanent siting of a 7 no. pitch traveller site and the site manager’s accommodation would be detrimental to the character and appearance of the countryside in this area of high quality and the outstanding universal value of the historic landscape within the Derwent Valley Mills World Heritage Site. As such, the proposal fails to comply with Government policy contained in the National Planning Policy Framework and Planning Policy for Traveller Sites (August 2015) and Policies SF4, SF5, NBE8 and NBE25 of the Adopted Derbyshire Dales Local Plan (2005).

2. The proposals are for a long term use of the site as a traveller site which is in the open countryside and is an unsustainable location away from employment opportunities and services. As such, the proposal to use the site as a permanent site for travellers is an unsustainable form of development and fails to comply with Government policy contained in the National Planning Policy Framework and Planning Policy for Traveller Sites (August 2015).

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

2. This decision notice relates to the following documents:
   Site Location Plan 1:2500 received on 3rd September 2015
   Drawing No. SG.15.1 received on 3rd September 2015
   Design and Access Statement received on 3rd September 2015
   Additional Comments on tree matters received on 28th September 2015.
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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 4 November 2015

by N McGurk BSc (Hons) MCD MBA MRPI

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

Decision date: 26 November 2015

Appeal Ref: APP/P1045/W/15/3129358
Crowtrees, Thurvaston Lane, Longford, Ashbourne, DE6 3DU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
- The appeal is made by RPC Commercials against the decision of Derbyshire Dales District Council.
- The application Ref 14/00073/VCOND, dated 3 February 2014, was refused by notice dated 23 January 2015.
- The application sought planning permission for dwelling “Crow Trees” without complying with a condition attached to planning permission Ref WED/182/14, dated 8 January 1982.
- The condition in dispute is No 4 which states that: The occupation of the dwelling shall be limited to a person solely employed at the adjoining vehicle dismantling/repair business (and any dependants of such a person residing with him), or a widow or widower of such a person.
- The reason given for the condition is: The site is within an area where the erection of a dwelling for any other purpose would be unacceptable.

Decision

1. The appeal is dismissed.

Procedural Matter

2. The application the subject of this appeal sought to remove a condition that limits the occupancy of the appeal property. I note that the Council, in its refusal notice, refers to the application the subject of this appeal as being for a “Variation of Condition,” but that it does then go on to refer to the removal of a condition.

Main Issue

3. The main issue in this case is whether the condition imposed is reasonable and necessary in the interests of the principles of sustainable development, having regard to current policy and guidance.

Reasons

4. The appeal property is a two storey brick built detached dwelling. It is located in the open countryside, adjacent to a commercial site. The appellant points out that the commercial use of the site includes the sale of HGVs.
5. During my site visit I observed the adjacent commercial site to be large and to contain a variety of vehicles, including newer HGVs and HGVs that appear to be in a severely dilapidated condition.

6. The wider area around the appeal property comprises open countryside. It is distinctly rural in appearance and is characterised by large, open fields. The nearest settlement of any considerable size, containing a range of services and facilities, is several kilometres away. The nearest small settlement, Longford village, is more than a kilometre distant and contains very little in the way of services and facilities. Both Thurvaston Lane and Longford Lane – which connect the appeal site to Longford village – comprise narrow, unlit and unpaved country lanes.

7. The Framework states that local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances, such as the essential need for a rural worker to live permanently at or near their place of work. Taking the information above into account, the appeal property is an isolated home in the countryside. Consequently, it would not be granted planning permission today, without demonstrating special circumstances, such as there being an essential need for a rural worker. I note that the appeal property has supported a rural business and in this way, its tie to the adjacent business is reflective of national policy’s support for a prosperous rural economy, as established in paragraph 28 of the Framework.

8. At the time planning permission was granted for the appeal property, the Council took into account the rural location of the appeal site and stated that the erection of a dwelling for any other purpose than that associated with the adjacent business would be unacceptable. The appeal property would not have been granted planning permission without being tied to the adjacent business. The removal of Condition 4 would remove this tie and would result in an untied market house in an isolated location in the countryside.

9. I find that a dwelling in this isolated location would be reliant on the private car to reach a comprehensive range of services and facilities. This would be in direct conflict with the Framework, which is clear in its aim to provide a balance of land uses so that people can be encouraged to minimise journey lengths for work, leisure, shopping, education and other activities (paragraph 37).

10. In support of his case, the appellant states that the appeal property is no longer required to support the adjacent business. In this regard, I am mindful that the house and business have effectively been tied together for a considerable period of time and that it is almost inevitable that, to remain efficient and effective, businesses will need to respond to change and evolve over time. The fact that the business is not exactly the same today as it was in 1982 is, in no way, unusual.

11. Notwithstanding the above, whilst I acknowledge that the appellant’s circumstances have changed over time and that the business owner would like to consider different options in the future, I am also mindful of the Council’s consideration that the appeal property has a role to play in supporting a remote rural business.

12. Condition 4 is not personal to the appellant, but it simply applies to a person employed at the adjacent business. In this regard, I consider that the provision
of a house next to a remote and isolated rural business serves a useful purpose in addition to providing for security and there is no substantive evidence before me to demonstrate that this is not the case.

13. With regards security, the appellant states that no vehicles have been stolen in over 25 years of trading. Whilst I note that, in the appellant’s view, this is “due mainly to the bulk of the trucks and...obstacles,” I consider it likely that the presence of a dwelling immediately adjacent to, and with direct access to, the business, also provides some kind of a deterrent and there is no evidence before me to the contrary.

14. Taking all of the above into account, I find that Condition 4 is reasonable and necessary in the interests of sustainable development, having regard to current policy and guidance. Consequently, Condition 4 satisfies the six tests in paragraph 206 of the Framework.

Other Matters

15. As part of its case, the appellant suggests that “the location of the (business) site is not ideal” and that expansion of the business may result in increased dangers. Whether or not this is the case, the application the subject of this appeal is for the removal of a Condition limiting the occupancy of a dwelling.

16. The appellant, in support of its case, states that Condition 4 is no longer relevant. However, I have found above that planning permission would not be granted for a dwelling in an isolated location, unless special circumstances are met.

17. Also in support of his case, the appellant states that the likelihood of selling the dwelling and business is “so small as to be non-existent.” As there is no evidence of the house and business having been widely marketed for sale for any significant period of time, I cannot reach the same conclusion.

Conclusion

18. Taking all of the above into account, the appeal is dismissed.

N McGurk

INSPECTOR
Appeal Decision

Site Visit made on 27 October 2015

by Paul Singleton  BSc (Hons) MA MRPI
an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 26 November 2015

Appeal Ref: APP/P1045/W/15/3130021
Argyll Cottage, Old Hackney Lane, Matlock, Derbyshire DE4 2QL

- 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 Brian Wood against the decision of Derbyshire Dales District Council.
- The application Ref 15/00055/FUL, dated 28 January 2015, was refused by notice dated 25 March 2015.
- The development proposed is a 3 bedroom bungalow development at the lower end of the Argyll Cottage back garden, including a single garage and private access road from Old Hackney Lane.

Decision

1. The appeal is dismissed.

Procedural Matters

2. It was agreed by the parties at the site visit that the plans comprising the application as considered and determined by the Council are:

   - Existing Location Plan (Sheet LP1) dated 09.06.14
   - Existing Location Plan (Sheet LP2) dated 09.06.14
   - Proposed Location Plan (Sheet LP3) dated 09.06.14
   - Proposed Location Plan (Sheet LP4) dated 09.06.14
   - Ground Floor Plan (Sheet 1) dated 10.10.14
   - Front Elevation (Sheet 2) dated 10.10.14
   - Rear Elevation (Sheet 3) dated 10.10.14
   - North End Elevation (Sheet 4) dated 10.10.14
   - South End Elevation (Sheet 5) dated 10.10.14
   - Roof Plan (Sheet 6) dated 10.10.14
   - Access Statement including photographs of the existing site access.
3. For the avoidance of doubt it was also agreed that the footprint of the bungalow as proposed and considered by the Council is that which is indicated in red on the Proposed Location Plan (Sheet LP4).

4. Additional plans (dated 09.09.15) submitted with the appeal show revised access proposals. The appellant has advised that these were sent to the Council before it determined the application but it is clear from the Officer’s report that the application was determined on the basis of the original access proposals. The Highway Authority has not commented on these revised proposals; nor have they been consulted upon more widely. Revised site layout and elevations drawings (dated 08.06.15), indicating a reduction in the footprint of the proposal, have also been submitted since the appeal was lodged but these, also, have not been consulted upon.

5. I acknowledge that the appellant has put forward revised proposals in good faith to try and address the reasons for refusal. However, as the Highway Authority has not commented on the proposed access revisions and all those consulted on the original application have not had the opportunity to comment the amended plans, I can give these very little weight. In the interests of fairness the appeal must be considered on the basis of the original plans as listed above.

Main Issues

6. The main issues in the appeal are the effects of the proposals on:
   (a) highway safety;
   (b) the character and appearance of Argyll Cottage and the local area having regard to the siting and design of the proposed development; and
   (c) the living conditions of the occupiers of Number 11 Hillcrest and the future occupiers of Argyll Cottage in terms of noise, disturbance and privacy.

Reasons

Highway safety

7. The proposed access on the northern boundary of the appeal site is positioned immediately adjacent to the junction of Old Hackney Lane and Hurds Hollow, both of which are classified roads. My observations on site support the Highway Authority’s evidence that the use of this access to serve the proposed bungalow would introduce risks of drivers being confused or misreading the turning signals of vehicles seeking to enter the site from either direction and of vehicles, approaching from Hurds Hollow, needing to cross the centre line of the carriageway in order to turn into the site because of the very narrow width of the access.

8. Notwithstanding that the increase in traffic movements would be relatively modest, the use of this access would give rise to additional risks to the safety of drivers passing through this busy junction. The absence of adequate turning space within the site would compound the risks to highway safety in the event of vehicles seeking to reverse out of the access or of service vehicles parking within the junction. The appellant has submitted information to show that there is no history of recorded personal injury accidents at the road junction.
over the past 3 years (to December 2014); whilst this is not disputed I do not consider that the absence of an accident record would justify the introduction of new risks to highway safety. I also note the appellant’s reference to the approval of a shared access further along Hackney Lane but I have insufficient details of that site and what has been approved to consider whether it is a comparable situation.

9. I accept the Highway Authority’s conclusion that an acceptable level of visibility at the access can be achieved due to existing road markings that reduce the effective width of the carriageway and the vehicle speeds at the junction. However, this does not alter my conclusions that the proposal would result in an unacceptable adverse impact on highway safety and would conflict with Policy TR1 of the adopted Derbyshire Dales Local Plan (2005) which states that permission for new development will be granted provided that it would be served by a safe access.

Character and appearance

10. With the exception of the short terrace of houses to the west, the nearby residential streets are characterised by medium to large, detached dwellings standing in generous gardens and this prevailing pattern of development has been reinforced by the more recent development of the Morledge estate; most properties also face towards the road with a driveway at the side. The existing bungalow on the appeal site is consistent with this prevailing character of the surrounding area. In contrast, the proposal would occupy a substantial part of the existing rear garden to Argyll Cottage and, having regard to the proposed access arrangements, would constitute a backland form of development which would be out of keeping with the prevailing character of the area.

11. I note the appellant’s reference to the comparative plot sizes of the proposed bungalow and neighbouring properties but I do not consider that these are directly comparable given the constrained shape of the appeal site. The proposal would occupy most of the available plot width and would result in a cramped form of development which would have a poor visual relationship with the existing bungalow. As noted by the Council, the proposal is of a plain and functional design which would neither reflect nor complement the character and appearance of the existing bungalow or its neighbours. I accept that the visibility of the proposal would be reduced by virtue of it being a single storey building but this does not alter my conclusions about the cramped nature of the development; neither would the use of materials to match those of the existing bungalow overcome my concerns regarding its poor relationship with that property.

12. For these reasons I find that the proposal would be incongruous in its setting and would cause unacceptable harm to the character and appearance of Argyll Cottage and the local area. The proposal would therefore conflict with Policies SF1, SF5, H1 and H9 of the Local Plan in that it would not be well related in scale or character to the surroundings properties, would not be of an appropriate quality of design, and would fail to preserve the character and appearance of the local area.

Living Conditions

13. The access arrangements would require vehicles and pedestrians coming to or leaving the new bungalow to pass by the side of the existing dwelling.
Although there are no windows facing onto the access, these movements would take place in close proximity to living and bedroom windows and would be likely to cause noise and disturbance such that there would be an unacceptable impact on the living conditions of any future occupiers of the bungalow.

14. The proposed bungalow and garage would extend along most of the length of the boundary with the neighbouring property, at number 11 Hillcrest, and would be offset only by around 1m. I observed on the site visit that there are no principal windows on the side elevation to No. 11 and I consider that privacy to the front and rear garden areas could be safeguarded by means of a boundary fence of an appropriate height. I acknowledge the occupier’s concern that the proposal could appear as a two storey building from his garden but this risk would not arise if the new building is cut into the existing ground slope as the appellant intends; this could be made the subject of a planning condition.

15. Although the risk of adverse effects on the living conditions of the occupiers of 11 Hillcrest could be controlled by means of appropriate planning conditions I do not see that there would be any reasonable means of mitigating the likely noise and disturbance in relation to Argyll Cottage. Accordingly, I conclude that the proposal would result in unacceptable harm to the living conditions at the existing bungalow and would be contrary to Local Plan Policy SF5, in that it would not be well related to surrounding properties, and with Policy H9 which seeks to avoid development within the curtilage of an existing dwelling where access cannot be provided independently unless adequate privacy and amenity for both the proposed and existing dwellings can be provided.

Conclusions

16. Accordingly I find that the proposal would cause material harm in respect of highway safety, character and appearance and living conditions and would conflict with the various Local Plan policies as set out above. Although the Local Plan predates the publication of the Framework I am satisfied that these policies are consistent with those sections of the Framework which seek to promote inclusive and good quality design and to ensure safe and suitable access for all people and should, therefore, be given full weight.

17. The appellant has argued that the site is suitable for the proposed development because it is part of a garden rather than a green field site and is in a sustainable location. However, whilst the development of brown field or previously developed sites is generally supported by government policy, the glossary to the Framework explicitly excludes private residential gardens from the definition of ‘previously developed land’. Hence, although it may be in an appropriate location in terms of access to public transport and local services, the appeal site does not benefit from any policy preference in respect of its suitability for residential development in this regard.

18. For the above reasons and having regard to all matters raised I conclude that the appeal should be dismissed.

Paul Singleton
INSPECTOR