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30 June 2014

To: All Councillors

As a Member or Substitute of the **Southern Area Planning Committee**, please treat this as your summons to attend a meeting on **Tuesday 8 July 2014 at 6.00 pm in the MAIN HALL, ASHBOURNE ELIM PENTECOSTAL CHURCH, THE WATERSIDE CENTRE, ASHBOURNE DE6 1DG.**

Yours sincerely

A handwritten signature in black ink, appearing to read 'Sandra Lamb', with a stylized flourish at the end.

Sandra Lamb  
Head of Corporate Services

## **AGENDA**

**SITE VISITS** The Committee is advised a coach will leave the **ASHBOURNE ELIM PENTECOSTAL CHURCH** at **4.30pm prompt - MEMBERS PLEASE ASSEMBLE IN THE FOYER.** 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](mailto:committee@derbyshiredales.gov.uk) of any apologies for absence and substitute arrangements.

### **2. APPROVAL OF THE MINUTES OF THE PREVIOUS MEETING**

10 June 2014.

### **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 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.

#### Page No.

- |   |                |
|---|----------------|
| <b>4.1 APPLICATION NO. 14/00293/FUL (Site Visit)</b>  | <b>4 - 9</b>   |
| Construction of multi use game area and installation of play equipment at Hognaston play area, Old Bakery Close, Hognaston. |                |
| <b>4.2 APPLICATION NO. 14/00246/FUL</b>   | <b>10 - 15</b> |
| Extensions and alterations to form two storey dwelling, erection of garage and relocation of access at Hillcroft, Atlow.    |                |
| <b>5. TREES PROGRESS REPORT – DDDC APPLICATIONS</b>   | <b>16</b>      |
| To note a report on action taken in respect of trees in Conservation Areas and Tree Preservation Orders.                    |                |
| <b>6. APPEALS PROGRESS REPORT</b>   | <b>17 - 26</b> |
| 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](mailto:committee@derbyshiredales.gov.uk).

Members of the Committee: Councillors Richard Bright, Ken Bull, Steve Bull, Albert Catt, Tom Donnelly (Vice Chairman), David Fearn, Richard FitzHerbert, Steve Flitter, David Frederickson, Cate Hunt, Angus Jenkins, Tony Millward (Chairman), Garry Purdy, Lewis Rose, OBE, Andrew Shirley, Peter Slack, Geoff Stevens MBE.

Substitutes: Councillors Jacque Bevan, Sue Burfoot, David Burton, Bob Cartwright, Ann Elliott, Chris Furness, Neil Horton, Jean Monks, Andrew Lewer, Andrew Statham, Jacque Stevens, Barry Tipping, Philippa Tilbrook, Judith Twigg, Carol Walker, Jo Wild.

## SITE VISITS

Members will leave the **ASHBOURNE ELIM PENTECOSTAL CHURCH** at **4.30pm prompt** for the following site visit. **NB: MEMBERS TO ASSEMBLE IN THE FOYER.**

**4.30pm Application No. 14/00293/FUL**

**4 - 9**

**Hognaston Play Area, Old Bakery Close, Hognaston**

Requested by the Ward member to enable members of the Planning Committee to fully appreciate the issues involved.

**4.45pm Return**

## **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.

14/00293/FUL

Hognaston Play Area, Old Bakery Close, Hognaston



Scale : 1:2500

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

<b>Organisation</b>	Derbyshire Dales District Council
<b>Department</b>	Not Set
<b>Comments</b>	Not Set
<b>Date</b>	26 June 2014
<b>Licence No.</b>	100019785

**14/00293/FUL CONSTRUCTION OF MULTI USE GAME AREA AND INSTALLATION OF PLAY EQUIPMENT AT HOGNASTON PLAY AREA, OLD BAKERY CLOSE, HOGNASTON FOR HOGNASTON PARISH COUNCIL**

Parish Council: Hognaston  
Application type: Full

Date of receipt: 24.04.14  
Case Officer: Mr C. Whitmore

**THE SITE AND SURROUNDINGS:**

The application site lies at the southern end of Hognaston Village, to the west of the properties on Old Bakery Close. The 0.1ha site is bound on its north, east and western sides by hedgerows and hedgerow trees. Timber fencing separates the land from the dwellings on Old Bakery Close. The land is used as a play area. Multiplay equipment is located at the northern end of the site. To the east of the multiplay equipment are two swings. The land falls very gently to the south and is primarily grassed.

The site sits within Hognaston Conservation Area.

**THE APPLICATION:**

Planning permission is sought to remove the old play equipment and to construct a fully contained multi-use games area (MUGA) in its place. The MUGA will be enclosed by a ball proof fence which will be between 1.1m and 3.6m high. The MUGA will be surfaced in porous macadam and will cover an area 18.8m long by 7.6m wide. At either end of the surface will be basketball hoops. A new piece of multiplay equipment for young children is to be erected at the southern end of the site. It will comprise a play tower with slide and scramble net which will cover a 10m by 3m area. The existing swings are to be retained and refurbished.

A low level fence is shown to the south of the MUGA between it and the new multi-play equipment.

Access to the play area will remain via pedestrian gates and a level paved alleyway between the houses on Old Bakery Close.

**RELEVANT HISTORY:**

WED/0791/0568	Use of land for children's play area and erection of four dwellings	Granted
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**CONSULTATIONS:**

Local Highway Authority:  
No objections to replacement play facilities.

Parish Council:  
The Parish Council is the applicant.

**REPRESENTATIONS:**

Two letters of representation have been received from occupants of properties on Old Bakery Close. Whilst not objecting to the multiplay equipment for young children, one resident points out that the field was never meant for ball games and state that they do not want the noise and the shouting till late at night.

## 14/00293/FUL (Continued)

Concern regarding surface water drainage is also raised. The other resident is concerned that the play area would restrict their movements upstairs and them taking photographs through their bedroom window. The development is also not considered to be in-keeping with the area. The potential for the netting surrounding the MUGA to snag birds is also raised.

### **POLICIES:**

Adopted Derbyshire Dales Local Plan (2005):

SF4:	Development in the Countryside
SF5:	Design and Appearance of Development
SF8:	Catering for the Needs of People with Disabilities in Development and Redevelopment.
NBE8	Landscape Character
NBE26	Landscape Design in Association with New Development
NBE21:	Development Affecting a Conservation Area
TR1:	Access Requirements and the Impact of New Development
L2:	New Sport and Recreation Facilities

Derbyshire Dales Local Plan Submission Draft (May 2014):

Development Management Policy 2 – Development in the Countryside  
Development Management Policy 8 – The Historic Environment  
Development Management Policy 9 – Design and Appearance of Development  
Development Management Policy 20 – Sport and Recreation Facilities  
Development Management Policy 22 – Access and Parking

Other:

The National Planning Policy Framework (2012)  
The National Planning Practice Guide (2014)

### **ISSUES:**

1. The main issues to consider in respect of this application are:
  - a. The impact of the MUGA and new play equipment on the character and appearance of this part of the countryside;
  - b. the relationship of the new play equipment and MUGA to the settlement they are intended to serve;
  - c. whether the development preserves or enhances the character and appearance of this part of Hognaston Conservation Area, and;
  - d. the impact of the play equipment on the local environment, in particular the amenity of neighbouring residents.

The Local Highway Authority are satisfied that there would be no highway safety implications. The site is located within the confines of the village and access to the play area would remain via pedestrian gates and a level paved alleyway between private houses on Old Bakery Close. Surface water run-off from the MUGA would be discharged onto a permeable part of the site, not onto neighbouring land. The means of enclosure around the MUGA is unlikely to pose a risk to birds. Its material and finish would need to be agreed, but it is unlikely to be 'netting' as suggested by a neighbouring resident.

## 14/00293/FUL (Continued)

2. Policy SF4 of the Council's Adopted Derbyshire Dales Local Plan requires development in the countryside to be appropriate in nature and scale to a rural area, preserve or enhance the character and appearance of the countryside and minimise any adverse impact on the local environment. Policy L2 of the Adopted Derbyshire Dales Local Plan and Development Management Policy 20 of the emerging local plan align with guidance contained within the National Planning Policy Framework and are generally supportive of new sport and recreation facilities that are well related to the settlement they are intended to serve, are capable of being accessed by a range of transport modes, do not have an adverse impact on the character and appearance of its surroundings and the immediate or wider landscape and do not create unacceptable problems in terms of the relationship between the proposal and neighbouring uses beyond the development site. Policy NB21 'Development Affecting a Conservation Area' aligns with guidance contained at Part 12 of the National Planning Policy Framework (NPPF) and requires development to either preserve or enhance the character and appearance of a Conservation Area.
3. The site is already used as a play area and is bound on all sides by hedgerows and fencing. The MUGA would replace a large piece of multi-play equipment. Its scale and nature would have a negligible impact on the character and appearance of this part of the village, as would the small climbing frame. Being sited within the confines of an existing play area on the fringes of the village the development would be well related to the settlement it is intended to serve.
4. The siting, scale and appearance of the new play equipment and MUGA would not have an adverse impact on the character and appearance of this part of Hognaston Conservation Area. The land is already used as a play area and existing boundary vegetation and the properties on Old Bakery Close would effectively screen the development from view, such that the character and appearance of this part of the conservation area would be preserved.
5. A key issue for consideration is the impact of the proposed MUGA on the amenity of the occupants of neighbouring residential properties. A local resident suggests that the field was never meant for ball games and concern has been expressed with regard to the likely noise from the development from the occupants of the properties on Old Bakery Close. The Parish Council have confirmed that the current play area operates without restriction. No conditions were imposed when planning permission was granted for the use of the land for children's play area and erection of four dwellings in 1991 which restrict the use of the land or the type of play equipment that can be erected. Taking this into consideration and bearing in mind the modest size of the MUGA and its siting, it is not considered that it would be any more detrimental to the residential amenity of the occupants of the properties on Old Bakery Close such that a recommendation of refusal could be sustained. The size and nature of the surface is such that it would not be suitable for use by local sports clubs / for hire. No external lighting is proposed such that use outside daylight hours late at night would not occur and the Local Planning Authority would be able to control the type of enclosure that is erected around the surface to help mitigate any noise from ball games.

## 14/00293/FUL (Continued)

6. In summary it is considered that the nature and scale of the play equipment and MUGA is such that they would not have a significant adverse impact on their surroundings or the residential amenity of the occupants of the properties on Old Bakery Close. A recommendation of approval, subject to conditions is put forward on this basis.

### **OFFICER RECOMMENDATION:**

Planning permission be granted subject to the following conditions: -

1. ST02a Time Limit On Full.
2. This permission does not convey any authorisation to light the multi-use games area. No lighting shall be installed without the prior written approval of the Local Planning Authority on an application submitted to it.
3. Before any development commences, details of the design, finish and material of the fence to the south of and surrounding the multi-use games area shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

Reasons:

1. ST02a
2. For the avoidance of doubt and in the interests of residential and visual amenity in accordance with the aims of Policy SF4 and L2 of the Adopted Derbyshire Dales Local Plan (2005) and Development Management Policy 2 of the Derbyshire Dales Local Plan Submission Draft (May 2014).
3. To ensure the satisfactory appearance of the development and to safeguard the amenity of nearby residential properties in accordance with the aims of Policies SF4, SF5, and L2 and of the Adopted Derbyshire Dales Local Plan (2005).

Footnote:

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.
3. NFA20 Conditions Precedent... Condition 3.
4. NFA21 Conditions Fee Discharge.

This Decision Notice relates to the following documents:

- 1:1000 Scale Site Location Plan numbered 003
- NTS Plan Showing the Site Edged in Red;
- 1:250 Scale Site Layout Plan 'As Existing' numbered 004;
- 1:250 Scale Site Layout Plan 'As Proposed' numbered 005;
- Proposed MUGA Layout and Perspective Drawing;



**14/00293/FUL (Continued)**

Design and Access Statement, and;  
Proposed Multiplay Equipment Specification Details received by the District Council on the  
24<sup>th</sup> April and 7<sup>th</sup> May 2014.

14/00246/FUL

Hillcroft, Atlow Lane, Atlow



Scale : 1:2500

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Matlock, Derbyshire DE4 3NN. Telephone: (01629) 761100.  
Website: [www.derbyshiredales.gov.uk](http://www.derbyshiredales.gov.uk)

<b>Organisation</b>	Derbyshire Dales District Council
<b>Department</b>	Not Set
<b>Comments</b>	Not Set
<b>Date</b>	26 June 2014
<b>Licence No.</b>	100019785

**14/00246/FUL      EXTENSIONS AND ALTERATIONS TO FORM TWO STOREY DWELLING, ERECTION OF GARAGE AND RELOCATION OF ACCESS AT HILLCROFT, ATLOW FOR MR M. BUSWELL**

Parish Council: Atlow  
Application type: Full

Date of receipt: 10.04.14  
Case Officer: Mr C. Whitmore

**INTRODUCTION:**

The application was deferred at the Southern Area Planning Committee meeting in June to allow the applicant the opportunity to address the officers' recommendation to refuse permission for the following reason:

*The proposed extensions and alterations would result in a dwellinghouse that, by reason of its overall height, form and design, would appear contrived and would be an incongruous form of development in this prominent countryside location contrary to the aims of Policies SF4, SF5 and H2 of the Adopted Derbyshire Dales Local Plan, Development Management Policies 2 and 9 of the Derbyshire Dales Local Plan Submission Draft (May 2014) and guidance contained within the National Planning Policy Framework (2012).*

Following deferral officers have entered into discussions with the applicant and amended plans have been received, which are discussed in the application and issues section below.

**THE SITE AND SURROUNDINGS:**

The application site concerns Hillcroft, a detached bungalow situated on rising land at the southern end of Atlow Village, adjacent Atlow Lane. The existing bungalow was built in the late 60s and has a T shape footprint / form. It is faced in red brick and plain tiles and has three chimney stacks. A freestanding flat roofed garage with lean to store is sited to the north of the main bungalow. It is set behind the bungalow at a lower level. The buildings sit within a long plot which is bound at its western end by a hedge. To the north of the application property is Atlow Top Cottage.

**THE APPLICATION:**

Full planning permission is sought for extensions and alterations to the existing bungalow. It is proposed to extend the gable end facing Atlow Lane at the southern end of the building out a further 4.5m and to raise the eaves height of the roof by approximately 2m and the ridge height by approximately 3m to create a first floor. The building will be refaced in brick and plain clay roof tiles. Significant changes to windows and doors are proposed. The north facing gable end will be primarily glazed as will a central gable section in the south facing elevation. It is also proposed to introduce a number of 'gablet' features. At the junction of the gable projecting out towards the road and the main building it is proposed to introduce a two storey high 'atrium', which will accommodate the main entrance door to the property. Again this will incorporate a large glazed feature window.

To the north of the property it is proposed to demolish the existing garage and lean-to store and to erect a triple bay garage with flat roofed terrace above, which due to the difference in levels will line through with the ground floor of the property. The terrace will extend out 7.2m from the north facing gable end. The garage underneath will be partly below ground level, due to the site topography / relative level of the dwellinghouse. The northern most wall will be 2.5m high, above which will be a 1m high post and wire safety barrier.

## 14/00246/FUL (Continued)

A new vehicular access will be created approximately 6m to the south of its current location, beyond the proposed garage / terrace and a new driveway formed, which will sweep around the bungalow, requiring the erection of a 2.5m high retaining wall.

With regard to the design of the proposed extensions and alterations the applicant states in their Design and Access Statement that the proposals seek to take advantage of the sloping site and the available views. They advise that the dwelling will not be two full storeys high in an attempt to mitigate the visual impact of the development.

Following deferral of the application for extensions and alterations the applicant has made various changes. The palette of facing materials has been reconsidered. The facing timber boarding above has been replaced with lead and the design of the raised terrace and balcony safety balustrades have been amended. A simple vertical rail is now proposed. The applicant has also given some consideration to window and door detailing. The feature window in the north facing gable end will be recessed, in part, 1m behind the exterior wall. Window proportions have also been changed and the amount of glazing reduced.

### RELEVANT HISTORY:

ASR267/5	Bungalow and Garage	Granted
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### CONSULTATIONS:

Local Highway Authority:

The Local Highway Authority note that the proposals would not represent any intensification in use of the site and raise no objections subject to conditions.

Parish Council

No comments received.

### REPRESENTATIONS:

None.

### POLICIES:

1. Adopted Derbyshire Dales Local Plan (2005):

SF4: Development in the Countryside

SF5: Design and Appearance of Development

H2: Extensions to Dwellings

TR1: Access Requirements and the Impact of New Development

TR8: Parking Requirements for New Development

2. Derbyshire Dales Local Plan Submission Draft (May 2014):

Development Management Policy 2- Development in the Countryside

Development Management Policy 9 - Design and Appearance of Development

Development Management Policy 22 - Access and Parking

3. Other:

The National Planning Policy Framework (2012) – Part 7.

## 14/00246/FUL (Continued)

### ISSUES:

1. It was recognised in the consideration of the original scheme that the existing building, although alien in its form and appearance sat relatively comfortably within the landscape. Although the proposal to utilise and extend the footprint of the bungalow and significantly raise its eaves and ridge height would result in a much more conspicuous building, the reduction in glazing, amendments to facing materials, simplification of detail and changes to window and door openings is such that the building would appear as a more cohesive design and thereby be less intrusive within the landscape / this part of the countryside.
2. Policy SF4 of the Adopted Derbyshire Dales Local Plan (2005) and Development Management Policy 2 of the emerging Derbyshire Dales Local Plan require development in the countryside to be appropriate in nature and scale to a rural area in order to preserve / enhance the character and appearance of the countryside and minimise any adverse impact on the local environment. Part 7 of the National Planning Policy Framework (2012) states in respect of design 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. These provisions are considered to align with Policies SF5 and H2 of the Adopted Derbyshire Dales Local Plan (2005) and Development Management Policies 2 and 9 of the emerging Derbyshire Dales Local Plan. Policy SF5 of the Adopted Derbyshire Dales Local Plan (2005) states that planning permission will only be granted for development that preserves / enhances the quality and distinctiveness of its surroundings, and where it reinforces the sense of place engendered by the presence of distinctive local building styles and materials. Policy H2 sets out the District Councils approach to dealing with extensions to existing dwellings and is generally supportive of extensions that respect the character and appearance of an existing dwelling and its surroundings.
3. Although the resultant building would be of a different scale and nature to the existing bungalow and would retain its wide gables, it would be faced in traditional materials and built in a more vernacular style. The reduction in glazing and the simplification of the design of the building has tipped the fine balance of consideration on this scheme such that the proposed development in its amended form would not have so significant an adverse impact on the character and appearance of this part of the countryside that a recommendation of refusal would still be merited it is considered. A recommendation of approval, subject to conditions, is put forward on this basis.

### OFFICER RECOMMENDATION:

Planning permission be approved subject to following conditions:

1. ST02a: Time Limit On Full.
2. This permission relates solely to the application as amended by the revised plan received by the Local Planning Authority on the 26<sup>th</sup> June 2014, numbered 13027/A/106B.
3. DM1: All Materials to be Approved – General.

## 14/00246/FUL (Continued)

4. With the exception of the feature window in the north facing gable end of the resultant dwellinghouse which shall be recessed in accordance with the approved drawings, all window and door frames (including garage doors) shall be recessed in their openings a minimum of 50mm behind the front face of the external walls of the building.
5. Prior to the commencement of development, space shall be provided within the site curtilage for site accommodation, storage of plant and materials, parking and manoeuvring of site operative's and visitor's vehicles together with the loading / unloading and manoeuvring of goods vehicles, designed, laid out and constructed all as may be agreed with the Local Planning Authority in advance of construction work commencing and maintained free from impediment throughout the duration of construction works.
6. The premises, the subject of the application, shall not be occupied until the on-site parking and turning spaces have been provided for in accordance with the application drawings laid out and constructed as may be agreed with the Local Planning Authority and maintained thereafter free from any impediment to designated use.

### Reasons:

1. ST02a.
2. For the avoidance of doubt.
3. DM01: ...the aims of Policies SF5 and H2 of the Adopted Derbyshire Dales Local Plan (2005).
4. To ensure a satisfactory external appearance of the development in accordance with the aims of Policy SF5 and H2 of the Adopted Derbyshire Dales Local Plan (2005) and guidance contained within the National Planning Policy Framework (2012).
5. In the interests of highway safety in accordance with the aims of Policy TR1 of the Adopted Derbyshire Dales Local Plan (2005) and guidance contained within the National Planning Policy Framework (2012).
6. In the interests of highway safety in accordance with the aims of Policy TR1 of the Adopted Derbyshire Dales Local Plan (2005) and guidance contained within the National Planning Policy Framework (2012).

### Footnotes:

1. During the consideration of the application the Local Planning Authority have engaged in a positive and proactive dialogue with the applicant which has resulted in the submission of scheme that overcame initial concerns regarding the appearance of the resultant building.
2. NFA20 Conditions Precedent... Conditions 3 and 5.
3. NFA21 Conditions Fee Discharge.

**14/00246/FUL (Continued)**

This Decision Notice relates to the following documents:

1:1250 Scale Site Location Plan numbered 13027/X/01;

1:500 Scale Block Plan numbered 13027/X/02;

Design and Access Statement, and;

1:100 Scale Existing Floor Layout and Elevations Plan numbered 13027/A/105 received by the Local Planning Authority on the 10<sup>th</sup> April 2014, and;

1:100 Scale Proposed Floor Layout and Elevations Plan numbered 13027/A/106B received by the Local Planning Authority on the 26<sup>th</sup> June 2014.

NOT CONFIDENTIAL - For public release

SOUTHERN PLANNING COMMITTEE – 8th JULY, 2014

DISTRICT COUNCIL TREE APPLICATIONS/NOTIFICATIONS

Progress report for June 2014

APPLICATIONS TO CARRY OUT WORKS TO PRESERVED TREES:

TPO NO.	ADDRESS/APPLICATION	DECISION/COMMENT
107	46 PREMIER AVENUE, ASHBOURNE CROWN LIFTING OF ASH Reasons: Excessive shading To grow organic vegetables Risk of dead branches falling	PENDING DECISION

NOTIFICATIONS OF INTENTION TO CARRY OUT WORKS TO TREES IN CONSERVATION AREAS:

CONS. AREA	ADDRESS/PROPOSED WORKS	DECISION/COMMENT
BRASSINGTON	BRASSINGTON HALL, WEST END, BRASSINGTON PRUNING OF COPPER BEECH Reasons: Not given	NO OBJECTIONS
ASHBOURNE	12 MALTHOUSE COURT, ASHBOURNE PRUNING OF CEDAR Reasons: To prevent damage to vehicles and building	PENDING DECISION
BRASSINGTON	CLIFF COTTAGE, DALE END, BRASSINGTON FELLING OF TWO TREES Reasons: Grown to significant size Overhanging garage Obstructing light Restricting possibility of solar panels No amenity value	PENDING DECISION

**OFFICER RECOMMENDATION:** That the report be noted.



**NOT CONFIDENTIAL** - For public release

**SOUTHERN AREA PLANNING COMMITTEE – 8 July 2014**

**PLANNING APPEAL - PROGRESS REPORT**

**Report of the Corporate Director**

REFERENCE	SITE/DESCRIPTION	TYPE	DECISION/COMMENT
ENF/13/00014	Hasker Farm Cottage, Hasker Farm Stainsborough Lane, Callow	LI	Appeal being processed
13/00161/LBALT	Ednaston Home Farm, Brailsford	WR	Appeal being processed
13/000797/FUL	Land between Bankside and Belle Vue Road, Ashbourne	WR	Appeal being processed
13/00889/LBALT	Churchfields Farm, Brailsford	WR	Appeal being processed
ENF/12/00093	Roston Inn, Mill Lane, Roston	WR	Appeal being processed
13/00710/FUL	Bradley Pastures, Bradley	WR	Appeal being processed
13/00689/CLEUD	Marston Lane, Doveridge	WR	Appeal being processed
13/00818/FUL	Bradley Nook Farm, Hulland Ward	WR	Appeal being processed
13/00855/FUL	59-61 Belper Road, Ashbourne	WR	Appeal being processed
13/00911/OUT	Land at Old Derby Road, Ashbourne	LI	Appeal being processed
13/00171/FUL 13/00172/LBALT	Waldley Manor, Waldley Lane, Marston Montgomery	WR	Appeals Dismissed – Copy of decision letter attached
14/00056/FUL	Slack Lane, Brailsford	HH	Dismissed – Copy of decision attached

WR - Written Representations

IH - Informal Hearing

LI - Local Inquiry

HH - Householder

**OFFICER RECOMMENDATION:**

That the report be noted.



DERBYSHIRE DALES D.C. PLANNING & HOUSING SERVICES	
- 6 JUN 2014	
OFFICER	
REF	

## Appeal Decisions

Site visit made on 1 April 2014

by **Nicholas Taylor BA (Hons) MRTPI**

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

Decision date: 5 June 2014

### Appeal Ref: APP/P1045/E/13/2208511

#### Waldley Manor, Waldley Lane, Marston Montgomery, Derbyshire DE6 5LR

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
- The appeal is made by Mr R Brown against the decision of Derbyshire Dales District Council.
- The application Ref 13/00072/LBALT, dated 1 February 2013, was refused by notice dated 10 May 2013.
- The works proposed are conversion and extension of vacant barn to form 1 No residential dwelling.

### Appeal Ref: APP/P1045/A/13/2208510

#### Waldley Manor, Waldley Lane, Marston Montgomery, Derbyshire DE6 5LR

- 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 R Brown against the decision of Derbyshire Dales District Council.
- The application Ref 13/00071/FUL, dated 1 February 2013, was refused by notice dated 10 May 2013.
- The development proposed is conversion and extension of vacant barn to form 1 No residential dwelling.

### Decision

1. Both appeals are dismissed.

### Preliminary Matters

2. *Planning Practice Guidance* came into force, and various previous national planning guidance documents were cancelled, on 6 March 2014. Given the facts of this case, these changes do not significantly alter the substance of the relevant parts of national guidance and have not had a significant bearing on my decision.
3. The barn which is the subject of the appeal is a Grade II listed building. It also forms part of the setting of Waldley Manor Farmhouse, which is also listed Grade II. Permission has been granted on two previous occasions<sup>1</sup>, in 2002 and 2007, for conversion of the barn, with extensions, for residential use. The appellant argues that the 2007 permission was lawfully commenced but that is not accepted by the Council. It is not within the scope of these appeals to reach a conclusion on whether the 2007 permissions are still live. However, the appellant has subsequently submitted the applications which give rise to

<sup>1</sup> Refs 02/07/0554, 02/08/0601, 06/00933/FUL and 06/00932/LB

the current appeals and I must, therefore, determine them on their own merits. Under the circumstances, I have not treated the previous approvals as a realistic fall-back position but, as material considerations, I have afforded them some weight.

4. At around the time the current appeals were lodged, the Council also refused two applications<sup>2</sup> which sought approval for a revised version of the 2007 scheme. Both main parties refer to aspects of those applications. That evidence, although incomplete, is before me and I have, consequently, taken it into consideration where relevant to the current appeals. It is clear from the evidence before me that the Council does not currently object in principle to conversion of the barn to residential use including extension and, in principle, I see no reason to disagree.

### **Main Issue**

5. The main issue in both appeals is a) whether the proposal would preserve the Grade II listed building known as 'outbuilding to the north of Waldley Manor Farmhouse' or any features of special architectural or historic interest it possesses and b) whether it would preserve the setting of the adjacent Waldley Manor Farmhouse, also a Grade II listed building.

### **Reasons**

6. The appeal property is a very small, disused barn together with an area of open land to its north, forming its present curtilage. The structure is listed in its own right but is also part of a group of farm buildings with historic significance, including the listed main farmhouse, Waldley Manor, and another outbuilding previously converted to a dwelling. The listing description indicates that the barn dates from the 17<sup>th</sup> Century. A small 20<sup>th</sup> Century extension was previously attached to its eastern end but, at the time of my site visit, had been mostly demolished under a previous consent.
7. The listed barn has a fairly simple appearance, constructed partly of solid brick walls with timber framing under a plain tile roof. The open south wall comprises a timber sliding door and panel. Its eastern, gabled elevation comprises box timber framing with infilled panels, which was previously largely obscured by the former extension – and may have been an internal wall of a larger structure in the past - but is now almost completely exposed. Internally, the building has a modern concrete ground floor and a first floor supported by rough-hewn timber joists.
8. The building is currently in a poor state of repair and suffers from a number of structural issues, although the structural report by HBL Associates for the appellant concludes that it is stable from a structural viewpoint and is suitable for conversion into a dwelling without the need for extensive further demolition works. Scaffolding has been erected inside and outside the building, which provides partial support to the east elevation. Openings at first floor level are open to the elements and the report advises that timbers would need to be investigated in the light of damp and insect infestation and some selective repair or replacement may be required.
9. The proposals would comprise the renovation of the listed structure to provide a living room, together with the construction of a 1½ storey, four bedroom

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<sup>2</sup> Refs 13/00529/FUL and 13/00530/LBALT

dwelling, connected to the north side of the barn by a partially glazed, single storey link. A small, detached 1½ storey 'coach house garage' would be constructed further to the north, with a parking and turning area in between. Many of the proposed works to the building, including repairs to and careful replacement of certain elements, including the timber framed east elevation, would be beneficial. However, the proposed alteration to the internal first floor is more problematic.

10. Headroom in the ground floor of the building is limited by the joists supporting the first floor. The appellant proposes to remove the floorboards and relocate the five likely original joists some 470mm higher, creating a virtual void above the ground floor under the existing, repaired roof. English Heritage (EH), in its response to the application, expresses strong concern regarding the removal of the first floor, which it suggests, from photographic evidence, is an original or early feature, probably 17<sup>th</sup> Century, and thus makes an important contribution to the building's special interest. It advises that the appellant has not sufficiently investigated the historic significance of the floor, as required by paragraph 128 of the *National Planning Policy Framework* (the Framework), or provided clear and convincing justification for the proposed changes<sup>3</sup>.
11. The appellant argues that the EH stance is based on the mistaken assumption that the whole of the floor is to be removed, whereas the original joists would be retained and relocated. However, EH's comments, dated 30 September 2013, on the later application (13/00530/LBALT), indicate that it correctly understood the appeal proposal and remained concerned by the proposal within the revised scheme to retain a first floor but relocate the joists at a higher level and replace the floor boards.
12. The appellant states that the first floor boards are recent. I noted at my site visit that they have been cut through in places to provide access and accommodate the scaffolding and I accept that, from my cursory visual inspection, it is difficult to conclude that they are particularly old. However, the evidence on file and from my own observations strongly indicates that the majority of the joists are probably original. Even if the floor boards are not original, the floor structure overall, in its existing position and through the volumes of internal space it creates, is part of the fabric and character of the barn. I judge that the first floor, in its existing position, is important to the significance of this small and modest listed building.
13. Although the relocation of some of the joists to a considerably higher position, without any floor surface, would allow the full internal volume of the building to be seen, that would be alien to its traditional character and would harm its significance. I consider that the clear and convincing justification of harm or loss to significance, as required by paragraph 132 of the Framework, is lacking in this case, in terms of an analysis of the significance of the floor as a whole, why repair or strengthening in situ would not be appropriate, the conservation merits of the proposed alteration or its structural or economic necessity in order to create viable accommodation.
14. The appellant alludes to an agreement with EH, in the context of the later application, that the floor could remain in situ and be repaired or partially replaced, suggesting that the ground floor level could be lowered in order to increase headroom. However, I have not been provided with any details of

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<sup>3</sup> The Framework, paragraph 132

such a proposal and it does not form part of the scheme before me. Furthermore, I have no firm corroborating evidence from the Council, EH or other interested parties that they consider such an approach would be acceptable. I therefore afford it limited weight in the current case. Given those uncertainties and the significance of this matter with regard to the main issue, I consider that it would not be appropriate to simply address it by means of a condition requiring details of the floor treatment to be submitted to the local planning authority for approval.

15. I turn next to the scale and design of the proposed extension. The Council's *The Conversion of Farm Buildings Design Guidance* Supplementary Planning Document (SPD) requires extensions to traditional farm buildings to harmonise with and be subservient to the original. The Council says that, after much deliberation, the 2007 scheme was considered to be the optimum viable solution in terms of scale and form. Even though the new build element of the appeal proposal would have a footprint not significantly larger than the 2007 scheme, the visual impression would be considerably different. The previously consented extension would have been closely integrated with the barn, whereas the current proposal would take the form of an almost free-standing, roughly square building, linked to the barn by a semi-glazed entrance vestibule. The overall height of the proposed extension would be lower than the barn but, with its square plan and twin rear gables, it would appear unduly bulky in relation to it. The link would create a long east façade but that, to my mind, is less of an issue than the wide plan form and overall visual bulk. Whilst much of that bulk would be positioned out of direct line of sight from the neighbouring farmhouse and Waldley Lane, its impact on the listed barn would still be harmful. I note the appellant's comments regarding the scale of the adjacent, existing barn conversion but that appears to be a building of very different origins and design and so is not directly comparable.
16. I accept that the barn's conservation constraints, diminutive size and proximity to site boundaries and neighbouring properties, together with the objective of ensuring that any extension would not dominate it, would present a challenge to any designer seeking to provide acceptable living accommodation. The 2007 scheme sought to provide living accommodation within a large basement but that approach has now been ruled out by a subsequent flood risk assessment. The current appeal scheme fails to acceptably combine conservation of the barn with an extension of acceptable scale, resulting in harm to the listed barn and the setting of the farmhouse.
17. The appellant has provided a valuation report by Colleys, which compares the 2007 scheme with the current proposal and, not unreasonably, notes that the earlier scheme was proposed at the height of the housing market, when values and costs were different to today. On the face of it, the report shows that the current scheme would be only marginally profitable. However, the report lacks transparency regarding the actual price paid for the property and there is no baseline figure, based on expert costings, for conversion of the listed building. It is not clear whether the trade-off between build costs, size of accommodation, quality of finish and final market value represents the optimum viable use for the listed building together with a reasonable quantum of new build. In addition, the Council's willingness to forego its normal contribution to affordable housing has not been taken into account. Therefore, whilst the Council has provided little detailed evidence of its own, other than making a potentially flawed comparison with the 2007 scheme, the appellant's

argument that the proposed scheme is the only one that is viable is not persuasive and does not outweigh my concern regarding the scale of the extension.

18. Aside from the overall scale of the proposed extension, I also have reservations about some aspects of its detailed design. The Ancient Monuments Society describes the glazed link as a cliché and I note that the SPD does not favour the linking of historically separate buildings. Even so, in this case, given the constraints of the size, configuration and siting of the barn, I consider that, if carefully detailed, it would provide a foil to the distinctive, exposed timber frame of the barn and would not be harmful in itself. The proposed east elevation as a whole is fairly restrained and the two window openings and three small rooflights, again, subject to careful detailing, would not be excessive in relation to the overall surface area. However, although the north and west elevations would face away from the farmstead group of buildings, the overall number and size of windows and bi-fold doors would be excessive in relation to the surface area of the elevations and their designs would be insufficiently restrained. In that respect, they compare unfavourably with the 2007 scheme.
19. Overall, therefore, in the absence clear and convincing justification, I conclude that the proposed internal works to the first floor of the listed barn would fail to preserve its features of special architectural interest and that the scale and design of the proposed extension would also fail in that respect. In addition, the extension would harm the setting of the barn and the adjacent listed farmhouse. The significance of both buildings as heritage assets would, therefore, be harmed. In reaching that conclusion, I am not persuaded by the appellant's arguments regarding viability. As a result, the scheme would conflict with the objectives of the relevant saved Policies NBE16, NBE17 and NBE18 (c) of the *Derbyshire Dales Local Plan*, which, taken together, are to protect the special character and setting of listed buildings. There would also, as referred to above, be conflict with certain aspects of the SPD.
20. Paragraph 132 of the Framework states that when considering the impact of a proposal on a designated heritage asset, including its setting, great weight should be given to the asset's conservation, although I consider that the harm to the significance of the listed buildings in this instance would be less than substantial. Paragraph 134 of the Framework requires that, in the circumstances, the less than substantial harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. Whilst the scheme would conserve much of the fabric of the barn and return it to beneficial use, I have already found that the evidence, including that relating to viability, does not conclusively show that the proposed scheme is the only or least harmful way of doing so. I have taken account of the condition of the building and the risk that, by not allowing the current appeal, it could deteriorate further. Bearing mind that there are other remedies open to the appellant and the Council to secure the building against further deterioration, that risk does not outweigh the harm which the current scheme would cause. All in all, therefore, and having regard also to the advice in English Heritage's *PPS5: Planning for the Historic Environment Practice Guide*, it has not been demonstrated that the public or private benefits of the scheme should outweigh the material harm to designated heritage assets.

21. In considering whether to grant listed building consent or planning permission, Sections 16(2) and 66(1) of the relevant Act<sup>4</sup> require decision makers to have special regard to the desirability of preserving the buildings or their setting. Even though the harm would be less than substantial, it would not be outweighed by public benefits, as calibrated in accordance with paragraph 134 of the Framework. I have concluded that the proposal would fail to preserve the building or the setting of the adjacent farmhouse. The overarching statutory duty set out above must, therefore, be given considerable importance and weight, determining in this case that the appeals should be dismissed.

### **Other Matters**

22. The proposal raises issues concerning biodiversity. The appellant submitted a report of *Bat, Bird and White-Clawed Crayfish Surveys* by EMEC Ecology in support of the application. This reported that there was very limited evidence of the presence of bats and that, due to its openness to the elements, the building offered limited roosting opportunities. On the basis of the evidence, Natural England did not raise any fundamental objections to the scheme. The Derbyshire Wildlife Trust took a more sceptical approach, suggesting that further investigation of the potential impact on bats should be undertaken before any permission was granted. Nevertheless, the Council did not raise any objections to the application with respect to biodiversity interests. However, as a result of advice received in relation to the later applications<sup>5</sup>, the Council now raises concern with regard to the current appeals. Given that I am dismissing the appeals on other grounds, and in the light of the incomplete evidence before me, I have not reached a conclusion on the matter of the potential impact on bats.

23. The evidence regarding flood risk, highways and archaeology is noted and, excepting my concerns regarding the archaeological significance of the internal fabric of the barn, I am satisfied that the issues raised could be satisfactorily dealt with by means of conditions. I confirm that I have taken account of the representations of third parties, including those not specifically mentioned in my reasoning, notwithstanding the different interpretations placed on them by the appellant and the Council. These matters do not lead me to alter my overall conclusion.

### **Conclusion**

24. For the reasons set out above, both appeals must be dismissed.

*Nicholas Taylor*

INSPECTOR

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<sup>4</sup> The Planning (Listed Buildings and Conservation areas) Act 1990

<sup>5</sup> Refs 13/00529/FUL and 13/00530/LBALT



## Appeal Decision

Site visit made on 13 June 2014

**by Gary Deane BSc(Hons) DipTP MRTPI**

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

**Decision date: 18 June 2014**

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### **Appeal Ref: APP/P1045/D/14/2217406**

### **The Cottage, Slack Lane, Brailsford, Ashbourne, Derbyshire DE6 3BB**

- 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 and Mrs Nick and Rachel Waterfall against the decision of Derbyshire Dales District Council.
  - The application Ref 14/00056/FUL, dated 29 January 2014, was refused by notice dated 31 March 2014.
  - The development proposed is the erection of a rear 2-storey extension and replacement detached double garage.
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### **Decision**

1. The appeal is dismissed insofar as it relates to the erection of a rear 2-storey extension. The appeal is allowed and planning permission is granted insofar as it relates to the erection of a replacement detached double garage at The Cottage, Slack Lane, Brailsford, Ashbourne, Derbyshire DE6 3BB in accordance with the terms of the application, Ref 14/00056/FUL, dated 29 January 2014, subject to the following conditions:
  - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
  - 2) That part of the development hereby permitted shall be carried out in accordance with the following approved plans: Refs 01C, 02L and 03C.
  - 3) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details

### **Procedural matters**

2. The name of the appellant is given as Mr Nick Skill on the planning appeal form, whereas the names appearing on the application form are Mr and Mrs Nick and Rachel Waterfall. As the right of appeal rests solely with the original applicants, I have proceeded on the basis that Mr and Mrs Nick and Rachel Waterfall are the appellants in this case.
  3. A final version of a new suite of revised and condensed planning guidance has recently been published on line. I have assessed the proposal in the light of
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this planning guidance although given the facts of this case it does not alter my conclusion.

### **Main Issue**

4. The main issue is the effect of the proposed development on the character and appearance of the local area.

### **Reasons**

5. The proposal includes a part single storey, part 2-storey extension to the rear and side of the appeal property, The Cottage, which is a detached dwelling that occupies an isolated location within the open countryside. The existing dwelling comprises a small 2-storey stone cottage, which is simple in built form, together with later unsympathetic single storey additions that would be demolished and removed. A new double garage would replace the existing detached structure.
6. The proposed extension has been designed following discussions with the Council with some refinement prior to submission. It takes into account the existing dwelling in its entirety although only the original cottage would be retained. The new extension would be set back from the road, taking advantage of the generous space within the plot. The pattern of fenestration would, for the most part, be in keeping with the traditional style of rural buildings and the external materials would be appropriate. The resultant 'L' shape of the enlarged dwelling would visually 'break down' its scale and bulk.
7. Nevertheless, the proposal would result in a significantly larger property with a sizable 2-storey addition and an enlargement of the building's footprint. The long ridgeline to the new southeast and northwest elevations, which would be taller than the original building to be retained, would accentuate the considerable scale of the appeal scheme. Overall, I share the Council's opinion that the new extension would overwhelm the modest scale and traditional shape of the original building, which would be subsumed into the larger property. Although the original building may be discernable from the new extension, it would unacceptably appear as a subordinate and incidental element to it.
8. Part of the new southwest elevation would be contemporary in style with full-length ground floor windows and an irregular shaped first floor window behind a balcony feature. An open entrance canopy would form part of the new northwest elevation. These features would relate awkwardly with the more traditional pattern of fenestration and style elsewhere on the enlarged building and were generally unfamiliar aspects of buildings that I saw in the local area. While I accept that the glazing would optimise solar heating and offer an attractive outlook, the overall visual effect would appear unconvincing.
9. Roadside vegetation would partly screen the proposed extension although a significant part of the extended building would be seen in short-range views from Slack Lane. In these views, the new development would be conspicuous due its considerable scale and height and obtrusive given the modern style design in the southwest elevation. Longer-range views from the adjacent highway would be heavily filtered through existing vegetation and so the full scale and mass of the proposal and its impact on the host building would not be readily appreciated. Nevertheless, I consider that a discordant element would

be added to the landscape that would detract from its intrinsic rural character and qualities.

10. In reaching this conclusion, I acknowledge that the starting point for the assessment is the existing building and that removing the later additions to the original building, which detract from its visual character, lends some support to the appeal scheme. However, the consequent improvement to the appearance of the original building and the site could in my opinion be achieved in other less harmful ways than in the manner proposed.
11. Therefore, I conclude that the proposed extension would be out of keeping with the character and appearance of the local area. As such, it conflicts with Policies SF4, SF5 and H2 of the Derbyshire Dales Local Plan. These policies broadly aim to ensure that development preserves or enhances the character and appearance of the countryside; reinforces distinctive local building styles; and does not result in a detrimental impact on the dwelling. It would also be at odds with the National Planning Policy Framework, which requires planning to reflect local distinctiveness and for new development to add to the character and qualities of an area and to contribute towards conserving and enhancing the natural environment.
12. The proposed double garage would include a dual pitched roof and an internal staircase providing access to a storage area in the roof space. It would replace the existing detached structure, which contributes little positively to the appearance of the site. The Council raises no objection to this element of the appeal scheme and I, too, find it acceptable because the new building would be modest in scale, height and depth, and appropriate in design and appearance. Existing vegetation would largely shield the new building from public view. As such, it would comply with the planning policies cited by the Council. This part of the proposal is separable to the remainder of the appeal scheme and so I am able to issue a split decision that grants planning permission solely for it.
13. In doing so, I have attached a condition requiring that the development be carried out in accordance with the approved plans for the avoidance of doubt and in the interests of proper planning. To ensure the satisfactory appearance of the building, a condition is required to ensure that appropriate external materials are used in the construction of the new garage. These details are not included on the drawings.

### **Conclusion**

14. For the reasons set out above, and having regard to all other matters raised, including the absence of objections from others, I conclude that the appeal should be dismissed in part and allowed in part.

*Gary Deane*

INSPECTOR