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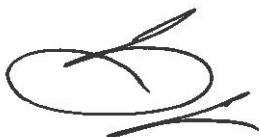
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03 September 2018

To: All Councillors

As a Member or Substitute of the **Planning Committee**, please treat this as your summons to attend a meeting on **Tuesday 11 September 2018 at 6.00pm at The Venue, Wyaston Road, Ashbourne DE6 1NB.**

Yours sincerely



Sandra Lamb
Head of Corporate Services

AGENDA

SITE VISITS: The Committee is advised a coach will leave The Venue, Ashbourne at 2.10pm prompt. A schedule detailing the sites to be visited is attached to the Agenda.

1. APOLOGIES/SUBSTITUTES

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

2. APPROVAL OF THE MINUTES OF THE PREVIOUS MEETING

Planning Committee – 14 August 2018

3. INTERESTS

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

4. APPLICATIONS FOR DETERMINATION

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

PUBLIC PARTICIPATION

To provide members of the public **WHO HAVE GIVEN PRIOR NOTICE** (by no later than 12 Noon on the working day prior to the meeting) with the opportunity to express views, ask questions or submit petitions relating to planning applications under consideration. Representations will be invited immediately before the relevant item of business/planning application is discussed. Details of the Council's Scheme are reproduced overleaf. To register to speak on-line, please click here www.derbyshiredales.gov.uk/attendameeting. Alternatively email committee@derbyshiredales.gov.uk or telephone 01629 761133.

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4.1 APPLICATION NO. 18/00686/FUL (Site Visit) Erection of seven dwellings at Marston House Farm, Thurvaston Road, Marston Montgomery DE6 2FF.	07 – 23
4.2 APPLICATION NO. 18/00584/FUL (Site Visit) Rear single storey extension and detached car port with office above at Myddleton House, 20A North Avenue, Ashbourne DE6 1EZ.	24 – 29
4.3 APPLICATION NO. 18/00222/REM (Site Visit) Approval of reserved matters for the erection of 33 dwellings at Land adjacent to Biggin View, Hulland Ward.	30 – 41
4.4 APPLICATION NO. 18/00589/REM (Site Visit) Approval of reserved matters for the erection of 23 dwellings (Outline application 16/00832/OUT) at Land East of Les Ardennes, Hulland Ward.	42 – 55
4.5 APPLICATION NO. 18/00397/REM (Site Visit) Approval of reserved matters for the erection of 75 dwellings and associated development (Outline application 16/00567/OUT) at Land off Main Road, Brailsford.	56 – 74
4.6 APPLICATION NO. 18/00679/FUL Demolition of redundant agricultural building and erection of agricultural storage building and dependant relative annexe at Herdsman Close Farm, Ashbourne DE6 1JE.	75 – 83
4.7 APPLICATION NO. 18/00711/REM Approval of reserved matters for the erection of 47 dwellings (Outline application 16/00436/OUT) at Land at Luke Lane / Mercaston Lane, Brailsford.	84 - 102

5. **INFORMATION ON ACTIVE AND CLOSED ENFORCEMENT INVESTIGATIONS** 103 – 120
6. **APPEALS PROGRESS REPORT** 121 - 129

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

Members of the Committee

Councillors Garry Purdy (Chairman), Jason Atkin (Vice Chairman),

Sue Bull, Sue Burfoot, Albert Catt, Tom Donnelly, Graham Elliott, Richard FitzHerbert, Tony Morley, Dermot Murphy, Lewis Rose, Peter Slack and Joanne Wild.

Nominated Substitute Members

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

PUBLIC PARTICIPATION

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

- a) Public Participation will be limited to one hour per meeting, with the discretion to extend exercised by the Committee Chairman (in consultation) in advance of the meeting. On line information points will make that clear in advance of registration to speak.
- b) Anyone wishing to make representations at a meeting must notify the Committee Section before Midday on the working day prior to the relevant meeting. At this time they will be asked to indicate to which item of business their representation relates, whether they are supporting or opposing the proposal and whether they are representing a town or parish council, a local resident or interested party.
- c) Those who indicate that they wish to make representations will be advised of the time that they need to arrive at the meeting venue so that the Committee Clerk can organise the representations and explain the procedure.
- d) Where more than 2 people are making similar representations, the Committee Administrator will seek to minimise duplication, for instance, by establishing if those present are willing to nominate a single spokesperson or otherwise co-operate in the presentation of their representations.
- e) Representations will only be allowed in respect of applications or items which are scheduled for debate at the relevant Committee meeting,
- f) Those making representations will be invited to do so in the following order, after the case officer has introduced any new information received following publication of the agenda and immediately before the relevant item of business is discussed. The following time limits will apply:

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

At the Chairman's discretion, the time limits above may be reduced to keep within the limited one hour per meeting for Public Participation.

- g) After the presentation it will be for the Chairman to decide whether any points need further elaboration or whether any questions which have been raised need to be dealt with by Officers
- h) The relevant Committee Chairman shall exercise discretion during the meeting to rule out immediately any comments by participants that are not directed to genuine planning considerations.

SITE VISITS

Members will leave The Venue, Wyaston Road, Ashbourne DE6 1NB at **2.10pm prompt** for the following site visits:

	Page No.
2.30pm APPLICATION NO. 18/00686/FUL	07 – 23
MARSTON HOUSE FARM, THURVASTON ROAD, MARSTON MONTGOMERY DE6 2FF.	
At the request of Officers for Members to appreciate the proposal in the context of its surroundings	
3.00pm APPLICATION NO. 18/00584/FUL	24 – 29
MYDDLETON HOUSE, 20A NORTH AVENUE, ASHBOURNE DE6 1EZ.	
At the request of Officers for Members to appreciate the impact of the proposal on the character and appearance of the area and the amenity of the occupants of neighbouring properties.	
3.30pm APPLICATION NO. 18/00222/REM	30 – 41
LAND ADJACENT TO BIGGIN VIEW, HULLAND WARD.	
At the request of Officers for Members to assess the detailed proposals in context.	
3.55pm APPLICATION NO. 18/00589/REM	42 – 55
LAND EAST OF LES ARDENNES, HULLAND WARD.	
At the request of Officers for Members to appreciate the site and context.	
4.30pm APPLICATION NO. 18/00397/REM	56 - 74
LAND OFF MAIN ROAD, BRAILSFORD.	
At the request of Officers to enable Members to fully assess the impact of the development on the local environment.	
5.00pm RETURN TO THE VENUE, ASHBOURNE	

COMMITTEE SITE MEETING PROCEDURE

The purpose of the site meeting is to enable the Committee Members to appraise the application site. The site visit is not a public meeting. No new drawings, letters of representation or other documents may be introduced at the site meeting. The procedure will be as follows:

1. A coach carrying Members of the Committee and a Planning Officer will arrive at the site as close as possible to the given time and Members will alight (weather permitting)
2. A representative of the Town/Parish Council and the applicant (or representative can attend.
3. The Chairman will ascertain who is present and address them to explain the purpose of the meeting and sequence of events.
4. The Planning Officer will give the reason for the site visit and point out site features.
5. Those present will be allowed to point out site features.
6. Those present will be allowed to give factual responses to questions from Members on site features.
7. The site meeting will be made with all those attending remaining together as a single group at all times.
8. The Chairman will terminate the meeting and Members will depart.
9. All persons attending are requested to refrain from smoking during site visits.

APPLICATION NUMBER		18/00686/FUL	
SITE ADDRESS:		Marston House Farm, Thurvaston Road, Marston Montgomery, DE6 2FF	
DESCRIPTION OF DEVELOPMENT		Erection of seven dwellings	
CASE OFFICER	Mr. Andrew Stock	APPLICANT	Mr Craig Barnes
PARISH/TOWN	Marston Montgomery	AGENT	Fisher German LLP
WARD MEMBER(S)	Cllr. A. Morley	DETERMINATION TARGET	20 th August 2018
REASON FOR DETERMINATION BY COMMITTEE	The number of dwellings houses to be provided is 3 or more outside of the first and second tier settlements	REASON FOR SITE VISIT (IF APPLICABLE)	To appreciate the proposal in the context of its surroundings

MATERIAL PLANNING ISSUES

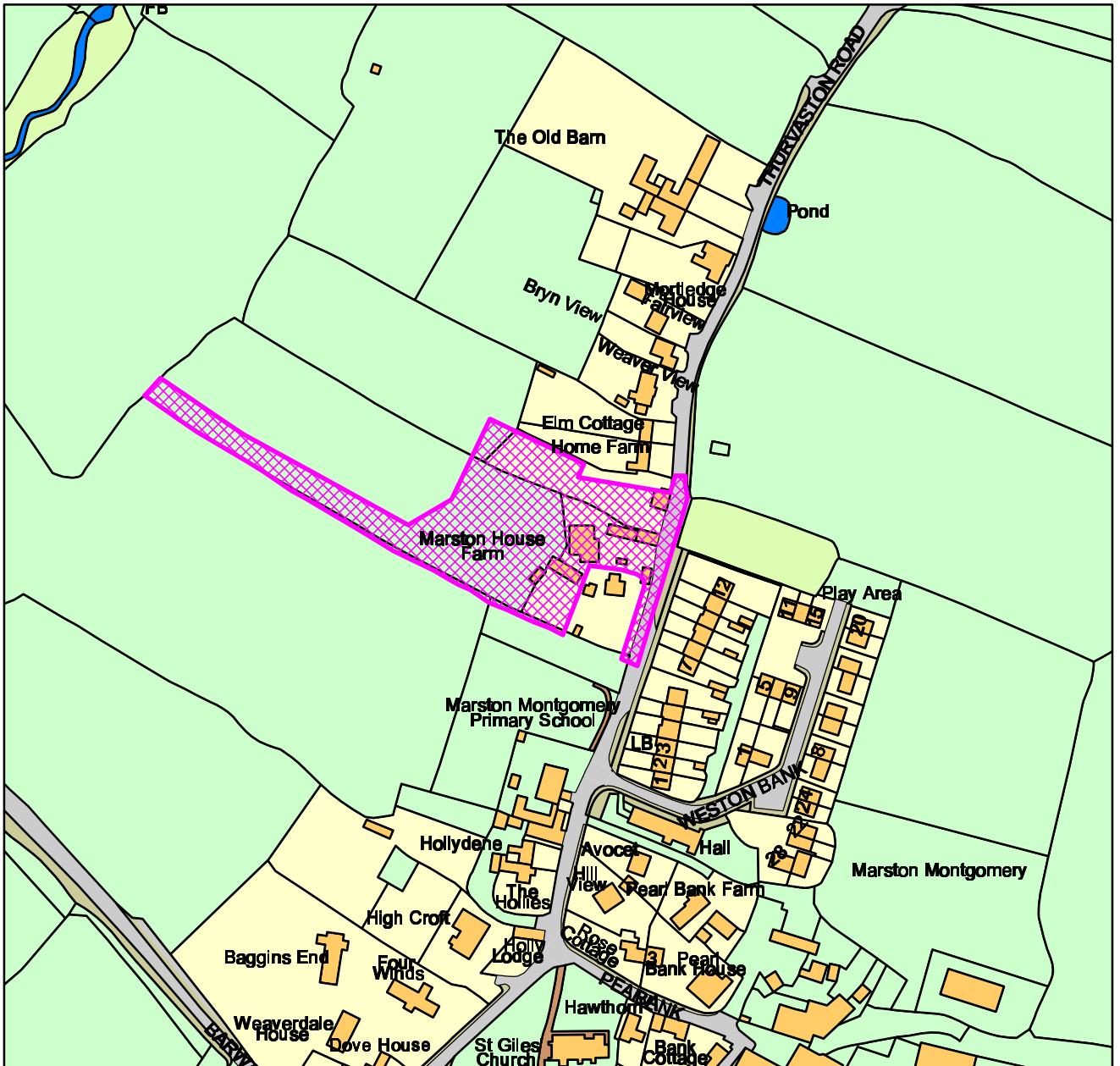
- Principle of the development;
- Impact on character and appearance of this part of the settlement
- Impact on residential amenity, and;
- Highway safety

RECOMMENDATION

Approval with conditions

18/00686/FUL

Marston House Farm, Thurvaston Road, Marston Montgomery



Derbyshire Dales DC

1:2,500

Date: 29/08/2018

100019785

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

1. THE SITE AND SURROUNDINGS

- 1.1 The application site is located to the west of Thurvaston Road, Marston Montgomery extending approximately 0.64ha and is accessed directly off Thurvaston Road. The site is set over varying gradient levels sloping from east to west. Marston Montgomery public right of way 29 runs through the northern extent of the site.
- 1.2 The site forms part of an existing, now redundant, former farm grouping and immediately adjoining agricultural land. The buildings on site are a mixture of traditional and modern farms buildings varying in size and scale. The farm buildings are in a state of considerable neglect with the whole of their immediate area being overgrown with trees and other vegetation.
- 1.3 The site lies adjacent to the primary school and approved development for 9 dwelling (application ref 17/00985/OUT) to the south, residential dwellings to the north, open countryside to the west and Thurvaston Road to the east.



2. DETAILS OF THE APPLICATION

- 2.1 Full planning permission is sought for the demolition of the redundant farm buildings and erection of seven dwellings, as illustrated on submitted revised plans date stamped 28th August 2018.
- 2.2 The applicants supporting information describes the development as being of traditional agricultural forms including two formal courtyards. The smaller courtyard replaces existing built form along the road frontage providing two bungalows and a carport with secure storage. To the rear of this is an L-shaped range which is a mix of two and single storey elements. This encloses the courtyard to the north and east provides a 3 and 4 bed dwelling linked by a carport. The courtyard is then completed by a 2 storey linear range to the south which accommodates two 3 beds and a 4 bedroom dwelling.

- 2.3 The development would be serviced via a new vehicular access directly of Thurvaston Road, as illustrated on submitted plans date stamped 28th August 2018. As part of the application it is proposed to create a separate pedestrian footway with a new pedestrian crossing linking the site to the existing footway on the opposite side of Thurvaston Road and the widening of Thurvaston Road.
- 2.4 The housing comprises of the following mix: -

House Types	Number	%
Two bed bungalows	2	28.5%
Three bed houses	3	42.8%
Four bed houses	2	28.5%
Total	7	

3. PLANNING POLICY AND LEGISLATIVE FRAMEWORK

- 3.1 Adopted Derbyshire Dales Local Plan (2017):
- S1 Sustainable Development Principles
 - S2 Settlement Hierarchy
 - S4 Development in the Countryside
 - PD1 Design and Place Making
 - PD2 Protecting the Historic Environment
 - PD5 Landscape Character
 - PD6 Trees, Hedgerows and Woodlands
 - PD8 Flood Risk Management and Water Quality
 - HC1 Location of Housing Development
 - HC11 Housing Mix and Types
 - HC19 Accessibility and Transport
 - HC21 Car Parking Standards

4. RELEVANT PLANNING HISTORY

17/00985/OUT Demolition of existing buildings and erection of 25no dwellings (outline) WITHDRAWN

5. CONSULTATION RESPONSES

5.1 Parish Council

At a meeting of the Parish Council on Thursday the 12th of July 2018, the Parish Council voted unanimously to reject the proposal for 7 new dwellings at Marston Fields. The meeting was immediately preceded by an open village meeting, convened to take views from parishioners. A summary of those views is shown below;

Why does Marston Montgomery need any further development when there is none happening in Cubley, Wyaston and Alkmonton. Thurvaston Road is single track, how does DDDC expect that it will cope with the additional traffic. The traffic survey conducted in January between 9.30 and 12.00 is not representative of the volume of traffic at peak times and in the summer (farm traffic). Haven't we had more than our fair share of development, particularly when it is clear looking at the site that the developer intends to put in for more at a later date, otherwise why leave a road which just stops at the boundary of this new plan. Because of the other two new sites, would it not be sensible to wait until these have been built to properly assess the impact of traffic on the Village. Could it be delayed, the village could possibly absorb more housing over time, but not now. If the plans are passed, would any subsequent development have to include

starter homes. If these plans were passed, there would be two new access points onto Thurvaston Road very close together, and very close to the School entrance. If we undertook an independent traffic survey would it be read. How can anyone expect us to approve this when it is clear that there is more to come and this is development by stealth. How could we go about saying "OK maybe 7, which would not break the Village, but no more". A question was also raised about the public footpath which may be marked in the wrong place.

It was also noted that some people could not attend the meeting as it clashed with the end of year school play.

5.2 Derbyshire County Council (Highways)

No objection, subject to conditions.

5.3 Derbyshire Wildlife Trust

No objection, subject to conditions.

5.4 Development Control Archaeologist

No objection, subject to conditions.

5.5 Environment Agency

Provided that the ground investigation is representative of site conditions and contaminant concentrations our view is that the site poses LOW risk to Controlled Waters. Therefore, we do not recommend that any further assessment or remediation is required.

5.6 Trees & Landscape Officer

No objection, subject to conditions.

5.7 Environmental Health Officer

No objection, subject to conditions.

5.8 Derbyshire County Council (Flood Risk Management)

No comments to make.

5.9 Derbyshire Dales Group of the Ramblers

No objection to the above planning application for 7no dwellings at Marston House Farm Thurvaston Road Marston Montgomery DE6 2FF providing that Marston Montgomery FP 29 which runs alongside the development is not affected in any way either during or after development.

5.10 Peak & Northern Footpaths Society

No objection provided that the full width of Footpath 29 Marston Montgomery, which runs very near the northern boundary of the site, remains unobstructed at all times. I note that in the Design and Access Statement it says that the definitive line of FP29 will be maintained and it will have "natural yet secure boundary treatments". I take this to mean that there would be no need to divert the path and that hedges will be planted where necessary along the path boundaries - if this is correct, the hedges must not be planted within the boundaries of the path and there will be an obligation on the landowner to maintain the hedges so that they do not overhang and obstruct the path.

6. REPRESENTATIONS RECEIVED

6.1 A total of 4 representations have been received objecting to the proposed development. The following concerns are raised;

Principle:

- Concerns over future development
- Number of units
- Insufficient infrastructure
- Contrary to the Adopted Local Plan
- Limited range of services and facilities

Impact on residential amenity:

- Construction traffic

Highway Safety:

- Increase in vehicular movements
- Narrow road
- Increase traffic
- Dangerous access
- Lack of pavements connecting the site to the village
- No public footpath from application site
- Pedestrian safety concerns
- Poor visibility

Impact on the character and appearance of the surrounding area:

- Inappropriate density
- Set a precedent for further development
- Concern over loss of hedgerows

7. OFFICER APPRAISAL

7.1 Having regard to the policies of the development plan the main issues to assess are:

- Principle of the development;
- Impact on character and appearance of this part of the settlement;
- Impact on residential amenity, and;
- Highway safety

Principle of the development;

7.2 Marston Montgomery is designated as a Tier 4 settlement defined as 'Accessible Settlement with Minimal Facilities' within Policy S2 of the Adopted Derbyshire Dales Local Plan (2017). Tier 4 settlements are identified as settlements with a very limited range of employment, services and facilities. Small villages have a low level of services and facilities and few employment opportunities. Development will therefore be limited to that needed to help maintain existing services and facilities and to meet the housing needs of the settlement. As such there is some limited scope for development within these settlements. In all cases, development should be commensurate with the scale and function of the settlement, can be accommodated through infill and consolidation of the existing built framework of the settlement or is well related to the existing pattern of development and surrounding land uses and would not lead to prominent intrusion into the countryside.

7.3 The site lies between the primary school and approved development for 9 dwellings (application ref 17/00985/OUT) to the south, residential properties along Thurvaston Lane to the north, residential dwellings to the east along Weston Bank and open countryside to the west. Adjacent to the site comprises a pair of cottages however, the pattern of residential development to the west of Thurvaston Road tends to be two storey detached dwellings within large plots in a ribbon formation. To the east of Thurvaston Road the

pattern of development includes a terrace row fronting the highway with semi-detached units beyond.

- 7.4 The application site is primarily part of an existing, now redundant, former farm grouping located towards north-west of the settlement. Development will be concentrated on the developed part of the site with some borrowing of adjoining agricultural land for amenity gardens, particularly plots 4 & 5. The development of 7 dwellings, as illustrated on submitted revised plans date stamped 28th August 2018 would represent appropriate infill and consolidation of the existing built framework of the settlement which is well related to the existing pattern of development within the immediate area given the former use of the site.
- 7.5 Notwithstanding the above, it is important that the overall scale of development in lower order settlements is commensurate to their size and reflects their position in the settlement hierarchy. Marston Montgomery is a fourth tier settlement in the Adopted Local Plan (2017). It is recognised that there are a very limited range of employment, services and facilities including a Primary School, Public House, Church and Village Hall.
- 7.6 It is acknowledged following consultation with Derbyshire County Council, dated 6th November 2017 that the primary school is currently under capacity with only 33 pupils currently on the roll with a total net capacity of up to 70 pupils.
- 7.7 Further examination showed taking into account recently approved residential developments within Marston Montgomery, specifically applications 16/00099/FUL for 9 dwellings and 17/00498/REM for 22 dwellings, totalling 31 new dwellings within the immediate area that the Primary School would continue to be under capacity and would therefore benefit from additional pupil levels.
- 7.8 Whilst public concern about the level of expansion is acknowledged it is considered that the amount of development proposed, in addition to that which has already been approved in the village is commensurate with the scale and function of the settlement. It will help to underpin important services and facilities within the village, principally the primary school and can be accommodated within its framework and landscape context.

Impact on character and appearance of this part of the settlement;

- 7.9 Full planning permission is sought for the demolition of the redundant farm buildings and erection of seven dwellings. The application presents 2 courtyard groupings; the first, smaller grouping comprises two bungalows with carports and secure storage along the frontage of the site (east); the second larger grouping to the back of site (west) includes a single/two storey L-shaped range and 2 storey linear range.
- 7.10 The application site forms part of an existing, now redundant, former farm grouping comprising a number of traditional and modern agricultural buildings varying in size, scale and condition. Having regard to the history of the site the development laid out and designed to appear as a farm group is considered to be appropriate, in principle.
- 7.11 Retention of the existing farmhouse is supported as it will serve to anchor the development laid out being designed to appear as a farm group. Whilst it is noted that there will be some encroachment into a neighbouring field to the west, the bulk of development will mainly be focused on the part of the site that is already developed. The modest encroachment is considered to be appropriate consolidation as it lines through with existing field boundaries and garden boundaries. As such, it is considered that the less formal arrangement of buildings to the west of the main farmhouse, as proposed, does replicate a traditional farm grouping which responds positively to the former use of the site and its immediate context.

- 7.12 Following detailed discussions with the applicant and applicants agent revised plans have been submitted which look to address a number of initial concerns with the proposal. Revisions include the introduction of segmental heads above the windows and doors throughout, reconfiguration of the fenestration (emphasis on square (2 pane) and vertical (1 pane) windows), inclusion of hopper style windows throughout, 1st floor windows to sit under eaves, removal of all porches, removal of decorative uprights within the carports, reduction in the eaves/ridge heights of the bungalows, removal of raised platform for property (4), change to roof pitches and alterations to the hard and soft landscaping scheme including the removal of grassed areas within court yard, use of granite sets and inclusion of brick boundary walls.
- 7.13 The single storey buildings along the frontage of the site are considered to respond positively to this context and would not appear dominant or overly cramped within the streetscene replicating the existing built form of the existing site.
- 7.14 The western side of the site falls away from the road towards Marston Brook. It is not generally prominent within the wider landscape due to its low lying nature and the screening effects of field boundary hedgerows, hedgerow trees, a dense line of trees associated with the brook and small blocks of woodland within the surrounding landscape. As such, the larger grouping of two storey buildings, to the west of site including the L-shaped range and linear range is supported. The layout appears less formal with the pattern of buildings considered to be reflective of a traditional farm grouping. The massing of the buildings and their appearance, following amendments, is considered to successfully replicate a former barn range.
- 7.15 It is noted that a high percentage of existing trees will be felled with some trees to be retained on the site boundaries. The application is accompanied by an Arboricultural Report prepared by the applicants arboriculturalist. The report includes a tree schedule and tree constraints plan which adequately locates the trees on the site, describes their quality gradings, identify species, define tree canopy extents, tree height and Root Protection Areas. Following consultation with the Trees and Landscape Officer it was confirmed that the majority of the trees to be felled are identified to be of low quality with a number of key trees to be retained as would hedgerows and hedgerow trees. Due to the level of felling a Method Statement (AMS) and Tree Protection Plan (TPP) should be submitted in order to inform the Local Planning Authority the location of retained trees, locations of appropriate tree protection fencing and/or ground protection. An appropriately worded condition will be attached to any approval.
- 7.16 Whilst it is noted that there will be some encroachment into a neighbouring field to the west, the development will mainly be focused on the part of the site that is already developed with existing field boundaries being preserved and enhanced. The proposed development is considered to represent a logical continuation of built form along Thurvaston Road with the extended development easily assimilated into the countryside. Given the sites former use it represents appropriate infill and consolidation of the existing built framework of the existing built framework, commensurate with the scale and function of the settlement.
- 7.17 A public right of way (FP29) runs past east / west side from Thurvaston Road to the Marston Brook where it joins with the wider footpath network (including FP 28 & 30). The public rights of way will remain unobstructed at all times during construction, an appropriately worded footnote will be attached to any approval.

Impact on residential amenity;

- 7.18 The closest neighbouring dwellings include, Home Farm which adjoins the site to the north, 7 - 12 Thurvaston Road to the east and the Primary School to the south. It is considered that careful consideration of the size, scale, design and layout of the dwellings has been given which looks to minimise any impact upon the amenities of the occupants of neighbouring dwellings.
- 7.19 The proposed dwellings would be of a similar scale to the existing dwellings within the immediate area, with the two storey units located at the rear of the site which is significantly set down from the road side.
- 7.20 It is therefore concluded the siting, scale and design would not, it is considered, have any overbearing / overshadowing impact or result in any loss of privacy between the proposed and existing dwellings.

Highway safety;

- 7.21 The development would be served via a new vehicular access directly of Thurvaston Road. As part of the application it is proposed to create a separate pedestrian footway with a new pedestrian crossing linking the site to the existing footway on the opposite side of Thurvaston Road and the widening of Thurvaston Road.
- 7.22 Following consultation with the Local Highway Authority it was determined that the proposed access is being laid out in accordance with current design guidance with adequate emerging visibility sightlines being achieved in both directions of Thurvaston Road.
- 7.23 It is advised that internally, adequate parking and turning area are being provided to enable all residents and delivery vehicles to enter the site, turn and exit in a forward gear. Whilst a swept path drawing has been submitted to illustrate a refuse vehicle entering and exiting the access, no such drawings seem to have been submitted to illustrate a refuse vehicle being able to turn within the site. However, as the new access road is to remain private it's unlikely the refuse company would enter a private development to collect bins. An appropriately worded condition will be attached to any approval requesting a bin store to be location within close proximity to Thurvaston Road.
- 7.24 The widening of the carriageway width on Thurvaston Road to enable 2-way traffic is supported but the Local Highway Authority.
- 7.25 Whilst it is noted that a number of representations have been submitted raising concerns with the increase in traffic and the formation of a new access the Local Highway Authority concludes that the proposed access is being laid out in accordance with current design guidance with adequate emerging visibility sightlines being achieved in both directions of Thurvaston Road.
- 7.26 Given the Local Highway Authority raises no objections to the application, subject to conditions, a reason for refusal on highway safety grounds could not be sustained.

Other matters;

- 7.27 The application is accompanied with Ecological Assessment and Phase 1 Site Investigation prepared by the applicants ecologist. Derbyshire Wildlife Trust concludes that adequate information has been provided in order for this application to be determined. No objection has been raised, subject to conditions.

- 7.28 The Derbyshire County Council Flood Risk Management Team has briefly reviewed the planning application concluding due to the nature of the proposed plans and the site parameters no objection is raised against the application.
- 7.29 The current proposal will involve the demolition of all the outbuildings which were previously associated with Marston House Farm. Information in the desk-based assessment submitted as part of the application suggests that the farmstead is likely to have had its origins in the late 17th to early 18th century. The Marston Montgomery tithe map of 1838 clearly depicts the buildings of the farm at that time and, in addition to the farm house, a rectangular building is shown to the south of it and adjacent to Thurvaston Road. The updated Heritage desk-based assessment which has been submitted with the current application recommends recording of the outbuildings in advance of demolition, which is supported. Following consultation with the County Councils Archaeologist no objection is raised, subject to conditions.

Conclusion

- 7.30 The application represents appropriate infill and consolidation of the existing built framework of the settlement which considered both on its own and in conjunction with other approved schemes is commensurate with the scale and function of the settlement helping to underpin important services and facilities within the village.
- 7.31 Taking the above into consideration and subject to conditions the application satisfies the relevant provision of the Adopted Derbyshire Dales Local Plan (2017). Accordingly the application is recommended for approval.

8. RECOMMENDATION

Planning Permission to be granted subject to the following conditions:

1. Condition ST02a: Time limit on full

Reasons:

ST02a

2. This permission relates solely to the application as amended by the revised plan(s) received by the Local Planning Authority on the 28th August 2018.

Reason:

For the avoidance of doubt.

3. Samples of all materials to be used in the construction of the external surfaces of the proposed development shall be submitted to and approved in writing by the Local Planning Authority before the commencement of development. The development shall be constructed in accordance with the approved details.

Reason:

To ensure the satisfactory appearance of the development to comply with Policies S4 and PD1 of the Adopted Derbyshire Dales Local Plan (2017).

4. Prior to the commencement of works, details of the windows and doors (inc materials, treatment and/or colour) shall be submitted to and approved in writing by the Local Planning Authority. The window and door frames shall then be installed in accordance with the approved details and so retained.

Reason:

To ensure the satisfactory appearance of the development to comply with Policies S4 and PD1 of the Adopted Derbyshire Dales Local Plan (2017).

5. Prior to installation, details of verges, eaves, rain water goods and meter box (including location) shall be submitted to and approved in writing by the Local Planning Authority before the commencement of development. The development shall be constructed in accordance with the approved details.

Reason:

To preserve the appearance of the dwellings in accordance with Policies S4 and PD1 of the Adopted Derbyshire Dales Local Plan (2017).

6. Prior to works commencing on site an Arboricultural Method Statement (AMS) and Tree Protection Plan (TPP) shall be submitted to and approved in writing by the Local Planning Authority. All works shall also be carried out in accordance with the approved details prior to the development or in accordance with a programme to be agreed in writing with the Local Planning Authority.

Reason:

To enable an accurate assessment of the effect of the development on the trees and in the interests of visual amenity in accordance with Policies S4, PD5 and PD6 of the Adopted Derbyshire Dales Local Plan (2017).

7. Before the first use or occupation of the dwellings hereby approved, details of the soft landscaping and hard surfacing (inc boundary treatments) shall be submitted to and approved in writing by the Local Planning Authority. All the soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the building(s) or the completion of the development whichever is the sooner; All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority. All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority.

Reason:

To ensure an appropriate landscaped setting in accordance with Policies S4 and PD1 of the Adopted Derbyshire Dales Local Plan (2017).

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order with or without modification) no external alterations or additions shall be made to the hereby approved dwelling and no buildings, extensions, gates, fences or walls (other than those expressly authorised by this permission) shall be carried out within the curtilage of the dwelling without the prior written approval of the Local Planning Authority upon an application submitted to it.

Reason:

To preserve the appearance of the dwellings in accordance with Policies S4 and PD1 of the Adopted Derbyshire Dales Local Plan (2017).

9. Prior to commencement of development a scheme of demolition of the existing buildings shall be submitted to and approved in writing by the Local Planning Authority. The demolition shall be implemented in accordance with the approved details.

Reason:

For the avoidance of doubt.

10. Prior to works on Buildings 1 and 2 (the two brick barns), an update bat survey shall be undertaken between May and August as a precautionary measure. If roosting bats are found, works shall proceed under the appropriate bat licence and a copy of the licence shall be submitted to the LPA including mitigation measures.

Reason:

In the interest of safeguarding protected species and/or securing biodiversity enhancements in accordance with Policy PD3 of the Adopted Derbyshire Dales Local Plan (2017).

11. Prior to the commencement of work on site (including clearance of refugia piles, vegetation or groundworks), a Reptile Method Statement shall be submitted to the LPA. This shall include a reasonable avoidance measures and a watching brief. The Method Statement shall be implemented in full and a short statement of compliance submitted at the end of site clearance works.

Reason:

In the interest of safeguarding protected species and/or securing biodiversity enhancements in accordance with Policy PD3 of the Adopted Derbyshire Dales Local Plan (2017).

12. A survey for any recently excavated badger setts on the site or within 30 metres of the site boundary should be undertaken prior to the commencement of any groundworks on the site and submitted to the LA for approval. During site clearance and construction works, best practice measures should be implemented to safeguard badgers and other mammals. All deep excavations (> 1 m) should be covered and all shallow excavations (< 1 m) should have a ramp placed in them to allow a means of escape. Open pipework greater than 200 mm outside diameter should be blanked (capped) off at the end of each working day. Chemicals should be stored correctly.

Reason:

In the interest of safeguarding protected species and/or securing biodiversity enhancements in accordance with Policy PD3 of the Adopted Derbyshire Dales Local Plan (2017).

13. No vegetation clearance or building demolition works 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. The survey shall include checks of the buildings for hirundines and barn owl.

Reason:

In the interest of safeguarding protected species and/or securing biodiversity enhancements in accordance with Policy PD3 of the Adopted Derbyshire Dales Local Plan (2017).

14. Prior to the commencement of development, a biodiversity mitigation and enhancement strategy shall be submitted to and approved in writing by the Local Planning Authority to ensure no net loss for biodiversity and aim for a net gain (NPPF 2018). Such approved measures should be implemented in full and maintained thereafter. Measures may include:

- details of bird and bat boxes (positions/specification/numbers).
- connectivity measures for hedgehogs, such as garden fencing raised above groundlevel or the inclusion of small gaps (130 mm x 130 mm), railings or hedgerows.
- ecologically beneficial landscaping, including fruit trees.

Reason:

In the interest of safeguarding protected species and/or securing biodiversity enhancements in accordance with Policy PD3 of the Adopted Derbyshire Dales Local Plan (2017).

15. No development shall take place until a Written Scheme of Investigation for historic building recording has been submitted to and approved by the local planning authority in writing, until all on-site elements of the approved scheme have been completed to the written satisfaction of the local planning authority, and until the provision to be made for analysis, reporting, publication and dissemination of the results and archive deposition has been secured, unless otherwise agreed in writing by the local planning authority. The Written Scheme of Investigation shall include an assessment of significance and research questions; and

1. The programme and methodology of site investigation and recording
2. The programme and provision for post-investigation analysis and reporting
3. Provision to be made for publication and dissemination of the analysis and records of the site investigation
4. Provision to be made for archive deposition of the analysis and records of the site investigation
5. Nomination of a competent person or persons/organization to undertake the works set out within the Written Scheme of Investigation

unless otherwise agreed in writing by the local planning authority.

Reason:

To secure the proper recording of the buildings in accordance with Policy PD2 of Adopted Derbyshire Dales Local Plan (2017).

16. No development shall take place until a Written Scheme Local Planning Authority in writing, and until any pre-start element of the approved scheme has been completed to the written satisfaction of the local planning authority, unless otherwise agreed in writing by the local planning authority. The scheme shall include an assessment of significance and research questions; and

1. The programme and methodology of site investigation and recording
2. The programme for post investigation assessment
3. Provision to be made for analysis of the site investigation and recording

4. Provision to be made for publication and dissemination of the analysis and records of the site investigation
5. Provision to be made for archive deposition of the analysis and records of the site investigation
6. Nomination of a competent person or persons/organization to undertake the works set out within the Written Scheme of Investigation

Reason:

To secure the proper recording of the building in accordance with Policy PD2 of Adopted Derbyshire Dales Local Plan (2017).

17. No development shall take place other than in accordance with the archaeological Written Scheme of Investigation approved under condition (16), unless otherwise agreed in writing by the local planning authority.

Reason:

To secure the proper recording of the buildings in accordance with Policy PD2 of Adopted Derbyshire Dales Local Plan (2017).

18. The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Archaeological Written Scheme of Investigation approved under condition (16) and the provision to be made for analysis, publication and dissemination of results and archive deposition has been secured, unless otherwise agreed in writing by the local planning authority.

Reason:

To secure the proper recording of the buildings in accordance with Policy PD2 of Adopted Derbyshire Dales Local Plan (2017).

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

Reason:

In the interest of highway safety in accordance with Policies S3 and HC19 of the Adopted Derbyshire Dales Local Plan (2017).

20. 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.

Reason:

In the interest of highway safety in accordance with Policies S3 and HC19 of the Adopted Derbyshire Dales Local Plan (2017).

21. Before any other operations are commenced (excluding conditions 19 and 20 above) a new vehicular access shall be formed to Thurvaston Road in accordance with application drawing

No 173451-001 Rev B, 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 43 metres in each direction measured along the nearside carriageway edge to a point 1m out into the carriageway. The land in advance of the visibility sightlines shall be retained throughout the life of the development free of any object greater than 1m in height (0.6m in the case of vegetation) relative to adjoining nearside carriageway channel level.

Reason:

In the interest of highway safety in accordance with Policies S3 and HC19 of the Adopted Derbyshire Dales Local Plan (2017).

22. No part of the development shall be occupied until the proposed road widening scheme and pedestrian crossing on Thurvaston Road has been carried out in accordance with drawing number 173451-001 Rev B. For the avoidance of any doubt, all works in the public highway will require a Section 278 Agreement with the Highway Authority.

Reason:

In the interest of highway safety in accordance with Policies S3 and HC19 of the Adopted Derbyshire Dales Local Plan (2017).

23. No dwelling shall be occupied until space has been laid out within the site in accordance with the application drawings for a total of 16 cars to be parked and for vehicles to turn so that they may enter and leave the site in forward gear. These facilities shall thereafter be retained for use at all times.

Reason:

In the interest of highway safety in accordance with Policies S3 and HC19 of the Adopted Derbyshire Dales Local Plan (2017).

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

Reason:

In the interest of highway safety in accordance with Policies S3 and HC19 of the Adopted Derbyshire Dales Local Plan (2017).

25. 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.

Reason:

In the interest of highway safety in accordance with Policies S3 and HC19 of the Adopted Derbyshire Dales Local Plan (2017).

NOTES TO APPLICANT:

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

2. The application site is affected by a public Right of Way, Footpath No 29 on the Derbyshire Definitive Map. The route must remain unobstructed on its legal alignment at all times and the safety of the public using it must not be prejudiced either during or after development works take place. Further advice can be obtained by calling 01629 533190 and asking for the Rights of Way Duty Officer. Please note that:-
 - The granting of planning permission is not consent to divert or obstruct a public right of way.
 - If it is necessary to temporarily obstruct a right of way to undertake development works then a temporary closure is obtainable from the County Council. Please contact 01629 533190 for further information and an application form.
 - If a right of way is required to be permanently diverted then the Council that determines the planning application (The Planning Authority) has the necessary powers to make a diversion order.
 - Any development insofar as it will permanently affect a public right of way must not commence until a diversion order (obtainable from the planning authority) has been confirmed. A temporary closure of the public right of way to facilitate public safety during the works may then be granted by the County Council.
 - To avoid delays, where there is reasonable expectation that planning permission will be forthcoming, the proposals for any permanent stopping up or diversion of a public right of way can be considered concurrently with the application for the proposed development rather than await the granting of permission.
3. 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.
4. 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.
5. Pursuant to Section 163 of the Highways Act 1980, measures shall be taken to ensure that surface water run-off from within the site is not permitted to discharge across the footway margin. This usually takes the form of a dish channel or gully 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 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 – kevin.barton@derbyshire.gov.uk . The applicant is

advised to allow approximately 12 weeks in any programme of works to obtain a Section 278 Agreement.

7. Pursuant to Sections 149 and 151 of the Highways Act 1980, the applicant must take all necessary steps to ensure that mud or other extraneous material is not carried out of the site and deposited on the public highway. Should such deposits occur, it is the applicant's responsibility to ensure that all reasonable steps (eg; street sweeping) are taken to maintain the roads in the vicinity of the site to a satisfactory level of cleanliness.
8. Construction works are likely to require Traffic Management and advice regarding procedures should be sought from Dave Bailey, Traffic Management - telephone 01629 538686.
9. The application site is affected by a public Right of Way, Footpath No 29 on the Derbyshire Definitive Map. The route must remain unobstructed on its legal alignment at all times and the safety of the public using it must not be prejudiced either during or after development works take place. Further advice can be obtained by calling 01629 533190 and asking for the Rights of Way Duty Officer. Please note that:-
 - The granting of planning permission is not consent to divert or obstruct a public right of way.
 - If it is necessary to temporarily obstruct a right of way to undertake development works then a temporary closure is obtainable from the County Council. Please contact 01629 533190 for further information and an application form.
 - If a right of way is required to be permanently diverted then the Council that determines the planning application (The Planning Authority) has the necessary powers to make a diversion order.
 - Any development insofar as it will permanently affect a public right of way must not commence until a diversion order (obtainable from the planning authority) has been confirmed. A temporary closure of the public right of way to facilitate public safety during the works may then be granted by the County Council.
 - To avoid delays, where there is reasonable expectation that planning permission will be forthcoming, the proposals for any permanent stopping up or diversion of a public right of way can be considered concurrently with the application for the proposed development rather than await the granting of permission.
10. This decision notice relates to the following documents:
 - Phase 1 Site Investigation - Prepared by Wesson Environmental
 - Phase II Contaminated Land Investigation - Prepared by Wesson Environmental
 - Ecological Assessment - Prepared by Turnstone Ecology Limited
 - Transport Technical Note - Prepared by Ardent Consulting Engineers
 - Heritage Desk-Based Assessment - Prepare by Lanpro
 - Arboricultural Report - Prepared by Jon Coe Tree Services Ltd
 - Supporting Planning, Design and Access Statement - Prepared by Fisher German
 - Topographical Survey - Prepared by Mapmatic
 - Location Plan - Dated 25th June 2018
 - Drawing No: 118753/305/06B/07B - Dated stamped 28th August 2018
 - Drawing No: 116385/102D - Dated stamped 28th August 2018
 - Drawing No: 118753/303B/04B - Dated stamped 28th August 2018
 - Drawing No: 118753/301B - Dated stamped 28th August 2018
 - Drawing No: 118753/302B - Dated stamped 28th August 2018

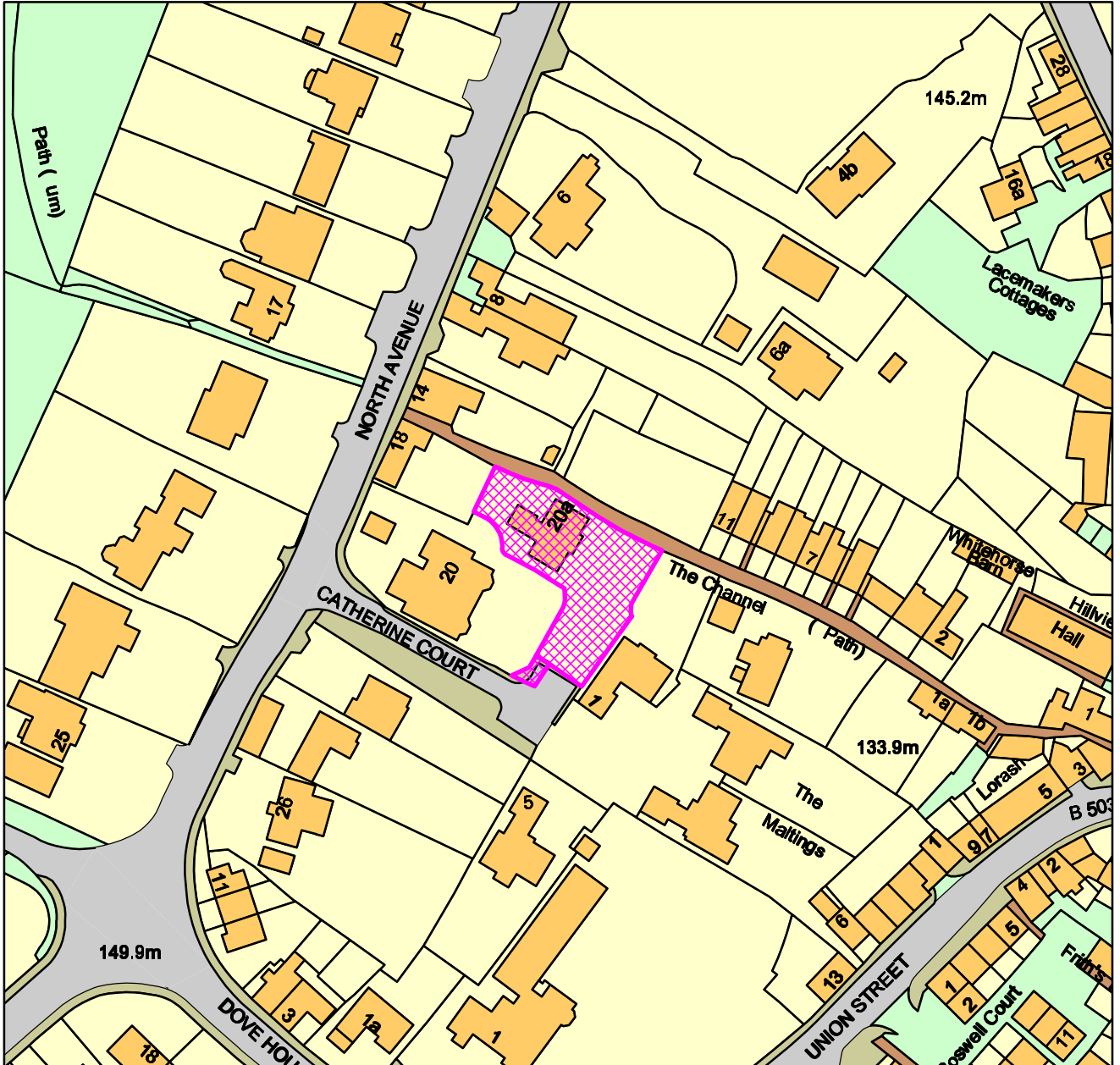
APPLICATION NUMBER		18/00584/FUL	
SITE ADDRESS:		Myddleton House, 20A North Avenue, Ashbourne, Derbyshire, DE6 1EZ	
DESCRIPTION OF DEVELOPMENT		Rear single storey extension and detached car port with office above.	
CASE OFFICER	J Baldwin	APPLICANT	Mr I Stevens
PARISH/TOWN	Ashbourne	AGENT	Mr I Stevens
WARD MEMBER(S)	Cllr Anthony Millward Cllr Susan Bull	DETERMINATION TARGET	17/08/2018
REASON FOR DETERMINATION BY COMMITTEE	Cllr Bull Request	REASON FOR SITE VISIT (IF APPLICABLE)	For Members to appreciate the impact of the proposal on the character and appearance of the area and the amenity of the occupants of neighbouring properties.

MATERIAL PLANNING ISSUES
<ul style="list-style-type: none"> - The impact of the development on residential amenity of the occupants of neighbouring properties, and; - The impact of the development on the character and appearance of the existing dwellinghouse and its surroundings.

RECOMMENDATION
Approval with Conditions

18-00584-FUL

Myddleton House, 20a North Avenue, Ashbourne



Derbyshire Dales DC

1:1,250

Date: 29/08/2018

100019785

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

1. THE SITE AND SURROUNDINGS

- 1.1 The site is located on the northern side of Catherine Court, off North Avenue near the centre of Ashbourne. Planning permission was granted for the construction of the dwelling in 1987 (0187/0048) with a condition removing permitted development rights, and the property was subsequently extended following approval of the application under reference code 13/00203/FUL. The existing property on site is a relatively large dwelling set on an 'L' shaped plot. The existing vehicle parking area is located in the southern portion of the site, accessed immediately off Catherine Court. The property is located outside of the Ashbourne Conservation Area boundary.



2. DETAILS OF THE APPLICATION

- 2.1 Planning permissions is sought for the construction of a single storey extension to the rear of the property and construction of a detached carport/office.
- 2.2 The proposed extension would be 4.5m (depth) x 8.5m (width) x 2.9m (height) and would be constructed with a flat roof and finished in render. Two roof lights are proposed to be installed. The extension will have bi-folding doors and two further windows in the south eastern elevation.
- 2.3 The proposed car port/home office would be 7m (width) x 6.5m (depth) x 6.2m (height) and would be constructed using red brick and roof tiles to match the existing dwelling. The south western and north western elevations of the car port would be open. The stairs to the first floor office would be located to the rear of the carport, in the existing garden. Following the receipt of amended plans, two roof lights are proposed to be installed in the south western (front) elevation.

3.0 PLANNING POLICY AND LEGISLATIVE FRAMEWORK

1. Adopted Derbyshire Dales Local Plan (2017)
PD1: Design and Place Making

HC10: Extensions to Dwellings

2. National Planning Policy Framework
National Planning Practice Guidance

4. RELEVANT PLANNING HISTORY:

13/00203/FUL	Single storey front extension	Granted	17/05/2013
0187/0048	House	Granted	24/02/1987

5. CONSULTATION RESPONSES

Ashbourne Town Council

- 5.1 Members feel that this development will have a negative impact and loss of amenities for the neighbours. Members felt that this was two separate areas of development and should have been submitted as two separate planning applications.

6. REPRESENTATIONS RECEIVED

- 6.1 A total of 3 representations have been received in objection to the proposed development. A summary of the representations is outlined below:
 - The first floor office windows above the car port would lead to overlooking and a loss of privacy to neighbouring occupants.
 - The area is currently overdeveloped and the construction of a car port would be incongruous, overbearing and out of character.
 - The gradient of the site would exacerbate the visual intrusion caused by the construction of a car port.
 - The car port would cause overshadowing of the neighbouring properties and the street scape.
 - Concerned that a business will be run from the proposed office which is prohibited in the deeds of the properties in the area.
 - The car port would result in a loss of light to neighbouring properties windows.
 - The proposal would be contrary to policy PD1 as it would not have a satisfactory relationship with neighbouring properties.
 - The proposal is not based on a thorough site appraisal and is not sensitive to site context, the plans do not show different land levels in relation to neighbouring properties.
 - The proposal would not contribute positively to the character of the area and would therefore be contrary to policy PD1.
 - The proposal is of poor design which is contrary to National Planning Policy Framework which requires good design.
 - The need for a new office or car port has not been demonstrated, permission was granted in 2013 for a study.
 - The proposal is contrary to policy HC10 as the height, scale, form and design of the car port are not in keeping with the area.
 - The design and size of the proposal is such that it may be converted to a dwelling – if permission is granted it is requested that the car port cannot be in separate ownership to the dwelling. The fence has an overbearing impact on the garden of neighbouring properties.
 - Should permission be granted it is requested that the home office shall be restricted to such use and shall not be used for general residential purposes or for business use.

7. OFFICER APPRAISAL

The following material planning issues are relevant to this application:

- The impact of the development on residential amenity of the occupants of neighbouring properties, and;
- The impact of the development on the character and appearance of the existing dwellinghouse and its surroundings.

7.1 Single Storey Extension

The proposed extension is relatively modest in size and scale and can be accommodated without the plot becoming over developed. The flat roof provides a simple design and lower overall height to the extension. Due to the relatively small scale and location of the proposed extension in relation to the boundary it is considered that there would be no significant overshadowing of other properties nor would the extension appear overbearing. Due to the single storey nature of the extension, despite its higher land level than the neighbouring properties to the south east, there is unlikely to be any harm to the amenity on neighbouring properties in relation to loss of privacy, or overlooking. The proposed render finish to the extension would not match the red brick of the existing dwelling however, due to the scale of the extension and its position outside of public view; it would be read as a more recent, subservient addition which would not be harmful to the character and appearance of the dwelling or its surrounding area in this case.

7.2 Car Port/Office

A number of concerns have been raised by local residents in relation to the construction of the proposed garage/carport both in relation to its impact on the amenity of neighbours and the character and appearance of the area.

The south eastern elevation of the carport would be set 3.45m at its furthest distance from the boundary and 2.9m at its shortest from distance from the boundary with the neighbour. The neighbouring property, 1 Catherine Court, is set approximately 1m away from the same boundary providing a total separation distance of approximately 4-4.5m. Whilst it is acknowledged one of the kitchen windows of 1 Catherine Court would face directly toward the proposed car port, it is not considered that the proposed building would cause significant loss of light entering the kitchen window. The existing drop in ground levels and fence/treeline along the boundary already restrict light to this window. It is considered that the removal of the tree and 4m separation between the properties would allow enough light reach this kitchen window and any potential overshadowing is therefore not considered to be detrimental to the point that it would warrant a recommendation of refusal of this application. Following the receipt of amended plans, the proposed dormer windows to the south western elevation of the office have been removed and replaced with roof lights. The amended plans and 25m distance to the boundary of 22 North Avenue opposite the roof lights are considered to be sufficient in reducing any potential for overlooking. The car port/office sits 1.8m to the east of and at a lower level than the garden of 20 North Avenue. Whilst the upper section of the building will be visible it is not unduly harmful to amenity. It is considered that the proposed carport/office would not result in any significant harm to the amenity of neighbouring properties and would comply with policy PD1 of the Adopted Derbyshire Dales Local Plan 2017 in this regard.

Concern has also been raised by local residents in relation to the impact of the car port/office on the character and appearance of street scene and the surrounding area. It is considered that the removal of the dormer windows and the two open sided elevations allow the carport/office to be more easily read as an ancillary building to the main dwelling house and not as a separate residential unit in its own right. Whilst the 6.2m height is significant, the ridge height and eaves height of the car port would be below those at the adjacent dwelling despite the higher land level at the applicant property. It is not considered that the scale of the proposed building is excessive in this location. The proposed red brick and roof tiles are to match the existing dwelling, and are common in the

local area. It is not considered that the construction of the carport/office would be detrimental to the character and appearance of the area and would therefore comply with policy PD1 and HC10 of the Adopted Derbyshire Dales Local Plan 2017.

8. RECOMMENDATION

That planning permission be granted subject to the following conditions:

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

Reason:

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

2. This permission relates solely to the application as amended by the revised plan(s) received by the Local Planning Authority on the 31/07/2018 numbered 2017-11-76-01 (Rev A)

Reason:

For the avoidance of doubt.

3. The carport/office hereby permitted shall only be occupied or used in connection with, and ancillary to, the occupation of the existing premises or use and shall at no time be severed and occupied as a separate independent unit.

Reason:

To prevent the undesirable establishment of a separate independent unit and in the interests of amenity and highway safety.

9. NOTES TO APPLICANT:

The Local Planning Authority prior to and during the consideration of the application engaged in a positive and proactive dialogue with the applicant which resulted in the submission of a scheme that overcame initial concerns relating to the proposed dormers to the first floor office above the garage, and the impact of such a detail on the character and appearance of the area.

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 (22/06/2018)

2017-11-76-01 (Rev A) – Proposed Extension Drawings (31/07/2018)

2017-11-76-02 (Rev A) – Proposed Car Port & Home Office (31/07/2018)

2017-11-76-03 – Existing Plans & Elevations (22/06/2018)

APPLICATION NUMBER		18/00222/REM	
SITE ADDRESS:		Land Adjacent To Biggin View, Hulland Ward	
DESCRIPTION OF DEVELOPMENT		Approval of reserved matters for the erection of 33 dwellings	
CASE OFFICER	Mr. G. A. Griffiths	APPLICANT	Cameron Homes and Fannon Limited
PARISH	Biggin By Hulland	AGENT	Pegasus Group
WARD MEMBERS	Cllr. Richard Bright	DETERMINATION TARGET	1 st June 2018
REASON FOR DETERMINATION BY COMMITTEE	Major application	REASON FOR SITE VISIT (IF APPLICABLE)	To allow members to assess the detailed proposals in context.

MATERIAL PLANNING ISSUES

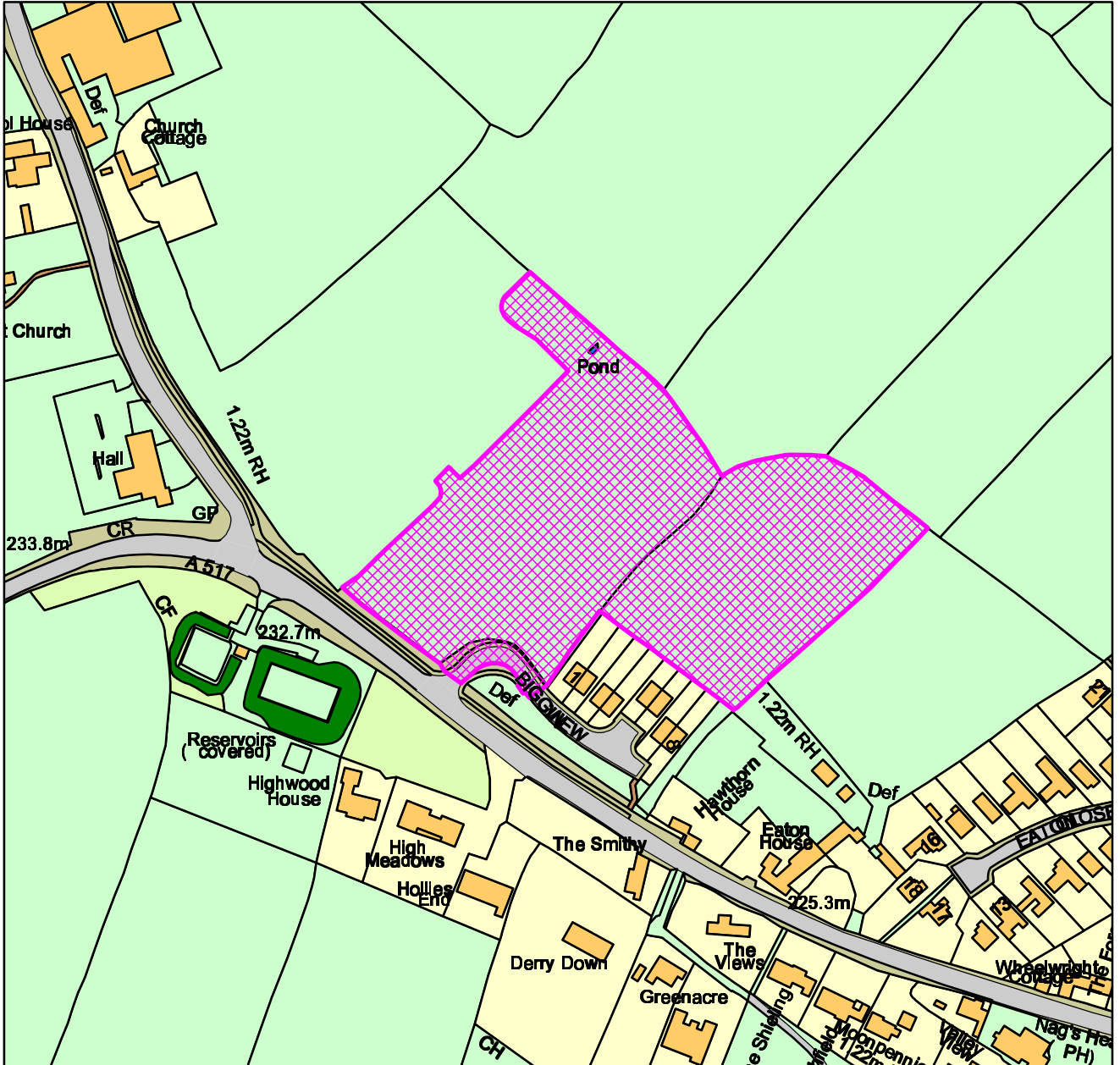
- Principle of the development
- Housing mix
- Impact on the character and appearance of the area
- Impact on residents' amenity
- Highway safety
- Open space provision
- Landscaping
- Ecology matters
- Flooding and drainage

RECOMMENDATION

Approval

18/00222/REM

Land Adj. to Biggin View, Hulland Ward



Derbyshire Dales DC

1:2,500

Date: 29/08/2018

100019785

Crown Copyright and database rights (2018) Ordnance Survey (100019785)
Derbyshire Dales District Council,
Town Hall, Bank Road, Matlock, Derbyshire DE4 3NN.
Telephone: (01629) 761100.
website: www.derbyshiredales.gov.uk

1. THE SITE AND SURROUNDINGS

- 1.1 The site is an area of open fields of Grade 4 agricultural land set to the north of the A517 and Biggin View, on the north western side of Hulland Ward. The fields are accessed via Biggin View which also has eight affordable dwellinghouses served off it.
- 1.2 The land slopes downwards from the south-west to the north-east. The fields are largely bounded by substantial hedgerows with inter-set trees. The landscape character is one of Settled Plateau Farmlands landscape type of the Needwood and South Derbyshire Claylands landscape character area. Key features include the field boundary hedges and mature hedgerow trees which also provide habitat for wildlife.
- 1.3 The site (particularly the western field) is in a prominent position with the southern boundary being close to the local ridgeline which runs through the village from east to west. From the A517, and further afield to the south, views are largely screened by the landform and an embankment on the northern side of the road. Views from the north and northwest across attractive countryside are more open in nature, although they are filtered/partially screened by hedgerows and hedgerow trees within the site and its surroundings.
- 1.4 The site is now within the Settlement Boundary of Hulland Ward and is an allocated housing site.





2. DETAILS OF THE APPLICATION

2.1 Approval is sought for all the reserved matters (access, appearance, landscaping, layout and scale) further to the granting of outline planning permission 15/00313/OUT for up to 33 dwellings; this reserved matters application is for 33 dwellings.

2.2 The application proposes the following mix of dwellinghouses:

- one bedroomed dwellinghouses 4
- two bedroomed bungalows 2
- two bedroomed dwellinghouses 5
- three bedroomed dwellinghouses 4
- four bedroomed dwellinghouses 9
- five bedroomed dwellinghouses 9

The development proposes 8 affordable dwellinghouses, two of which are bungalows.

2.3 The dwellinghouses are proposed to be constructed principally with brick with tiled roofs. Plots 25, 26, 29, 30 and 33 are proposed to be set on stone plinths to address the land levels and Plots 27, 28, 31 and 32 are proposed to have stone plinths which accommodate a lower ground floor.

2.4 Access to the site is off Biggin View and it is proposed that the access will give priority to motorists entering and exiting the proposed larger residential development over that of the lesser number of dwellings on Biggin View.

- 2.5 The proposals seek to maintain much of the perimeter trees and hedgerow. A public open space is provided to the north west area of the site and the applicant has submitted details as to how this will be regraded to address this steeply sloping area.

3. PLANNING POLICY AND LEGISLATIVE FRAMEWORK

- 3.1 Adopted Derbyshire Dales Local Plan (2005)
- S1 Sustainable Development Principles
 - S2 Settlement Hierarchy
 - S3 Development within Defined Settlement Boundaries
 - S9 Rural Parishes Development Strategy
 - PD1 Design and Place Making
 - PD2 Protecting the Historic Environment
 - PD3 Biodiversity and the Natural Environment
 - PD5 Landscape Character
 - PD6 Trees, Hedgerows and Woodlands
 - PD7 Climate Change
 - PD8 Flood Risk Management and Water Quality
 - PD9 Pollution Control and Unstable Land
 - HC1 Location of Housing Development
 - HC2(s) Housing Land Allocations (land off A517 and Dog Lane)
 - HC4 Affordable Housing Provision
 - HC11 Housing Mix and Type
 - HC14 Open Space, Sports and Recreation Facilities
 - HC15 Community Facilities and Services
 - HC17 Promoting Sport, Leisure and Recreation
 - HC21 Car Parking Standards.

3.2 National Planning Policy Framework.

3.3 National Planning Practice Guidance.

4. RELEVANT PLANNING HISTORY

- 4.1 15/00313/OUT Residential development of up to 33 dwellings (outline) – Granted.

5. CONSULTATION RESPONSES

Hulland Ward Parish Council

- 5.1
- comments on initial proposals
 - feel play area is in a steep location and suggest that it is provided on Plot 29
 - Plot No. 6 appears to have no parking
 - access to the affordable homes site requires more turning space for emergency service vehicles
 - ask that developer ensures that drainage is sufficient and management company set up to manage effluent and play area
 - Biggin does not have a parish council hence the need for a management company to provide maintenance funded by a charge on the properties.

Local Highway Authority (DCC)

- 5.2
- no objection subject to conditions with regard to temporary access, reprioritisation of Biggin View, visibility and intervisibility splays, parking provision, parking of operatives vehicles, storage during construction, swept path analysis for large refuse vehicles, construction details of the residential roads and footways (to include layout, levels,

- gradients, surfacing and surface water drainage), provision of secure cycle parking and removal of permitted development rights which would allow the conversion of garages
- the extent of the estate street fronting plots 15 to 18 is over long for adoptable purposes and could be shortened by extending the length of the private drive and any areas of adoptable highway which are not necessary will be subject to a commuted sum payment by the developer
- the road fronting plot numbers 14 to 18 will require at least a 1m wide margin on the northern side of the road
- the carriageways will need to be at least 5m wide
- the footway will need to continue across the private access serving plot numbers 1 to 7 and constructed as a vehicular dropped crossing.

Local Lead Flood Authority (DCC)

- 5.3 - no comments to make as there has been no additional information provided pertaining to drainage.

5.4 Derbyshire Wildlife Trust

- raise concern with regard to the removal of the mature Ash tree
- if removal is necessary, should be preceded with a bat survey as tree considered to display a high bat roost potential in the Ecological Appraisal
- tree species, hedgerows and grass mix specified in the proposed landscaping plans are welcomed and proposed management and monitoring supported.

5.5 Landscape Officer (DDDC)

- comments on initial proposal
- existing boundary hedge to the north is an important landscape feature and could well serve to screen/successfully accommodate development on this side – hedge should be supplemented
- one of the mature trees is marked for removal and ideally should be retained or replaced
- retention of hedge along road frontage is welcomed but should be supplemented with shrub and tree planting to better screen the development
- boundary hedges are most important features within the landscape and, in terms of their role in mitigating the adverse effects of development, should not be included within the domestic curtilage of properties where they may be neglected or removed in order to open up views of the countryside
- open space/play area is poorly laid out and accessed off a private road
- comments on planting to some individual plots
- Landscape Management Plan is mainly satisfactory except dead/dying or dangerous trees and hedgerow plants should be replaced each year to the end of year five and 14 cuts a year should be specified for amenity grass.

Community Development and Wellbeing Officer (DDDC)

- 5.6 - support proposals relating to the proposed location and type of children's play space and equipment.

Environmental Health (DDDC)

- 5.7 - no objection.

6. REPRESENTATIONS RECEIVED

- 6.1 One letter of representation has been received. A summary of the representation is outlined below:

- request confirmation that house will be 60 feet away, that there is a 3m drop in land level and, as there is a slat fence, is something else proposed.

7. OFFICER APPRAISAL

Principle of Development

- 7.1 The principle of development has been approved with outline planning permission 15/00313/OUT. The site is also allocated for residential development in the Adopted Derbyshire Dales Local Plan (2017) under Policy HC2 - Housing Land Allocations (land off A517 and Dog Lane). The current reserved matters scheme needs to comply with the outline planning permission and its legal agreement. The outline permission is subject to conditions covering matters of principle. No condition was applied in relation to the housing mix.

Housing Mix

- 7.2 Policy HC11 of the Adopted Local Plan requires that an appropriate mix of house types is provided on the site. However, the outline planning permission was granted in principle by Members in March 2016. The permission was not issued until August 2017 but this was due to the need to complete the S106 legal agreement. In this respect, the decision was made, and the decision notice issued, prior to the adoption of the current Local Plan in December 2017. Whilst it is still relevant to consider the housing mix proposed, and the impact of the scale of the dwellings is a reserved matter that contributes to the assimilation of the development into its context, the failure of the scheme to comply with a policy that postdates the outline permission would not form a sound basis for rejecting the scheme.
- 7.3 The applicant has detailed eight affordable, one or two bedroomed dwellings, in accordance with the outline planning permission and planning policy at the time of determination, and two of these affordable dwellings would be bungalows. The other open market dwellinghouses comprise a two bedroomed dwellinghouse, some three bedroomed types but are largely 4 and 5 bedroomed (in excess of 50% of the dwellinghouses). Whilst not meeting the mix of housing expected by Policy HC11, and therefore being in conflict with this policy, the mix is considered reasonable for this edge of settlement development.
- 7.4 Therefore, the principle of the development is established and the reserved matters of access, appearance, landscaping, layout and scale are considered in the light of the following.

Impact on the Character and Appearance of the Area

- 7.5 The site is on rising land from north to south which in parts is steeply sloping. In order to limit the use of retaining walls to gardens, the developer has proposed to set those dwellinghouses on the steepest sloping parts of the site on stone faced retaining walls, some of which incorporate lower ground floor accommodation. It is considered that, with the retention of boundary landscaping, the larger dwellings will not appear overtly three storey in height when viewed from the roads to the north and across the open countryside.
- 7.6 The development has also been amended from the initial proposal and now sets the proposed dwellinghouses fronting the A517 further back on the site to be more reflective of the existing interrelationship of the dwellings on Biggin View to the main road. The impact of the development can be further mitigated with supplementary boundary landscaping to screen the car parking area proposed in front of those dwellings.
- 7.7 The development proposes 14 different house types and, whilst they are all proposed to be of matching materials, they nevertheless provide for varied streetscenes within the development whilst grouping some house types in certain areas, such as the larger dwellinghouses to the northern part of the site and the affordable dwellinghouses to the southern area. There are buildings proposed at the entranceway to the development and a 'green' in front of those dwellinghouses at the northern end of the site that provide focal points in the development. To this end, it is considered that the development will now

provide a degree of homogeneity and interest which is significantly different to the initial proposals presented.

Impact on Residents' Amenity

- 7.8 The main impact of the development will be on those existing residents of Biggin View. However, whilst the view from these properties may be affected, this is not sufficient or justifiable reason to refuse permission. The key matters for consideration are the impact on outlook, light and privacy.
- 7.9 The site is largely to the north of the dwellinghouses of Biggin View. To this end, it is considered that the development will not have a significant impact on light to the neighbouring properties. In terms of privacy, the proposed dwellinghouses to the rear of Biggin View would be some 21m away from the nearest existing dwellinghouse and this distance is considered reasonable to not significantly harm the amenities of the neighbouring residents as the new dwellings will also be set at a lower level. In terms of outlook, the most affected property would be 5 Biggin View, with a garage building proposed to serve Plots 18 and 19 set some 11.5m away from the dwellinghouse. However, this is considered a reasonable distance for a single storey building and the proposals could not be justified for refusal on this basis. It is also considered that the layout of the development is acceptable in terms of the interrelationship of each of the proposed dwellinghouses.

Highway Safety

- 7.10 The Local Highway Authority has assessed the proposals, as revised, and raised no objections subject to the conditions as referred to above in the Consultation Responses section of this report. Most of these conditions were attached to the grant of outline planning permission and do not require repeating, albeit there are some points of detail which do need to be addressed as a further condition.

Open Space Provision

- 7.11 As detailed on the outline planning permission, an area of open space is proposed on the steeply sloping land to the north east part of the site. Nevertheless, this area is proposed to be regraded to create level areas which can be enjoyed by the residents and residents of the wider area. The applicant has submitted a drawing (Public Open Space Detailed Landscape Proposals) and, whilst this related to the initial site layout, a lot of its content is considered appropriate. A condition will be required to address the details of levels and layout of the open space. In terms of play equipment, Condition 27 of the outline planning permission requires details of the Locally Equipped Area of Play (LEAP) and, whilst the applicant has submitted such details, these will need to be provided under the requirements of that condition and based on the layout of the open space.
- 7.12 A footpath link would be desirable to connect to the adjacent development which has been granted outline planning permission to the north east on land accessed off Wheeldon Way. However, as no reserved matters have been submitted for that site, this will need to be a matter for future consideration. It is nevertheless considered reasonable to provide the pathway to the boundary in the event that this link can be established.

Landscaping

- 7.13 Concerns were raised by Officers with regard to the initial proposals to remove a large tree on the skyline on the north eastern boundary and to build close to another large tree adjacent to it; the applicant has amended the layout for the development and these trees are now proposed to be retained.
- 7.14 An important element of the proposals will be the separation of the boundary planting from domestic curtilages to ensure that these are managed appropriately going forward and to reduce the risk of these being ripped out, or significantly cut back, to improve views from

the dwellinghouses as this will harm the setting of the site in views from the open countryside. The management of the boundaries is detailed in an amended Landscape Management Plan received in June 2018. However, this has been superceded by the change in layout of the development and, whilst the principles of the Landscape Management Plan are considered acceptable, this will need to be amended. This requirement is nevertheless subject to Condition 25 of the outline planning permission.

Ecology matters

- 7.15 The concerns raised by Derbyshire Wildlife Trust have been addressed with the retention of the mature Ash tree in the reconfigured development proposals.

Flooding and Drainage

- 7.16 The applicant has submitted no further information with respect to surface and foul water drainage. However, the details of the drainage were the subject of Conditions 16, 17 and 18 of the outline planning permission which the applicant needs to address.

Conclusion

- 7.17 Whilst the principle of residential development of this site has been established with outline planning permission 15/00313/OUT, there were some concerns with this reserved matters application with regards to the initial design and layout of the development and impact on trees and hedgerows. Officers have engaged with the applicant in seeking alterations to the proposals and consider the revised house types and layout have significantly improved the scheme. The appearance, landscaping, layout, scale and access of the development represent a satisfactory response to this particular context and are now considered to satisfy the relevant policies of the Adopted Local Plan (2017).
- 7.18 Whilst the development does not accord with the aims of Policy HC11 in relation to the housing mix, as this policy postdates the outline planning permission granted, failure to strictly adhere to it would not be a sound basis on which to reject the proposal. It is also considered that the development proposed will not significantly harm the amenity of local residents that could justify refusal of permission.
- 7.19 There are some matters which need further assessment, such as those matters subject to conditions on the outline planning permission which relate to highway matters, drainage, the landscaping management and the LEAP. There is also the need for conditions on the reserved matters to address more detailed matters, such as materials, landscaping detail, the laying out of the open space and specific highway matters. However, Officers consider that these matters can be satisfactorily addressed with conditions and, as the reserved matters scheme aligns with the outline planning permission, in delivering the amount of development envisaged in a manner that assimilates into its context, and broadly accords with the Adopted Local Plan (2017), the application is recommended for approval.

8. RECOMMENDATION

That reserved matters be approved subject to the following conditions:

1. These reserved matters relate solely to the amended Drawing Nos. H-2-725, H-3-832, 869 and 950, H-4-1438, 1514, 1561, 1852 and 1886, H-5-2070 and 2098, SB-2-645, SF-1-519 and SH-2-813 and Garage Types, Floor Plan and Elevations 1:100 received on 20th August 2018 except insofar as may otherwise be required by other conditions to which the planning permission is subject.

Reason:

To define the permission for the avoidance of doubt.

2. Notwithstanding the submitted details, prior to the occupation of any dwellinghouse, a scheme of hard and soft landscaping shall be submitted to and approved in writing by the Local Planning Authority, the details of which shall include :-
 - a) indications of all existing trees, hedgerows and other vegetation on the land;
 - b) all vegetation to be retained including details of the canopy spread of all trees and hedgerows within or overhanging the site, in relation to the proposed buildings, roads, and other works;
 - c) measures for the protection of retained vegetation during the course of development;
 - d) soil preparation, cultivation and improvement;
 - e) all plant species, planting sizes, planting densities, the number of each species to be planted and plant protection;
 - f) grass seed mixes and sowing rates;
 - g) finished site levels and contours;
 - h) means of enclosure;
 - i) car park layouts;
 - j) other vehicle and pedestrian access and circulation areas;
 - k) hard surfacing materials; and
 - l) minor artefacts and structures (e.g. furniture, play equipment, refuse and other storage units, signs, lighting etc).

Reason:

To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features in accordance with Policies S1, S3, S9, PD1 and PD5 of the Adopted Derbyshire Dales Local Plan (2017).

3. Samples of all facing and roofing materials shall be submitted to and approved in writing by the Local Planning Authority before the dwellinghouses are faced. The development shall be constructed in accordance with the approved details.

Reason:

To ensure the satisfactory appearance of the development in accordance with Policies S1, S3, S9 and PD1 of the Adopted Derbyshire Dales Local Plan (2017).

4. Concurrently with the submission of a sample of the walling materials, a 2 square metre sample panel of those materials, and type of pointing (mortar mix and method of application) to be used, shall be erected on site for inspection prior to the commencement of building works. The development shall be constructed in accordance with the approved details.

Reason:

To assist in the selection of appropriate materials in the interests of preserving visual amenity in accordance with Policies S1, S3, S9 and PD1 of the Adopted Derbyshire Dales Local Plan (2017).

5. Details of the materials, treatment and/or colour of the window and door frames shall be submitted to and approved in writing by the Local Planning Authority before they are provided. The window and door frames shall then be installed in accordance with the approved details.

Reason:

To ensure the satisfactory appearance of the development in accordance with Policies S1, S3, S9 and PD1 of the Adopted Derbyshire Dales Local Plan (2017).

6. All window and door frames (including garage doors) shall be recessed in their openings a minimum of 60mm behind the front face of the external walls of the buildings.

Reason:

To ensure the satisfactory appearance of the development in accordance with Policies S1, S3, S9 and PD1 of the Adopted Derbyshire Dales Local Plan (2017).

7. Construction details (fully dimensioned vertical and horizontal sections at a scale of 1:5 and mouldings at a scale of 1:1), design and pattern of all windows and doors shall be submitted to, and approved in writing by, the Local Planning Authority prior to them being provided. The window and doors shall then be installed in accordance with the approved details.

Reason:

To ensure the satisfactory appearance of the development in accordance with Policies S1, S3, S9 and PD1 of the Adopted Derbyshire Dales Local Plan (2017).

8. Prior to being provided on any dwellinghouse, details of all gutters, downpipes and all other external pipework shall be submitted to and approved in writing by the Local Planning Authority. These items shall then be provided in accordance with the approved details.

Reason:

To ensure the satisfactory appearance of the development in accordance with Policies S1, S3, S9 and PD1 of the Adopted Derbyshire Dales Local Plan (2017).

9. All barge boards shall have a dark colour to be agreed in writing by the Local Planning Authority prior to being provided.

Reason:

To ensure the satisfactory appearance of the development in accordance with Policies S1, S3, S9 and PD1 of the Adopted Derbyshire Dales Local Plan (2017).

10. No meter boxes or soil waste pipes shall be fixed to the exterior of the dwellings without the prior written approval of the Local Planning Authority as to their placement.

Reason:

To ensure the satisfactory appearance of the development in accordance with Policies S1, S3, S9, PD1 and PD5 of the Adopted Derbyshire Dales Local Plan (2017).

11. Prior to construction, the following alterations to the development shall be submitted to and agreed in writing by the Local Planning Authority:
 - a. the road fronting plot numbers 14 to 18 will require at least a 1m wide margin on the northern side of the road;
 - b. the carriageways will need to be at least 5m wide; and
 - c. the footway will need to continue across the private access serving plot numbers 1 to 7 and constructed as a vehicular dropped crossing.

The development shall thereafter be carried out in accordance with a programme of works to be agreed to provide the above and shall be retained as such.

Reason:

In the interests of highway safety to comply with Policy S2 of the Adopted Derbyshire Dales Local Plan (2017).

12. Prior to the occupation of the first dwellinghouse, a detailed scheme for the provision of the open space, to include its levels, landscaping and areas of hardsurfacing shall be submitted to and approved in writing by the Local Planning Authority. The open space shall be provided prior to the occupation of 50% of the dwellinghouses.

Reason:

To ensure the provision of adequate amenity space and play facilities to comply with Policy HC14 of the Adopted Derbyshire Dales Local Plan (2017).

NOTES TO APPLICANT:

1. The Town and Country Planning (Fees for Applications, Deemed Applications and Site Visits) (England) Regulations 2012 as amended stipulate that a fee will henceforth be payable where a written request is received in accordance with Article 27 of the Development Management Procedure Order 2015 for the discharge of conditions attached to any planning permission. Where written confirmation is required that one or more conditions imposed on the same permission have been complied with, the fee chargeable by the Authority is £116 per request. The fee must be paid when the request is made and cannot be required retrospectively.
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 the design and layout of the development.
3. This decision notice relates to the following documents:

Site Location Plan 1:1250 received on 23rd February 2018

Site Plan as Proposed 1:500 received on 20th August 2018

Amended Drawing Nos. H-2-725, H-3-832, 869 and 950, H-4-1438, 1514, 1561, 1852 and 1886, H-5-2070 and 2098, SB-2-645, SF-1-519 and SH-2-813 received on 20th August 2018

Garage Types, Floor Plan and Elevations 1:100 received on 20th August 2018.

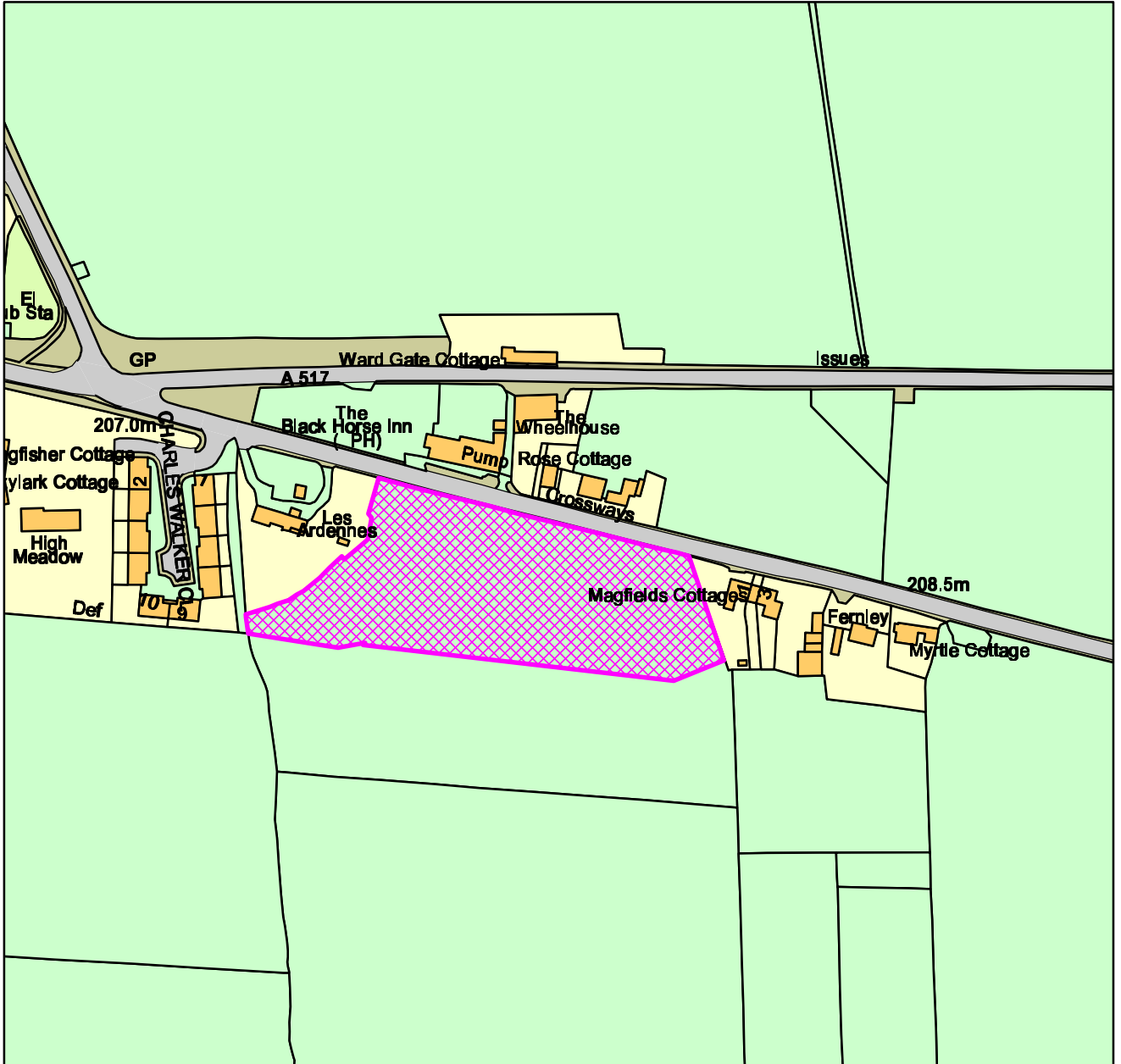
APPLICATION NUMBER		18/00589/REM	
SITE ADDRESS:		Land East Of Les Ardennes, Hulland Ward	
DESCRIPTION OF DEVELOPMENT		Approval Of Reserved Matters For The Erection Of 23 Dwellings (Outline Application 16/00832/OUT)	
CASE OFFICER	H Frith	APPLICANT	Mr T Tomlinson
PARISH/TOWN	Hulland Ward	AGENT	Mr I McHugh of IMcH Planning and Development Consultancy
WARD MEMBER(S)	Councillor Bright	DETERMINATION TARGET	19.09.18
REASON FOR DETERMINATION BY COMMITTEE	Major development	REASON FOR SITE VISIT (IF APPLICABLE)	For Members to appreciate the site and context

MATERIAL PLANNING ISSUES
<ul style="list-style-type: none"> - Principle of Development - Housing mix - The reserved matters: <ul style="list-style-type: none"> Appearance Landscaping Layout Scale - Highway safety - Residential amenity - Drainage

RECOMMENDATION
Refusal

18/00589/REM

Land East of Les Ardennes, Hulland Ward



Derbyshire Dales DC

1:2,500

Date: 29/08/2018

100019785

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

1. THE SITE AND SURROUNDINGS

- 1.1 The application site is a green field fronted by hedgerow situated to the south eastern edge of Hulland Ward. The field is undulating but sits on a relatively level plateau. The site fronts onto a busy highway without a pavement to the frontage or to the opposite side of the road. There is a public house opposite the site with a few dwellings dotted to the east, north and west. A public footpath is located to the western side of the site which leads to the main road adjacent to Charles Walker Close.



2. DETAILS OF THE APPLICATION

- 2.1 Reserved matters permission is sought for the erection of 23 dwellings following the grant of Outline permission in 2017. The only matter established in the outline permission was the

site of the access to the centre point of the site frontage. Through the outline permission no details of the layout, the design or number of dwellings was agreed.

2.2 The outline permission is subject to a legal agreement requiring 30% affordable housing contribution and provision of an education contribution.

2.3 The development proposed in this case includes:

Plots 1 to 6 - 6 affordable dwellings consisting of 2 and 3 bedroom units, this amounts to 26% affordable housing. The housing mix in terms of the affordable units for 4 no. 2 bed units and 2 no. 3 bed units.

Plots 7, 8 and 9 - 4 bed units on three floors

Plots 10, 11 and 12 - 4 bed units on two floors

Plots 13, 14, 15 – 6 bed units on three floors

Plot 16 – 6/7 bed units on three floors

Plots 17, 18, 19, 20 - 6 bed units on three floors

Plots 21 and 22 - 6/7 bed units on three floors

Plot 23 – 4 bed units on two floors

Therefore the overall housing mix is as follows:

2 bed 17%

3 bed 9%

4+ bed 74%

Plots 1 to 6 are two storey semi-detached dwellings of a simple form with gabled roof being of a simple and traditional style.

Plots 7 to 9 are two storey dwellings in a terraced row, with accommodation in the elevated roof with dormer to the front. These dwellings in terms of their architectural detail are of a Victorian style being of a much more formal style with arched head over the doors and windows and fan light above the front door.

Plots 10 to 12 are two storey detached dwellings of a contemporary style with gable to the front and rear, external chimney stack, integral garage, bay windows and oversized windows.

Plots 13 to 15 and 17 to 20 are two storey detached dwellings of a contemporary style with accommodation in the elevated roof, with feature gable to the frontage with large glazed area and integral garage beneath, gable to the rear again with feature glazing, with a balcony to the rear and oversized windows.

Plots 16, 21 and 22 are two storey detached dwellings of a part contemporary and part traditional style with accommodation in the elevated roof. The property has a canted bay and sash windows to the frontage with large glazed gable to the side elevation and projecting gable to the rear with balcony, large glazed elements and further Juliette type balcony.

Plot 23 is a two storey detached dwelling with traditional details to the frontage as a double fronted property with central doorway with canted bay window to the side elevation and glazed flat roof extension to the side elevation.

A small play area is proposed to the western end of the site adjacent to the footpath link.

The applicant's agent has submitted a detailed Design and Access Statement to support the application.

3. PLANNING POLICY AND LEGISLATIVE FRAMEWORK

3.1 Adopted Derbyshire Dales Local Plan (2017)

S1 Sustainable Development Principles

S2 Settlement Hierarchy

S3 Development within Defined Settlement Boundaries

S5 Strategic Housing Development
S9 Rural Parishes Development Strategy
S10 Local Infrastructure Provision and Developer Contributions
PD1 Design and Place Making
PD3 Biodiversity and the Natural Environment
PD4 Green Infrastructure
PD5 Landscape Character
PD6 Trees, Hedgerows and Woodland
PD8 Flood Risk Management and Water Quality
HC1 Location of Housing Development
HC2 Housing Land Allocations
HC4 Affordable Housing
HC11 Housing Mix and Type
HC14 Open Space, Sports and Recreation Facilities
HC19 Accessibility and Transport
HC21 Car Parking Standards

Other:

National Planning Policy Framework (2018)

National Planning Practice Guidance

4. RELEVANT PLANNING HISTORY:

16/00872/OUT Erection of up to 17 dwellings (outline) – Refused – Appeal pending

16/00832/OUT Outline application for residential development and associated access -
Granted with conditions

WED/0691/0444 residential development (outline) – Refused.

ASR/563/3 residential development – Refused.

5. CONSULTATION RESPONSES:

Parish Council

5.1 The Council agreed to comment as follows:

Each property should have at least two dedicated parking spaces.

The parking spaces must be close to the property to enable electric vehicle charging as these become widespread.

The row of 9 houses should be moved back from the highway to be in line with the properties at the east side of the access road.

The Council feel very strongly that they wish to keep 30% of the houses as affordable and they would like this 30% to be sold to a housing association for affordable rental.

The Council would like to see a small enclosed play area.

At the outline planning stage the Council pointed out that there is no pedestrian access to the village but were informed that this was a highways issue. However, the Highways Department have not raised concern about the matter. The council regards this as a serious safety issue as there are no pavements at all around the dangerous A517 junction. The council asks the planning authority not to approve plans which do not show a safe pedestrian route into the village.

There must be pedestrian access to HW footpath number 2

The Council still has serious concerns about the disposal of surface water.

Environment Agency

5.2 The Environment Agency will not be making any comments as there are no environmental constraints associated with the application site which fall within the remit of the Environment Agency.

Derbyshire County Council (Highways)

5.3 Whilst an adequate level of emerging visibility is shown from the proposed new estate street junction, the areas in advance of the sightlines need to be clear of all obstructions greater than 1m in height (0.6m in the case of vegetation). The visibility splay to the east includes elements which would impact adversely on the visibility splay.

The layout of the area in advance of the visibility splay to the west would be acceptable if the estate street is to remain private, however an adoptable layout will require the area in advance of the visibility to be laid out and constructed to an adoptable footway specification 2m wide.

The layout of the proposed new estate street is not suitable for refuse and large delivery vehicles to access the whole of the development, given the absence of any turning facilities at the closed ends of the street.

The proposed carriageway width of 4.8m is considered acceptable given the number of dwellings served.

Plot numbers 1 to 9 front directly into Muggington Lane End with pedestrian access shown to the existing highway. This may potentially encourage service/delivery and visitors vehicles to be parked on the highway, which is subject to regular HGV use. To avoid this potential issue, these plots should either front directly onto the new estate street or the pedestrian accesses should not be direct to Muggington Lane End.

The double driveway fronting the double garage serving plot 23 encroaches into the estate street margin, which would not be acceptable for an adoptable layout.

Parking spaces should be 5.5m long and increased in length where they are located directly fronting a garage, by 1m where there are doors opening outwards as indicated on the proposed layout drawing.

Double garages should have minimum dimensions of 6m x 6m to ensure that they are of sufficient size to accommodate 2 vehicles, whereas the majority of garages appear to be smaller than this.

Plot numbers 1 to 6 (2 bedroom dwellings) are only shown with the provision of 1 parking space per dwelling, 2 spaces per dwelling should be provided.

The proposed 0.9m high hedges fronting plots 16 to 21 have no allowance for hedge growth, which will potentially result in emerging visibility being restricted from the vehicular accesses. The hedges should therefore be either a maximum of 600mm in height or set back at least 2m from the nearside carriageway edge.

Whilst these issues would not sustain a highway objection, these issues should be resolved through amended plans and conditions could then be imposed.

Derbyshire County Council (Flood Team)

5.4 The Lead Local Flood Authority (LLFA) note the above application is for Reserved Matters, however from the submitted information it is unclear where any attenuation feature shall be located within the site layout? The LLFA would require clarification on this aspect

At the Discharge of Condition stage the LLFA would expect to see the following details:

Provide a detailed assessment of the proposed surface water drainage system, including but not limited to:

- a. Detailed plans of the surface water drainage system, indicating, pipe diameters, gradients, and pipe numbers.
- b. A plan detailing the impermeable area for each pipe
- c. A detailed model of the surface water drainage system demonstrating that the proposed system does not surcharge during the 1 in 1 year event, flood in the 1 in 30 year event or Flood building or leave the site in the 100 year + climate change event.

- d. The system should be designed to 40% climate change , along with an incorporation of 10% impermeable area for urban creep
- e. Detailed design (plans, cross, long sections and calculations) in support of any surface water drainage scheme, including details on any attenuation system, and the outfall arrangements.
- f. Details of how the on-site surface water drainage systems shall be maintained and managed after completion and for the lifetime of the development to ensure the features remain functional.
- g. Production of a plan showing above ground flood pathways where relevant for events in excess of 1 in 100 year to ensure exceedance routes can be safely managed.
- h. An assessment of the overland flow routes and how they will be managed through the site.

Derbyshire Wildlife Trust

- 5.5 Despite previous comments from the Trust existing hedgerows still appear to be within the garden curtilages which is not an approach we support. Welcome the gapping up hedgerows and inclusion of bird boxes on each dwelling. There are some errors in the LEMP which need correcting, not sure where the landscape buffer referred to is. Please clarify/rectify these details.

Natural England

- 5.6 No comments to make

Peak and Northern Footpaths

- 5.7 Welcome the link from the site to footpath no. 2 Hulland Ward/footpath 14 Hulland Ward.

Derbyshire Dales Group of the Ramblers

- 5.8 No objection provided footpath 2 is dealt with sympathetically.

Landscape Design Officer (Derbyshire Dales)

- 5.9 The site was assessed for its capacity to accommodate residential development as part of the Strategic Housing Land Availability Assessment (SHLAA) which concluded that there is capacity for development as part of which existing hedgerows and hedgerow trees should be retained and protected.

Proposals are for a development of 23 dwellings with car parking, driveways, private gardens, a small MUGA with soft surfacing and small areas of shared grass areas.

The Landscape Proposals Drawing contained within the Landscape and Ecology Management Plan (LEMP) describes boundary treatments to retain existing hedgerows bordering the road and the neighbouring property known as Les Ardennes. New hedges composed of native species are to be planted in the rear gardens along the southern boundary of the development. The selected species are appropriate.

Several small areas of ornamental shrub planting are provided within the development. The selected species are appropriate.

Twelve young specimen trees are to be planted within private gardens around the perimeter of the development, mostly along the boundary of the north-west quadrant and southern boundary, and a further 11 young specimen trees planted within front gardens inside the development. The selected tree species are appropriate though the locations are rather close to buildings and surfaces in some cases. It is assumed that these will have appropriate foundations to tolerate future root growth. No trees are currently present in the site or forming its boundaries so no tree losses are expected as a result of the development.

Visual Impact - An appraisal of the likely impact of proposed development on local visual amenity is included as part of the Design and Access Statement. It is based on an assessment made from 8 viewpoints within the surroundings of the site. In general the impact is not significant. Views from the North, East and West towards the development site are generally short distance due to the topography of the landscape immediately surrounding the application site, and the existing trees, hedges and surrounding buildings. Due to sloping nature of the land the site would be barely visible due from the South.

The visual impact of the development on the surrounding countryside will be mitigated through a landscaping strategy proposing to plant trees and hedges along its boundaries. This will soften its visual impact when seen from the surrounding countryside and existing properties located in the area.

Scale and density of development - The outline planning permission for the site allows an unspecified number of dwellings to be constructed. The Local Plan under policy HC2(r) allocates 18 dwellings to the site. The current application for 23 dwellings generates a higher density of dwellings than allocated. Also, considering the number of dwellings with a relatively large number of bedrooms (14 dwellings with 4 or more bedrooms) the people density on site is higher than might have been reasonably anticipated in the Local Plan. The large size of these dwellings in a small site creates a 'cramped' feel to the development with large buildings close together.

The high density of buildings on site leaves little space for trees to be planted within gardens and for them to be sustainable into the future as their size increases.

Buildings design - The design of the dwellings themselves is not sympathetic with village architecture. Large windows, concrete roof tiles and use of brick rather than stone for wall construction add little character to the built environment.

Conclusions - There are concerns from a landscape perspective to the current proposals for residential development within the site. A reduced number of dwellings, with smaller building sizes and constructed to more appropriate designs would allow a more appropriate development.

South Derbyshire CCG

- 5.10 The GP practice at Brailsford and Hulland Ward does not have capacity to manage the increase in demand of this scale, the surgery is looking to increase clinical space through extension to increase capacity at both premises. Contribution request of £8,825.

6. REPRESENTATIONS RECEIVED

- 6.1 Three letters of representation have been received which raise the following concerns:
- How is surface water to be dealt with, this needs to be considered to prevent flooding of adjacent properties.
 - No datum is provided for the floor and ridge heights of the dwellings proposed. Elevations drawings suggest the dwellings would be of an overpowering nature relative to existing dwellings.
 - What is the treatment of the boundary to the east of the site?
 - Permission has been granted in principle but not for 23 dwellings.
 - There are no windows shown to the top floor of 5/6 bed units at 2.5 storey in height.
 - The top of footpath no. 2 terminates directly to the extremely busy main road with speeding lorries.
 - When Charles Walker Close was developed we were obliged to spend £10,000 to provide a safe footpath link to the village. The new development does not provide safe access to

the village as the path is private and will be closed off only to be used by the residents of Charles Walker Close.

- If anyone is killed or seriously injured if this is approved without a footpath we will be obliged to submit a copy of our letter to any legal investigation.
- 23 dwellings is too dense a development.
- The density is not in keeping with the surroundings, leaving little open space.
- The ridge height will exceed those of surrounding buildings and will therefore be imposing and out of character with the area.
- The 2 bed affordable homes only have 1 parking space, this is insufficient.
- The affordable homes are too close to the main road where vehicles travel at over 40mph. the development could result in over 80 vehicle movements a day with poor visibility sprints, where speeding traffic will result in a dangerous situation.
- Several of the dwellings have windows overlooking the surrounding properties, resulting in a loss of privacy for existing residents.
- The dwelling on plot 1 is within 1 metre of the boundary of Les Ardennes and plots 23 and 22 within 3 metres. The affordable housing is only 26% it should be 30%. The proposal contains 10 5/6 bedrooms homes, it is debatable whether there is a demand for this scale of housing in the village bearing in mind other unsold units in the locality.
- The site is on a flood plain with very poor natural drainage.
- Pedestrian access is unsuitable, residents would need to cross the busy main road twice to get into the village. The footpath is unsuitable for pushchairs or wheelchairs, in places it is barely 1m wide.

7. OFFICER APPRAISAL

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

- Principle of Development
- Housing mix
- The reserved matters:
 - Appearance
 - Landscaping
 - Layout
 - Scale
- Highway safety
- Residential amenity
- Drainage

Principle of Development

7.2 The principle of development on this site has been established through the Outline planning permission which set out the point of access for the development with all other matters reserved for subsequent approval including the layout and extent of the development in terms of the number of dwellings proposed due to concerns raised at that time as to whether 23 units would comfortably fit on the site. The site is allocated for development in the Adopted Local Plan under Policy HC2 (r) for 18 units. This reserved matters proposal is for 23 units which is significantly above the allocated amount. Whilst in principle the additional numbers are not considered to be inappropriate given the sustainability of this third tier settlement the impact this has on the layout and density of the scheme and how this impacts on the ability of the scheme to assimilate into its context requires further consideration.

Housing Mix

7.3 The housing mix proposed for the development is not in accordance with the requirements of policy HC11 of the Adopted Local Plan which requires that the overall housing provision follows the mix of 15% 1 bed, 40% 2 bed, 40 % 3 bed, 5% 4+ bed. This housing mix was

not an adopted policy requirement at the time of granting the outline permission. Whilst the failure to comply with this policy is a negative aspect of the scheme it would not form a sound basis for rejecting the scheme. However, it is legitimate and logical to fully consider how the scale of the housing proposed, the density of the layout and the appearance impact on the local sense of place. These matters are to be considered in more detail.

- 7.4 The affordable housing provision proposed in this reserved matters application is at 26% of the total number of dwellings. This does not accord with the requirements set out in the S106 agreement relating to the outline permission which required 30% affordable housing provision, nor does it comply with the requirements of policy HC4 of the Adopted Local Plan 2018 which requires the 30% provision on site. There is no viability appraisal submitted in the application to justify a reduced provision from the signed S106 agreement and planning policy. In this respect the proposed affordable housing provision is not acceptable and would justify a refusal of planning permission.

The Reserved Matters:

- 7.5 The reserved matters are those relating to the appearance of the development, the landscaping of the site, the layout of the development and the scale of the development.

Appearance

- 7.6 The site is situated at the edge of Hulland Ward in an area where development is much more sporadic and tends to peter-out in a ribbon of development along the main road. The house types in Hulland Ward vary, with larger homes being present within the core of the village. However, to this eastern end of the village which has a more rural character surrounded by open fields, there is a distinct change in the character where the dwellings tend to be of a relatively small scale and traditional appearance with narrow gables, gable end chimneys and traditional window proportions with these properties set within reasonable sized gardens.
- 7.7 The proposed development in terms of the design of the house types is considered to result in a mix of housing styles which is incoherent across the development with both traditional and contemporary approaches to design. Along the frontage of the site there is a mix of traditional cottage style units adjacent to a much more formalised Victorian terrace which is considered incongruous as an urban form of development in this rural context. These Victorian style dwellings would then sit alongside the much more contemporary and larger scale dwellings to the east of the access. Larger and more contemporary units are proposed to the remainder of the site, again the designs chosen do not assimilate well into this environment or within their proposed context. These dwellings are dominated by contemporary design elements such as; larger window proportions, projecting gables, areas of glazing, balconies and external chimney stacks which along with their substantial scale result in not only an incohesive appearance to the whole development which is considered visually harmful but also fail to consider and respect the prevailing character and appearance of the area. As such the design and scale of the dwellings and the lack of design cohesion across the site is considered to be harmful to the character and appearance of the area failing to respect the local sense of place contrary to the requirements of policies S1, S3, S9 and PD1 of the Adopted Local Plan 2017.

Landscaping

- 7.8 The application site is closely contained by residential properties to the east and west and is open to the countryside to the south. As such it is considered that a substantial and attractive landscaped buffer is required to the southern edge of the site to successfully assimilate this development into this fringe of settlement context. The proposed layout and the landscaping demonstrated on submitted plans, other than the play area, does not include

any substantive landscaped open space areas. Derbyshire Wildlife Trust have recommended that the native hedgerows proposed should not be within private gardens as such features would not be appropriately managed following occupation of the dwellings with the potential for areas of hedging being removed. It is considered more appropriate to ensure such important landscape features, which are necessary to contain the site in its rural context, should be controlled in the long term which cannot be achieved through this layout, this is considered to be a negative element of the proposal. Whilst the detailed species of the planting are acceptable, the long term impacts of such planting are of concern. In simple terms the intensity of what is proposed leaves insufficient space to incorporate an appropriate level of landscaping to successfully integrate this development into its surroundings.

Layout

- 7.9 The application site is a narrow and elongated parcel of land, there is an outstanding appeal relating to the land to the rear of the site where further residential development has been proposed outside of the settlement boundary which was established by the Adopted Local Plan 2017. The layout proposed in this case incorporates the potential to access the land to the rear of the site. Whilst this is not in itself a significant concern it leads to a design and layout that appears contrived where the existing prevailing character of development is of sporadic housing in a continuous ribbon of development. The layout has the appearance of a small portion of a larger suburban estate and relates poorly to its context. The dwellings to the eastern side of the access turn their backs to the roadside with rear gardens forming the frontage of the site. This is considered to poorly relate to the prevailing street scene and is a further negative element of the layout.
- 7.10 As no play facility is available within easy walking distance of the site due to the constrained nature of pedestrian access, it is considered important to have sufficient facilities provided on the site. To address this requirement the layout of the site includes a small play area. It is considered that as the outline permission noted that open space and play area was to be provided on site as detailed through the reserved matters, this matter can be fully considered at this time.
- 7.11 The Derbyshire Dales District Council Open Space Study Draft Standards Paper dated January 2017 relates to the provision of play spaces and advises that:
- For a significant number of development sites, formal children's play space provision should take the form of developer contributions to up-grade local equipped children's play facilities in the vicinity of the development. However, informal provision may still need to be made on site in locations where the nearest existing play provision is deemed too far away.*
- The extent to which the amount of the required provision should be made on site by way of informal provision would be determined on a case by case basis subject to site size, shape, topography, the risk of conflict with existing neighbouring residential properties and feasibility.*
- 7.12 The siting and extent of the play area to serve this development is not considered to be acceptable. Its siting immediately adjacent to the boundary with the neighbouring property and constrained between proposed housing is not considered to best assimilate into the development. Furthermore the size of the play area is of concern being smaller than many of the gardens provided within the site which demonstrates its inadequate size to appropriately serve the development.
- 7.13 The cramped layout in this case filling the entirety of the site with development, with housing backing onto the main road and leaving limited open space/landscaped areas is considered

to be harmful to the prevailing character and appearance of the locality contrary to policies S1, S3, S9, PD1 and HC14 of the Adopted Local Plan 2017.

Scale

7.14 The local plan allocation for the development of this site is for 18 units. The planning policies relating to housing development require a mix that emphasises the need for smaller units of accommodation. Whilst increasing the number of units does not in itself result in a significant concern with the application this does raise issues of in terms of the impacts of the development. This application in proposing larger dwellings in greater numbers than is in the allocation results in a development that is inappropriate for this edge of settlement location being overly urban and dense in character and contrary to the prevailing character of more sporadic development set out in a ribbon along the main road which is found in this locality. The dwellings proposed being for the majority 4, 5, 6 and 7 bedroom units, are of a size that is considered to be incongruous in this context where existing dwellings are modest and of traditional proportions. As such the scale of the buildings proposed results in a development that is considered to be harmful to the prevailing character and appearance of the locality contrary to policies S1, S3, S9 and PD1 of the Adopted Local Plan 2017.

Highway safety and pedestrian access

7.15 As was identified through the outline application and through local representations the pedestrian access to and from this site is poor and whilst a link to the existing public right of way to the west of the site is proposed, the development remains poorly connected to the village. This matter was considered at the outline stage and acknowledged as a weakness of the proposal. However, given the allocation of the site and the difficulty of improving pedestrian access, which would require the purchase of third party land, it is considered that this negative of the scheme remains and cannot be reconciled through this application.

7.16 In terms of vehicle access, the point of entry into and from the site was established in the outline permission to be centrally located within the site frontage. That access route remains as originally proposed. A number of issues have been raised by the Local Highway Authority in respect of this proposed layout including the lack of turning areas to either end of the access road, the lack of two spaces per dwelling to the smaller units, inadequate garage sizes and the ease of access to the fronts of dwellings along the main road which could result in parking on the main road where vehicles are often moving at high speeds. Whilst none of these issues are likely to result in a reason for refusal, they are clearly negatives of the scheme to be weighed in the planning balance. Whilst these elements require revision it is not considered that these matters are sufficient to warrant a reason for refusal.

Residential amenity

7.17 To the east of the site is 1 Magfields Cottages which has side windows to the main dwelling and an annexe building in the garden with windows facing towards the proposed development. The siting of the larger dwellings to plots 14 and 15 ten metres from the boundary to the garden with the neighbouring property, leaving approximately 15 to 18 m distance window to window between the existing and proposed dwellings will significantly impact on the privacy of no. 1 Magfields Cottages in terms of overlooking into the windows of the property and the garden. This overlooking will significantly impact on the privacy and amenity of no. 1 and is contrary to the requirements of policies S1 and PD1 of the Adopted Local Plan 2017.

7.18 Within the proposed development plot 23 is considered to have an adverse impact upon the amenity of plots 1 and 2 due to the proximity of this two storey dwelling to the gardens of these properties leading to overlooking into those gardens. This would lead to an

unacceptable amenity impact contrary to the requirements of policies S1 and PD1 of the Adopted Local Plan 2017.

7.19 To the west of the site plots 1 and 23 are in very close proximity to the adjacent property known as Les Ardennes. Whilst that property is well screened by existing planting, such planting is transitory and could be impacted by the proximity of the proposed development. If the screening were to be lost the proposed dwellings would then be within 1 – 3m of the garden to Les Ardennes. Whilst this may result in these dwellings being considered overbearing in terms of the proximity to the garden and adversely impact on the enjoyment of the garden, given the extent of garden surrounding Les Ardennes the impacts are not considered to be so severe in this case as to warrant a reason for refusal on amenity grounds.

Drainage

7.20 This is a poorly drained site which has led to surface water flooding issues in the past. Whilst conditions were imposed on the outline application in respect of the drainage requirements the Lead Local Flood Authority have raised queries in regard to this reserved matters application in respect of the lack of information regarding surface water drainage. There has been no information submitted as part of this application to demonstrate the drainage proposed for the site. The cramped form of development proposed leaves no space for any on site water attenuation feature and it is therefore assumed that substantial underground drainage facilities would need to be provided for the development. Although there is no clarity regarding a series of issues pertaining to drainage, as indicated by the comments of the Lead Local Flood Authority, their comments advise that due to the conditions imposed on the outline application this lack of information would not warrant a reason for refusal.

Conclusion

7.21 The principle of development on this site has been established by the outline permission and associated legal agreement. However, the reserved matters application should still assess the detail of the application particularly when no numbers of units or a layout scheme has been considered acceptable at that outline stage due to concerns regarding whether 23 dwellings could fit comfortably on the site without causing adverse impacts.

7.22 In this respect the proposed development for 23 dwellings is considered poor in terms of the unresolved highway and drainage matters. These issues are not considered to be so significant that a refusal of planning permission would be warranted. However, these are negatives of the scheme which should be considered in the planning balance. Notwithstanding this there are fundamental concerns regarding the proposed development in terms of the lack of appropriate affordable housing provision, its impact in terms of the scale of the dwellings, their layout, appearance and inadequate landscaping and consequent impact on the prevailing character and appearance of the locality and the adverse impact on residential amenity. In view of these substantial issues which cannot be resolved without fundamental redesign which addresses the cramped and incongruous nature of this design planning permission is recommended for refusal as the development is contrary to policies S1, S3, S9, PD1 and HC4 of the Adopted Local Plan 2017.

8. RECOMMENDATION

8.1 That planning permission be refused for the following reasons:

1. The proposal makes inadequate provision of affordable housing to meet identified local needs contrary to the requirements of policies S1 and HC4 of the Adopted Local Plan 2017.

2. The proposed development by reason of the scale of dwellings, their layout, incohesive design and sparse landscaping would combine to create a cramped and incongruous form of development harmful to the prevailing character and appearance of the locality in this fringe of village context contrary to policies S1, S3, S9 and PD1 of the Adopted Local Plan 2017.
3. The proposed siting of dwellings would have unacceptable impacts on the amenity of adjoining residential occupants. In particular the proposed siting of plots 14 and 15 would cause significant overlooking and overbearing impact to the adjacent property no. 1 Magfields Cottages and the siting of plot 23 would cause significant overlooking to the gardens of plots 1 and 2 of the development. These adverse amenity impacts are contrary to policies S1 and PD1 of the Adopted Local Plan 2017.

9. NOTES TO APPLICANT:

- 9.1 The Local Planning Authority considered the merits of the submitted application and judged that there was no prospect of resolving the fundamental planning problems with it through negotiation. On this basis the requirement to engage in a positive and proactive manner was considered to be best served by the Local Planning Authority issuing a decision on the application at the earliest opportunity and thereby allowing the applicant to exercise their right to appeal.
- 9.2 This decision notice relates to the following documents:
 - Location plan
 - Site plan existing
 - Site plan proposed received 20.06.18
 - Proposed street elevations and sections
 - Landscape and Ecological Management Plan
 - Design and Access Statement
 - Housing Mix Statement
 - Proposed 3D views
 - 3D site plan proposed
 - 2 bedroom house floor plans and elevations ABC-G4A-0000-AA-A-0001 and 2.
 - 5-6 bedroom house with double internal garage floor plans and elevations ABC-G4A-0000-AA-A-0001, 2 and 5.
 - Garage floor plans and elevations
 - 5 bedroom house L-shape floor plans and elevations ABC-G4A-0000-AA-A-0001 and 2.
 - 4 bedroom house with internal double garage floor plans and elevations ABC-G4A-0000-AA-A-0001 and 2.
 - 4 bed terrace house floor plans and elevations ABC-G4A-0000-AA-A-0001 and 2.
 - 4 bedroom house floor plans and elevations ABC-G4A-0000-AA-A-0001 and 2.
 - 3 bedroom house floor plans and elevations ABC-G4A-0000-AA-A-0001 and 2.
 - All received 20.06.18

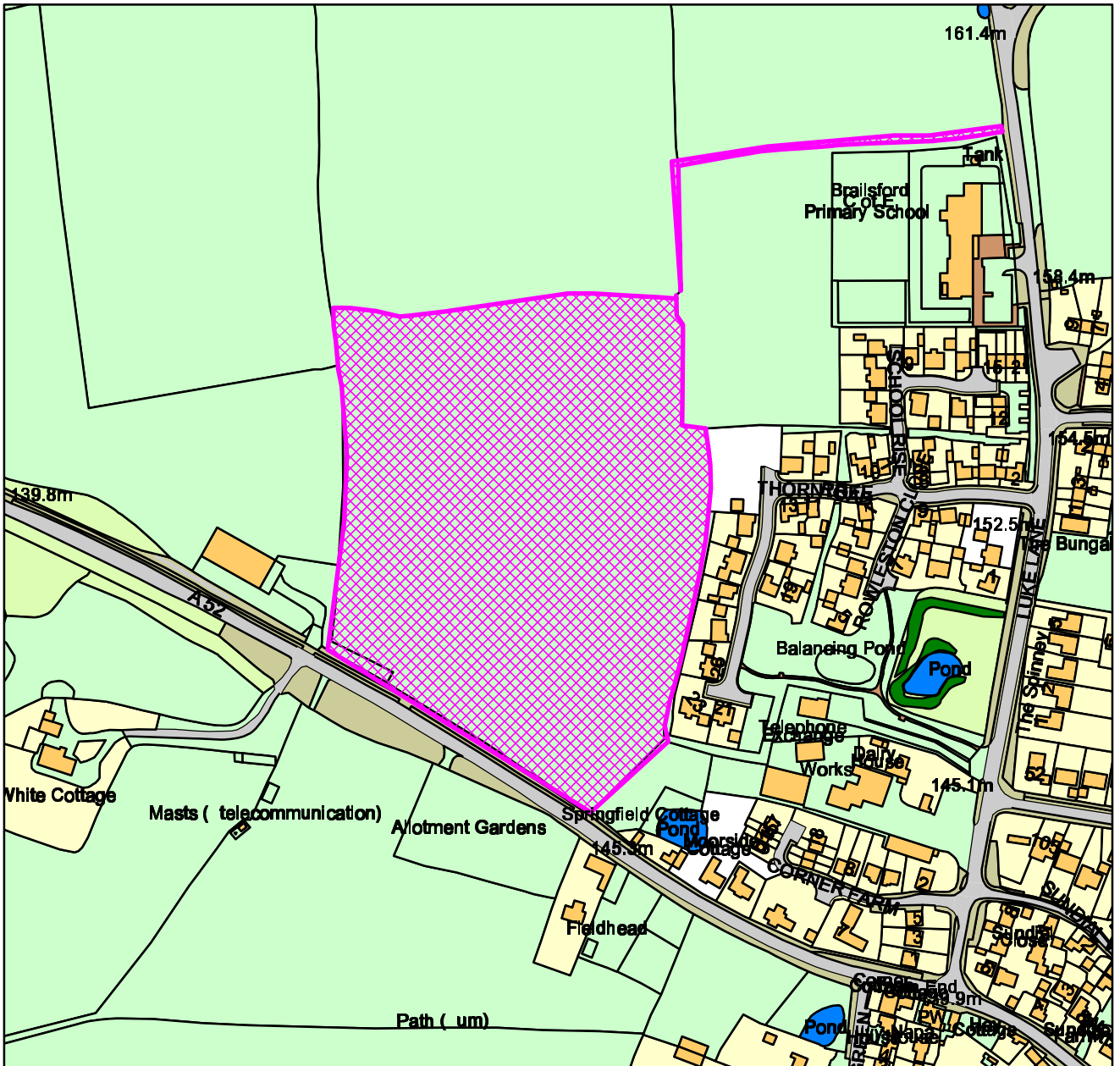
APPLICATION NUMBER		18/00397/REM	
SITE ADDRESS:		Land Off Main Road, Brailsford	
DESCRIPTION OF DEVELOPMENT		Approval of reserved matters for the erection of 75 dwellings and associated development (Outline application 16/00567/OUT)	
CASE OFFICER	Mr Chris Whitmore	APPLICANT	Mrs Amy Gilliver - Avant Homes (England) Ltd
PARISH	Brailsford	AGENT	None
WARD MEMBER(S)	Cllr. Jenkins	DETERMINATION TARGET	25 th July 2018
REASON FOR DETERMINATION BY COMMITTEE	Major application	REASON FOR SITE VISIT (IF APPLICABLE)	At the request of Officers to enable Members to fully assess the impact of the development on the local environment.

MATERIAL PLANNING ISSUES
<ul style="list-style-type: none"> • The density, type, mix, layout, scale and appearance of development and associated landscaping; • The impact of the development on the amenity of the occupants of nearby residential dwellings; • Protected species and biodiversity; • Trees and hedgerows; • Open space and outdoor recreation provision; • Crime and antisocial behaviour; • Highway / pedestrian safety, and; • Surface water drainage.

RECOMMENDATION
<p>That subject to receipt of amended details to address the concerns raised by the Local Highway Authority being received ahead of committee consideration on the 11th September the application be granted subject to conditions.</p>

18-00397-REM

Land Off Main Road, Brailsford



Derbyshire Dales DC

1:3,500

Date: 29/08/2018

100019785

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

1. THE SITE AND SURROUNDINGS

- 1.1 The application site comprises two, medium sized open arable fields covering 4.65ha in area located on the western edge of Brailsford village, north of the A52 (see photograph 1). Beyond the eastern boundary is the Miller Homes housing site and recently constructed primary school (see photograph 2). To the south of the site on the opposite side of the A52 are allotments, which sit behind a strong hedgerow (see photograph 3). Further south is the route of Public Footpath no. 40 'Brailsford'.
- 1.2 Brailsford Conservation Area is located to the south east, with intervening properties on Main Road located between it and the site.
- 1.3 The site is broadly rectangular in shape. The eastern field within the site is slightly smaller and linear in nature and is well related to the adjacent housing site. Springfield Cottage is located to the south east of the site. The boundary is defined by a post and rail fence. The remaining boundaries are defined by strong hedgerows, interspersed by large mature trees. Beyond the immediate western boundary is a large agricultural grain store.
- 1.4 The application site includes a narrow strip of land running 70m to the north at the north eastern corner of the site, which then turns east for a distance of 180m towards Luke Lane. The land will allow for the creation of a link from the site to Luke Lane just north of the new primary school.



(Photograph 1)



(Photograph 2)



(Photograph 3)

2. DETAILS OF THE APPLICATION

- 2.1 This application follows the grant of outline permission at appeal on the 8th September 2017 for the erection of up to 75 dwellings including up to 35% affordable housing, introduction of structural planting and landscaping, informal public open space and children's play area, surface water flood mitigation and attenuation, vehicular access point from Main Road and associated ancillary works on the site. All matters were reserved except for the main site access off Main Road. A unilateral undertaking which secures contributions towards affordable housing, Brailsford Village Institute, secondary school (including post 16 education), healthcare, traffic improvement works, travel initiatives and long term management arrangements for the proposed open space also forms part of this permission.
- 2.2 In granting outline permission the appointed inspector imposed a number of conditions including no's.11, 12 and 16, which require detailed designs of the internal access roads, turning areas, footways, street lighting and highway drainage and details of the pedestrian improvement works between the site access to Main Road and The Green and the layout and dimensions of the footpath link between the site and the new school on Luke Lane to be submitted as part of any subsequent approval of reserved matters application. This information has been submitted to the Local Planning Authority with this application in addition to details relating to all matters that were reserved by outline application code ref. 16/00567/OUT.
- 2.3 During the consideration of this application officers have entered into a positive and proactive dialogue with the applicant which has resulted in the submission of amended plans, which have sought to address concerns raised relating to the layout and cohesiveness of the development, the design of individual house types, ecological mitigation and enhancement and the position and amount of useable public open space.
- 2.4 The application in its amended form seeks to erect 75 no. open market dwellings on the site and makes provision for a woodland buffer along the northern and western boundaries to create a strong settlement edge, a central green space and water attenuation feature towards the southern end of the site, which links to a 5m wide wildlife corridor along the eastern boundary of the site.
- 2.5 The development will deliver the following mix of housing:

No. of bedrooms	Quantity
2	4
3	15
4+	56

- 2.6 A total of 10 different house types are proposed, including 4 no. 2 bedroomed bungalows. From the main access point it is proposed to form a central spine road, which will loop round the eastern part of the site up to a spur / turning head located to the north. Beyond this, a secondary rural road will be formed to complete the loop. At the entrance to the site four detached houses will face the water attenuation feature to the north and east. House types have been sited to create strong coherent street scenes and address areas of open space and corners / junctions. Development along the western edge of the estate adjacent the area of woodland to be planted is more sinuous / organic.
- 2.7 With the exception of the 4 no. 2 bedroomed dwellings to be formed along the western edge of the proposed estate, the dwellings will be two storeys high. There will be some variation in ridge heights and gable widths. It is proposed to face the dwellings in two bricks and one roof tile, with some areas of render and detailing such as projecting brick

bands and clasping brickwork to corners picked out in a different brick. Two variations of certain house types are proposed which incorporate either boxed eaves and verges finished black or plain verges and corbelled eaves. The dwellings are all of a traditional appearance, some incorporating bay windows, simple flat roofed porch canopies and chimneys. Chimneys have been selected to the properties prominently located at the entrance to the site and framing the green area.

- 2.8 A comprehensive landscaping scheme has been presented, which includes significant new native woodland planting including 79 no. large (3m high) trees supplemented by 1700 no. small trees along the western and northern edges of the site. Tree planting is also shown within the green area to create a parkland setting, within private gardens to dwellings off the main and secondary roads and around the water attenuation feature. Along the eastern boundary the existing hedgerow will be strengthened and a wildlife corridor formed.
- 2.9 The application is accompanied by a comprehensive Landscape and Ecological Management Plan (LEMP) and Great Crested Newt Strategy and a housing mix statement. These documents have been retained on the public file for examination and comment and circulated to consultees. They are referred to, where necessary, and pertinent in the officer appraisal section of this report.

3. PLANNING POLICY AND LEGISLATIVE FRAMEWORK

3.1 The Development Plan

Adopted Derbyshire Dales Local Plan (2017)

S1	Sustainable Development Principles
S2	Settlement Hierarchy
S3	Development within Defined Settlement Boundaries
S4	Development in the Countryside
S5	Strategic Housing Development
S9	Rural Parishes Development Strategy
S10	Local Infrastructure Provision and Developer Contributions
PD1	Design and Place Making
PD4	Green Infrastructure
PD5	Landscape Character
PD6	Trees, Hedgerows and Woodland
PD7	Climate Change
PD8	Flood Risk Management and Water Quality
HC1	Location of Housing Development
HC2 (f)	Housing Land Allocations (Land to the North of A52)
HC4	Affordable Housing
HC11	Housing Mix and Type
HC14	Open Space, Sports and Recreation Facilities
HC19	Accessibility and Transport
HC20	Managing Travel Demand
HC21	Car Parking Standards

3.2 Other Material Considerations:

National Planning Policy Framework (2018)
National Planning Practice Guidance
Draft Brailsford Neighbourhood Plan

4. RELEVANT PLANNING HISTORY

- 4.1 16/00567/OUT - Outline application for residential development of up to 75 dwellings and associated access – Refused. Application Allowed at Appeal.
- 4.2 17/00026/OUT - Residential development of up to 32 dwellings with access and associated works (outline) - Withdrawn

5. CONSULTATION RESPONSES

5.1 Brailsford Parish Council:

No comments received in respect of the original or revised proposals.

5.2 The Local Highway Authority:

Original comments:

- A swept path analysis needs to be provided to demonstrate that a large (11.6m long) refuse vehicle can easily manoeuvre within the site without over-running footways/margins or overhanging outside of the adoptable highway.
- Condition 11 of the approved appeal outline consent requires detailed designs to be submitted of the layout, dimensions and construction of the pedestrian improvements between the site access to Main Road and The Green, whereas it doesn't appear that any details have been submitted.
- The submitted details relating to the proposed pedestrian footpath link to Luke Lane are acceptable from a highway viewpoint, although the footpath will not be considered for future adoption.
- The forward visibility around the bends adjacent to plot numbers 5 and 29 is limited and should be laid out at 25m, with the full extent of the visibility contained within the adoptable limits. This will require the footway to be widened and the houses on these plots setting back clear of the forward visibility.
- The access road serving plot numbers 40 to 45 inclusive, would not usually be considered for adoption as it only serves 6 dwellings. A bin collection point should therefore be provided within 25m of the adoptable highway.
- The 3 cul-de-sac are shown laid out with a 2m wide footway and 1m wide margin. However, there is fronting development on both sides of these streets and it would therefore be preferable if 2m footways were provided on both sides of the streets.
- The wide carriageway areas opposite plot numbers 5 and 29 are not necessary from a highway viewpoint and should be omitted.
- Parking spaces appears to be around 5m in length whereas as they should be 5.5m long.

Comments on the revised scheme:

- Concern has been expressed that swept path analysis still does not appear to have been carried out and that it is likely that some minor revisions to the road layout will be required in areas.

- The Local Highway Authority also raise concern with regard to the narrow margins on both sides of the carriageway named as Edge Lane on the revised layout. They advise that it is not appropriate to expect pedestrians to share the carriageway for a significant length.
- They also advised that no details had been submitted in respect of the discharge of condition 11 of the original outline consent (i.e. improvement works between the site access to Main Road and The Green).

Following receipt of the above comments the applicant has advised that amended plans will be received to address points 1 and 2 and provided details of the improvement works between the site access to Main Road and The Green that have been discussed and provisionally agreed with the engineer dealing s278 application at the Local Highway Authority.

The Development Management Highway Engineer has subsequently advised that no further information in respect of condition 11 will be required and that comments on any revisions to address their concerns will be made and confirmation or otherwise given that the layout is acceptable before committee on the 11th September 2018.

5.3 Derbyshire Wildlife Trust

Original comments:

Advised that the Great Crested Newt (GCN) strategy should be integral to the final layout and design and expressed concerns that the main green space on site was shown to the west of the access road, separated from the proposed waterbodies and GCN populations.

DWT following subsequent discussions with the applicant's ecologist and consideration of the Great Crested Newt Strategy dated June 2018 Rev B that whilst they would have preferred to have seen the main area of habitat creation on the eastern boundary that they were satisfied that network of terrestrial habitat would be adequate.

Comments on the revised scheme:

We have reviewed the Great Crested Newt Mitigation Strategy dated August 2018 and can confirm that this is sufficient to discharge condition 6 of outline consent 16/00567/OUT (which seeks agreement of an appropriate strategy prior to the commencement of development).

The Landscape Plan (No: 7062-L-100 E) is welcomed by the Trust, although we note that the habitats in the eastern wildlife corridor are a little confusing. This should clearly show a native hedgerow on the eastern boundary and tussock mixture to the west of the hedgerow. The width of the corridor should also be stated somewhere on the Plan or in the GCN Mitigation Strategy.

They advise that the Landscape and Ecological Management Plan dated August 2018 is well-detailed, will undoubtedly result in a net gain for biodiversity and is considered sufficient to discharge the requirements of Condition 7 of the outline consent 16/00567/OUT.

5.4 Natural England:

Refer the Local Planning Authority to their standing advice in respect of protected species and the Forestry Commissions advice in respect of ancient woodland and veteran trees.

5.5 Force Designing Out Crime Officer

Express some concern with the proposal to form a footpath link through to the Miller Homes development. They note that the route runs along a shared private drive for a cluster of plots, looks to be partially boxed in by hedging, then emerges through a small vacant strip of land into a residential cul-de-sac on the Miller site and advise that this form of link between sites tends to muddy space hierarchy, promote the wider searching behaviour which enables crime, and often proves to create amenity problems for residents around the link.

Whilst they can see the benefits of wider circulation to the Miller site open space and on to Luke Lane it is considered that the problems would outweigh the benefits.

In commenting on the original layout and house types the Force Designing Out Crime Officer advised that it would be preferable to provide extended outlooks to certain plots. They also note that no details of the majority of boundary treatments to individual plots are provided.

5.6 Head of Housing

There is a need is for 4 x 2 bedroomed affordable bungalows for social rent on the site built to M4(2) standard in the Building Regulations Part M, with the remaining affordable housing contribution provided as an off-site financial contribution. The bungalows need to have level access showers and a minimum internal floor area of 70m². It is important that the bungalows are on the south-eastern part of the site, for ease of access into town.

We require the bungalows to be transferred at nil cost to one of the following providers: Waterloo Housing Group, Nottingham Community Housing Association or Peak District Rural Housing Association.

6. REPRESENTATIONS RECEIVED

- 6.1 Representations have been received from one local resident, who appears to be objecting to a different housing development off Luke Lane (code ref. 18/00711/REM), in that neither objecting to or supporting the application they question why nobody was consulted when the village boundary moved to the corner of North Lane. They also raise concern with regard to the poor access due to the nature and speed of traffic and visibility from the Mercaston Lane direction and traffic coinciding with school traffic. They also make reference to private water supplies crossing the land and question how the development cannot be construed as being a blot on the landscape given that they can see the Wrekin at Telford from a nearby 'trigg' point.

7. OFFICER APPRAISAL

- 7.1 This application seeks approval of the matters reserved by outline permission 16/00567/OUT for up to 75 dwellings at the site, including up to 35% affordable housing, introduction of structural planting and landscaping, informal public open space and children's play area, surface water flood mitigation and access from Main Road which was allowed at appeal. The terms of this permission are set by the conditions imposed by the appointed Inspector and the unilateral undertaking forming part of their decision. The details which the applicant was required by conditions 11, 12 and 16 to submit as part of any subsequent approval of reserved matters application have been submitted as part of this application. The acceptability of these details are considered under what are the following main issues to assess, having regard to the reserved matters for which approval is sought, relevant policies of the development plan and guidance contained within the National Planning Policy Framework (NPPF) and comments from the statutory consultees:

- The density, type, mix, layout, scale and appearance of development and associated landscaping;
- The impact of the development on the amenity of the occupants of nearby residential dwellings;
- Protected species and biodiversity;
- Trees and hedgerows;
- Open space and outdoor recreation requirements;
- Crime and antisocial behaviour;
- Highway / pedestrian safety, and;
- Surface water drainage.

Section 70(2) of the Town and Country Planning Act 1990 (as amended) requires that a Local Planning Authority must have regard to any post-examination draft neighbourhood development plans, so far as material to the application. Based on the stage of preparation of Brailsford Neighbourhood Plan (which has reached Regulation 15 stage of the Neighbourhood Planning (General) Regulations 2012 (as amended)) and the extent to which there are unresolved objections it is considered that no weight can be given to policies contained within this emerging policy document at this time.

The appropriateness of the density, type and mix of housing, layout, scale and appearance of the development and associated landscaping

Density, Type and Mix of Housing

- 7.2 Development is shown to cover an area of 2.7 ha, slightly less than what was indicated on the indicative masterplan which accompanied outline application 16/00567/OUT (2.95 ha). It is, however, proposed to erect the maximum number of houses approved under the outline consent and at 27.8 dwellings per ha the density of the development is not considered to be excessive for an edge of settlement site such as this. This amount and density of development would make full and effective use of the site to help meet the objectively assessed housing needs of the district, whilst responding positively the sites context and constraints.
- 7.3 In terms of the type of housing to be delivered, the development will provide for only open market units. Notwithstanding that the Head of Housing has indicated a need for 4 no. 2 bedroomed affordable bungalows, when the development was considered at outline stage they had indicated that the affordable housing needs in the area had been met and the unilateral undertaking which secures the affordable housing obligation contains a mechanism that if the obligation set out in Schedule 2 paragraph 3.1 (to make a financial contribution towards affordable housing) was not considered by the appeal inspector to meet the tests set out in regulation 122 of the CIL Regulations then that obligation would cease to apply and the applicant would need to comply with paragraphs 3.2-3.6 which would require the provision of affordable housing on site. However, if the appeal inspector determined that the obligation to make a financial contribution was CIL Regulations compliant the owner of the site is not be obliged to pay the financial contribution (based on the formula set out in the agreement) and make affordable housing provision on site. The undertaking also included a provision that if the appointed inspector was silent on the matter the owner had the right to elect which obligation they wanted to comply with.
- 7.4 As the appointed appeal inspector states at paragraph 48 of their decision letter that they were satisfied that the obligations contained within the unilateral undertaking would comply with statutory tests contained in CIL Regulation 122, save for the contribution towards the Brailsford Village Institute, the applicant is only obliged to make a financial contribution towards affordable housing which would amount to £668,062.50 in this case.

7.5 The decision to allow outline application 16/00567/OUT was made prior to adoption of the 2017 Derbyshire Dales Local Plan and policy HC11 which recommends the following mix of market housing:

1-bed properties: 5%, 2-bed properties: 40%, 3-bed properties: 50%, 4-bed properties: 5%

to contribute towards the creation of sustainable, balanced and inclusive communities by meeting identified local and district housing needs. To support the high number of 4+ bedroomed dwellings the applicant has submitted a housing mix statement which concludes the following:

- There is a strong market demand in Brailsford (DE6) and an insufficient supply is available to meet this demand.
- The market assessment is in agreement with the Neighbourhood Plan consultation statement.
- There has been demand for larger (4+ bed) homes in Brailsford since at least 2015, most likely before, which has not been adequately met through the delivery of new homes. It is considered that this is clearly shown by the significant price differentiation in 4 and 5+ bed properties between Brailsford and Derbyshire.

7.6 Notwithstanding that the application proposes a significant number of 4+ bedroomed dwellings, some justification from the applicant has been given for this. The development will contribute to meeting the long term housing needs of the District by boosting the supply of market housing and contributing towards the delivery of affordable homes elsewhere. The application will also secure the delivery of 19 no. 2 and 3 bedroomed homes, catering for both the young and elderly. In granting outline permission to develop the site, the appointed Inspector did not include a condition which prescribed a housing mix to be delivered on site nor was such a mix secured through the unilateral undertaking. The only matter that was fixed by the outline permission was the maximum amount of new housing development to be delivered on the site. Having regard to the reserved matters for which approval is being sought and the definition of those matters within Part 1 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 it is considered that a mix of uses / houses to satisfy the requirements of Policy HC11 of the Adopted Derbyshire Dales Local Plan (2017) which was adopted after a decision was taken on outline application 16/00567/OUT cannot be insisted on in this case. In effect the Council would be widening the scope of what reserved matters are. Scale is defined as '*the height, width and length of each building proposed within the development in relation to its surroundings*'. Appearance is defined as '*aspects of a building or place within the development which determines the visual impression the building or place makes, including the external built form of the development, its architecture, materials, decoration, lighting, colour and texture.*' Recent appeal decisions have established that the focus of these reserved matters is on what the development would look like and its relationship to its surroundings and not mix.

7.7 For reasons set out above, the density, type and mix of housing to be delivered on site is considered to be acceptable.

Layout, scale, appearance and associated landscaping

7.8 Policy PD1 of the Adopted Derbyshire Local Plan 2017 deals with design and place making and requires development to contribute positively to an areas layout and relationship to adjacent buildings and landscape features. It also requires development on the edge of settlements to enhance and/or restore landscape character. Policy PD5 'landscape character' advises that development which harms the setting of a settlement should be resisted. In the consideration of outline application 16/00567/OUT the appointed appeal inspector concluded that views of the site from the A52 were limited and made

within the context of the more built up character of the road and backdrop of the village. As such, whilst the site currently comprises open agricultural fields, owing to the topography of the site and its surroundings, the visual effect of the proposal would be localised.

- 7.9 The part of the site to be developed for housing is in general accordance with the illustrative masterplan, which accompanied outline application 16/00567OUT with development mainly concentrated in the central and eastern part of the site, where it will be more closely associated with the village / existing built development. Housing development at the entrance to the site will sit behind a large surface water attenuation feature which will soften the impact of the development when viewed from the A52 and no dwelling will be more than two storeys to reflect the scale of development in the immediate locality. Significant new tree and woodland planting to the west and north of the proposed housing will in time provide a strong vegetated edge to the settlement. The original scheme proposed a more regimented grid pattern layout which would have urbanised this sensitive / important rural fringe site. The amended layout is more sinuous on the fringes of the estate to reflect the transition from the main built up part of the village to the open countryside beyond. Careful consideration has been given to the treatment and geometry of the estate roads. Where the development will border the woodland / countryside to the west the road has been designed to appear as a rural lane and will be treated differently to the main spine road that will serve the estate. By punctuating the woodland it has been possible to form a green area in the central part of the site, which will provide both an attractive landscaped setting and useable open space for future residents. Taking the above into consideration it is considered that development of the site in its amended form and associated planting would positively contribute to the settlements layout, its relationship to adjacent buildings and the countryside beyond, thereby satisfying the requirements of policies PD1 and PD5 of the Adopted Derbyshire Dales Local Plan (2017) in this respect.
- 7.10 In addition to layout and the relationship to adjacent buildings and landscape features, Policy PD1 of the Adopted Derbyshire Local Plan 2017 requires development to be of high quality design that respects the character, identity and context of the Derbyshire Dales townscapes and contribute positively to an area's character, history and identity in terms of scale, height, density, appearance and materials. In addition to the regimented grid pattern layout, officers raised concern with the over variety and design of the various house types and lack of architectural cohesion and design to each of the street elements when considering the original layout. The amended scheme groups house types to create strong coherent streetscenes and dwellings have been sited to address / respond positively to area of open spaces. The design of the houses is traditional. Amendments to the detailing of the individual house types have been secured so that they more closely reflect the character of properties found within the village. Ten house types are proposed that all incorporate similar design detailing. Two variations of certain house types are proposed to create character areas / interest. It is envisaged that the special house types will occupy the more prominent plots which frame the water attenuation feature, the western edge of the site and green space. The special house types incorporate plain verges and brick corbel detailing. The distribution of such house types will need to be controlled by condition to ensure a satisfactory layout and appearance. Dwellings in prominent locations will incorporate chimney stacks, however, due to the layout of the site other key buildings may also require chimney stacks. It is proposed to face the dwellings in two different bricks, with projecting brick bands / detailing picked out in a different brick. It is also proposed to face the upper floor of gable projections to certain house types in render. There is no tradition of clasping brick corners or picking out features of properties in a different brick in Brailsford. The design of the development is such that it is considered that a smaller roof tile (closer to a traditional clay tile) would be more appropriate for the house types, not a large format tile such as the Calderdale Edge proposed. Such detailing will need to be controlled by condition to ensure a satisfactory external appearance of the

development. Subject to the imposition of the conditions to control the above and conditions to secure the following:

- Full construction details and distribution of chimney stacks;
- Full construction details of porches;
- The omission of render to the already architecturally 'busy' Eaton house type;
- Sample panels of all materials being erected on site for inspection and agreement of their distribution ;
- Kneelers and other feature brickwork to match the brickwork of the individual house types;
- Boundary treatments to all dwellings;
- Flank walls to the sides of the Lathbury (special and village) porches;
- A flat not pitched canopy to the Lorton and special house type;
- The omission of additional window openings to the sides of the Amersham Special house types to plots 1, 4, 11 and 17;
- Details of the window surround to bedroom 1 to the Welbury Village Variant;
- Hipped roofs to the rear of dwellings being constructed as traditional gable elements;
- Full construction details of dormer windows;
- Details of windows and doors (including garage doors), including colour;
- Position and type of meter boxes, and;
- Details of the surface treatment of the main, secondary and tertiary roads and private drives

officers are satisfied that the development would be of high quality design that would respect the character, identity and context of this part of the village.

7.11 The inclusion of 3m tall trees in the woodland area will provide some immediate screening of the development. These trees will be supplemented by much larger numbers of smaller sized trees which, over time, will grow into larger specimens to create a strong settlement edge. The application also proposes native tree planting on the green and around the water attenuation feature. The existing hedgerow to the north of the green will be retained and strengthened and street trees planted. The extent of planting is significant and presents a high standard of landscaping that would undoubtedly enhance biodiversity and ensure an attractive and appropriate landscaped setting.

The impact of the development on the amenity of the occupants of nearby residential dwellings

7.12 Policy PD1 of the Adopted Derbyshire Dales Local Plan (2017) requires that development achieves a satisfactory relationship to adjacent development and does not cause unacceptable effects by reason of visual intrusion, overlooking, shadowing, overbearing effect, noise, light pollution or other adverse impacts on local character and amenity. The site only borders existing housing development along its eastern edge. Dwellings have been carefully sited along the eastern edge, beyond a wildlife corridor and are of scale that would not cause unacceptable effects by reason of visual intrusion, overlooking, shadowing, overbearing effect or result in any loss of privacy. Conditions to control construction hours and secure a construction management plan were imposed in respect of outline application code ref. 16/00657/OUT.

Protected species and biodiversity

7.13 Policy PD3 of the Adopted Derbyshire Dales Local Plan (2017) advises that the District Council will seek to protect, manage and where possible enhance the biodiversity and geological resources of the Plan Area and its surroundings by ensuring that development

proposals will not result in harm to biodiversity or geodiversity interests. The impact of the developed on protected species was considered in respect of outline application code ref. 16/00567/OUT and conditions imposed to secure a GCN strategy and Landscape and Ecological Management Plan. This work has been carried out by the applicant and has informed the layout of development. Derbyshire Wildlife Trust have confirmed that the layout is acceptable and will enable suitable terrestrial habitat is formed through the site to safeguard Great Crested Newt populations. A condition to ensure appropriate treatment of the wildlife corridor will, however, be necessary to ensure that suitable terrestrial habitat is formed. With regard to the extent of planting and the Landscape and Ecological Management Plan (LEMP) Derbyshire Wildlife Trust have commented that it is of a particularly good standard and really good to see. The development would enhance biodiversity and satisfy the requirements of Policy PD3 of the Adopted Derbyshire Dales Local Plan (2017).

Trees and hedgerows

- 7.14 Policy PD6 of the Adopted Derbyshire Dales Local Plan advises that trees, hedgerows, orchards or woodland of value should be retained and integrated within development wherever possible. Where their loss is justified replacement provision will be required utilising indigenous tree species and hedgerows that are in sympathy with the locality and the site, and, as a minimum, of equivalent value to the trees and hedgerows to be lost. With the exception of a section of hedgerow to be removed, which crosses through the green to be formed, all existing landscape features on the site are to be retained. Significant new tree and hedge planting will be undertaken in compensation for this loss, which would ensure an attractive landscape setting for the development, significant open space provision for existing and future residents and biodiversity enhancements whilst being in sympathy with the landscape character and immediate locality. Taking the above into consideration the requirements of Policy PD6 would be addressed.

Open space and outdoor recreation provision

- 7.15 Policy HC14 of the Adopted Derbyshire Dales Local Plan (2017) deals with open space provision and advises that the District Council will seek to protect, maintain and where possible enhance existing open spaces, sport and recreational buildings and land including playing fields in order to ensure their continued contribution to the health and well-being of local communities by improving the quantity, quality and value of play, sports and other amenity greenspace provision through requiring new residential developments of 11 dwellings or more to provide or contribute towards public open space and sports facilities in line with the Derbyshire Dales local open space and recreation provision standards set out in Table 6. Whilst there is no obligation on the developer to make an off-site contribution towards sports facilities, there is an expectation that the development would provide appropriate open space and children's play. The level of open space and semi natural space to be delivered on the back of the development would satisfy the standards set out in table 6. Subject to an equipped play area being accommodated on the site it is considered that appropriate open space and recreation provision will be made to satisfy the terms of outline consent 16/00567/OUT and requirements of policy HC14.

Crime and antisocial behaviour

- 7.16 Whilst some concern has been raised by the Force Designing Out Crime Officer in relation to the footpath link between the site and the Miller Homes development to the east and surveillance from some of the plots, the siting and orientation of the dwellings in the amended layout provides good public surveillance over all public open space and any antisocial / crime associated with the short footpath link to the east would be outweighed by the benefits of better pedestrian connectivity from the site to the main village in this case. Careful consideration of the boundary treatment to the front of the dwellings to plots

68 - 70 and side of 67 to ensure that this area is kept open would help prevent any criminal activity. Although the applicant has proposed additional window openings in the side elevations of the Amersham special property type to corner plots 1, 4, 11 and 17, such treatment is considered to represent the over fenestration of these elevations and the benefits in terms of crime prevention would be far outweighed by the harm to the appearance of these properties and the character of this part of the development.

Highway / pedestrian safety

7.17 Outline application code ref. 16/00567/OUT required details of the internal road layout and the road improvement works between the site and The Green to be submitted as part of any approval of reserved matters application. The road improvement works have been presented as part of this application and have been provisionally agreed with the Local Highway Authority as part of the s278 process. Although the Development Management Highway Engineer has expressed some concern with regard to the internal road layout that has been presented, the applicant has advised that they will make the minor amendments necessary to address their concerns ahead of committee and the Local Highway Authority have advised that confirmation or otherwise that these changes are acceptable before the 11th September along with any recommended conditions. An update on this issue will be presented at the meeting. The Local Highway Authority have indicated that the nature and construction of the footpath link to the north between the site and Luke Lane is acceptable but that it would not be to adoptable standards. To secure adoption it would need to be well lit and constructed which would urbanise the settlement edge to the detriment of its character and appearance. It is considered that the more informal / low key appearance of the path is a more appropriate response to its context and its likely use. As part of the open space secured on the back of the development, the future management of the path would be secured by the terms of the s106 agreement which accompanies the outline consent.

Surface water drainage

7.18 Condition 9 of outline application 16/00567/OUT requires details of the implementation, maintenance and subsequent management of the sustainable urban drainage scheme for the site to be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The layout makes appropriate provision for a water attenuation feature that could accommodate the proposed development so as to not cause flooding on the site or increase the risk of flooding elsewhere to satisfy the requirements of Policy PD8 and this condition.

Conclusion

7.19 For reasons set out above it is concluded that the layout, scale and appearance of the development and associated landscaping would satisfy the relevant provisions of the development plan and national guidance. Subject to amended details to address the concerns raised by the Local Highway Authority relating to the internal road layout being received ahead of committee consideration of the item on the 11th September, it is recommended that the application be approved.

8. OFFICER RECOMMENDATION:

That subject to receipt of amended details to address the concerns raised by the Local Highway Authority being received ahead of committee consideration of the item on the 11th September the application be granted subject to the following conditions and any conditions recommended by the Local Highway Authority:

1. This permission relates to the original application documentation except as amended by the revised House Type Pack dated August 2018 Rev D, Planning Layout Drawing numbered n1201 003 Rev A, Landscape & Ecological Management Plan Dated August 2018, Great Crested Newt Mitigation Strategy Dated August 2018, Detailed Landscape Drawings numbered 7062-L-100 Rev E, 101 102, 103, 104, 105 and 106 and drawings showing the extent of s278 improvement works between the site and The Green (+ any further amended drawings submitted ahead of committee consideration on the 11th September 2018) received by the Local Planning Authority on the 16th and 29th August 2018

Reason:

For the avoidance of doubt.

2. Prior to the construction of the dwellinghouses and garages hereby approved commencing and notwithstanding the submitted details, samples of all materials to be used in the construction of their external surfaces and a plan showing the distribution of such materials across the site, which shall not include any render to the Eaton house type, no picking out of brick kneeler, corbel and band detailing to any dwelling in a different brick to the that used in the construction of the main walling and a smaller format roof tile (than the Calderdale Edge proposed) across the development, shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be constructed in accordance with the approved details.

Reason:

To ensure the use of appropriate materials, a satisfactory external appearance of the development and compliance with policy PD1 of the Adopted Derbyshire Dales Local Plan (2017).

3. Concurrently with the submission of a sample of the walling materials, a 2 square metre sample panel of those materials and type of pointing (mortar mix and method of application) to be used shall be erected on site for inspection prior to the commencement of building works. The development shall be constructed in accordance with the approved details.

Reason:

To assist in the selection of appropriate materials, a satisfactory external appearance of the development and compliance with policy PD1 of the Adopted Derbyshire Dales Local Plan (2017).

4. Prior to the construction of the dwellinghouses and garages hereby approved commencing and notwithstanding the submitted details, the following details of the development shall be submitted to and approved in writing by the Local Planning Authority:
 - Full construction details and distribution of chimney stacks;
 - Full construction details of porches to all house types;
 - The type and design of boundary treatments to all dwellings and surrounding areas of open space;
 - Position and type of meter boxes;
 - Full construction details of the dormer window to the Eaton house type;
 - Full construction details of window and garage door designs, material, depth of recess and colour;
 - Details of the surface treatment of all main, secondary and tertiary roads and private drives and footpaths, and;

- Details of the window surround to bedroom 1 to the Welbury Village Variant house type.

The development shall thereafter be carried out in accordance with the approved details and retained in perpetuity unless the Local Planning Authority gives written consent to any variation.

Reason:

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

5. Prior to the construction of the dwellinghouses and garages hereby approved commencing, details of the location of the special house types incorporating plain verges and eaves shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

Reason:

For the avoidance of doubt and to ensure a satisfactory external appearance of the development and compliance with policy PD1 of the Adopted Derbyshire Dales Local Plan (2017).

6. Notwithstanding the submitted details no dwellinghouse hereby approved shall feature clamping brickwork to corners or short bands of projecting brickwork unless otherwise agreed in writing by the Local Planning Authority.

Reason:

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

7. Notwithstanding the submitted details the side elevations of the porch to the Lathbury (special and village) house type shall incorporate flank walls constructed in brick to match the brickwork used in the construction of the main dwellinghouse and the pitched roof porch canopy to the Lorton house type replaced with a flat roofed canopy in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority in respect of Condition 3, prior to works commencing on the construction of these house types. The porches to these house types shall thereafter be constructed in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason:

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

8. All hipped roof sections shall be constructed as traditional gable elements in accordance with details which shall have been previously submitted to and approved in writing by the Local Planning Authority prior to works commencing on the construction of house types which feature this detail, unless otherwise agreed in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

Reason:

To ensure a traditional and cohesive roof form to comply with policy PD1 of the Adopted Derbyshire Dales Local Plan (2017).

9. This permission does not extend to include the Amerhsam Special Rev D. right elevation to corner plots 1, 4, 11 and 17 only. The dwellings to these plots shall incorporate a single window at first and ground floor level in accordance with the normal right elevation only.

Reason:

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

10. No development shall commence on site until a scheme for the phasing of the hard and soft landscaping set out on Landscape Drawings numbered 7062-L-100 Rev E, 101 102, 103, 104, 105 and 106 and agreed in respect of conditions 3 and 9 has been submitted to and approved in writing by the Local Planning Authority. The hard and soft landscaping within each phase shall thereafter be carried out in the first planting and seeding season following occupation of the building(s) or the completion of the development, whichever is the sooner within each particular phase. Trees or plants which within a period of five years, die, are removed, or become seriously damaged or diseased, shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the Local Planning Authority.
11. No development shall commence, nor shall any materials or machinery be brought onto the site, until a 2 metre high fence of Weldmesh securely attached to scaffolding poles inserted into the ground has been erected in a continuous length, one metre beyond the crown spread of the trees to be retained (or such other fencing as is agreed in writing with the Local Planning Authority). The fencing must be erected prior to the commencement of the development and remain throughout the period of construction and no materials or equipment shall be stored, no rubbish dumped, no fires lit or any excavation or changes in level take place within the fenced area.

Reason:

To protect trees during the construction period and in the interests of visual amenity in accordance with the aims of Policy PD6 of the Adopted Derbyshire Dales Local Plan (2017)

12. Details of the planting within and confirmation of the width of the wildlife corridor along the eastern boundary of the site shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The area shall thereafter be planted in accordance with the timetable agreed in respect of Condition 7 of outline permission 16/00567/OUT.

Reason:

To ensure appropriate habitat creation and mitigation in the interest of maintaining biodiversity and compliance with Policy PD3 of the Adopted Derbyshire Dales Local Plan (2017).

13. Prior to the commencement of development details type and location of children's play equipment to be installed on the site and timetable for its delivery shall be submitted to and approved by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

Reason:

To satisfy the terms of outline permission 16/0567/OUT and ensure appropriate children's play provision in accordance with the aims of Policy HC14 of the Adopted Derbyshire Dales Local Plan (2017).

14. All boxed soffits to verges and eaves and rainwater goods shall be finished a black colour.

Reason:

For the avoidance of doubt.

Footnotes:

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 resulted in the submission of a scheme that overcame initial concerns relating to the layout and cohesiveness of the development, the design of individual house types, ecological mitigation and enhancement and the position and amount of useable public open space.
2. A number of the above conditions of the Approval are condition precedent. This means that a valid commencement of the approved development cannot be made within the lifetime of the permission until the particular requirements of the conditions precedent have been met. Failure to discharge conditions precedent may leave the development liable to the Council initiating formal enforcement proceedings.
3. The Town and Country Planning (Fees for Applications, Deemed Applications and Site Visits) (England) Regulations 2012 as amended stipulate that a fee will henceforth be payable where a written request is received in accordance with Article 27 of the Development Management Procedure Order 2015 for the discharge of conditions attached to any planning permission. Where written confirmation is required that one or more conditions imposed on the same permission have been complied with, the fee chargeable by the Authority is £34 per householder request and £116 per request in any other case. The fee must be paid when the request is made and cannot be required retrospectively.
4. The applicant is advised that this permission does not override the need to discharge the details reserved by conditions attached to outline planning permission 16/00567/OUT or the terms of this permission.

This Decision Notice relates to the following documents:

1:2500 Scale Red Edged Site Location Plan numbered 7062-L-02 Rev C;
1:1250 Scale Footpath Specification Plan MAIN-FPL-01;
Review of Derbyshire Dales Local Plan, Policy HC11: Housing Mix and Type Statement by SPRU dated April 2018 (issue 2);
Preliminary Drainage and Construction Plans MA10758/202, 200-1, 200-2, 201-2, 600-1, 601-1, 601-2, 602, and 603;
Street Lighting Feasibility Report;
Street Lighting Design Risk Assessment
Outdoor Lighting Report;
Street Lighting Layout Plan numbered LL015/001, and;
Design and Access Statement by Avant Homes received by the Local Planning Authority on the 16th and 25th April 2018;
Revised House Type Pack dated August 2018 Rev D,
Planning Layout Drawing numbered n1201 003 Rev A,
Landscape & Ecological Management Plan Dated August 2018, Great Crested Newt Mitigation Strategy Dated August 2018,

Detailed Landscape Drawings numbered 7062-L-100 Rev E, 101 102, 103, 104, 105 and 106 and drawings showing the extent of s278 improvement works between the site and The Green received by the Local Planning Authority on the 16th and 29th August 2018

APPLICATION NUMBER		18/00679/FUL	
SITE ADDRESS:		Herdsman Close Farm, Ashbourne, DE6 1JE	
DESCRIPTION OF DEVELOPMENT		Demolition of redundant agricultural building and erection of agricultural storage building and dependant relative annexe	
CASE OFFICER	Mr Chris Whitmore	APPLICANT	Mr & Mrs Allen
PARISH/TOWN	Offcote and Underwood	AGENT	Mr Graham Campbell, Campbell and Partners
WARD MEMBER(S)	Cllr. A. Millward Cllr S. Bull	DETERMINATION TARGET	20 th August 2018
REASON FOR DETERMINATION BY COMMITTEE	Requested by Ward Members	REASON FOR SITE VISIT (IF APPLICABLE)	No site visit required. Members visited the site on the 16 th January 2018.

MATERIAL PLANNING ISSUES
<ul style="list-style-type: none"> • Background; • The appropriateness of the development, in terms of siting, scale, use and design of the proposed new building, and; • The impact of the development on highway safety, ecology and residential amenity.

RECOMMENDATION
Refusal

18-00679-FUL

Herdsman Close Farm, Ashbourne Green, Ashbourne



Derbyshire Dales DC

1:4,500

Date: 29/08/2018

100019785

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

1. THE SITE AND SURROUNDINGS

- 1.1 The application site relates to a redundant red brick and tile agricultural storage building at Herdsman Close Farm which is situated to the north of Ashbourne, in open countryside. The building occupies a central position within a group of agricultural storage buildings located approximately 60m to the north east of the main farmhouse. The main building comprises a part two storey and part one and a half storey building, with timber clad lean-to outshot to the side and single storey red brick and tile gable outshot at the rear.
- 1.2 The building fronts a yard area and is accessed by a long single vehicle width roadway which links the farm group to the B5035, some 300m to the east. The site is screened from public view by a number of established field boundary hedgerows and trees.



2. DETAILS OF THE APPLICATION

- 2.1 Full planning permission is sought to demolish the existing agricultural storage building on site and to construct a new dual purpose building. The new building would occupy a similar position on site, however, will have a reduced footprint. The south western end of the building will be two storeys high and will be utilised by a dependant relative as a separate unit of residential accommodation. At the rear a single storey outshot, clad in timber is proposed. At ground floor the accommodation will comprise a sitting room, home office, hall, kitchen, boots and plant room. At first floor the submitted plans show a bathroom, bedroom and carers bedroom and separate w/c. In total 130 sq. m of self-contained residential floorspace is proposed.

Physically attached to the dependant relative accommodation to the south east will be a single storey open fronted machinery and secure fertiliser store, covering an area of 58 sq. m. On the opposite side a raised outdoor seating area is proposed. As the proposed building will have a reduced length access to a series of barns will be widened / improved beyond this.

2.2 A letter from the agent makes the following points in support of the development:

- The existing storage building is not appropriate for modern farming needs, is a health and safety hazard and unreasonably expensive to restore. The applicants require agricultural storage to cater for the burgeoning livestock business, particularly sheep. Currently machinery and equipment is housed in both the adjacent hay barn (which needs to be cleared for hay etc.) and the adjacent cart house (which needs to be cleared for the construction of lamb pens).
- The existing building to be demolished measures 2621 sq. ft. The proposed building measures 2,028 sq. ft. of which 620 sq. ft. is agricultural storage.
- The 1,408 sq. ft. of the building to be used by a dependent relative represents a 32% reduction on the size of the proposed put forward in respect of application code ref. 17/00973/FUL (which was refused at committee on the 16th January 2018).
- It has been previously accepted that a modest second bedroom to accommodate a carer would be acceptable. The suggestion that this should now double up as a bedroom and home office shows a lack of understanding of this particular dependant as they require a carer's bedroom and home office.
- It is difficult to understand why policy HC12 was drafted and adopted by the Council as recently as December 2017 as patently it does not address the needs of the wider range of disabilities and dependencies in today's society. In this particular case the dependant person simply wishes to live an independent personal and working life, but can go from being a healthy and active person to suffering delirium and collapse that requires urgent medical attention. Policy HC12 does not address this specific disability and it is therefore considered inappropriate for the Local Planning Authority to refer to it so rigidly.
- The applicants are prepared to provide their daughter with both the care and finance required to assist her in her commendable aims and are prepared to sign a S106 to tie the accommodation to the ownership and occupancy of the main dwelling.

2.3 The application is also accompanied by a Bat and Bird Survey, which has been referred onto Derbyshire Wildlife Trust for scrutiny / comment.

3. PLANNING POLICY AND LEGISLATIVE FRAMEWORK

3.1 Adopted Derbyshire Dales Local Plan (2017):

S1 Sustainable Development Principles
S4 Development in the Countryside
PD1 Design and Place Making
HC1 Location of Housing Development
HC12 Elderly Needs Accommodation
HC19 Accessibility and Transport
HC21 Car Parking Standards

Other:

National Planning Policy Framework (2018)
National Planning Practice Guide

4. RELEVANT PLANNING HISTORY

17/00973/FUL - Demolition of redundant building and erection of a dependant relative annexe - Refused for the following reasons:

1. *The physical attributes and scale of the accommodation is such that it would constitute the construction of a new dwellinghouse and could not be construed as being reasonably necessary to accommodate a dependant person. Without justification such development would constitute an unwarranted and inherently unsustainable form of development in the open countryside contrary to Policies S1, S4 and HC12 of the Adopted Derbyshire Dales Local Plan (2017).*

2. *The proposal is contrary to parts (a) and (b) of Policy HC12 as the annexe is not linked to the main dwelling by an internal door or doors or would be readily convertible into an extension to the main dwelling when no longer required for family health circumstances and would therefore fail to comply with Policy HC12 of the Adopted Derbyshire Dales Local Plan (2017).*

3. *The confused and unfamiliar hybrid appearance of the proposed building would result in an incongruous form of development that would have a detrimental impact on the character and appearance of this part of the countryside contrary to Policies S4, HC12, PD1 and PD5 of the Adopted Derbyshire Dales Local Plan (2017).*

13/00766/FUL - Single storey extensions and alterations - Granted

5. CONSULTATIONS

5.1 Derbyshire County Council (Highways):

It appears that although the proposed replacement building is smaller than the existing building, that its mixed use may mean there is potentially more vehicular activity to be generated by the proposal than if it were to remain agricultural only, or to be solely a residential annexe. With this in mind, it is also noted that the site access onto the public highway is well constructed and appears to have the requisite visibility sightlines of 2.4m x 115m available. Therefore it is considered that the access to Herdsmans Close Farm is capable of accepting some increase in vehicular activity that may occur as a result of this proposal being given consent.

There is ample parking and manoeuvring space to accommodate this proposal within the site, and it appears from the application documents that waste collection arrangements are already in place. With this in mind there are no highway objections.

5.2 Offcote and Underwood Parish Council

No comments received.

5.3 Ashbourne Town Council:

No comments received in respect of this application, however, raised no objections to application code ref. 17/00973/FUL, subject to a dependant relative occupancy restriction being included on any consent issued.

5.4 County Council Archaeologist

The proposals will have no archaeological impact.

5.5 Environmental Health

No objections to this application provided the dependant relative unit has occupation tie to main farm house to minimise risk of nuisance.

5.6 Forestry Commission

Do not wish to comment.

5.7 Derbyshire Wildlife Trust

Initial Response:

Advised that the bat surveys submitted with the application were out of date and carried outside of the optimal period. The Trust therefore recommended that an updated bat survey was undertaken between May and August 2018 to ensure that the status of bats at the site had not changed.

Following this response further building inspection and a dawn bat survey and dusk bat survey were undertaken in July 2018, which revealed roosting bats were still present in 2018 as were nesting swallows. An updated report was presented to the Local Planning Authority for consideration following this survey work being undertaken.

Second response:

Derbyshire Wildlife Trust advised that whilst a sufficient level of survey work to support the planning application had been carried out, the mitigation measures for brown long eared bats and swallows was not sufficient.

The applicant has since presented an updated report, which identifies that opportunities exist to accommodate swallow nests and to form a bat roost within / upon adjacent buildings that are included in the application site area edged red. Derbyshire Wildlife Trust have since confirmed that such mitigation measures would be acceptable to safeguard the protected species / wildlife that have been identified and to maintain biodiversity in the area and recommend conditions to secure appropriate mitigation, which considers any additional impacts on protected species / wildlife that may already utilise these buildings.

6. REPRESENTATIONS

6.1 None.

7. OFFICER APPRAISAL

Background

- 7.1 This application follows the refusal of planning application code ref. 17/00973/FUL for the demolition of the existing agricultural storage building and its replacement with a dependant relative annexe at the planning committee meeting on the 16th January 2018.
- 7.2 The applicants have engaged in pre-application discussions with officers to seek to resolve previous concerns, particularly in respect of the scale of accommodation being sought and the design of any new building.

The appropriateness of the development, in terms of siting, scale, use and design of the proposed new building

- 7.3 This application differs from that previously considered in that the proposed building, whilst similar in footprint terms will serve a dual purpose. It will, in part, be utilised as a machinery and fertiliser store. In support of this element of the proposal the applicant, through their agent, advise that this additional storage is required to cater for their growing livestock business and make reference to machinery currently being stored in both the adjacent hay barn and cart house (which need to be utilised for other purposes associated with the

agricultural enterprise). Policy S4 deals with development in the countryside and is supportive of agriculture and related development which helps sustain existing agricultural and other rural based enterprises, including new agricultural buildings that maintain the landscape quality and character of the countryside. In the case of replacement buildings the policy advises that such development must bring about environmental improvement. In this case officers are satisfied that the building would help sustain an established and growing agricultural enterprise on the site. The applicant advises that the existing building is unsuitable for modern farming practices and poses a health and safety risk. The part of the building to be utilised for agricultural storage would be purpose built and would assist the efficient operation of the agricultural business. In this respect, the development would bring about environmental improvement. The storage building would be well related to the existing agricultural storage buildings on the site and would be of a simple design and form and modest scale commensurate with the need that has been identified. This element, however, forms part of a larger building and cannot be considered in isolation in terms of its design and impact on the landscape / character of this part of the countryside.

- 7.4 The majority of the building will be utilised as a self-contained unit of residential accommodation occupied by a dependant relative. This element forms part of a larger building designed to appear as a traditional barn range. It will be two storeys high and will incorporate a single storey gable outshot at the rear clad in horizontally laid timber boards.
- 7.5 Although the applicant makes reference to Policy HC12 not catering for the needs of the wider range of disabilities and dependencies in today's society, Policy HC12 is supportive of evidence based proposals for the creation of self-contained annexes and extensions to existing dwellings in order to accommodate an elderly or disabled dependant. The policy, however, requires that such development is linked to the main dwelling by an internal door or doors and the annexe is readily convertible into an extension to the main dwelling when no longer required for family health circumstances. The policy goes on to state that permission may be granted to convert an existing outbuilding within the curtilage of a dwellinghouse to a self-contained annexe where it is not possible to attach the outbuilding to the main house, however, that any such application will require a legal agreement to ensure that a new dwelling is not created. There is also a requirement for any outbuilding to be converted to be closely related to the main dwelling and have shared parking and amenity (garden) space. Policy HC12 contains such provisions to prevent the establishment of a separate planning unit / unit of residential accommodation in unsustainable locations. The applicants have been advised that whilst the proposal would utilise the site of an existing building, the location some 60m away from the main farm house beyond a series of agricultural buildings would not, in the view of officers, satisfy the provisions of Policy HC12 and would include land that could not be readily adsorbed within the residential curtilage / use of the principal dwellinghouse on site when the use is no longer required. In justifying not relocating the annexe so that it is more closely associated with the principal dwelling on site the applicants in a supporting statement point to committee members giving a clear steer that they were not concerned about the annexe being remote from the main farm house, having regard to the specific needs of the dependant person in this case. The applicants also agree to enter into a s106 planning obligation agreement to tie the accommodation to the ownership and occupancy of the main dwelling. It is, however, considered that such an arrangement would be unworkable in the long term as it would be impractical to absorb the accommodation into the residential use of the principal dwellinghouse on site, given its remoteness from this building.
- 7.6 Addressing the scale of the dependant relative unit the applicants point to the specific needs of the dependant person in this case and the requirement for a separate home office and carers bedroom. They also advise that the overall amount of floorspace represents a 32% reduction based on the previously refused scheme. Whilst the reduction in overall floorspace is acknowledged, concern remains that the scale of accommodation which includes a kitchen / dining room, sitting room, home office, boots and plant rooms, downstairs w/c, first floor bedroom, bathroom, carers bedroom and separate w/c exceeds the average 3 bedroomed dwelling (86.9m² in the East Midlands based on RIBA research

carried out in 2015) and is excessive to serve a dependent relative and carer in this case. Combined with the remote location of the accommodation from the main dwellinghouse, the dependent relative unit is considered to still constitute an unjustifiably excessive and unsustainable form of residential development in the open countryside that would be in direct conflict with Policies S4 and HC12 of the Adopted Derbyshire Dales Local Plan (2017) and guidance contained within the National Planning Policy Framework (2018).

- 7.7 In seeking to address application code ref. 17/00973/FUL reason for refusal number 3, the applicants have reconsidered the design of the dependant relative unit as well as its scale. Policy PD1 of the Adopted Derbyshire Local Plan 2017 requires development to be of high quality design that respects the character, identity and context of the Derbyshire Dales landscapes and contribute positively to an area's character, history and identity in terms of scale, height, density, appearance and materials. The proposed building has a much stronger 'traditional' agricultural appearance that is considered to be an appropriate response to the sites immediate context. There are, however, concerns with regard to some of the design detailing, including the outshot incorporating barge boards and clad in horizontally laid timber boards and the position and a variety of window openings which include a three light multi paned cottage type casement window, a multi paned 'Georgian' type window, hayloft door in too low a position, raised patio doors and 3 and 2 light modern casement windows. Such matters could, however, be addressed by condition to achieve a satisfactory external appearance.

The impact of the development on highway safety, ecology and residential amenity

- 7.8 The Local Highway Authority are satisfied that the existing access arrangements are capable of accepting some increase in vehicular activity that may result from the dual use of the building and that there is ample parking and manoeuvring space to accommodate the development. The development does not therefore raise any highway safety issues. In terms of the ecological impact of the proposal, it has been established through survey work that both birds and bats currently utilise the building to be demolished and there is a need for compensatory habitat on the site. Whilst the applicant has opted for this to be provided within / upon adjacent buildings this would ensure that protected species and other wildlife will not be adversely affected by the development and that biodiversity within the area would be maintained / enhanced to satisfy the requirements of policy PD3 of the Adopted Derbyshire Dales Local Plan (2017). The agricultural storage use of part of the building has the potential to cause some disturbance to the occupants of the dependant relative unit and the Council's Environmental Health team have recommended that the ownership of the building is tied to the main farm house to minimise risk of nuisance. The applicant has included the site of the proposed building, farmhouse and intervening agricultural storage buildings within the red edged site location plan to ensure that appropriate controls can be put in place to safeguard the residential amenity of the future occupants of the dependant relative annexe.

Conclusion

- 7.9 The applicant has gone some way to addressing officer concerns with regard to application code ref. 17/00973/FUL reason for refusal number 3 relating to the design and appearance of the building and its impact on its surroundings and the Local Planning Authority is satisfied that the development would be acceptable from a highway safety, ecological and residential amenity perspective subject to mitigation and conditions / appropriate controls being put in place.
- 7.10 Notwithstanding the above and acceptance that there is evidence to justify the creation of a dependant relative annexe on the site, concerns remain regarding the scale of accommodation being sought and its remoteness from the main farm house.

7.11 The remote siting and scale of the dependant relative annexe is considered to constitute an unjustifiably excessive and unsustainable form of residential development in the open countryside that is contrary to the requirements of Policies S4 and HC12 of the Adopted Derbyshire Dales Local Plan (2017) and guidance contained within the National Planning Policy Framework (2018). It is recommended that the application be refused on this basis.

8. RECOMMENDATION

That planning permission be refused for the following reason:

1. The remote siting of the dependant relative annexe from the main dwellinghouse and its scale constitutes an unjustifiably excessive and unsustainable form of residential development in the open countryside that is contrary to the requirements of Policies S4 and HC12 of the Adopted Derbyshire Dales Local Plan (2017) and guidance contained within the National Planning Policy Framework (2018).

NOTES TO APPLICANT:

1. The Local Planning Authority considered the merits of the submitted application and despite engaging in pre-application discussions with the applicant 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:
 - 1:2500 Scale Red Edged Site Location Plan;
 - 1:100 Scale Proposed Elevations and Floor Layout Plans numbered 007, 008 and 009, and;
 - Supporting letter from the applicants agent dated 19th June 2018 received by the District Council on the 21st and 25th June 2018, and;
 - Bat and Bird Survey by S. Christopher Smith dated 17th August 2018 received by the District Council on the 20th August 2018.

APPLICATION NUMBER		18/00711/REM	
SITE ADDRESS:		Land At Luke Lane/ Mercaston Lane, Brailsford	
DESCRIPTION OF DEVELOPMENT		Approval of Reserved Matters for the Erection of 47 Dwellings (Outline Application 16/00436/OUT)	
CASE OFFICER	H Frith	APPLICANT	Cameron Homes Limited and Philip Granville Dalton
PARISH/TOWN	Brailsford	AGENT	Mr A Moore of Pegasus Group.
WARD MEMBER(S)	Councillor Jenkins	DETERMINATION TARGET	03.10.18
REASON FOR DETERMINATION BY COMMITTEE	Major development	REASON FOR SITE VISIT (IF APPLICABLE)	For Members to appreciate the detail of the scheme in its context.

MATERIAL PLANNING ISSUES

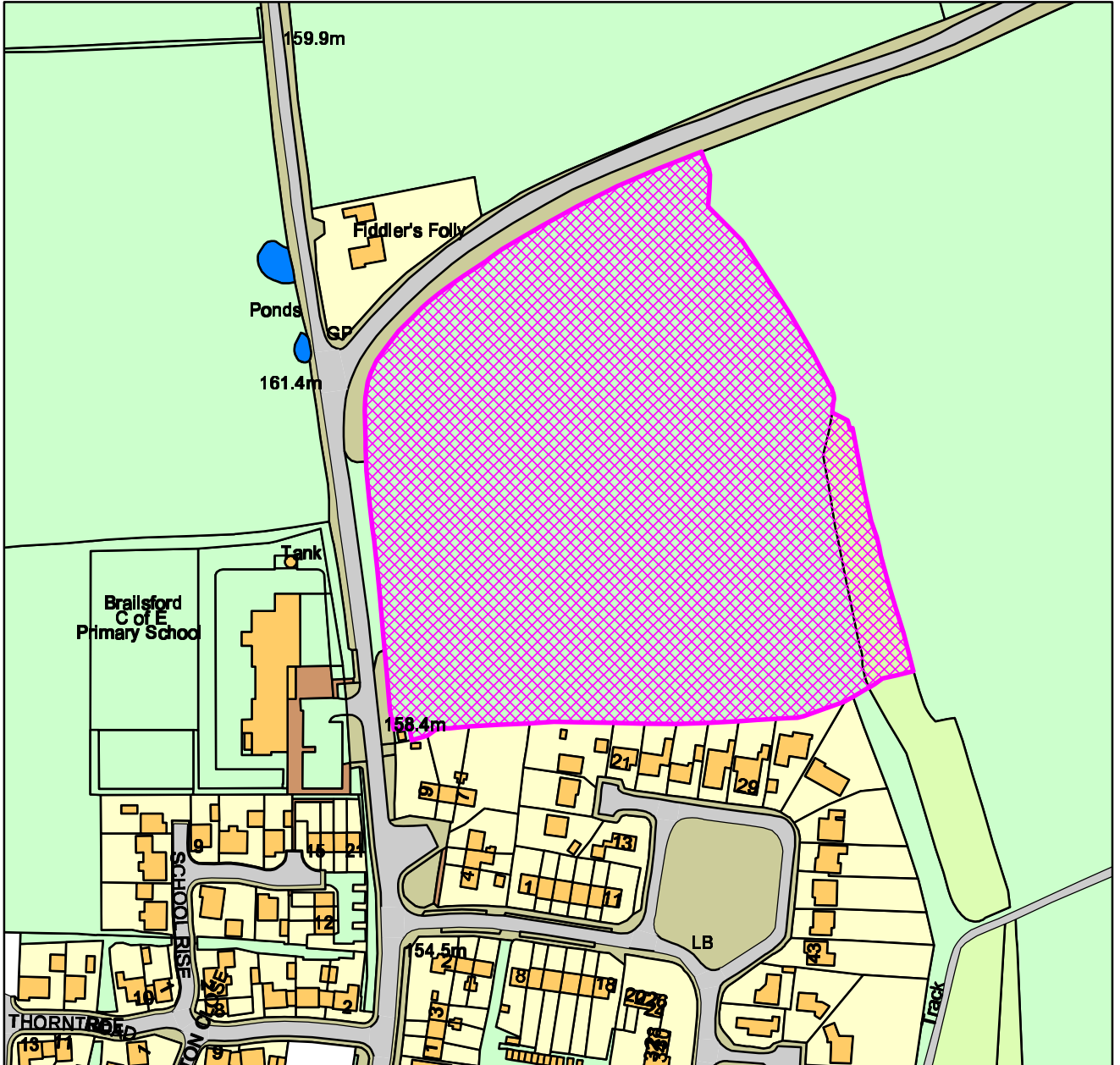
- Principle of Development
- Housing mix
- The reserved matters:
 - Appearance
 - Landscaping
 - Layout
 - Scale
- Highway safety
- Residential amenity
- Drainage

RECOMMENDATION

Approval subject to conditions

18/00711/REM

Land at Luke Lane/ Mercaston Lane, Brailsford



Derbyshire Dales DC

1:2,500

Date: 29/08/2018

100019785

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

1. THE SITE AND SURROUNDINGS

- 1.1 The application site relates to a green field to the northern tip of the village of Brailsford. The highway runs to the western and northern edges of the field. The site is bounded by native hedgerows with a significant planted screen with mature trees to the south of the eastern boundary. Residential properties are located to the south of the site with a single dwelling located to the north beyond Mercaston Lane. The new school building and adjacent residential development is located to the south west of the site on the opposite side of Luke Lane. The site generally slopes slightly downhill in a south easterly direction.



2. DETAILS OF THE APPLICATION

- 2.1 Outline planning permission was granted in August 2017 for the erection of 47 dwellings on the site with access to the site from Luke Lane being considered as part of that application. This application is to consider the reserved matters of Appearance, Landscaping, Layout and Scale, the detail of the proposed development.
- 2.2 The development proposed includes 11 affordable housing units representing 23% of the total in a mix of 1, 2 and 3 bedroom units with 4 of these being bungalows designed to be suitable for wheelchair users. These units are terraced, semi-detached and detached located close to the site frontage.

The mix of the affordable units consisting of 11 units is: 2 x 1 bed, 7 x 2 bed and 2 x 3 bed.

The mix of the open market housing consisting of 36 units is: 2 x 2 bed, 20 x 3 bed, 14 x 4 bed.

This brings the overall housing mix to (rounded):

4% 1 bed
19% 2 bed
47% 3 bed
30% 4 bed

- 2.3 These dwellings are to be located along the main road running through the development with four small private drives and a central cul-de-sac leading to the open space provision. To the north of the site a substantial planted buffer is proposed containing the play space spread out through this area including trim trail and a water attenuation feature.
- 2.4 The applicant's agent has submitted a supporting statement which sets out the pre-application discussions held and the attempt to closely link the proposed development with the outline master plan document. The proposal includes open space, play space and water attenuation basin. A management company would be set up to maintain these green spaces in the long term.

3. PLANNING POLICY AND LEGISLATIVE FRAMEWORK

- 3.1 Adopted Derbyshire Dales Local Plan (2017)
- S1 Sustainable Development Principles
 - S2 Settlement Hierarchy
 - S3 Development within Defined Settlement Boundaries
 - S5 Strategic Housing Development
 - S9 Rural Parishes Development Strategy
 - S10 Local Infrastructure Provision and Developer Contributions
 - PD1 Design and Place Making
 - PD3 Biodiversity and the Natural Environment
 - PD4 Green Infrastructure
 - PD5 Landscape Character
 - PD6 Trees, Hedgerows and Woodland
 - PD8 Flood Risk Management and Water Quality
 - HC1 Location of Housing Development
 - HC2 Housing Land Allocations
 - HC4 Affordable Housing
 - HC11 Housing Mix and Type
 - HC14 Open Space, Sports and Recreation Facilities
 - HC19 Accessibility and Transport
 - HC21 Car Parking Standards

Other:

National Planning Policy Framework (2018)
National Planning Practice Guidance

4.0 RELEVANT PLANNING HISTORY:

16/00436/OUT Outline application for residential development of up to 47 dwellings with associated access – Granted with conditions and subject to a S106 agreement.

5. CONSULTATION RESPONSES

Parish Council

5.1 No comments received

Environment Agency

5.2 There are no environmental constraints associated with the application site which fall within the remit of the Environment Agency. The LLFA should be consulted on the proposal regarding their requirements for the disposal of surface water arising from the development.

Derbyshire County Council (Highways)

5.3 The Highway Authority raise a number of concerns including the lack of a swept path analysis to demonstrate the manoeuvrability of larger vehicles, the width of carriageways and footways and the position of the visitor parking bays where it is considered that additional parking should be in an area clear of the adoptable street.

Following further discussion revised plans were submitted to the layout to provide 4 parking spaces for visitors within the parking area to the frontage of the site adjacent to the affordable housing units. The Local Highway Authority are satisfied with the revised plan which addressed the concerns raised, and recommend conditions are imposed on any permission.

The Local Highway Authority have also commented on the submitted Travel Plan as follows:

In terms of design considerations the following should be provided:

Secure cycle storage

Infrastructure to enable high speed broadband

Infrastructure to enable electric vehicle charging points

Appropriate pedestrian walkway areas

The duties of the Travel Plan coordinator should include the provision of personalised travel planning for all new households upon occupation.

The Travel Plan document is a working document, the monitoring is ongoing and can be facilitated by Derbyshire County Council.

Derbyshire County Council (Flood team)

5.4 There is no new information regarding surface water management included with the application therefore the LLFA have no additional comments to make other than those made at the outline stage.

Derbyshire Wildlife Trust

5.5 The submitted scheme appears to be in line with that submitted at the outline stage and the landscape proposals are considered ecologically beneficial. The landscaping proposals should be implemented in full. We are happy to consider the discharge of conditions at the appropriate time.

Natural England

5.6 No comments to make

Landscape Design Officer (Derbyshire Dales)

5.7 Existing veteran trees and hedgerows located along the southern and eastern boundaries will be retained. Additional tree and shrub species and varying grassland will be planted. The open green space will serve to provide screening of views into the site and a wildlife corridor whilst also allowing for recreational use for residents.

The tree species selected for planting across the site are appropriate and are in suitable locations. The existing trees on the site have been subject to a survey which indicates the presence of several notable mature veteran oak trees located within the hedgerows forming the southern and eastern boundaries. These include 5 large oak trees classified as having veteran status and are therefore material considerations in the planning process. To date limited details of tree protection measures for the veteran trees and other retained trees on site have been submitted. A detailed Arboricultural Method Statement and a Tree Removals and Retention Plan for pre-commencement approval is required.

The potential footpath link at the south-eastern corner of the site is located within the Root Protection Areas of retained trees and its construction will therefore need to be of a no-dig type. Construction details should be submitted for approval as part of the Arboricultural Method Statement.

Soft landscaping - The replacement hedgerow species composition is appropriate. Several small areas of ornamental shrub planting are provided within the development. The selected species are appropriate and positioned in suitable locations.

Visual Impact - The visual impact of the development on the surrounding countryside will be mitigated through a landscaping strategy proposing to plant trees in a buffer zone forming the northern boundary of the development.

Conclusions - From a landscape perspective the proposed development is generally acceptable. From an arboricultural perspective the applicant should supply for pre-commencement approval further information, including:

- a Tree Retention and Removals Plan, and
- a detailed Arboricultural Method Statement.

Development Control Archaeologist

- 5.8 Refer to the comments made under the outline application, we do not wish to make further comments.

Environmental Health (Derbyshire Dales)

- 5.9 No objections. As the proposed development will be in close proximity to existing residential properties recommend a condition on the construction operating times and a dust management scheme.

Housing Team (Derbyshire Dales)

- 5.10 We require additional information from the developer on the specification of the 4 bungalows and how they meet M4(3) wheelchair users dwellings standard approved document M 'access to and use of buildings' in the 2010 building regulations.

Strategic Planning Policy (Derbyshire County Council)

- 5.11 As there is a S106 agreement in place for school contributions, we have no further comments to make at this time.

6. REPRESENTATIONS RECEIVED

- 6.1 One letter has been received from a neighbouring resident which is summarised as follows: We request that the fence line to the south of the site be extended to the site of the potential footpath link adjacent to our property. Our property will now adjoin public open space which is surely quite a different matter to an open field especially as we will be close to the vehicle turning area at the end of the main estate road. Please impose a condition in this regard.

7. OFFICER APPRAISAL

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

- Principle of Development
- Housing mix
- The reserved matters:
 - Appearance
 - Landscaping
 - Layout
 - Scale
- Highway safety
- Residential amenity
- Drainage

Principle of Development

7.2 The principle of development on this site has been established through the Outline planning permission which set the limits of the development at 47 units. This site is also allocated for development in the Adopted Local Plan under Policy HC2 (h) for 47 units. Whilst the principle is established it is necessary to consider the detail of the proposed development under this reserved matters application and to ensure the proposals meet with the expectations of both the Outline approval and the S106 agreement. In terms of the principle of the development this accords with the requirements of policies S1, S2, S3, S9, HC1 and HC2 of the Adopted Local Plan 2017.

Housing Mix

7.3 The housing mix proposed for the development is not in strictly accordance with the requirements of policy HC11 of the Adopted Local Plan which requires that the overall housing provision follows the mix of 15% 1 bed, 40% 2 bed, 40 % 3 bed, 5% 4+ bed. However, it should be noted that the outline permission which established the principle of the development did not include a condition to restrict the housing mix to that in policy HC11 which was not an adopted planning policy at that time. Therefore as the principle of the development has been established before the adoption of Policy HC11 this reserved matters application cannot now retrospectively seek to impose this policy requirement. However, the housing mix provides detailed affordable housing which meets the requirements set out in the s106 agreement on the outline permission.

7.4 The mix of the overall housing for this development whilst not in accordance with the policy requirements does achieve a high level of 1, 2 and 3 bedroom properties being 70% of the overall mix and results in a form of development on the edge of the settlement which is appropriate. In a context such as this it would not normally be appropriate to secure a high density of development likely to be found in a village centre and a more balanced mix of buildings and planting is considered acceptable. In this respect the housing mix proposed in this case is considered to be acceptable.

7.5 The affordable housing units are considered to be acceptable and whilst the higher requirements of building regulations has been queried by the Council's housing team as to whether this complies with the M4(3) standard verbal confirmation of this has been received from the Derbyshire Building Control Partnership that the development does comply with these requirements.

The Reserved Matters:

7.6 The reserved matters are those relating to the appearance of the development, the landscaping of the site, the layout of the development and the scale of the development.

Appearance

- 7.7 The dwellings proposed are a range of sizes with a terraced row, semi-detached properties and detached properties. Whilst the house types vary across the development there is a general theme to the house types of a relatively traditional appearance. The buildings have an appropriate ratio of windows to walling with simple gables, an appropriate window hierarchy across all house types and simple porch details. It is therefore considered that in this context with a range of housing types in this part of Brailsford, this approach to the design is acceptable and appropriate to this context. The dwellings are intended to be of brick with concrete tiles to the roof, such materials are acceptable in this location. Some of the dwellings proposed will have chimneys attached to the gable end of the units which again is considered appropriate reflecting on the building traditions locally.
- 7.8 It is considered that the appearance of the house types proposed is appropriate in accordance with the requirements of policies S1, S3, S9, PD1 and HC1 of the Adopted Local Plan 2017.

Landscaping

- 7.9 The application includes a detailed scheme of landscaping for the site. The landscaping of the site including boundary treatments, water attenuation area, play equipment and open space is crucial to ensuring a development that assimilates into this edge of settlement location in the long term.
- 7.10 Boundary treatments have been identified in this submission and include: 1.8m high screen wall with timber infill panel, 1.8m high screen fence, 1.2m high estate railing which is primarily to the northern boundary and partly along the site frontage and 0.9m high hedge, again primarily to the northern boundary. Whilst these details have been noted on the layout plan and are generally acceptable, the details of these boundary treatments will need to be agreed via condition.
- 7.11 To the site frontage the hedge would be retained and with planting and private drive beyond this in front of the housing which is set back into the site to retain a more rural/edge of settlement appearance to the frontage. Along the northern boundary of the site a large planted buffer is proposed which widens at the eastern end to incorporate an attenuation pond and wildlife pond. This planted area also includes a trim trail with compacted gravel surface and play equipment which is sporadically dotted along this boundary of the site. The play equipment includes a horizontal ladder, glacier net, rolling log, stretch and step and a pair of balance beams. Whilst this form of play equipment is acceptable details of these will need to be agreed via condition prior to their installation.
- 7.12 To the eastern edge of the site the mature planting is to be retained with supplementary planting of native hedgerow species to increase the margins of the woodland habitat. To the south eastern corner of the site there is an informal link through to the public footpath running along the eastern boundary of the existing housing. It is proposed to install a further compacted gravel path as a potential footpath link, albeit this would not be a formal public right of way.
- 7.13 To the southern site boundary larger trees will be retained and a fence will be installed to give privacy to the proposed plots and the existing residents. A neighbouring resident has raised concern that the fence does not extend to the end of their property. An amended plan has been submitted to demonstrate that the fence boundary will continue to this property accommodating the request of the neighbour.

- 7.14 Whilst the water attenuation feature and associated meadow mixture grass seed is appropriate no details are given of the contours and depth of the attenuation pond, these details can be secured via condition.
- 7.15 It is considered that subject to conditions the landscaping, open space, and play area are appropriate and will ensure the development assimilates appropriately into the edge of settlement location in accordance with policies PD3, PD4, PD5 and PD6 of the Adopted Local Plan 2017.

Layout

- 7.16 The layout of the development is critical to ensuring that the development is an acceptable addition to this edge of settlement location. To the site frontage the development has been set back into the site to ensure that the hedgerow to the frontage is retained to ensure the rural character of the entrance to the village is safeguarded. Parking, a trim trail and private drives then sit behind the hedgerow so that the dwellings are set behind the foremost elevation of the dwellings on The Plain. The long estate street running through the development has been curved to add interest to the street scene and reduce the potential for an overly urban development. The small cul-de-sac areas leading from this appropriately contain the development to the southern end of the field whilst retaining space to the eastern end of the site to ensure the retention of the mature trees. It is considered that the layout of the site is appropriate in this context in accordance with policies S1, S3, S9, PD1 and HC1 of the Adopted Local Plan 2017

Scale

- 7.17 The scale of the proposed dwellings and the development as a whole is considered to be appropriate in this context. The dwellings proposed are no more than 2 storeys in height and the site is relatively level. Therefore the proposed dwellings in terms of their scale are considered to be appropriate when considered against the existing dwellings located to the south of the site. It is considered that the scale of the development is appropriate in accordance with policies S1, S3, S9, PD1 and HC1 of the Adopted Local Plan 2017

Highway safety

- 7.18 Whilst the access to the site was approved in the Outline application this application in considering the layout of the development requires consideration in terms of the safety of the road layout and access to individual properties. Initially the Local Highway Authority raised concern regarding the proposal due to the detail of the visitor parking which was required to compensate for the loss of the lay-by, roads widths and swept path analysis. Following the submission of revised plans demonstrating the visitor parking being located to the site frontage adjacent to the affordable housing the Local Highway Authority have now confirmed their acceptance of the scheme with conditions recommended to be imposed on any permission. The proposal is therefore considered to be acceptable in terms of highway safety in accordance with policies S3, HC19 and HC21 of the Adopted Local Plan 2017.

Residential amenity

- 7.19 Having considered the design, scale and layout of the proposed dwellings it is considered that the development whilst being a significant change to the aspect of the existing dwellings will not result in any adverse amenity impacts that would warrant refusal of planning permission. In respect of amenity impacts the development is considered acceptable in accordance with policy PD1 of the Adopted Local Plan 2017.

Drainage

7.20 The issue of drainage was considered at the outline stage of the application process and a number of conditions were attached to that permission regarding the drainage of the site including detailed design and management and maintenance of surface water drainage, along with details of surface water destination and discharge. The Lead local Flood Authority have raised no further concerns in terms of this detailed application and therefore subject to the conditions already established on the outline permission the application is acceptable in terms of surface water drainage in accordance with policy PD8 of the Adopted Local Plan 2017.

Conclusion

7.21 Following the approval of the outline application and the allocation of the site for 47 dwellings in policy HC2 (h) of the Adopted Local Plan 2017 the principle of the development is established.

7.22 The detail of the proposed development as demonstrated in this application is considered to be acceptable in terms of the appearance of the dwellings, the layout of the development, the landscaping of the proposed site and the scale of the development. There are no issues in terms of residential amenity impacts and highway safety implications which would otherwise lead to the refusal of planning permission. Whilst the housing mix does not strictly accord with the policy requirements of HC11 and therefore is seen as a negative element in the planning balance, nevertheless the mix does achieve a mix of smaller units which in accordance with the layout and design and appearance of the development is considered appropriate to this edge of settlement location. As such the proposal is considered to be acceptable in accordance with the outline permission and generally in accordance with adopted planning policy. Subject to conditions the granting of permission is recommended.

8. RECOMMENDATION

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

1. The development shall be carried out in strict accordance with plans:
S278 access general arrangement details Rev P1 received 04.07.18
Detailed soft landscape proposals sheets 1 and 2 no. P17_3056_200-C and 201- C received 31.08.18
Street Scenes P17_3056_06_Rev D received 30.08.18
Affordable Housing Tenure Plan P17_3056_013_A received 30.08.18
Parking Plan P17_3056_012_C received 30.08.18
Surface Materials Plan P17_3056_011_C received 30.08.18
Facing Materials Plan P17_3056_009_C received 30.08.18
Boundary Treatments Plan P17_3056_010_E received 30.08.18
Boundary Plan P17_3056_016 received 30.08.18
Planning Layout P17_3056_005_F received 30.08.18
Presentation Layout P17_3056_004_E received 30.08.18

House type plans:

- Type 1305 P17_3056_002_9B received 04.07.18
- Type 1167 P17_3056_002_7B received 04.07.18
- Type 910 P17_3056_002_15B received 04.07.18
- Type 790 Variant 2 P17_3056_002_17B received 04.07.18
- Type 950 P17_3056_002_3B received 04.07.18
- Type 868 P17_3056_002_2B received 04.07.18
- Type 725 P17_3056_002_1B received 04.07.18
- Type 1438 P17_3056_002_23A received 04.07.18

Type 532 P17_3056_002_13B received 04.07.18
Type 1004 P17_3056_002_5B received 04.07.18
Type 1238 P17_3056_002_8B received 04.07.18
Type 790 Variant 1 P17_3056_002_16A received 04.07.18
Type 791 P17_3056_002_14B received 04.07.18
Type 1514 P17_3056_002_10B received 29.08.18
Type 1622 Variant 2 P17_3056_002_22B received 29.08.18
Garage Type DG01 P17_3056_002_20 received 04.07.18
Garage Type TG01 P17_3056_002_19A received 04.07.18
Garage Type SG01 P17_3056_002_18A received 04.07.18

Unless in accordance with the details agreed via condition and all unless otherwise agreed in writing by the Local Planning Authority.

Reason:

For clarification and to ensure the development is completed in accordance with the approved details.

2. Prior to the any works commencing on the elevations of the dwellings hereby approved, and notwithstanding the submitted details, the following details, and samples where necessary, shall be submitted to and agreed in writing by the Local Planning Authority:

External facing bricks including any dental coursing and head / cill details.

External roofing materials including ridge tiles.

External surfacing materials and where they are to be laid.

1:20 plan or similar details of the eaves including the finished colour of any soffit or fascia detail.

Notwithstanding the submitted details a 1:20 plan or similar details of all chimneys stacks and pots and how they are positioned the gable end of the dwelling, including a layout plan demonstrating which properties are to have chimneys.

Details of the siting, appearance and finished colour of any meter boxes, alarm boxes or external pipes.

Details of all external lighting including that to the houses and the public areas of the site.

Details, including the pattern, recess, type, finish and colour of all windows and doors to the dwellings, without external trickle vents.

Details of the verges which shall be given a plain mortared finish without the use of bargeboards.

Details of all rainwater goods shall be of a black finish.

All agreed details shall be completed on site prior to the occupation of each dwelling and prior to the transfer of any of the affordable housing.

1:20 plan or similar of all porch details including the materials and finishes.

Reason:

To ensure an appropriate finished form of development in accordance with policies S1, S3, S9, PD1 and HC1 of the Adopted Local Plan 2017.

3. The planting of the soft landscaping of the site, setting out of the wildlife pond, creation of play areas and open space and installation of hard surfacing shall be completed on site in strict accordance with the details shown on plans soft landscape proposals sheets 1 and 2 no. P17_3056_200-C and 201- C received 31.08.18 and surface materials plan P17_3056_011 C received 30.08.18 prior to the occupation of the last 10 dwellings on the site, unless otherwise agreed in writing by the Local Planning Authority.

Reason:

To ensure a satisfactory standard of landscaping in the interests of visual amenity in accordance with policies PD1 and PD5 of the Adopted Local Plan 2017.

4. Prior to the occupation of the first dwelling details of the long term management and maintenance of the landscaped and play areas as shown on plans soft landscape proposals sheets 1 and 2 no. P17_3056_200-C and 201- C received 31.08.18 shall be submitted to and agreed in writing by the Local Planning Authority. The operation and long term management and maintenance of the site shall be in strict accordance with the agreed details.

Reason:

To ensure a satisfactory standard of landscaping and play provision in the long term in the interests of visual amenity in accordance with policies PD1 and PD5 of the Adopted Local Plan 2017.

5. Prior to the commencement of development a detailed Arboricultural Method Statement and Tree Removals and Retention Plan shall be submitted to and agreed in writing by the Local Planning Authority. Works shall be carried out in strict accordance with the agreed details.

Reason:

To enable assessment of quantitative and qualitative tree losses from the site and its boundaries as a result of the development in accordance with policy PD6 of the Adopted Local Plan 2017.

6. In accordance with condition 4 above and prior to any works commencing to the potential footpath link to the east of plot 28, details of a no-dig type construction of the surface of the path including details demonstrating no soil compaction and using load spreading, gas and water permeable materials shall be submitted to and approved in writing by the Local Planning Authority as part of the Arboricultural Method Statement. Works shall be completed in accordance with the agreed details.

Reason:

To ensure appropriate protection of the roots of the nearby trees in in accordance with policy PD6 of the Adopted Local Plan 2017.

7. Construction work, deliveries and other activities on or to the site shall only be carried out between the hours of 0800 and 1800 on Mondays to Fridays; 0900 to 1300 on Saturdays and no working on Sundays and Bank Holidays unless specifically agreed in writing by the Local Planning Authority beforehand.

Reason:

To protect the amenity of the occupants of nearby dwellings in accordance with Policy PD1 of the Adopted Local Plan 2017.

8. No development shall commence until a programme of measures to minimise the spread of airborne dust from the site during the construction period has been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved scheme.

Reason:

In the interests of residential amenity in accordance with Policy PD1 of the Adopted Local Plan 2017.

9. Prior to the commencement of development details of all finished levels and contours of the site shall be submitted to and agreed in writing by the Local Planning Authority. Works shall be completed in accordance with the agreed details.

Reason:

To ensure an appropriate finished form of development in terms of landscape setting and residential amenity in accordance with policies PD1 and PD5 of the Adopted Local Plan 2017.

10. Prior to the commencement of any works to the water attenuation basin, details and sections of the contours of the basin shall be submitted to and agreed in writing by the Local Planning Authority. Works shall be completed in accordance with the agreed details.

Reason:

11. Prior to their installation 1:50 or similar plan details of the play equipment shown on plans soft landscape proposals sheets 1 and 2 no. P17_3056_200-C and 201- C received 31.08.18 shall be submitted to and agreed in writing by the Local Planning Authority. The play equipment shall be installed in accordance with these agreed details.

Reason:

To ensure appropriate play provision in accordance with policy PD4 of the Adopted Local Plan 2017.

12. Prior to their installation on site details of all boundary treatments in accordance with plan P17_3056_010-E received 30.08.18 shall be submitted to and agreed in writing by the Local Planning Authority. The agreed boundary treatments shall be installed prior to the occupation of the last 10 dwellings.

Reason:

To ensure an appropriate finished form of development in terms of visual amenity and residential amenity in accordance with policies S1, S3, S9, PD1 and HC1 of the Adopted Local Plan 2017.

13. Prior to the commencement of any works a statement of compliance with building regulations M4(3) in respect of units 37, 38, 39 and 40 shall be submitted to and agreed in writing by the Local Planning Authority. Works shall be completed in accordance with the agreed details.

Reason:

To ensure these affordable units are fully accessible to wheel chair users and ensure compliance with the details of the S106 agreement dated 17th August 2017.

14. No development shall be commenced until a temporary access for construction purposes has been provided in accordance with a detailed design first submitted to and approved in writing by the Local Planning Authority. The access shall be retained in accordance with the approved scheme throughout the construction period, or such other period of time as may

be agreed in writing by the Local Planning Authority, free from any impediment to its designated use.

Reason:

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

15. Before any other operations are commenced, excluding construction of the temporary access referred to in Condition 14 above, space shall be provided within the site for storage of plant and materials, site accommodation, loading, unloading and manoeuvring of goods vehicles, parking and manoeuvring of employees and visitors vehicles, laid out and constructed in accordance with detailed designs first submitted to and approved in writing by the Local Planning Authority. Once implemented the facilities shall be retained free from any impediment to their designated use throughout the construction period.

Reason:

In the interests of highway safety in accordance with policies S3, HC19 and HC21 of the Adopted Local Plan 2017.

16. 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.

Reason:

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

17. No development shall take place until a swept path analysis has been carried out for the proposed estate streets, based on a large (11.6m long) refuse vehicle, submitted to the Local Planning Authority for approval.

Reason:

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

18. No development shall take place including any works of demolition until a construction management plan or construction method statement has been submitted to and been approved in writing by the Local Planning Authority. The approved plan/statement shall be adhered to throughout the construction period. The statement shall provide for:

Parking of vehicles of site operatives and visitors

Routes for construction traffic, including abnormal loads/cranes etc.

Hours of operation

Method of prevention of debris being carried onto highway

Pedestrian and cyclist protection

Proposed temporary traffic restrictions

Arrangements for turning vehicles

Reason:

In the interests of highway safety in accordance with policies S3, HC19 and HC21 of the Adopted Local Plan 2017.

19. 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.

Reason:

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

20. The carriageways of the proposed estate roads shall be constructed in accordance with Condition 19 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. 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.

Reason:

In the interests of highway safety in accordance with policies S3, HC19 and HC21 of the Adopted Local Plan 2017.

21. No dwelling shall be occupied until private accesses have been provided with visibility sightlines extending from a point 2.4m metres from the carriageway edge, measured along the centreline of the access, for a distance of 25m in each direction measured along the nearside carriageway edge 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 above ground level relative to adjoining nearside carriageway channel level.

Reason:

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

22. Private accesses shall not be taken into use until 2m x 2m x 45° pedestrian intervisibility splays have been provided on either side of the accesses at the back of the footway, the splay area being maintained throughout the life of the development clear of any object greater than 0.6m in height relative to footway level.

Reason:

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

23. No dwelling shall be occupied until car parking facilities for residents and visitors have been provided in accordance with the approved layout drawing.

Reason:

In the interests of highway safety in accordance with policies S3, HC19 and HC21 of the Adopted Local Plan 2017.

24. The garages / car parking 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 2015 (or any Order revoking and/or re-enacting that Order) the garages / car parking spaces hereby permitted shall be retained as such and shall not be used for any purpose other than the garaging 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.

Reason:

In the interests of highway safety in accordance with policies S3, HC19 and HC21 of the Adopted Local Plan 2017.

26. The development hereby permitted shall not be commenced until details of secure cycle parking facilities for the occupants of, and visitors to, the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be fully implemented and made available for use prior to the occupation of the development hereby permitted and shall thereafter be retained for use at all times.

Reason:

In the interests of highway safety in accordance with policies S3, HC19 and HC21 of the Adopted Local Plan 2017.

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

Reason:

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

28. No building hereby permitted shall be occupied until surface water drainage works have been implemented in accordance with details that have been submitted to and approved in writing by the Local Planning Authority. Before these details are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles set out in Annex F of PPS25 (or any subsequent version), and the results of the assessment provided to the Local Planning Authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:

- i. provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
- ii. include a timetable for its implementation; and
- iii. provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory

undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

Reason:

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

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 buildings, structures, extensions shall be erected within the curtilages and no windows or other openings installed to the side or rear elevations of plots 3, 14 and 36 without the prior written approval of the Local Planning Authority upon an application submitted to it.

Reason:

To safeguard the visual amenities of the development and protect residential amenities in accordance with policies S1, S3 and PD1 of the Adopted Local Plan 2017.

30. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or in any Statutory Instrument revoking or re-enacting that Order with or without modification) no buildings, structures or extensions shall be erected within the rear gardens or to the rear elevations of plots 28, 29 and 30 without the prior written approval of the Local Planning Authority upon an application submitted to it.

Reason:

To safeguard the veteran trees to the southern boundary of the site in accordance with policy PD6 of the Adopted Local Plan 2017.

9. NOTES TO APPLICANT:

- 9.1 The Local Planning Authority have prior to submission 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 highway matters, boundary treatments and chimney details.
- 9.2. The Town and Country Planning (Fees for Applications, Deemed Applications and Site Visits) (England) Regulations 2012 as amended stipulate that a fee will henceforth be payable where a written request is received in accordance with Article 27 of the Development Management Procedure Order 2015 for the discharge of conditions attached to any planning permission. Where written confirmation is required that one or more conditions imposed on the same permission have been complied with, the fee chargeable by the Authority is £34 per householder request and £116 per request in any other case. The fee must be paid when the request is made and cannot be required retrospectively.
- 9.3 Highway Footnotes:

In addition to the above conditions, the following notes should be appended to any consent for the applicant's information: -

- a Pursuant to Section 38 and the Advance Payments Code of the Highways Act 1980, the proposed new estate roads 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 Economy, Transport and Communities at

County Hall, Matlock (tel: 01629 580000 and ask for the Development Control Implementation Officer Mr Ian Turkington extension number 38578).

- b 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 from Mr K Barton in Development Control at County Hall, Matlock (tel: 01629 538658). The applicant is advised to allow approximately 12 weeks in any programme of works to obtain a Section 278 Agreement.

- c Pursuant to Sections 219/220 of the Highways Act 1980, relating to the Advance Payments Code, where development takes place fronting new estate streets the Highway Authority is obliged to serve notice on the developer, under the provisions of the Act, to financially secure the cost of bringing up the estate streets up to adoptable standards at some future date. This takes the form of a cash deposit equal to the calculated construction costs and may be held indefinitely. The developer normally discharges his obligations under this Act by producing a layout suitable for adoption and entering into an Agreement under Section 38 of the Highways Act 1980.
- d Pursuant to Section 163 of the Highways Act 1980, where site curtilages slopes down towards the 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 gully laid across the access immediately behind the back edge of the highway, discharging to a drain or soakaway within the site.
- e Pursuant to Sections 149 and 151 of the Highways Act 1980, steps shall be taken 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.
- f Highway surface water shall be disposed of via a positive, gravity fed system (i.e. not pumped) discharging to an approved point of outfall (e.g. existing public sewer, highway drain or watercourse) to be sanctioned by the Water Authority (or their agent), Highway Authority or Environment Agency respectively. The use of soakaways for highway purposes is generally not sanctioned.
- g Where development has been approved subject to the preparation and implementation of a Travel Plan, the applicant is obliged to submit the appropriate documentation to the Local Planning Authority well in advance of the development being taken into use. Advice regarding the content of Travel Plans may be obtained from the Strategic Director Economy, Transport and Communities at County Hall, Matlock (tel: 01629 580000 and ask for the Transportation Section).

9.4 This decision notice relates to the following documents:

Location plan P17_3056_007_1 received 04.07.18

Planning Statement received 04.07.18

S278 access general arrangement details Rev P1 received 04.07.18

Residential Travel Plan received 04.07.18

Landscape management Plan received 04.07.18

Detailed soft landscape proposals sheets 1 and 2 no. P17_3056_200-C and 201- C received 31.08.18

Existing site layout P17_3056_008_1 received 04.07.18

Tree Survey and Arboricultural Impact and plan no. sheets 1 and 2 dated 15.02.18 received 19.07.18

Street Scenes P17_3056_06_Rev D received 30.08.18

Affordable Housing Tenure Plan P17_3056_013_A received 30.08.18

Parking Plan P17_3056_012_C received 30.08.18

Surface Materials Plan P17_3056_011_C received 30.08.18

Facing Materials Plan P17_3056_009_C received 30.08.18

Boundary Treatments Plan P17_3056_010_E received 30.08.18

Boundary Plan P17_3056_016 received 30.08.18

Planning Layout P17_3056_005_F received 30.08.18

Presentation Layout P17_3056_004_E received 30.08.18

House type plans:

Type 1305 P17_3056_002_9B received 04.07.18

Type 1167 P17_3056_002_7B received 04.07.18

Type 910 P17_3056_002_15B received 04.07.18

Type 790 Variant 2 P17_3056_002_17B received 04.07.18

Type 950 P17_3056_002_3B received 04.07.18

Type 868 P17_3056_002_2B received 04.07.18

Type 725 P17_3056_002_1B received 04.07.18

Type 1438 P17_3056_002_23A received 04.07.18

Type 532 P17_3056_002_13B received 04.07.18

Type 1004 P17_3056_002_5B received 04.07.18

Type 1238 P17_3056_002_8B received 04.07.18

Type 790 Variant 1 P17_3056_002_16A received 04.07.18

Type 791 P17_3056_002_14B received 04.07.18

Type 1514 P17_3056_002_10B received 29.08.18

Type 1622 Variant 2 P17_3056_002_22B received 29.08.18

Garage Type DG01 P17_3056_002_20 received 04.07.18

Garage Type TG01 P17_3056_002_19A received 04.07.18

Garage Type SG01 P17_3056_002_18A received 04.07.18

Ashbourne North

ENF/14/00071	Unauthorised building works to facilitate a Biomass Boiler and affecting the setting of a listed building.	Sturston Hall Farm Mill Lane Sturston Derbyshire DE6 1LN	Notice Issued
ENF/15/00014	Unauthorised alterations to listed building. Installation of photo voltaic panels on roof slope - Sturston Hall Farm, Ashbourne, DE6 1LN		Notice Issued
ENF/17/00046	Unauthorised engineering comprising of excavations and leveling of land to the rear of 71 Park Avenue.	71 Park Avenue Ashbourne Derbyshire DE6 1GB	Pending Consideration
ENF/17/00094	Unauthorised fascia signs at 1 Shawcroft Centre, Dig Street, Ashbourne, DE6 1GF	1 Shawcroft Centre Dig Street Ashbourne Derbyshire DE6 1GD	Pending Consideration
ENF/18/00011	Works to roof not done in accordance with approved plans (Planning permission reference number. 17/00045/FUL)	Blacks Cottage Coopers Close Ashbourne Derbyshire DE6 1EQ	Pending Consideration
ENF/18/00020	Change of use to hot food takeaway (A5) and works to a listed building (Grade II) - Shopfront changes, additional side entry and removal of bricks	3 Church Street Ashbourne Derbyshire DE6 1AE	Pending Consideration
ENF/18/00038	Breach of Conditions 6, 16, 17, 18, 21 and 22 of Planning Permission 09/00496/FUL (Allowed on appeal)	The Mount 4 North Avenue Ashbourne Derbyshire DE6 1EZ	Pending Consideration
ENF/18/00066	Erection of gazebo style structure being used as a garage	52 St Oswald Crescent Ashbourne Derbyshire DE6 1FS	Pending Consideration
ENF/18/00101	Formation of vehicular access onto a classified road	Parkfield Stable Parkfield House Farm Kniveton Lane Offcote Derbyshire DE6 1JQ	Pending Consideration
ENF/18/00130	Unauthorised erection of fence in excess of 1m in height adjacent to vehicular highway and unauthorised erection of timber structure within 2m of boundary, exceeding 2.5m in height.	16 Beresford Avenue Ashbourne Derbyshire DE6 1FW	Pending Consideration
ENF/18/00137	Erection of salon building in rear garden	91 Park Avenue Ashbourne Derbyshire DE6 1GB	Pending Consideration
ENF/18/00143	Erection of Flag Pole	Beechcroft 6A North Avenue Ashbourne Derbyshire DE6 1EZ	Pending Consideration

ENF/18/00144	Breach of pre-commencement conditions relating to planning permission 15/00425/FUL - conditions 4 and 6, and listed building consent 15/00426/LBALT - conditions 6, 7, 8, 13, 14 and 15.	Grey House 61 Church Street Ashbourne Derbyshire DE6 1AJ	Pending Consideration
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Ashbourne South

ENF/14/00070	Unauthorised internally illuminated signage above front of restaurant - 25 Dig Street, Ashbourne, DE6 1GF	25 Dig Street Ashbourne Derbyshire DE6 1GF	Pending Consideration
ENF/17/00038	Unauthorised works to listed building	Avanti Jewellers 2 - 4 Church Street Ashbourne Derbyshire DE6 1AE	Pending Consideration
ENF/17/00067	Unauthorised erection of two buildings to the rear of factory and north side of Derby Road, Ashbourne.	Homelux Nenplas Limited Blenheim Road Airfield Industrial Estate Ashbourne Derbyshire DE6 1HA	Pending Consideration
ENF/18/00018	Breach of Condition 1 of Planning Application Reference No. 17/00828/FUL	47 South Street Ashbourne Derbyshire DE6 1DP	Pending Consideration
ENF/18/00059	Alleged unauthorised timber building adjacent to 6 Weaver Close, Ashbourne	7 Weaver Close Ashbourne Derbyshire DE6 1BS	Pending Consideration
ENF/18/00092	Holiday homes being used as permanent residences	Peak Gateway Leisure Club Osmaston Derbyshire DE6 1NA	Pending Consideration
ENF/18/00115	Breach of Condition 4 (Working Hours) of Planning Application No. 17/00250/REM	Land South Of Leys Farm Wyaston Road Ashbourne Derbyshire	Pending Consideration
ENF/18/00120	Soil Dust from Development site - Breach of Condition 3 of 15/00319/OUT and Condition 7 of 17/00250/REM		Pending Consideration
ENF/18/00123	Signage advertising new development at Leys Farm development. One sign on Corner of Lower Pingle Road and one sign near the entrance to Ashbourne Golf Club		Pending Consideration
ENF/18/00125	Breach of Conditions 6 (Soft Landscaping), 7(Landscape Management Plan), 8 (Amenity and Play Areas laid out before first occupation) and 27 (Landscape and Ecological Management Plan) of 14/00722/FUL	Land Formerly Hillside Farm Wyaston Road Ashbourne Derbyshire DE6 1NB	Pending Consideration
ENF/18/00145	Incorrect hanging tile to the roof - Breach of condition 1 of approval of reserved matters application 17/00250/REM	Plot 6 Land South Of Leys Farm Wyaston Road Ashbourne Derbyshire	Pending Consideration
ENF/18/00150	Vibration caused by construction of development 17/00250/REM	Land South Of Leys Farm Wyaston Road Ashbourne Derbyshire	Pending Consideration

Brailsford

ENF/17/00058	Unauthorised erection of replacement fencing around boundary of South Lodge, Long Lane, Longford, Derbyshire	South Lodge Long Lane Longford Derbyshire DE6 3DS	Pending Consideration
ENF/18/00009	Unauthorised building works to barn at West Mammerton Farm, Sutton Lane, Longford	Buildings At West Mammerton Farm Sutton Lane Longford Derbyshire	Pending Consideration
ENF/18/00114	Breach of Condition 1 of 14/00031/TEMP - Mobile home should have been removed from site by the 19th August 2017 and the land reinstated	Round Oak Farm Slade Lane Mercaston Derbyshire DE6 3DZ	Pending Consideration
ENF/18/00129	Breach of conditions 2 (opening times) and 3 (number of customers) of planning permission 17/00540/FUL	The Spruces Main Road Brailsford Derbyshire DE6 3DA	Pending Consideration
ENF/18/00138	Unauthorised change of use of Agricultural land and the erection of a timber built cabin.	Land North East Of Willow Croft New Road Mercaston Derbyshire	Notice Issued

Carsington Water

ENF/16/00034	Unauthorised erection of Dog kennels	Four Lane Ends Farm Gibfield Lane Hulland Ward Derbyshire DE6 3EJ	Pending Consideration
ENF/17/00041	Unauthorised change of use of land for the stationing of a static caravan for the purpose of human habitation	Barn At Arm Lees Farm Ryder Point Road Wirksworth Derbyshire	Notice Issued
ENF/17/00082	Unauthorised erection of raised platform on land within the conservation area and to the rear of Barnwood, Hopton, Wirksworth, Matlock, Derbyshire DE4 4DF	Barnwood Main Street Hopton Derbyshire DE4 4DF	Pending Consideration
ENF/17/00095	Unauthorised building works to create a roof over an existing muck store and unauthorised minor enlargement of approved building, 15/00493/FUL.	Turlow Fields Farm Turlowfields Lane Hognaston Derbyshire DE6 1PW	Pending Consideration
ENF/18/00013	Building not built in accordance with approved plans	Mulino Lodge Agnes Meadow Lane Kniveton Derbyshire DE6 1JR	Pending Consideration
ENF/18/00016	Unauthorised demolition/conversion of barn.	Barn At Arm Lees Farm Ryder Point Road Wirksworth Derbyshire	Pending Consideration
ENF/18/00057	Erection of fence to front of property in excess of 2 metres in height	Barney's Cottage Main Street Hognaston Derbyshire DE6 1PR	Pending Consideration
ENF/18/00105	Alterations not done in accordance with approved planning application 16/00912/LBALT	Brook Cottage Pethills Lane Kniveton Derbyshire DE6 1JN	Pending Consideration

Clifton And Bradley

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

Darley Dale

ENF/12/00034	Unauthorised demolition of a Listed wall and unauthorised access off the A6 at Dale Road North Darley Dale.	Stancliffe Quarry, Darley Dale, Matlock.	Notice Issued
ENF/17/00016	Breach of pre commencement conditions on planning permission 15/00718/FUL Demolition of existing dwelling and barn and erection of replacement dwelling and swimming pool building.	Former Bent Farm Farley Hill Matlock Derbyshire DE4 5LT	Pending Consideration
ENF/17/00100	Alleged - Unauthorised Use of Site and Building for the Holding of Weddings	Peak Village Ltd Darwin Lake Holiday Village Jagers Lane Darley Moor Matlock Derbyshire DE4 5LJ	Pending Consideration
ENF/17/00139	Unauthorised erection of a steel framed building, erection of a concrete retaining wall and unauthorised office building	Bent Farm / Ameycroft Farm Farley Hill Matlock Derbyshire DE4 5LR	Pending Consideration
ENF/17/00142	The unauthorised erection of an agricultural building contrary to planning permission 13/00378/FUL - Erection of agricultural/fodder and equipment building	St Elphins Cottage Blind Lane Hackney Derbyshire DE4 2QE	Pending Consideration
ENF/17/00158	The unauthorised change of use of land for the storage of domestic and commercial vehicles, building materials and heras fencing		Pending Consideration
ENF/17/00159	Partial change of use of agricultural building for ancillary domestic purposes, on land at St Elphins Cottage, Hackney		Pending Consideration

ENF/18/00035	Erection of Double Garage and engineering works in association with Landscaping to front of property.	Lilac Cottage Holt Road Hackney Derbyshire DE4 2QD	Pending Consideration
ENF/18/00067	Works comprising the formation of a widened access and works to provide water supply and electricity hook-ups points.	Former Bent Farm Farley Hill Farley Derbyshire DE4 5LT	Notice Issued
ENF/18/00070	Breach of condition 14 (hard and soft landscaping) of planning permission 10/00069/FUL - Failure of new trees	Land Off Morledge Bakewell Road Matlock Derbyshire	Pending Consideration
ENF/18/00085	Unauthorised building works to create a cattle isolation unit on land at St Elphins Cottage, Blind Lane, Hackney	St Elphins Cottage Blind Lane Hackney Derbyshire DE4 2QE	Notice Issued
ENF/18/00086	Extension to agricultural building		Pending Consideration
ENF/18/00103	Erection of fence over 1m in height adjacent to the highway	No. 16 And Riversdale Darley Avenue Darley Dale Derbyshire DE4 2GB	Pending Consideration
ENF/18/00121	Unlawful Externally illuminated advertisements on land adjacent to Molyneux Business Park and A6 for Creating Spaces Ltd.	Creating Spaces (Derbyshire) Ltd Unit 20A Molyneux Business Park Whitworth Road Darley Dale Derbyshire DE4 2HJ	Pending Consideration
ENF/18/00135	Garage not being built in accordance with 18/00457/CLPUD	St Elphins Cottage Blind Lane Hackney Derbyshire DE4 2QE	Pending Consideration

Dovedale And Parwich

ENF/18/00090	Extension and raising of ridge height of existing outbuilding to 2.7m	Bank House Mapleton Road Mapleton Derbyshire DE6 2AB	Pending Consideration
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Doveridge And Sudbury

ENF/18/00029	Erection of Porches	17 West Drive Doveridge Derbyshire DE6 5NG	Pending Consideration
ENF/18/00037	Change of Use of shop / dwelling to Nursery (Use Class D1)	31A High Street Doveridge Derbyshire DE6 5NA	Pending Consideration

Hulland

ENF/14/00041	Breach of condition 2 relating to planning permission 10/00812/TEMP - Provision of temporary access for a period of 2 years - Redmire Gap, Intakes Lane, Turnditch, Derbyshire DE56 2LU	Redmire Gap Intakes Lane Turnditch Derbyshire DE56 2LU	Pending Consideration
ENF/15/00004	Unauthorised engineering works including substantive excavation on land at Common Farm.	Common Farm Mugginton Lane End Weston Underwood Ashbourne Derbyshire DE6 4PP	Pending Consideration

ENF/15/00024	The unlawful use of the buildings, shown in green on the attached plan, as a dwellinghouse (Use Class C3).	Blackbrook Lodge Farm Intakes Lane Turnditch Derbyshire DE56 2LU	Notice Issued
ENF/17/00064	Unauthorised change of use of land to create a horse riding Manege' on land West side of Broadway, Kirk Ireton	Caravan At Valley View Broad Way Kirk Ireton Derbyshire	Pending Consideration
ENF/17/00109	Use as a collection point for County Council vehicles	Wheel Plant Ltd Winney Hill Farm Hob Lane Kirk Ireton Derbyshire DE6 3LG	Pending Consideration
ENF/18/00087	Unauthorised building works. Buildings not in accordance with approved plans - 17/00309/FUL - Erection of 2 no. dwellings	The Smithy Main Road Hulland Ward Derbyshire DE6 3EF	Pending Consideration
ENF/18/00110	Breach of Condition 3 (Lighting Details) and Condition 5 (Restricted Use) of 17/00159/FUL	Common End Farm Bradley Derbyshire DE6 1PL	Pending Consideration
ENF/18/00111	Breach of Condition 9 (Events Management) of 12/00581/FUL	Land Off A517 North Of Hough Park Farm Brunwood Lane Hulland Ward Derbyshire DE6 3EN	Pending Consideration
ENF/18/00112	Unauthorised use of buildings for storage of mowers in connection to an off site business	Hough Park Farm Brunwood Lane Hulland Ward Derbyshire DE6 3EN	Pending Consideration
ENF/18/00151	Non compliance with condition 3 of planning permission 06/00204/VCOND - Affordable housing to be provided onsite in perpetuity	High Meadow Hulland Ward Derbyshire DE6 3EE	Pending Consideration

Masson

ENF/13/00108	Unauthorised works to Grade II Listed Building	Corn Mill Cottage Water Lane Cromford Derbyshire DE4 3QH	Notice Issued
ENF/15/00054	Unauthorised alterations to a Grade II Listed Building.	Rita's Fish Bar 182 South Parade Matlock Bath Derbyshire DE4 3NR	Pending Consideration
ENF/15/00104	Unauthorised internal works and demolition of external boundary wall.	Mill Managers House Cromford Mill Mill Road Cromford Derbyshire DE4 3RQ	Notice Issued
ENF/16/00041	Unauthorised instalation of plastic windows and door.	2,4,6 North Parade Matlock Bath Derbyshire DE4 3NS	Notice Issued
ENF/16/00097	Unauthorised engineering operations and the creation of concrete retaining wall.	UK Slipform Ltd Dunsley Mill Via Gellia Road Bonsall Derbyshire DE4 2AJ	Pending Consideration
ENF/17/00022	Erection of two wooden sheds.	The Cottage Puddle Hill Bonsall Derbyshire DE4 2BA	Notice Issued

ENF/17/00061	Unauthorised works to a Listed Building	RIVA Rose Cottage 124 - 126 North Parade Matlock Bath Derbyshire DE4 3NS	Pending Consideration
ENF/17/00147	Breach of Conditions of Planning Permission Reference 11/00504/FUL	Cromford Hill Hand Car Wash 161 The Hill Cromford Derbyshire DE4 3QU	Pending Consideration
ENF/17/00150	Breach of condition 2 relating to planning permission 17/00104/FUL - Single storey extension, 1 Water Lane, Cromford, Derbyshire, DE4 3QH.	1 Water Lane Cromford Derbyshire DE4 3QH	Pending Consideration
ENF/18/00003	Untidy site - Land at Gullivers Kingdom, Adjacent to the upper car park, Matlock Bath, Derbyshire	Gullivers Kingdom Temple Road Matlock Bath Derbyshire DE4 3PG	Pending Consideration
ENF/18/00017	Unauthorised works to a listed building - Insertion of 3no. UPVC window frames	98 North Parade Matlock Bath Derbyshire DE4 3NS	Pending Consideration
ENF/18/00032	External alterations - Doorway replaced with a window and window covered up	County And Station Hotel 258 Dale Road Matlock Bath Derbyshire DE4 3NT	Notice Issued
ENF/18/00039	Unauthorised Internal and External Alterations to a Listed Building	21 The Hill Cromford Derbyshire DE4 3RF	Pending Consideration
ENF/18/00069	Unauthorised engineering works including excavation of stone to land at the rear of the Mill Managers House in Cromford.	Mill Managers House Cromford Mill Mill Road Cromford Derbyshire DE4 3RQ	Notice Issued
ENF/18/00071	Unauthorised works to provide walls and doors to atrium	Cromford Court Derby Road Matlock Bath Derbyshire DE4 3PY	Pending Consideration
ENF/18/00077	Unauthorised change of use of buildings from fully self contained holiday cottage.	The Carriage House Building 24 Cromford Mill Mill Road Cromford Derbyshire DE4 3RQ	Pending Consideration
ENF/18/00078	Unauthorised painting of shop front.	196-198 South Parade Matlock Bath Derbyshire DE4 3NR	Pending Consideration
ENF/18/00088	Erection of fence on top of existing wall	18 North Street Cromford Derbyshire DE4 3RG	Pending Consideration
ENF/18/00117	Unauthorised engineering works to facilitate access onto a classified road, (A6) Derby Road, next to filling station west of Cromford. East of Meadow View, Derby Road, Cromford, DE4 3RN	Meadow View Derby Road Cromford Derbyshire DE4 3RN	Pending Consideration
ENF/18/00119	Unauthorised erection of sheds	The Barn Bakers Lane Cromford Derbyshire DE4 3QW	Pending Consideration
ENF/18/00136	Various Fencing erected around listed building	3 North Street Cromford Derbyshire DE4 3RG	Pending Consideration

ENF/18/00139	Breach Of Condition 2 Of Planning Permission 17/00104/FUL	1 Water Lane Cromford Derbyshire DE4 3QH	Pending Consideration
ENF/18/00140	Commencement on site prior to discharging conditions 3, 4 and 7 of planning application 17/01097/FUL	Outbuilding To The Rear Of 14 - 16 Yeoman Street Bonsall Derbyshire DE4 2AA	Pending Consideration
ENF/18/00148	Breach of conditions 6 (equipment) and 7 (securing refurbishment of the site) of planning permission 18/00135/FUL	Tennis Courts Derwent Gardens South Parade Matlock Bath Derbyshire	Pending Consideration

Matlock All Saints

ENF/16/00101	Unauthorised erection of sheds,chicken enclosures and a "shepherds hut".	High Croft Salters Lane Matlock Derbyshire DE4 2PA	Pending Consideration
ENF/17/00043	Engineering operations to create a raised patio area.	161 Smedley Street Matlock Derbyshire DE4 3JG	Pending Consideration
ENF/18/00001	Breach of conditions 2 and 3 of planning permission 17/00660/TEMP. Retain change of use to car park for a further temporary period of 10 years	The Garden House Derwent Avenue Matlock Derbyshire DE4 3LX	Notice Issued
ENF/18/00042	Unauthorised alteration of shop frontage	Turkish Delight 57 Dale Road Matlock Derbyshire DE4 3LT	Notice Issued
ENF/18/00048	Breach of condition of planning permission 16/00776/FUL - Appearance of front boundary wall	Land Adjacent Matlock Golf Club Chesterfield Road Matlock Derbyshire	Pending Consideration
ENF/18/00081	Erection of two entrance signs	Golding Grange 68 Cavendish Road Matlock Derbyshire DE4 3GY	Pending Consideration
ENF/18/00082	Banner signage above main entrance	Harveys Wine Bar And Cafe 119 Dale Road Matlock Derbyshire DE4 3LU	Pending Consideration
ENF/18/00104	Unauthorised extension to dwelling	Formerly 46 Jackson Road Matlock Derbyshire DE4 3JQ	Notice Issued

Matlock St Giles

ENF/13/00084	Unauthorised erection of workshop	Phillips Woodware Smuse Lane Matlock Derbyshire DE4 5EY	Notice Issued
ENF/16/00053	Unauthorised access off Riber Road.	Brookdale Riber Road Lea Derbyshire DE4 5JQ	Notice Issued
ENF/16/00089	Breaches of Planning Control	ALS Scaffolding Services Limited Sunnyside Farm Whitelea Lane Tansley Derbyshire DE4 5FL	Notice Issued

ENF/17/00020	Unauthorised use of land for the storage and stationing of caravans.	Duke William Hotel 91 Church Street Matlock Derbyshire DE4 3BZ	Notice Issued
ENF/17/00117	Unauthorised engineering works and formation of access	Land And Track Opposite Willersley Lane Plantation Matlock Derbyshire DE4 5JE	Notice Issued
ENF/18/00031	Erection of signage and second access	Gate Inn The Knoll Tansley Derbyshire DE4 5FN	Pending Consideration
ENF/18/00044	Breach of condition 7 of planning permission 15/00566/FUL	Hilltops View Garage Courtyard Hazel Grove Matlock Derbyshire	Pending Consideration
ENF/18/00063	Unauthorised banner sign	Matlock Cricket Club Causeway Lane Matlock Derbyshire DE4 3AR	Pending Consideration
ENF/18/00074	Engineering operations to create hardstanding for cars and associated removal and disposal of materials on private land	The Croft Green Lane Tansley Derbyshire DE4 5FJ	Pending Consideration
ENF/18/00080	Alleged unauthorised building works at 44 The Knoll, Tansley	44 The Knoll Tansley Derbyshire DE4 5FN	Pending Consideration
ENF/18/00093	Dwellings not being built in accordance with planning permission 16/00779/FUL - Built higher than approved	Land Adjacent To 9 Oak Tree Gardens Tansley Derbyshire	Pending Consideration
ENF/18/00094	Breach of Condition 5 of planning application 17/00025/REM (Hours of Operation)	Land At Asker Lane Matlock Derbyshire	Pending Consideration
ENF/18/00097	Erection of unauthorised retaining wall	Land East Of Chesterfield Road / South Of Quarry Lane Matlock Derbyshire	Pending Consideration
ENF/18/00099	Piling of soil and materials	Land And Barn At The Corner Of Thatchers Lane And Alders Lane Tansley Derbyshire	Pending Consideration
ENF/18/00107	Operation of residential dwelling as a bed and breakfast facility with 6 letting rooms	The Chalet Bungalow Butts Drive Matlock Derbyshire DE4 3DJ	Pending Consideration
ENF/18/00132	Replacement windows and non compliance with planning permission 13/00762/FUL	27 - 29 Causeway Lane Matlock Derbyshire	Pending Consideration
ENF/18/00146	Unauthorised extensions to Public House	Gate Inn The Knoll Tansley Derbyshire DE4 5FN	Pending Consideration

Norbury

ENF/14/00030	Change of use of land from use for Microlight flying to use for the flying of Biplane aircraft.	Airways Airsports Darley Moor Airfield Darley Moor Ashbourne Derbyshire DE6 2ET	Pending Consideration
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ENF/17/00056	Unauthorised engineering works to facilitate access at Old House Farm, Can Alley, Roston, Derbyshire	Old House Farm Can Alley Roston Derbyshire DE6 2EF	Pending Consideration
ENF/17/00113	Unauthorised engineering works to facilitate what appears to be a hard standing area for the base of a garage.	Old Barn Riggs Lane Marston Montgomery Derbyshire DE6 2FD	Pending Consideration
ENF/17/00137	Change of use of agricultural land for the siting of 2 caravans for human habitation	Shaw Lane Farm Shaw Lane Marston Montgomery Derbyshire DE6 2FJ	Notice Issued
ENF/17/00156	Unauthorised engineering works to create a vehicular access to the holiday lets from the Roston Inn car park	Roston Inn Mill Lane Roston Derbyshire DE6 2EE	Pending Consideration
ENF/18/00089	Siting of a caravan in agricultural field	"Doles" Field Adj. The Elms And Elms Farmhouse Church Lane Cubley Derbyshire	Pending Consideration
ENF/18/00102	Office accommodation being used as a residence, business operating outside of opening hours, non-compliance with agreed parking arrangements and bay structure erected in car park	Woolliscroft (Garage Services) Former Abattoir Green Lane Norbury Derbyshire DE6 2EL	Notice Issued
ENF/18/00141	Breach of condition 6 relating to planning permission 17/01087/FUL - Subdivision of farmhouse to form two dwellings including associated external alterations.	Lower House Farm Can Alley Roston Derbyshire DE6 2EF	Pending Consideration
ENF/18/00142	Siting of shipping container	Land Off Rodsley Lane Yeaveley Derbyshire	Pending Consideration
ENF/18/00147	Siting of a shipping container		Pending Consideration
ENF/18/00149	Alteration to listed building, enlarged window in gable end to west facing elevation.	Listed Barn At Waldley Manor Waldley Lane Waldley Doveridge Derbyshire	Pending Consideration

Stanton

ENF/18/00075	Engineering work construction of retaining wall within the curtilage of Grade II listed building	Midland Cottages 1 - 2 Dale Road North Rowsley Derbyshire DE4 2EL	Pending Consideration
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Winster And South Darley

ENF/18/00122	Unauthorised erection of garage	Stags House 35 Main Road Darley Bridge Derbyshire DE4 2JY	Pending Consideration
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Wirksworth

ENF/16/00079	Erection of timber fence over 1 metre in height adjacent a highway.	20 Willowbath Lane Wirksworth Derbyshire DE4 4AY	Notice Issued
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ENF/17/00002	Unauthorised engineering operations to create a raised area	11 New Road Bolehill Derbyshire DE4 4GL	Pending Consideration
ENF/17/00018	Unauthorised works to remove a fire surround in a Grade II Listed Building.	Red Lion Hotel Market Place Wirksworth Derbyshire DE4 4ET	Pending Consideration
ENF/17/00023	Breach of conditions on planning permission 14/00891/FUL	Mount Cook Adventure Centre Porter Lane Middleton By Wirksworth Derbyshire DE4 4LS	Pending Consideration
ENF/17/00051	Unauthorised change of use of garage/store to beauty studio.	The Mews 3 Wirksworth Hall Farm Wash Green Wirksworth Derbyshire DE4 4FD	Pending Consideration
ENF/17/00104	Non compliance with planting condition	Land Adjacent To 11A Little Bolehill Bolehill Derbyshire DE4 4GR	Pending Consideration
ENF/17/00106	Erection of High Fence Posts	2 New Road Bolehill Derbyshire DE4 4GL	Pending Consideration
ENF/17/00127	Engineering operations	11A Little Bolehill Bolehill Derbyshire DE4 4GR	Pending Consideration
ENF/17/00140	Unauthorised building works to raise the height of building approved under 16/00536/FUL	5 Cromford Road Wirksworth Derbyshire DE4 4FH	Pending Consideration
ENF/17/00153	Unauthorised change of use of agricultural land for the siting of a mobile home and two shipping containers.	Longway Bank Wood Longway Bank Whatstandwell Derbyshire	Pending Consideration
ENF/17/00154	Unauthorised change of use of land and buildings	Sleepy Hollow Farm Hopton Lane Wirksworth Derbyshire DE4 4DF	Pending Consideration
ENF/18/00010	Camping Pods not erected in the approved location	Mount Cook Adventure Centre Porter Lane Middleton By Wirksworth Derbyshire DE4 4LS	Pending Consideration
ENF/18/00014	New Shop Signage	26 - 27 Market Place Wirksworth Derbyshire DE4 4ET	Pending Consideration
ENF/18/00023	Unauthorised erection of fence	Land At Cromford Road Wirksworth Derbyshire	Pending Consideration
ENF/18/00049	Breach of condition of 16/00420/FUL - Colour of fascia boards on dwellings	Land East Of Derby Road Wirksworth Derbyshire	Pending Consideration
ENF/18/00100	Various alterations to property including the installation of white UPVC windows	7 The Dale Wirksworth Derbyshire DE4 4EJ	Pending Consideration
ENF/18/00126	Removal of front wall and erection of ply wood replacement	Kenwood Cottage Wash Green Wirksworth Derbyshire DE4 4FD	Pending Consideration

Total Open Cases

149

Enforcement Investigations Closed

In the 6 Months Prior to 29/08/2018



Ashbourne North

ENF/18/00040	Untidy Site (Former Public Toilets)	1 Union Street Ashbourne Derbyshire DE6 1FG	Complaint Unfounded	23/03/2018
ENF/18/00060	Issues regarding fascia's throughout the exterior of the building	Land Off Horse And Jockey Yard St John Street Ashbourne Derbyshire DE6 1GH	Not in the Public interest to pursue	13/04/2018
ENF/18/00061	Alleged unauthorised creation of raised patio in rear garden of 15 Spire Close	15 Spire Close Ashbourne Derbyshire DE6 1DB	Complaint Unfounded	13/04/2018

Ashbourne South

ENF/18/00051	Breach of condition 18 of planning application 17/00337/FUL - Working outside of permitted hours	Land South Of Old Derby Road Ashbourne Derbyshire	Complied Voluntarily	06/07/2018
ENF/18/00052	Breach of Condition 24 (Tree Protection) of planning application reference no. 17/00250/REM	Land South Of Leys Farm Wyaston Road Ashbourne Derbyshire	Complaint Unfounded	27/07/2018

Brailsford

ENF/17/00125	Installation of Flue to Serve Biomass Generator	Marsh Hollow Farm Shirley Lane Hollington Derbyshire DE6 3GD	Planning Application Received	26/07/2018
ENF/18/00062	Breach of pre - commencement condition 2 of listed building consent 18/00070/LBALT - Prior to commencement of works, details of the glazing and timber frames to the proposed doors shall be submitted to, and approved in writing by, the Local Planning Authority. The window and doors shall then be installed in accordance with the approved details and so retained.	Cornerstone Cottage The Green Brailsford Derbyshire DE6 3BX	Justification from Officer	23/08/2018

Carsington Water

ENF/17/00052	Unauthorised engineering works to install septic tank on land at the Manor House, Church St, Brassington, Derbyshire.	Manor House Church Street Brassington Derbyshire DE4 4HJ	Complied Voluntarily	26/03/2018
ENF/17/00085	Unauthorised building works comprising a change of structure on a building approved under PDA change of use	Former Wallands Farmhouse Ashbourne Road Brassington Derbyshire DE4 4DB	Planning Application Received	04/05/2018

ENF/17/00132	Unauthorised installation of gas cylinder, forward of a principal elevation.	Barnwood Main Street Hopton Derbyshire DE4 4DF	Planning Application Received	16/03/2018
ENF/17/00141	Tipping of Materials on Land	The Ketch Ashbourne Road Kniveton Derbyshire DE6 1JF	Not in the Public interest to pursue	18/06/2018
ENF/18/00050	Trellising in excess of 1m in height, adjacent to a highway used by vehicular traffic	Barney's Cottage Main Street Hognaston Derbyshire DE6 1PR	Complied Voluntarily	16/03/2018
ENF/18/00065	Works started on an extant permission (00/07/0521) granted in September 2000	Foxholes Foxholes Lane Kniveton Derbyshire DE6 1JN	Justification from Officer	05/06/2018
ENF/18/00091	Use of land a camp site, consisting of tents/ motorhomes/ caravans	Land To The East Of New House Farm Longrose Lane Kniveton Derbyshire DE6 1JL	Justification from Officer	29/05/2018

Clifton And Bradley

ENF/17/00155	Unauthorised engineering works to create a new spillway on land near Osmaston Saw Mill	Saw Mill Osmaston Derbyshire	Planning Application Received	19/03/2018
ENF/18/00072	Installation of external lighting	Snelston House Sides Lane Snelston Derbyshire DE6 2EN	Not in the Public interest to pursue	06/08/2018
ENF/18/00133	Breach of condition 3 of planning permission 16/00311/FUL (construction materials to match existing building)	3 The Greenacre Clifton Derbyshire DE6 2DW	Not in the Public interest to pursue	25/07/2018

Darley Dale

ENF/17/00114	Breach of pre-commencement conditions relating to planning permission 15/00629/FUL - two storey extension.	1 Church Road Churchtown Darley Dale Derbyshire DE4 2GG	No Code []	26/03/2018
ENF/18/00043	Breach of conditions 22 and 23 of planning permission 16/00789/FUL	Land South West Of Old Hackney Lane Hackney Derbyshire	Justification from Officer	15/06/2018
ENF/18/00118	Unauthorised Banner Adverts on metal poles	Grounds Of St Elphins Park Darley Dale Derbyshire	Complied Voluntarily	05/07/2018
ENF/18/00127	Parking of various commercial vehicles to the rear of Derwent View. People sleeping in box vans overnight.	14 Derwent View Church Road Churchtown Darley Dale Derbyshire DE4 2LB	Justification from Officer	25/07/2018

Dovedale And Parwich

ENF/15/00065	Alleged change of use of pub car park to use for the stationing of vehicular mobile homes.	Okeover Arms Mapleton Road Mapleton Derbyshire DE6 2AB	Notice complied with	23/07/2018
ENF/18/00076	Unauthorised erection of smoking shelter and adjacent timber fencing	Okeover Arms Mapleton Road Mapleton Derbyshire DE6 2AB	Complied Voluntarily	23/07/2018

Doveridge And Sudbury

ENF/18/00131	Construction Noise and Dust Control in relation to planning permission reference numbers 15/00739/OUT (outline consent) and 17/00092/REM (reserved matters)	Land Off Derby Road Doveridge Derbyshire	Justification from Officer	10/07/2018
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Hulland

ENF/18/00045	Subdivision of property to create an additional dwelling and a holiday let	Addcrofts Farm Hob Lane Kirk Ireton Derbyshire DE6 3LG	Complaint Unfounded	11/05/2018
ENF/18/00109	Installation of external lighting on storage building, storage of unauthorised materials on site and land at corner of Money Hills Lane incorporated into curtilage	Land To The North West Of Smith Hall Farm Smith Hall Lane Hulland Ward Derbyshire	Not in the Public interest to pursue	20/06/2018

Masson

ENF/16/00090	Erection of a shed, decking and fence.	2 Primrose Cottages St Johns Road Matlock Bath Derbyshire DE4 3PQ	Notice complied with	06/07/2018
ENF/17/00102	Erection of Four Sheds	Land Adj. The Allotments Between North Street And Bedehouse Lane Cromford Derbyshire DE4 3QZ	Planning Application Received	12/06/2018
ENF/17/00145	Unauthorised works to ground floor concrete floor slab, contrary to condition 8 of 15/00329/LBALT	1 High Street Bonsall Derbyshire DE4 2AS	Complied Voluntarily	13/06/2018
ENF/18/00028	Alleged change of use of hotel building, Temple Hotel, Matlock Bath.	Temple Hotel Temple Walk Matlock Bath Derbyshire DE4 3PG	Complaint Unfounded	17/05/2018
ENF/18/00033	Alleged works to change use of building	Temple Hotel Temple Walk Matlock Bath Derbyshire DE4 3PG	Complaint Unfounded	13/06/2018
ENF/18/00113	Breach of Conditions 4, 5 and 6 planning application no. 18/00135/FUL and waste collection issues	Tennis Courts Derwent Gardens South Parade Matlock Bath Derbyshire	Not in the Public interest to pursue	05/07/2018
ENF/18/00116	Repainting and removal of signage	Princess Victoria Public House 174 - 176 South Parade Matlock Bath Derbyshire DE4 3NR	Complaint Unfounded	10/08/2018

Matlock All Saints

ENF/17/00110	Development not being built in accordance with approved plans (Doors in Gable End)	The Lawns Cavendish Road Matlock Derbyshire DE4 3GZ	Not in the Public interest to pursue	25/07/2018
ENF/17/00146	Development not being built in accordance with the approved plans (Application Reference 17/00567/FUL)	10 Crook Stile Matlock Derbyshire DE4 3LJ	Justification from Officer	05/03/2018

ENF/18/00034	Replacement Shop Front	Turkish Delight 57 Dale Road Matlock Derbyshire DE4 3LT	No Code []	12/04/2018
ENF/18/00036	Land clearance and potential use of land as an off road motorcycle track	Land At Masson Hill Salters Lane Matlock Bath Derbyshire	Justification from Officer	23/03/2018
ENF/18/00054	Pre-commencement conditions 4, 5 and 6 of planning permission 17/00482/FUL not discharged prior to planned start on site	55A Wellington Street Matlock Derbyshire DE4 3GS	Justification from Officer	10/04/2018
ENF/18/00058	Untidy site and breach of condition 12 of planning permission 13/00908/FUL	Land Off The Close Matlock Derbyshire DE4 3LE	Complied Voluntarily	23/08/2018
ENF/18/00064	Erection of fencing more than 1 metre in height adjacent the highway	29 Wolds Rise Matlock Derbyshire DE4 3HJ	Not in the Public interest to pursue	30/04/2018
ENF/18/00073	Unauthorised signage and alterations to retail premises	Iceland 1 Firs Parade Matlock Derbyshire DE4 3AS	Planning Application Received	11/06/2018
ENF/18/00084	Erection of a new retaining wall more than 8 feet in height	7 Hopewell Road Matlock Derbyshire DE4 3JN	Not in the Public interest to pursue	03/08/2018
ENF/18/00095	Breach of condition of 18/00047/VCOND and 17/00969/FUL - Use of toilets	Rubigo 68 Dale Road Matlock Derbyshire DE4 3LT	Justification from Officer	07/08/2018
ENF/18/00096	Erection of two storage units to rear of building	Rubigo 68 Dale Road Matlock Derbyshire DE4 3LT	Complaint Unfounded	08/08/2018
ENF/18/00098	Importing and spreading of materials onsite	Hall Dale Quarry Snitterton Road Snitterton Matlock Derbyshire	Not in the Public interest to pursue	15/06/2018
ENF/18/00128	Erection of wooden posts and metal fencing on possible highway land	Land North West Of Megdale (Former DDDC Plant Nursery) Matlock Derbyshire DE4 3JZ	Complaint Unfounded	05/07/2018

Matlock St Giles

ENF/16/00056	Change of use of agricultural land to the rear of 70 - 80 Starkholmes Road Matlock, to incorporate within the domestic curtilage of 72 Starkholmes Road, Matlock, DE4 3DD.	72 Starkholmes Road Matlock Derbyshire DE4 3DD	Complaint Unfounded	24/04/2018
ENF/18/00030	Unauthorised tipping of materials	Land Adjacent To 9 Oak Tree Gardens Tansley Derbyshire	Justification from Officer	12/03/2018
ENF/18/00083	Unauthorised signage to a listed building - Banner sign fixed to building and banner signs in grounds	Tavern At Tansley Nottingham Road Tansley Derbyshire DE4 5FR	Justification from Officer	10/08/2018

ENF/18/00106	Occupation of garage as a dwellinghouse	The Chalet Bungalow Butts Drive Matlock Derbyshire DE4 3DJ	Complaint Unfounded	15/06/2018
ENF/18/00134	Erection of a Boundary Fence	14 Lumsdale Crescent Matlock Derbyshire DE4 3EX	Complaint Unfounded	25/07/2018

Norbury

ENF/16/00068	Alleged breach of condition 9 relating to the slurry pit on land at Four Oaks Farm, Shields Lane, Roston.10/00580/FUL - condition 9 "The slurry lagoon hereby approved shall only be used for the storage of slurry arising from the keeping of livestock on the site and livestock kept at Pear Tree Farm, Stubwood. It shall not be used for the storage of slurry or any other waste material imported from elsewhere".2	Land To The South Of West View Shields Lane Roston Derbyshire	Complaint Unfounded	13/06/2018
ENF/18/00007	Breach of Condition 1 of 15/00691/FUL - Removal of Mobile Home from site by 8th September 2017	Honeysuckle Farm Shirley Lane Rodsley Derbyshire DE6 3AL	Justification from Officer	02/07/2018
ENF/18/00046	Breach of condition 6 of planning permission 13/00417/FUL - Hardstanding for parking free from impediment to it's use	Spring Cottage Rodsley Lane Rodsley Derbyshire DE6 3AL	Complaint Unfounded	19/03/2018

Stanton

ENF/18/00027	Occupied flat built inside barn	New Fallinge Farm Chesterfield Road Rowsley Derbyshire DE4 2NN	Complaint Unfounded	05/03/2018
ENF/18/00056	Alleged unlawful erection of a raised signal box	Peak Rail Rowsley South Station Harrison Way Darley Dale Derbyshire DE4 2LF	Complaint Unfounded	06/04/2018

Winster And South Darley

ENF/17/00053	Unauthorised rear extension	72 Eversleigh Rise Darley Bridge Derbyshire DE4 2JW	Planning Application Received	26/07/2018
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Wirksworth

ENF/12/00022	Unauthorised stationing of a wooden chalet building and two steel containers.	The WoodYard. Homesford. Matlock. Derbyshire. DE4 5HL.	Justification from Officer	15/05/2018
ENF/17/00031	Unauthorised installation of a white plastic door and window.	1 Cavendish Cottages Cromford Road Wirksworth Derbyshire DE4 4FP	Complied Voluntarily	02/03/2018
ENF/17/00136	Artist's studio building not built in accordance with approved details	Walkers Cottage 31 - 33 The Dale Wirksworth Derbyshire DE4 4EJ	Complied Voluntarily	29/05/2018

ENF/18/00002	Unauthorised erection of raised platform, above 0.3m from ground level.	14 Main Street Middleton By Wirksworth Derbyshire DE4 4LQ	Planning Application Received	05/07/2018
ENF/18/00006	Breach of Condition 7 of 14/00462/FUL - Tree Planting	Bailey Croft Car Sales Harrison Drive Wirksworth Derbyshire	Planning Application Received	10/04/2018
ENF/18/00019	Erection of building and temporary screen	Lant Close Farm Bolehill Road Bolehill Derbyshire DE4 4GQ	Complaint Unfounded	04/04/2018
ENF/18/00022	Work activities being carried out from the site	Ashleigh House Cromford Road Wirksworth Derbyshire DE4 4FR	Complaint Unfounded	16/04/2018
ENF/18/00079	Installation of a Stair Lift in property	2 Gells Flats Church Walk Wirksworth Derbyshire DE4 4DP	Planning Application Received	16/07/2018
ENF/18/00108	Unauthorised outbuilding	Fountain House 13 Main Street Middleton By Wirksworth Derbyshire DE4 4LQ	Planning Application Received	15/06/2018

Total Closed Cases 66

PLANNING COMMITTEE – 11th September 2018

PLANNING APPEAL – PROGRESS REPORT

REFERENCE	SITE/DESCRIPTION	TYPE	DECISION/COMMENT
Southern			
17/00752/FUL	The Manor House, Church Street, Brassington	WR	Appeal being processed
18/00037/FUL	Ivy Cottage, Twisses Bank, Boylestone	HOUSE	Appeal being processed
18/00354/FUL	Knaveholm, Sides Lane, Snelston	HOUSE	Split Decision
18/00117/PDA	Marsh Meadows Forge, Hollington, Ashbourne	WR	Appeal being processed
17/01130/OUT	Spinfield, Ednaston, Brailsford	WR	Appeal being processed
Central			
18/00104/FUL	St. Elphins Cottage, Blind Lane, Hackney	WR	Appeal being processed
ENF/17/00142	St. Elphins Cottage, Blind Lane, Hackney	WR	Appeal being processed
ENF/17/00158	St. Elphins Cottage, Blind Lane, Hackney	WR	Appeal being processed
ENF/17/00159	St. Elphins Cottage, Blind Lane, Hackney	WR	Appeal being processed
ENF/16/00079	20 Willowbath Lane, Wirksworth	WR	Appeal being processed
17/00453/FUL	20 Willowbath Lane, Wirksworth	WR	Appeal being processed
18/00121/FUL	Littlemoor Wood Farm, Littlemoor Lane, Matlock	WR	Appeal Dismissed

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 15 August 2018

by **Peter D Biggers** BSc Hons MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 August 2018

Appeal Ref: APP/P1045/D/18/3206542
Knaveholm Cottage, Sides Lane, Snelston DE6 2EN.

- 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 Ratcliffe against the decision of Derbyshire Dales District Council
 - The application Ref 18/00354/FUL, dated 29 March 2018, was refused by notice dated 29 May 2018.
 - The development proposed is demolish outbuildings and construct rear single storey extension, two storey side extension and double garage with studio over.
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Decision

1. The appeal is dismissed insofar as it relates to the double garage and studio.
2. The appeal is allowed insofar as it relates to the rear single storey extension and two storey side extension. Planning permission is granted for the rear single storey extension and two storey side extension at Knaveholm Cottage, Sides Lane, Snelston DE6 2EN in accordance with the terms of the application, Ref 18/00354/FUL, dated 29 March 2018 and the plans submitted with it, so far as relevant to that part of the development hereby permitted and subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 1701/48/PL/01 and 1701/48/PL/02 insofar as these relate to the rear extension and side extension.
 - 3) No development shall commence until details of the materials to be used in the construction of the external surfaces of the extensions 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.
 - 4) Notwithstanding condition 2, no development shall take place until revised details of the ground floor front living room window in the side extension, matching the style of the other windows in the front elevation, 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 Matter

3. There is a discrepancy in the spelling of the cottage name but I have taken the spelling of 'Knaveholm' shown on the ordnance survey based location plan to be correct for the purposes of this decision letter.

4. The appellant, in submitting his appeal statement, has indicated that the height of the garage could be reduced to 4 metres if necessary. However this would be a material amendment to the application as originally submitted and there is no evidence that it has been subject to formal consultation. As such, the interests of third parties could be prejudiced. Accordingly, I have not taken this amendment into account and have instead determined the appeal on the basis of the scheme which was before the Council.

Main Issue

5. The main issue is the effect of the proposed development on the character and appearance of the host dwelling and the surroundings of Sides Lane.

Reasons

6. Knaveholm Cottage is a small detached dwelling in an isolated location on Sides Lane with the nearest neighbouring property being Knaveholm Farm to the south of the lane. The cottage is built in a traditional style in stone and slate over two storeys on the main part of the house with a single storey side offshoot. It is set well back from and at an angle to Sides Lane.
7. The most dominant part of the proposed alterations would be the double detached garage with upper floor space. The scale of the proposed garage would be almost two thirds the length of the existing house and deeper than it. The height at about 5.8 metres would be close to the height of the main dwelling and as the garage is proposed to be set above the level of the original house it is probable that the garage ridge height would actually exceed the ridge height of the main house. It would therefore not be proportionate to the existing house.
8. In sitting between the house and the road, the height, scale and mass of the garage would be obtrusive. Although the *Design and Access Statement* states that the garage would be set into the bank there is no evidence on plan that this would be the case to any significant degree and, as above, in fact the slab level for the garage is proposed to be about 1 metre above the main house. I acknowledge that there is some tree planting along Sides Lane and a boundary hedge to the north east but the trees are mainly deciduous fruit trees and in winter would not screen the bulk of the garage to any significant extent.
9. I note that the appellant states that he needs the garage for the storage of cars, cycles and gardening equipment but this could be achieved in a much smaller building and is no justification for the scale, mass and height of building proposed.
10. By contrast although the floor area proposed in the side and rear extensions is also large, both components of the extensions would be subordinate to the main house being set down and set back from the main house in respect of the side extension and set in and set below the eaves line of the main house in respect of the rear extension. In addition the rear extension would be subordinate in height to the side extension. The result would be an extended property where the original form of the house could be clearly read. Although the proposal would be a significant increase in floorspace, the total extension would still be less than the original house and, because of the relationship of the various elements, the extensions can still be considered to be proportionate.
11. Generally the design and fenestration proposed for the extensions would be sensitive to the character of the property with one exception. The patio doors on the main frontage would appear as an incongruous addition and are largely unnecessary as the north-west facing windows to the ground floor living room are

large format and take up virtually all of the room length. These large format windows on the north west elevation, by contrast to those on the frontage, would not be viewed in the context of any original fenestration nor from the road and as such would not be inappropriate. The design of the front fenestration could however be satisfactorily controlled by condition requiring the submission of an alternative design showing a matching window detail to the existing windows.

12. The extensions would be visible in the approaches, particularly from the west along Sides Lane and from the surrounding countryside. However, the overall scale and design of the alterations, amended in respect of the ground floor window, coupled with the existing boundary hedging and trees is such that neither the character and appearance of the cottage nor the countryside setting would be harmed.
13. The proposed single storey rear extension and two storey side extensions would be clearly severable both physically and functionally from the proposed double garage and studio and it would be open to me to issue a split decision.
14. Policy S4 of the *Derbyshire Dales Local Plan (DDLPL)* allows extensions in the open countryside subject to them meeting the requirements of policy HC10 and providing development protects and where possible enhances the landscape's intrinsic character and distinctiveness. With a split decision issued, dismissing the appeal as it relates to the detached garage, I am satisfied that the landscape character and distinctiveness would not be harmed by the house extensions. Similarly, the house extensions, excluding the garage, would respect the character, identity and context of Derbyshire Dales landscapes in accordance with DDLPL policy PD1. A split decision, for the reasons set out above, would mean the house extensions would also meet the criteria set out in DDLPL policy HC10. The plot size is large enough to accommodate the extensions without appearing cramped. The height, scale, form and design would be in keeping with the scale and character of the original dwelling. Finally sufficient space would remain for the parking of cars on the property.
15. As such the proposed house extensions would accord with DDLPL policies and would not adversely impact on the character and appearance of the host property and the surrounding countryside. Conversely, and particularly in respect of policy HC10b), the proposed detached garage would not accord with the policies.

Conclusions and conditions

16. I have considered the matters before me and, for the reasons given above, I will, therefore, issue a split decision dismissing the appeal in relation to the proposed garage and studio but allowing the appeal and granting planning permission insofar as it relates to the single storey rear and 2 storey side extensions.
17. I have considered the conditions suggested by the Council against the advice in the *Planning Practice Guidance* and for their clarity. A condition requiring development to be carried out in accordance with the submitted plans used to determine the application is necessary as this provides certainty that the development would be carried out in the form proposed. Control of the materials to be used on the exterior of the extensions to the dwelling will also be important to protect the character and appearance of the dwelling and surroundings. However as the materials are not proposed to be matching, being render rather than stone, the proposed form of condition is inappropriate and confusing. I have therefore instead attached a condition requiring the submission of details of the materials thus allowing the Council to retain control of the final choice of materials. I have imposed an additional condition to those proposed by the Council that is

designed to achieve a more complementary form to the ground floor fenestration in the front elevation in the interests of maintaining the character and appearance of that elevation which is open to inward views from Sides Lane. I have not consulted specifically on the additional condition as it seeks to address a concern raised by the Council in the officer report and known to the appellant and is in itself a minor amendment to the design.

P. D. Biggers

INSPECTOR



Appeal Decision

Site visit made on 15 August 2018

by **Peter D Biggers BSC Hons MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 29 August 2018

Appeal Ref: APP/P1045/D/18/3203145

Littlemoor Wood Farm, Littlemoor Lane, Riber, Matlock, DE4 5JS .

- 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 Mrs Miriam Lansdell against the decision of Derbyshire Dales District Council.
 - The application Ref 18/00121/FUL, dated 30 January 2018, was refused by notice dated 28 March 2018.
 - The development proposed is extension and alterations to main house.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. There is a variation in what is stated to be the materials in the planning application form supported by the *Design and Access Statement* (DAS) and the materials shown in the drawings. It is likely that the form and DAS have been recycled from the earlier application to renew the previous permission on the site which was for the extensions to be partially built in stone. It is clear from the appellant's statement that this is not now the intention and I have taken the submitted drawings as indicating the proposed materials.
3. The appellant has indicated that there would be some flexibility regarding dimensions for the extension, fenestration and materials. However there have been no proposed amendments submitted to the Council or consulted on and therefore the possibility of these amendments is not before me and I have determined the appeal as per the submitted application.

Main Issue

4. The main issue is the effect of the proposed development on the character and appearance of the original dwelling and on the surrounding open countryside and Littlemoor Lane.

Reasons

5. Littlemoor Wood Farm is a small traditionally designed 2 storey dwelling constructed in gritstone with a slate roof in a relatively isolated location in open countryside. The house has been extended to the south west with a single storey flat roof extension and to the north west with a two storey flat roof extension. It has been put to me that neither extension is in a sound structural condition and both provide poorly designed living space that contributes little to the character and appearance of the house. As part of the proposal, the intention is to remove this existing floor area and replace it with the new extension. A number of smaller

outbuildings and barns are located around the house and are used in association with the appellant's small holding. The previous permission ref 17/01018/FUL renewing the permission won on appeal allows a large single storey and two storey rear extension to the property and it is accepted that, as this could be built out, the scale of that extension is now a material consideration in assessing the scale in the current appeal.

6. I have been referred to other similar examples of properties in the vicinity where a barn type structure has been developed in close proximity to or adjoining a residential house and which the appellant considers justify the modest extension in this case. However there is insufficient detail before me to conclude whether the circumstances are sufficiently similar to have any weight in this case. As such I have determined the proposal on its own merits.
7. Policy S4 of the *Derbyshire Dales Local Plan* (DDLPL) allows extensions in the open countryside in principle subject to them meeting the requirements of policy HC10 and providing that the development protects and where possible enhances the landscape's intrinsic character and distinctiveness.
8. It has been put to me that the current proposal is a smaller, lower and simpler design to that approved. However, although the previous proposal initially allowed on appeal comprised large extensions to the building, these broke down into a number of component parts which would still allow the character and appearance of the original house, particularly from the rear, to be 'read' and understood. The same would not apply to the current proposal which would comprise one long and high barn type extension overwhelming the existing house particularly viewed from the rear.
9. Although the principle of a contemporary approach to the design would not be at odds with either national or local policies and therefore of itself not inappropriate, the design should respect the existing character and appearance. In three respects it would fail to do this. First, there is no attempt to reflect the roof pitch of the main house. The pitch on the proposed extension would be much shallower. It has been put to me that this is intended to reflect the typical pitch of Derbyshire Dales barns. However many, particularly two storey barns, have steeper pitches more in keeping with the pitch of the main house. Secondly, the proportions of the barn extension would not be typical of traditional Dales barns and certainly not proportionate to the main house with the glazed link block and extension doubling the depth of the original house and exceeding the length of the main house albeit being offset to it. Thirdly, the fenestration proposed, particularly for the rear and front of the extension, would take a horizontal form which would be out of keeping with the fenestration of the main house and the vertical emphasis of the extension design.
10. Although it has been put to me that the extension would hardly be seen from Littlemoor Lane this is not in fact correct. The extension and its awkward relationship with the original house will be clearly visible from points on the lane and would appear dominant and obtrusive in the context of the house and its setting.
11. I acknowledge that there would be some gain to the character and appearance of the main house by the removal of the existing extensions. However, that gain would be lost and indeed physically obscured and what is proposed to replace them would not be in keeping with the character and appearance of the original house for the reasons given. Any gain from the removal of the existing extensions would not therefore outweigh the harm to character and appearance.

12. Policy HC10 sets out 3 tests for extensions. I accept that the plot size is large enough to accommodate the proposed extension without appearing cramped and sufficient space would remain for the parking of cars on the property. However, for the reasons above, the height, scale, form and design would not be in keeping with the scale and character of the original dwelling and would adversely impact on the character and appearance of the host property and the countryside setting. As such, the proposed house extensions would not accord with DDLP policies HC10 and S4. Moreover the extension and its awkward relationship with the main house would not contribute positively to the character, history and identity of the area in terms of the scale, height, layout and appearance and therefore the general principles set out in DDLP policy PD1 would not be met either.

Other Matters

13. I accept that the appellant, in proposing the extension is seeking to make sustainable and effective use of her home, an objective which is encouraged by the *National Planning Policy Framework*. Whilst I understand the objective to create increased accommodation that would meet current requirements and would be a substantive improvement in the practicalities of daily living, I am not persuaded that it could not have been achieved in a different way without harm to the character and appearance of the property and its surroundings. Indeed the existing planning permission ref 17/01018/FUL demonstrates that there are alternatives. As such, the benefit which the extension would bring in maximising floorspace, would not outweigh the harm the proposal would have on the character and appearance of the property and its surroundings.

Conclusion

14. In reaching my decision I have had regard to the matters before me but for the reasons above the appeal should be dismissed.

P. D. Biggers

INSPECTOR

BACKGROUND PAPERS

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

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

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

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

BACK TO AGENDA