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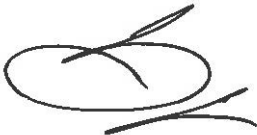
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01 October 2018

To: All Councillors

As a Member or Substitute of the **Planning Committee**, please treat this as your summons to attend a meeting on **Tuesday 09 October 2018 at 6.00pm** in the **Council Chamber, Town Hall, Matlock DE4 3NN.**

Yours sincerely



Sandra Lamb
Head of Corporate Services

AGENDA

SITE VISITS: The Committee is advised a coach will leave the Town Hall, Matlock at 2.45pm 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 – 11 September 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.

	Page No.
4.1 APPLICATION NO. 17/00999/FUL (Site Visit)	07 – 17
Change of use from haulage yard to residential use, erection of dwelling and garage/storage building at haulage site on the East side of Dale End, Brassington.	
4.2 APPLICATION NO. 18/00924/OUT (Site Visit)	18 – 27
Outline application for the construction of 2 dwellings with all matters reserved, except access, at Rotherwood, Dale Road South, Darley Dale.	
4.3 APPLICATION NO. 18/00958/FUL (Site Visit)	28 – 34
Change of use to dwelling (Use Class - C3) at Building to rear of Doone Cottage, Ladygrove Road, Two Dales.	
4.4 APPLICATION NO. 18/00796/FUL (Site Visit)	35 – 47
Erection of 8 retirement apartments and associated access improvements at Lilybank Hydro Gardens Nursing Home, Chesterfield Road, Matlock.	
4.5 APPLICATION NO. 18/00584/FUL	48 – 54
Rear single storey extension and detached car port, with office above at Myddleton House 20A North Avenue, Ashbourne, Derbyshire, DE6 1EZ.	
4.6 APPLICATION NO. 18/00818/FUL	55 – 61
Change of use of part of carpet shop (A1 use) to café (C3 use) at Derwent Carpets, 67 Dale Road, Matlock.	
4.7 APPLICATION NO. 18/00857/FUL	62 - 68
Conversion and extension of existing cottage to provide 2 units for specialist elderly accommodation at Grove Cottage, St Elphin's Park, Dale Road South, Darley Dale.	

4.8	APPLICATION NO. 18/00877/FUL	69 – 76
	Use of public open space for temporary siting of market stalls/catering units, funfair, ticket office and toilets for periods between 25/08/18 to 07/11/18, 24/08/19 to 06/11/19 and 22/08/20 to 04/11/20 at Derwent Gardens, South Parade, Matlock Bath.	
4.9	APPLICATION NO. 18/00895/VCOND	77 – 85
	Variation of condition 1 of 17/00978/VCOND to allow for the incorporation of a revised landscaping scheme at Land at Asker Lane, Matlock.	
5.	INFORMATION ON ACTIVE AND CLOSED ENFORCEMENT INVESTIGATIONS	86 – 103
6.	APPEALS PROGRESS REPORT	104 - 111
	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
- j) The relevant Committee Chairman shall exercise discretion during the meeting to rule out immediately any comments by participants that are not directed to genuine planning considerations.

SITE VISITS

Members will leave the Town Hall, Matlock at **2.45pm prompt** for the following site visits:

		Page No.
3.05pm	APPLICATION NO. 17/00999/FUL	07 – 17
	HAULAGE SITE ON THE EAST SIDE OF DALE END, BRASSINGTON.	
	At the request of Officers for Members to appreciate the proposed development in context.	
3.45pm	APPLICATION NO. 18/00924/OUT	18 – 27
	ROTHERWOOD, DALE ROAD SOUTH, DARLEY DALE.	
	At the request of Officers to allow Members to assess the impact of the proposals on the character, appearance and amenity of the area.	
4.15pm	APPLICATION NO. 18/00958/FUL	28 – 34
	BUILDING TO REAR OF DOONE COTTAGE, LADYGROVE ROAD, TWO DALES.	
	At the request of Officers to allow Members to assess the impact of the proposals on the character, appearance and amenity of the area.	
4.40pm	APPLICATION NO. 18/00796/FUL	35 - 47
	LILYBANK HYDRO GARDENS NURSING HOME, CHESTERFIELD ROAD, MATLOCK.	
	At the request of Officers for Members to appreciate the site and context.	
5.00pm	RETURN TO TOWN HALL, MATLOCK.	

COMMITTEE SITE MEETING PROCEDURE

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

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

APPLICATION NUMBER		17/00999/FUL	
SITE ADDRESS:		Haulage Site On The East Side Of Dale End, Brassington	
DESCRIPTION OF DEVELOPMENT		Change of use from haulage yard to residential use, erection of dwelling and garage/storage building	
CASE OFFICER	Mr. G. A. Griffiths	APPLICANT	Mr & Mrs J & D Allsop
PARISH	Brassington	AGENT	Ken Wainman Associates Ltd
WARD MEMBERS	Cllr. Lewis Rose	DETERMINATION TARGET	8 th December 2017
REASON FOR DETERMINATION BY COMMITTEE	Requested by Officers given the balance of considerations	REASON FOR SITE VISIT (IF APPLICABLE)	For Members to appreciate the proposed development in context

MATERIAL PLANNING ISSUES

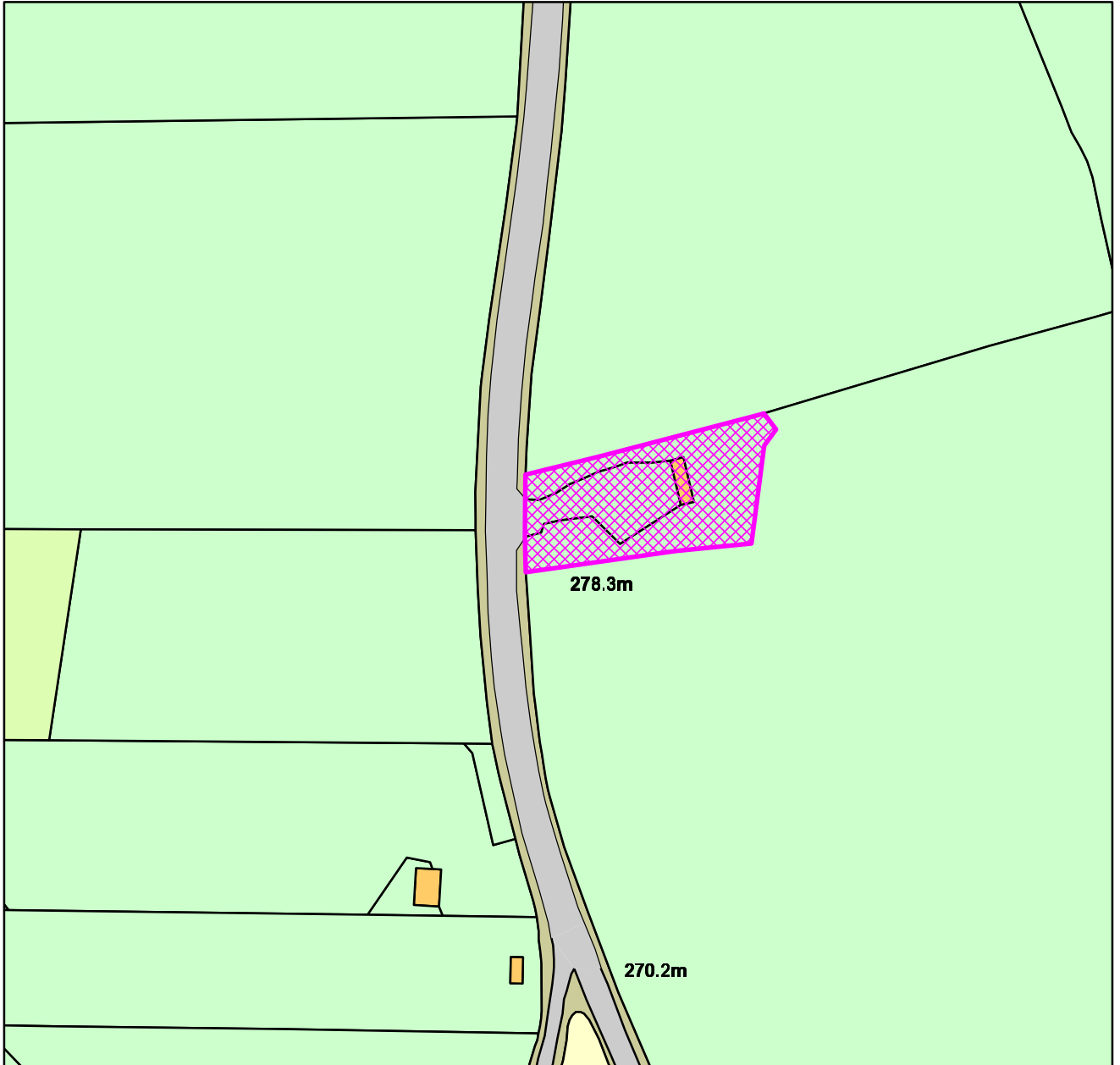
- Introduction - Policy principle
- Sustainability
- Impact on the character and appearance of the open countryside
- Design and appearance of the proposed dwellinghouse
- Highway matters
- Other matters

RECOMMENDATION

Refusal

17/00999/FUL

Haulage Site on East Side of Dale End, Brassington



Derbyshire Dales DC

1:1,250

Date: 28/09/2018

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 on the eastern side of Dale End, approximately 90m from the northern edge of Brassington. The site is relatively level and largely surfaced with tarmac and stone chatter. It was granted a Certificate of Lawfulness for the parking of up to 2 haulage vehicles with ancillary maintenance in 2001 and may have historically been a small quarry. To the rear of the site (east) the land rises sharply. The site is bounded by drystone walls on the northern southern and eastern boundaries. There are also leylandii hedges to the north and south of the site.



2. DETAILS OF THE APPLICATION

- 2.1 Full planning permission is sought for the erection of a dwellinghouse. The main part of the dwellinghouse is proposed to measure 7.5m wide by 19.8m deep and 7.2m in height. It is proposed to be constructed with a steel frame, with random rubble limestone set within as a plinth, and stained timber boarding above. The roof is proposed to be standing seam zinc with matching rainwater goods. It is proposed to provide for an open plan lounge, dining and kitchen area, utility, pantry, storage, wc and a lift, with four bedrooms a snug and landing at first floor.
- 2.2 A two storey projection is proposed off the north side and at the rear end of the main element measuring 12.8m wide by 8m deep 5.3m in height. This is proposed be constructed with a steel frame with stained timber boarding over it. The roof is proposed to be standing seam zinc with matching rainwater goods. It is proposed to provide for a two car garage space, a plant room and storage, with stairs to the first floor bathroom and games room, and an external, first floor terrace at the southern juncture of the two elements of the building.
- 2.3 Vehicle access is via the existing access off Dale End. Hardstanding is proposed to the front of the proposed house to allow for parking and manoeuvring of vehicles and along the northern side of the dwellinghouse to access the garage. There are relatively modest areas either side of the access, to the front of the dwellinghouse, that would be soft landscaped/lawned; the existing leylandii trees would be removed. The parking area is proposed to be tarmaced and pathways to be in natural stone. A setted area is proposed at the access point. The drystone boundary walls are proposed to be repaired.
- 2.4 The applicants have submitted a statement by way of justifying the proposed development with regard to what constitutes sustainable development. The applicant refers to a Court of Appeal judgement in *Hopkins Homes and Richborough Estates (March 2018)* which clarifies the definition of 'isolated homes in the countryside.' This ruled that proposals cannot be considered isolated if there are other dwellings nearby and that 'isolated' will be a matter of fact and planning judgement for the decision maker in the particular circumstances of the case in hand. The applicants state that it is clear from the judgement that homes outside settlements can contribute to the vitality of settlements and that vitality is not simply economic vitality, but includes community vitality and the maintenance and enhancement of other services.
- 2.5 The applicants also refer to the National Planning Policy Framework (NPPF) being updated in 2018 and, as it contains the same wording with regard to isolated homes, that this must have due regard to the findings of the above court case as to what is termed isolated. In addition, the applicants refer to Paragraph 78 in the 2018 NPPF which states that '*housing should be located where it will enhance or maintain the vitality of rural communities.*' The applicants consider that, as the application site is some 100m from the village, and is well within walking distance, it is well related to the settlement pattern of the development of other parts of the village where houses are located on roads leading to and from the village. The applicants refer to Paragraph 55 of the NPPF (2012) which stated that Local Planning Authorities should avoid isolated houses in the countryside. The applicants consider that this is not the same as a presumption against such houses which, they believe, leaves the Council open to determine whether the benefits of the proposal outweigh any disbenefits.
- 2.6 The applicants refers to Paragraph 131 of the NPPF (2018) which states:

In determining applications, great weight should be given to outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design

more generally in an area, so long as they fit in with the overall form and layout of their surroundings.

The applicants consider that the design is innovative, and yet very much in keeping with the character of the area, and draws heavily on local building tradition and modern farm buildings of the type found throughout the locality and could raise the standard of design in this rural area by showing how a modern design can be contemporary, but still be very much in keeping with the character of the locality.

2.7 The applicants also refer to Paragraph 130 of the NPPF (2018) which states:

'...where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development.....'

The applicants consider that the development therefore complies with the above and with Policy PD1 of the Adopted Local Plan (2017).

2.8 The applicants also consider that the proposal will make beneficial use of previously developed land and, when two previous applications for a house were discussed with the Parish Council, they did not object because they considered the present site to be an eyesore which detracts from the character and appearance of the village and that a new house would both enhance the site and the landscape.

2.9 As part of the proposals, the applicants have advised of their intention to bring a gas supply down to the site from the Wirksworth Road to the north and that this would be within 100m of the village with the possibility that it could be carried on into the village to its potential benefit.

2.10 The applicants refer to the prior notification and subsequent planning permission (ref: 17/00910/FUL) granted at Wallands Farm for what was deemed in the Committee Report to be isolated building in the countryside. The Planning Committee approved that scheme on the basis that the development would enhance the site, albeit in the open countryside, and that the benefits outweighed the harm and that Committee were aware of the Adopted Local Plan (2017) policies when the scheme was approved. The applicants consider this decision pertinent to the application for a development, some 1.5km outside of a settlement, albeit it is noted that this decision arose from a prior notification permission. In comparison, the applicants consider that the development they propose will replace a locally, well known eyesore with a quality house which would enhance the surroundings.

3. PLANNING POLICY AND LEGISLATIVE FRAMEWORK

3.1 Adopted Derbyshire Dales Local Plan (2005)

S1	Sustainable Development Principles
S2	Settlement Hierarchy
S4	Development in the Countryside
S9	Rural Parishes Development Strategy
PD1	Design and Place Making
PD3	Biodiversity and the Natural Environment
PD5	Landscape Character
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
HC3	Self-Build Housing Provision

HC19	Accessibility and Transport
HC21	Car Parking Standards
EC3	Existing Employment Land and Premises.

3.2 National Planning Policy Framework.

3.3 National Planning Practice Guidance.

3.4 DDDC Landscape Character and Design Supplementary Planning Document (July 2007).

4. RELEVANT PLANNING HISTORY

16/00594/FUL	Erection of dwelling – Refused
15/00173/FUL	Erection of dwelling – Refused
03/12/0943	Erection of two storey dwellinghouse and alterations to access – Refused
00/12/0816	Certificate of lawfulness relating to use of land for general haulage parking and maintenance of HGV's plant and equipment – Granted
00/08/0592	Erection of dwelling (outline) – Refused
1097/0669	Car park and picnic area – Granted
0685/0433	Established use certificate for parking of lorries - Granted

5. CONSULTATION RESPONSES

Parish Council

5.1 - no comments received.

Local Highway Authority (Derbyshire County Council)

5.2 - refer to comments with regard to planning application 15/00173/FUL.

Landscape Officer (DDDC)

5.3 - comments on initial proposal

- notwithstanding the potential issues regarding sustainability, the erection of a modest dwelling presents an opportunity to remove an eyesore from this sensitive location without adversely affecting local landscape character or visual amenity to a significant degree – likely that such development would be beneficial in this regard
- agricultural workers' cottages, and other types of dwellings, on the edge of settlements, but a little way removed from them, are characteristic, if not necessarily common
- intrusive elements, such as the leylandii cypress trees and haulage 'tat,' will be removed
- concerned regarding the scale of the property itself and the size of the garage/storage facility.

Planning Policy (DDDC)

5.4 - site lies beyond the village of Brassington and therefore cannot be considered to be either infill or consolidation of the existing built framework of the settlement

- Policy PD1 requires all development to be of a high quality design that respects the character, identity and context of all Derbyshire townscapes and landscapes and requires that development contributes positively to an area's character, history and identity in terms of scale, height, density, layout, appearance, materials and relationship to adjacent buildings and landscape features
- the site is not allocated for development.

6. REPRESENTATIONS RECEIVED

6.1 None.

7. OFFICER APPRAISAL

Introduction – Policy Principle

- 7.1 The National Planning Policy Framework (NPPF) advises that there is a presumption in favour of sustainable development and Paragraph 11 states that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise. It advises that proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused, unless other material considerations indicate otherwise. The Development Plan includes the Adopted Derbyshire Dales Local Plan (2017).
- 7.2 The site is outside of the settlement of Brassington. This is classed as a Tier 4 settlement which is defined by Policy S2 of the Adopted Derbyshire Dales Local Plan (2017) as an 'Accessible Settlement with Minimal Facilities'. The village has a low level of facilities and few employment opportunities and development is therefore limited to that needed to maintain existing services and facilities; this allows some scope for limited development within the settlement through infill and consolidation. Although not specifically mentioned in relation to Tier 4 settlements, it is also considered, in line with the policy on Tier 5 settlements, that modest brownfield redevelopment opportunities, immediately outside settlements where redevelopment would be environmentally beneficial, is also in accordance with the aims of the policy.
- 7.3 Whilst the settlement has no defined boundary, the application site is clearly outside its outer built edge and separated by open countryside. To this end, it is deemed to be within the open countryside and regard must be given to Policy S4; this restricts residential development outside to residential development that is essential in the open countryside or comprises affordable dwellinghouses.
- 7.4 It should be noted that planning application 16/00594/FUL for a dwellinghouse was refused permission as recently as 2016 for the following reason

The site lies in open countryside beyond the confines of the settlement of Brassington and the proposed dwelling would constitute unwarranted, intrusive, encroaching and inherently unsustainable residential development in the open countryside. As such, the proposal is considered to be environmentally unsustainable and fails to comply with government guidance as set out in the National Planning Policy Framework and with Policies SF5, H9 and NBE8 of the Adopted Derbyshire Dales Local Plan (2005).

- 7.5 Members should note that, further to the above refusal, the applicants sought negotiations with Officer's with regard to improving the design of the proposed dwelling. This was on the basis that, in recent times, the District Council has had to grant planning permission for residential development on the fringes of settlements, or planning appeals have been allowed, in order to meet the housing land supply requirements expected for the District. Paragraph 14 of the NPPF states that where the Local Plan is absent on this matter regard has to be given primarily to the NPPF. Paragraph 14 also advises that there is a presumption for granting planning permission unless any adverse effects of doing so would significantly and demonstrably outweigh the benefits against other policies within the NPPF.
- 7.6 As such, at the time of submitting the initial planning application 16/00594/FUL, there was 'in principle' support for the proposals in the context of Paragraph 14. However, with the

passage of time, the Local Plan (2017) has been adopted and there is no longer a presumption under Paragraph 14 that may support residential development, other than in exceptional cases, outside of a settlement and within open countryside.

- 7.7 Notwithstanding the policy situation that applied at the time of submission, the application, with its improved design, has to be assessed in the current policy context in line with the policies contained in the Adopted Local Plan (2017).
- 7.8 The site is a haulage yard and with this comes a level of employment. Policy EC3 seeks to safeguard sites that have employment uses. It is also necessary to consider whether there are any environmental constraints that would necessitate consideration. The site is in the open countryside and therefore consideration must be given to the impact of the development in the rural landscape in accordance with Policies PD1 (Design and Place Making) and PD5 (Landscape Character). In order for the development of the site to be acceptable, it is also necessary to determine whether the site can be served by safe access, and therefore be able to satisfy this element of Policy S4. The matters detailed above are addressed as follows.

Sustainability

- 7.9 The NPPF refers to three strands to sustainability; the economic, social and environmental roles. In this case, the economic role is fulfilled by creating employment in building the dwellinghouse, etc. but this would be offset by the loss of ongoing employment potential on the site. The social role is met to some extent in that the development would provide accommodation to continue to meet the District Council's future housing needs as a windfall site.
- 7.10 However, in terms of the environmental role, the site is set in a rural landscape away from the village and has poor pedestrian access along a road with no pavement. In this respect, residents of any dwellinghouse, particularly with a family to which the applicant has aimed the dwellinghouse design (a four bedroomed property), would be less inclined to walk to the village and be more reliant on the motor car. The site is brownfield in nature and, whilst re-using brownfield sites for housing is deemed generally environmentally sustainable, the isolation from the village overrides this environmental benefit. Therefore, the proposal is, on balance, considered to be environmentally unsustainable and the proposals are contrary to Policies S1 and S4 of the Adopted Local Plan (2018).
- 7.11 The applicants refer to how the term 'isolation' should be considered. To this end, Brassington as a village is a Tier 4 settlement set within the open countryside and, in itself, is towards the lower end of what can be deemed sustainable settlements. To develop outside such a settlement must be considered isolated development within the open countryside; the proposal certainly does not represent consolidation, infill or re-using brownfield land immediately adjoining it as may be allowed in or adjoining such a settlement.

Impact on the Character and Appearance of the Open Countryside

- 7.12 Another matter for assessment with respect to environmental sustainability is whether development of this nature, in this location, is acceptable in terms of visual impact. This is a brownfield site that has little sign of being managed in a way that would seek to reduce its current impact in the landscape. The detrimental impact of the site in the rural surroundings is also largely due to the openness of the site to the road, revealing a relatively unkempt hardstanding and inappropriate leylandii hedges planted in such a rural setting. The fact that it is a haulage yard, which has contained vehicles and trailers, also detracts from the character and appearance of the rural landscape.
- 7.13 It is considered that the applicants have little interest in managing the site in a manner that could improve its appearance and have, in the past, allowed the site to become more

incongruous, thereby causing further harm to the character and appearance of the open countryside and the approach to Brassington. Even the applicants themselves recognise that, through their action or inaction, the site has been, in their words, a 'well-known eyesore'.

7.14 Whilst the site may look 'incongruous' (again the applicant's words), the use as a haulage yard and the storing of trailers/vehicles is established and accepted. The site could be less obtrusive in the landscape with some investment in appropriate landscaping to soften the current use. The fact that the site may be tidied up by providing a dwellinghouse, is not an overriding reason in itself to allow for development; this could be addressed by screening the existing yard with appropriate landscaping which would enhance its current presence in the open countryside and, with no dwelling rising above, would be significantly less incongruous.

7.15 Although a well-designed dwelling on this site would be more attractive than the current site usage, it would nonetheless constitute an incongruous residential encroachment away from the village.

Design and Appearance of the Proposed Dwellinghouse

7.16 Notwithstanding the above 'in principle' concern expressed above, the applicants have nevertheless continued to engage with Officers to seek to create a development that would be of good quality to be taken into the balance of consideration. The dwellinghouse has sought to adopt the characteristics of modern agricultural buildings, in terms of general form, the linear shape and shallow pitched roofs, and with respect to the materials, which include a steel frame, timber boarding and sheet metal roofing. Officers raised concern with the use of random rubble limestone, with the suggestion of a more modern, slatted material such as concrete or rendered blockwork for the lower section. The applicant has advised that the use of limestone is to reinforce local distinctiveness and refers to Paragraph 130 of the NPPF which states:

'...where the design of a development accords with clear expectations in plan policies, design should not be used by the decision maker as a valid reason to object to development.'

7.17 The applicant also refers to Paragraph 131 of the NPPF which states:

'In determining applications, great weight should be given to outstanding or innovative designs which promote high levels of sustainability, or help raise the design more generally in an area, so long as they fit with the overall form and layout of their surroundings.'

To this end, whilst Officers maintain that the 'plinth' of the main part of the dwellinghouse should be in a material that reflects upon the modern genre of materials used on modern agricultural buildings, designed purposely to be set between the steel frame uprights, it is not considered that the proposals could be reasonably refused on this element of design.

7.18 Whilst glazing obviously has to be inserted to allow for residential use, this has been given full consideration and is largely set within the metal frame structure on the ground floor and limited in its use at first floor level except towards the deepest set elements of the building into the site and under the verge of the south facing element, where it is considered that location and shadowing will make this appear recessive.

7.19 The building is a dwellinghouse but, it is considered, nevertheless adopts the vestiges of the modern agricultural building to seek to merge with the rural landscape and to not appear overtly domestic. To this end, the applicants have presented a dwellinghouse of contemporary appearance, reflective and interpretive of the genre of modern agricultural

buildings, and the design rationale is considered the right one for this site. If permission were to be granted, it is considered reasonable to remove permitted development rights for extensions or alterations to the dwellinghouse, or for additional outbuildings or other structures, to safeguard the considered character and appearance of the development. There would also be the need to ensure the boundary treatments and landscaping of the site where appropriate through further conditions.

Highway Safety

- 7.20 The Local Highway Authority previously raised objection to residential development of the site due to substandard visibility. However, the design guidance for assessing planning applications has since been revised. It is considered that drivers travel at lower speeds in this area and there are no recorded injuries accidents in the vicinity. In addition, the proposal would redevelop a haulage yard and this is considered commensurate with vehicle use for a dwellinghouse. Therefore, as with the previous application, the Local Highway Authority has raised no objection to the proposal with regards to highway safety matters in this instance.

Other matters

- 7.21 The site is part vegetated but it is not considered that this would provide a habitat for protected species other than the potential for nesting birds. In the event planning permission is granted, it is considered reasonable to attach a condition requiring no development take place within the bird nesting season without the authorisation.
- 7.22 With respect to drainage, it is assumed that it is possible to provide a water supply to the site and foul and surface water drainage would need to be addressed through Building Regulations.

Conclusion

- 7.23 The proposals need to be considered in the planning balance. It is accepted that the development would be economically sustainable in providing jobs in the construction of the development and meet, in a minor way, with economic sustainability. However, to counter this, the site currently has employment potential, given its historic use, and the potential for an economic development. Therefore, its residential redevelopment would be a loss in potential for employment associated with the site; this would be contrary to economic sustainability and Policy EC1 of the Adopted Local Plan (2017). Notwithstanding this, the potential the site offers for employment related development is considered rather modest and does not justify a reason for refusal on this basis.
- 7.24 With regard to social sustainability, the provision of a house goes some way towards addressing the future housing need of the District from windfall sites. However, residents of the dwelling would be isolated from the village and access to village facilities on foot would be down a relatively steep route without a pavement.
- 7.25 In terms of environmental sustainability, the design of the dwelling is considered a significant improvement on the previously refused scheme and it would serve to tidy up the site and appear as a striking building in the rural landscape. Whilst, it cannot be said to be of such outstanding quality to be deemed exceptional in the context of Paragraph 79 of the NPPF (2018), where such houses in the open countryside can be exempted, it is nevertheless considered that the dwelling would meet with the environmental aims of sustainable development with regard to its design. However, the environmental impacts on the site, being the development of this residential encroachment outside of a settlement boundary and the likely heavy reliance on the private motor vehicle in this rural area, weigh heavily against the scheme.
- 7.26 This is an unusual set of planning circumstances and a fine planning balance. A brownfield site will be utilised not far from a settlement and deliver visual improvement

from the striking architectural quality of what is proposed. However, in the current planning context whereby the Council has a newly adopted Local Plan, and a substantial housing land supply, these benefits of delivery of this site for housing do not outweigh inherent concerns about the unsustainable location of the site and the impact of residential encroachment in open countryside. On balance, and notwithstanding the benefits identified, as the proposal is contrary in policy principle to Policies S1 and S4 of the Adopted Derbyshire Dales Local Plan (2017), refusal is recommended.

8. RECOMMENDATION

That planning permission be refused for the following reason:

1. The site lies in open countryside beyond the confines of the settlement of Brassington and the proposed dwelling would constitute inherently isolated and unsustainable residential development in the open countryside. As such, the proposal is considered to be environmentally unsustainable and fails to comply with Policies S1 and S4 of the Adopted Derbyshire Dales Local Plan (2017).

NOTES TO APPLICANT:

1. The Local Planning Authority has, during the consideration of this application, engaged in a positive and proactive dialogue with the applicant with respect to the character and appearance of the proposed dwellinghouse. Nevertheless, the Local Planning Authority considered the planning policy merits of the submitted application and judged that there was no prospect of resolving fundamental planning policy concerns. 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:
Amended Elevation and Plan Drawings 1:100 received on 21st August 2018
Amended Design and Access Statement received on 21st August 2018
Updated Planning Statement received on 21st August 2018
Additional Information received on 21st August 2018.

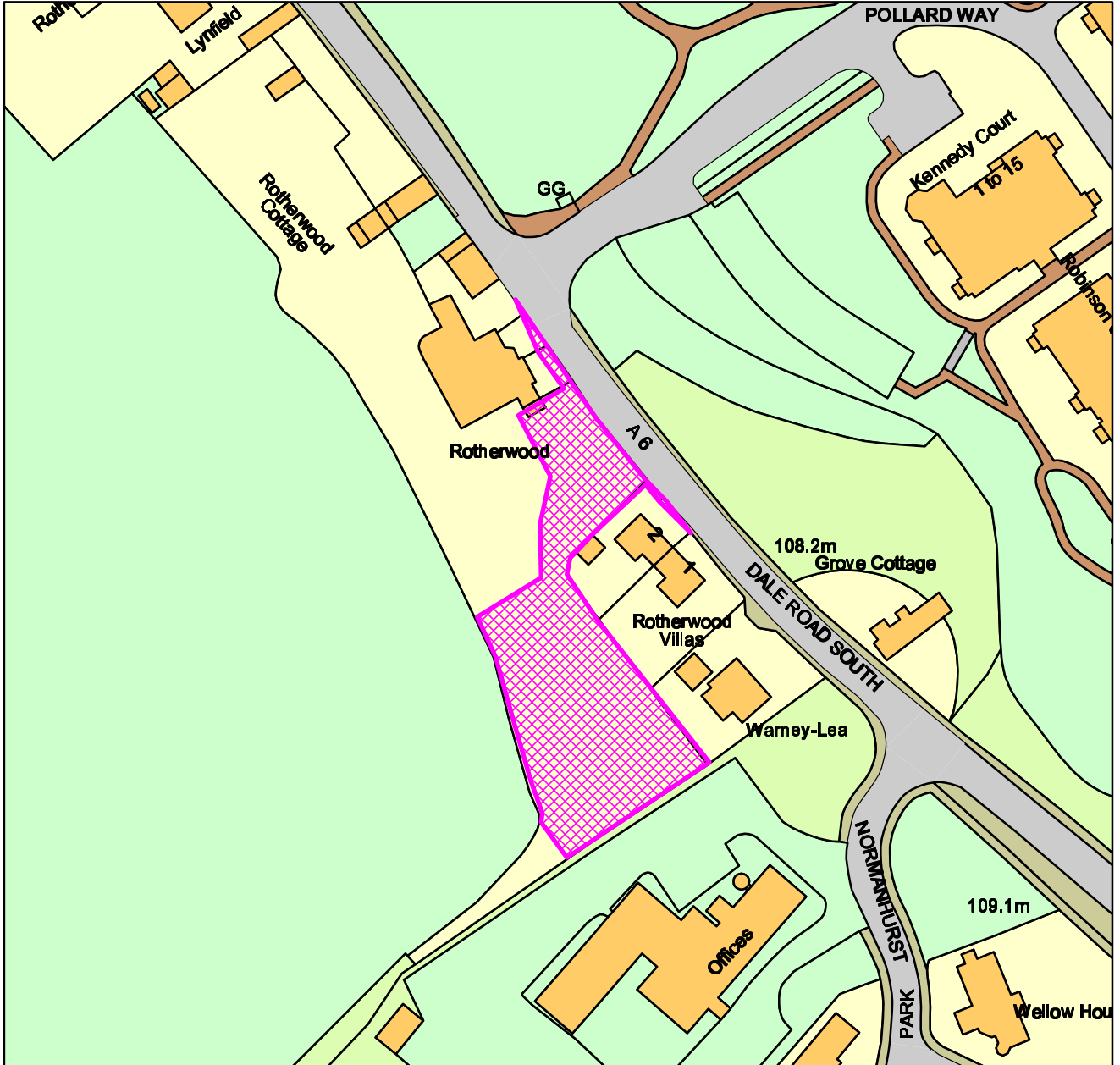
APPLICATION NUMBER		18/00924/OUT	
SITE ADDRESS:		Rotherwood, Dale Road South, Darley Dale	
DESCRIPTION OF DEVELOPMENT		Outline application for the construction of 2 dwellings with all matters reserved except access	
CASE OFFICER	Mr. G. A. Griffiths	APPLICANT	Mr Jonathan Jenkin
TOWN	Darley Dale	AGENT	Planning and Design Practice Ltd.
WARD MEMBERS	Cllr. J. Atkin Cllr. M. Salt Cllr. A. Statham	DETERMINATION TARGET	15 th October 2018
REASON FOR DETERMINATION BY COMMITTEE	Requested by Ward Member	REASON FOR SITE VISIT (IF APPLICABLE)	To allow Members to assess the impact of the proposals on the character, appearance and amenity of the area

MATERIAL PLANNING ISSUES
<ul style="list-style-type: none"> • Principle of the development • Impact on the character and appearance of the locality • Highway safety • Impact on neighbours' amenity

RECOMMENDATION
Refusal

18/00924/OUT

Rotherwood, Dale Road South, Darley Dale



Derbyshire Dales DC

1:1,250

Date: 28/09/2018

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 a large garden (total area approx. 0.8 acres) of a semi-detached property set behind a tall stone wall located directly off the A6 in Darley Dale. The property is part of a gentleman's residence, dating from the 19th Century, which has been subdivided into Rotherwood and Rotherwood House.
- 1.2 The land around the site slopes gently down from the A6 toward the River Derwent approximately 200m distant whereas the site itself is broadly level and sits behind the rear gardens of, and approximately 3m below, the houses on the A6 road frontage. A 2m tall stone boundary wall separates the site from the gardens of the roadside houses.
- 1.3 A three storey office block (DCC Offices – Shand House) is located to the south of the site which is shielded from the site by a stand of mature lime trees within the applicant's ownership. A tall stone boundary wall also separates the office block from the site.





2. DETAILS OF THE APPLICATION

- 2.1 Outline planning permission is sought for the provision of two dwellings on some 50% of the curtilage of the property. The application is submitted with all matters reserved except for the means of access, which includes alterations to the existing access onto the A6.
- 2.2 The applicant proposes to alter the vehicular access to the property in order to make it safer and to provide appropriate visibility splays to a shared access to serve the existing and proposed dwellings. This requires taking down and re-aligning the 1.7m high, traditional (and in parts ornate) roadside wall, albeit this has been repaired over the years and the applicant advises is in need of further repair. It is proposed that the wall will be taken down stone by stone and the stones marked and numbered for rebuilding. Any repairs will be of locally sourced stone. The applicant also identifies that the realignment of the wall will allow improvements to the pavement to be widened from 0.45m to 1.2m along most of the frontage. A bin dwell point is proposed adjacent to the proposed access.
- 2.3 The applicant advises that the garden became very overgrown prior to the recent purchase of the property and trees and shrubs have been removed along the boundary with 1 and 2 Rotherwood Villas and Warney Lea as they blocked light to these neighbouring properties and their aspect to the south west across the Derwent Valley. The applicant has submitted an arboricultural report which identifies 72 individual trees, a group of 14 limes,

two poplars and numerous conifer and cypress trees. These have been classified as Class B and C trees with eight trees being unclassified. The report recommends felling of some trees, including the two poplar trees located on the boundary with the County Council Offices and Warney Lea, but advises that all other Class B trees will be retained. The group of 14 Lime trees along the south east boundary, which shield views of Shand House from the north and west, is considered an important feature in the landscape which is to be retained, as is a veteran lime tree in the adjacent field which will have a large root protection zone.

- 2.4 The applicant proposes the removal of ornamental trees and shrubs along the southern boundary with the field that were planted some 33 years ago by the previous owners. It is advised that development would take place outside the root protection areas of those trees which are proposed to be retained.
- 2.5 With regard to the dwellings proposed, whilst these are indicative, they do reflect on how two detached dwellings could be provided on the site. The first dwellinghouse on entering the site (Plot 1) has been detailed to have its principal elevation facing towards the rear of 1 and 2 Rotherwood Villas. Its windows would be a minimum of 21.4m away from the rear facing windows to these properties. It is also detailed that this dwelling would be a dormer bungalow with a height not exceeding 7m.
- 2.6 With regard to the dwelling proposed furthest into the site (Plot 2), this is again set fronting the proposed driveway and looking towards Warney Lea which would again be some 21m (minimum), window to window, away from that dwelling. This is advised would be a two storey dwelling, or possibly a bungalow, depending on which part of the Design and Access Statement this plot is referred to. The applicant advises that the plots would be some 520 and 660 sqm and would be larger than those at 1 and 2 Rotherwood Villas and Warney Lea.
- 2.7 In terms of impact in the wider surroundings, the applicant considers that Rotherwood/Rotherwood House is not prominent in the landscape and cannot be seen from the White Peak Loop cycle path or from the railway line and, when viewed across the valley, is seen within the context of the built environment of Lower Hackney. It is also advised that there are no direct views of the site from the Peak District National Park. Nevertheless, the applicant considers that a single, large dwelling would be more prominent than two smaller dwellings, given that one would be a dormer bungalow and that the dwellings would be seen in the context of retained trees. The applicant also considers that two dwellings would have a lesser impact on the setting and appearance of Rotherwood.
- 2.8 In terms of amenity, the applicant advises that the properties of 1 and 2 Rotherwood Villas were designed with no windows in the first floor of the rear elevation in order that there was no overlooking of the garden of Rotherwood House. The applicant has considered the impacts of overlooking from the offices at Shand House and identifies that the high boundary wall obscures the view of the site. In addition, any overlooking would be during office hours on Monday – Friday. It is proposed that the dwelling at Plot 2 would have a blank gable so there would be no looking into windows and the applicant considers that the retained lime trees will shield views of the rear gardens.
- 2.9 The applicant refers to the refusal of planning permission for a dwelling on the site (ref: WED/490/370) which was refused highway safety grounds and this reason for refusal was upheld at appeal. In this respect, the proposed dwellinghouse was not refused, or dismissed on appeal, in terms of principle.

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
- S7 Matlock/Wirksworth/Darley Dale Development Area Strategy
- PD1 Design and Place Making
- PD3 Biodiversity and the Natural Environment
- PD4 Green Infrastructure
- PD5 Landscape Character
- PD6 Trees, Hedgerows and Woodlands
- PD10 Matlock to Darley Dale A6 Corridor
- HC1 Location of Housing Development
- HC19 Accessibility and Transport
- HC21 Car Parking Standards.

3.2 Other

- National Planning Policy Framework
- National Planning Practice Guidance.

4. RELEVANT PLANNING HISTORY

- 0490/0370 Dwelling (Outline) - Refused

5. CONSULTATION RESPONSES

Parish Council

- 5.1 No objection.

Local Highway Authority (Derbyshire County Council)

5.2 Comment:

- the recommended emerging visibility sightlines are 2.4m x 84m in both directions and the applicant has been able to achieve this by relocating the access and gaining control of third party land
- adequate parking and turning provision is being provided for both the existing dwelling and the proposed dwellings
- a bin collection point is being located within the site immediately adjacent to Dale Road South to enable bins to be stored ready for collection without obstructing the fronting footway
- the applicant is offering to increase the width of the fronting footway across the site frontage which is beneficial from a pedestrian safety viewpoint
- all access works will require a Section 184 licence from the Local Highway Authority and the proposed footway works will require a Section 278 Agreement with the Local Highway Authority
- the works required to set the fronting wall back are likely to require some form of traffic management so the applicant should seek advice from the County Council's traffic and safety team regarding this
- conditions required with regard to the creation of a temporary access for construction purposes and space site for storage of plant and materials, site accommodation, parking and manoeuvring of employees and visitors vehicles, etc., vehicle wheel cleaning, the provision of visibility sightlines prior to occupation, the existing vehicular access being permanently closed access gradient, car parking provision, no gates within 5m of the highway boundary, bin collection point and widening of the footway.

Natural England

- 5.3 No comments – refer to standing advice.

Landscape and Arboricultural Officer (Derbyshire Dales)

5.4 Comment:

- have concerns that significant numbers of trees will be at risk of removal to facilitate the proposals
- potential damage resulting from the proposed construction works could negatively impact retained trees stability and vitality - further details are required to allow assessment of these risks and provide details regarding how the retained trees will be protected.

6. REPRESENTATIONS RECEIVED

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

- design of the houses look fine
- not aware the garden lies within an established settlement framework boundary
- new residents would have to cross very busy and dangerous road to get to facilities, none of which are close
- will result in more vehicles impacting the flow and safety of major congested trunk road – likely to contravene the Local Plan with regards safe and sustainable development
- speed surveys should be verified and be performed at various times of the day
- number of trees being removed is a big concern.

7. OFFICER APPRAISAL

Principle of Development

- 7.1 There are several policies contained in the Adopted Local Plan (2017) against which this application needs to be assessed. In terms of developing the site for dwellings, the site is within the Settlement Boundary for Matlock. Policy S1 advises that development should make a positive contribution towards the achievement of sustainable development by meeting most development needs within or adjacent to existing communities having regard to the defined settlement hierarchy. Policy S2 defines Matlock and Darley Dale as Tier 1 and Tier 2 settlements respectively which are amongst the most sustainable settlements for development in the District.
- 7.2 Policy S3 advises that planning permission will be granted for development within defined Settlement Boundaries where it can meet certain requirements. These include scale, design, layout and design which is compatible with the character, appearance and amenity of the part of the settlement in which it is proposed. Policy S7 seeks to promote the sustainable growth of Matlock and Darley Dale whilst promoting and maintaining the distinct identity of the settlements. This also aims to provide for the housing needs of the community by supporting the development of new housing on sustainable sites. In terms of housing development specifically, Policy HC1 promotes effective use of land for housing development by infill on suitable sites. Therefore, as the site is within the Settlement Boundary for Matlock, the principle of residential development is acceptable.
- 7.3 There are other policies by which the development of a site needs to be considered. Policy PD1 advises that developments should respond positively to the environment whilst also contributing to local distinctiveness and sense of place. This includes contributing positively to an areas character in terms of scale, height, density, layout, appearance, materials and the relationship to adjacent buildings and landscape features, including achieving a satisfactory relationship to adjacent development.

- 7.4 Policy PD3 advises that developments should not result in significant harm to biodiversity by safeguarding the intrinsic nature conservation value of the site. Policy PD4 advises that existing green infrastructure should be retained or replaced as part of new development with provision of equal or greater value and to make provision where appropriate for the creation of new or enhanced green infrastructure. Policy PD6 advises that trees, hedgerow and woodland of value should be retained and integrated within development. Where tree loss is justified, replacement provision will be required using indigenous tree species and hedgerows that are in sympathy with the locality and the site at least equivalent to the trees and hedgerows lost. The loss or deterioration of veteran trees will not normally be acceptable.
- 7.5 Other matters for consideration are those of highway safety. Policy S3 requires that access and parking provision are appropriate for the site and Policy HC21 sets out standards for the level of parking required to serve specific developments.

Impact on the Character and Appearance of the Area

- 7.6 The site is a large garden to a reasonably large property. The garden is well landscaped on its boundaries with large trees, more modest trees and shrub planting. Contrary to the view of the applicant, the site is visible from the public footpath off Old Road to the north, which leads to the cycle way, and is also visible from the cycle way which passes to the west with an intervening field. The site is also visible, or certainly the trees are, from views from Normanhurst Drive and from the A6 between Warney Lea and 1 and 2 Rotherwood Villas.
- 7.7 It is physically possible to provide for two dwellings on the site within its constraints (matters of amenity constraints are considered below). However, there are concerns that the proposals are backland development that may appear to be cramped. As detailed above, the site is visible from the public footpath off Old Road and from the cycle way. However, in context, there is backland development in the area at Normanhurst Park and a further site allocation for housing extending into the field below it. There is significant built form with the size of Shand House and the extent of its curtilage.
- 7.8 The development would not be read as intrusive from the A6 and, from any distant views to the west and north, where the dwellings would appear in association with Rotherwood and in the foreground of views of Rotherwood Villas, Warney Lea and Shand House. Previously, a Planning Inspector has advised of no in principle objection to a dwellinghouse on this site, merely refusing a previous planning application having regards to highway safety issues. Given the above, it is considered that the proposals could not be reasonably refused on the basis solely of being overdevelopment in terms of site coverage as indicatively set out.
- 7.9 However, in order to facilitate the development, the applicant will need to, and has already started to, thin out the existing trees and shrubs on the site. Notwithstanding this, and whilst indicative, the proposals detail a dwellinghouse (Plot 2) in close proximity to a group of Lime Trees and a large Lime Tree in an adjacent field. These trees would be to the south and south west of Plot 2 which is proposed to have a two storey dwellinghouse. These would overshadow the vast majority of the rear garden and, during the autumn, this area would be subject to significant leaf litter. There is also the potential of a perceived risk of falling branches over the garden area and in close proximity to the proposed building itself.
- 7.10 As such, is highly likely that any future occupier of such a dwelling would seek removal of those trees closest to the dwellinghouse in order to allow the rear garden to have a reasonable degree of amenity. However, this would harm the site by removing trees which make a significant contribution to its character and appearance and that of the wider area where established trees are a feature to be found in grounds of properties (such as

those at Normanhurst Park and St. Elphins) contributing significantly to the local sense of place.

7.11 Given the above, it is considered that the provision of two substantial, detached dwellinghouses may be impractical on the site without the substantial loss of tree coverage which currently contributes to the local sense of place. With the above concerns in mind, and given that the applicant clearly indicates the scale of dwellinghouses that would be intended for the site on the indicative drawings and in the Design and Access Statement, it is considered reasonable to refuse outline planning permission. This is because it has not been demonstrated how two dwellinghouses could be provided without the trees to the south of the site being placed under significant pressure for their future removal which would be difficult to defend once the development is in place. This would not prejudice the applicant exploring alternative ways of developing the site, but it is considered imperative, should a similar level of plot coverage be sought, that full details of the layout are submitted.

Highway Safety

7.12 The Local Highway Authority has considered the application and raised no objection to the proposals on highway safety grounds subject to the conditions with regard to addressing the access, car parking, gradients, the storage of plant and equipment, etc. during construction and the widening of the pavement. The realignment of the boundary wall will also be a benefit to the current occupiers of Rotherwood by improving visibility and will allow improvements to the pavement. It is considered that the works to the wall, as the applicant proposes, will largely retain its character and appearance, albeit it will be on a different alignment.

Impact on Neighbour's Amenity

7.13 Whilst the application reserves all matters from consideration, other than the means of access, the applicant has submitted an indicative layout for the siting of two dwellings and some assessment can be made of the potential impacts the residential development of the application site could have on the amenity of neighbouring properties.

7.14 In terms of Rotherwood itself, the dwellinghouses indicated would be set a reasonable distance away so that the amenities of this property would not be significantly harmed. The applicant has detailed a 2m high boundary wall being provided to preserve the amenity of Rotherwood in terms of the privacy to the dwelling and its garden and to also screen the dwellinghouse from vehicle lights at night and noise from the comings and goings of vehicles.

7.15 With regard to the dwellings proposed, whilst these are indicative, they do reflect on how two detached dwellings could be provided on the site. The first dwellinghouse on entering the site (Plot 1) has been detailed to have its principal elevation facing towards the rear of 1 and 2 Rotherwood Villas. Its windows would be a minimum of 21.4m away from the rear facing windows to these properties. It is also detailed that this dwelling would be a dormer bungalow. To this end, consideration could be given to placing the dormer windows on the south west facing roofslope thus meaning, given the boundary treatment and levels, that there would be little loss of privacy from the ground floor windows looking towards Rotherwood Villas.

7.16 With regard to the dwelling proposed furthest into the site (Plot 2), this is again set fronting the proposed driveway and looking towards Warney Lea which would again be some 21m (minimum), window to window, away from that dwelling. This is proposed to be two storey but, given the relative distances, it would not significantly harm the light, outlook or privacy to this dwellinghouse. The orientation of the proposed dwelling is such that the occupiers would not be harmed by the overlooking of the property from the offices at Shand House.

7.17 The access to the properties is set adjacent to a wall which will shield direct lights from vehicles and it is considered that noise associated with occupation of the proposed dwellinghouses would not be so great to significantly harm the amenity of the occupiers of the existing properties. To this end, the overall impacts would not be so significant to justify refusal of planning permission in terms of impacts on amenity.

Conclusion

7.18 It is considered that the development of the site for two dwellings, particularly as detailed by the applicant, would place significant pressure on the trees on the southern part of the site which form an attractive group and make a significant contribution to the setting of the existing built form within its immediate and wider surroundings. Whilst it is considered that a single dwellinghouse could potentially be provided on the site without placing pressure on the removal of trees or significantly impacting on the setting of the existing buildings and amenity, it is considered that the constraints of the site are such that this would be significantly less likely to be able to provide for two dwellings with their associated curtilages, parking spaces and access in relation to the proximity of the properties and the trees which are desired to be retained.

7.19 It is appreciated that the trees could be protected by a tree preservation order. However, it would be difficult to sustain such a protection if the impact of the trees on the amenity of the property was such as to make the living standards so poor with overshadowing and with the potential concern with falling branches being a safety issue. As such, it is recommended that outline planning permission be refused.

8. RECOMMENDATION

That planning permission be refused for the following reason:

1. It has not been demonstrated that the proposed development of the site for two dwellinghouses can be undertaken without placing undue pressure on the removal of trees within the application site and the adjacent field, the loss of which would significantly harm the character, appearance and setting of the built form on this boundary of the settlement where it immediately abuts the open countryside. As such, the proposals fail to comply with Policies S1, S3, S7, PD1, PD5 and PD6 of the Adopted Derbyshire Dales Local Plan (2017).

NOTES TO APPLICANT:

1. The Local Planning Authority considered the merits of the submitted application and judged that there was no prospect of resolving the fundamental planning problems with it through negotiation. On this basis the requirement to engage in a positive and proactive manner was considered to be best served by the Local Planning Authority issuing a decision on the application at the earliest opportunity and thereby allowing the applicant to exercise their right to appeal.
2. This decision notice relates to the following documents:
Drawing No. 2041-001, 002, 003 and 004 received on 20th August 2018
Planning, Design and Access Statement received on 20th August 2018
Arboricultural Report received on 20th August 2018
Visibility Splay Calculator received on 20th August 2018.

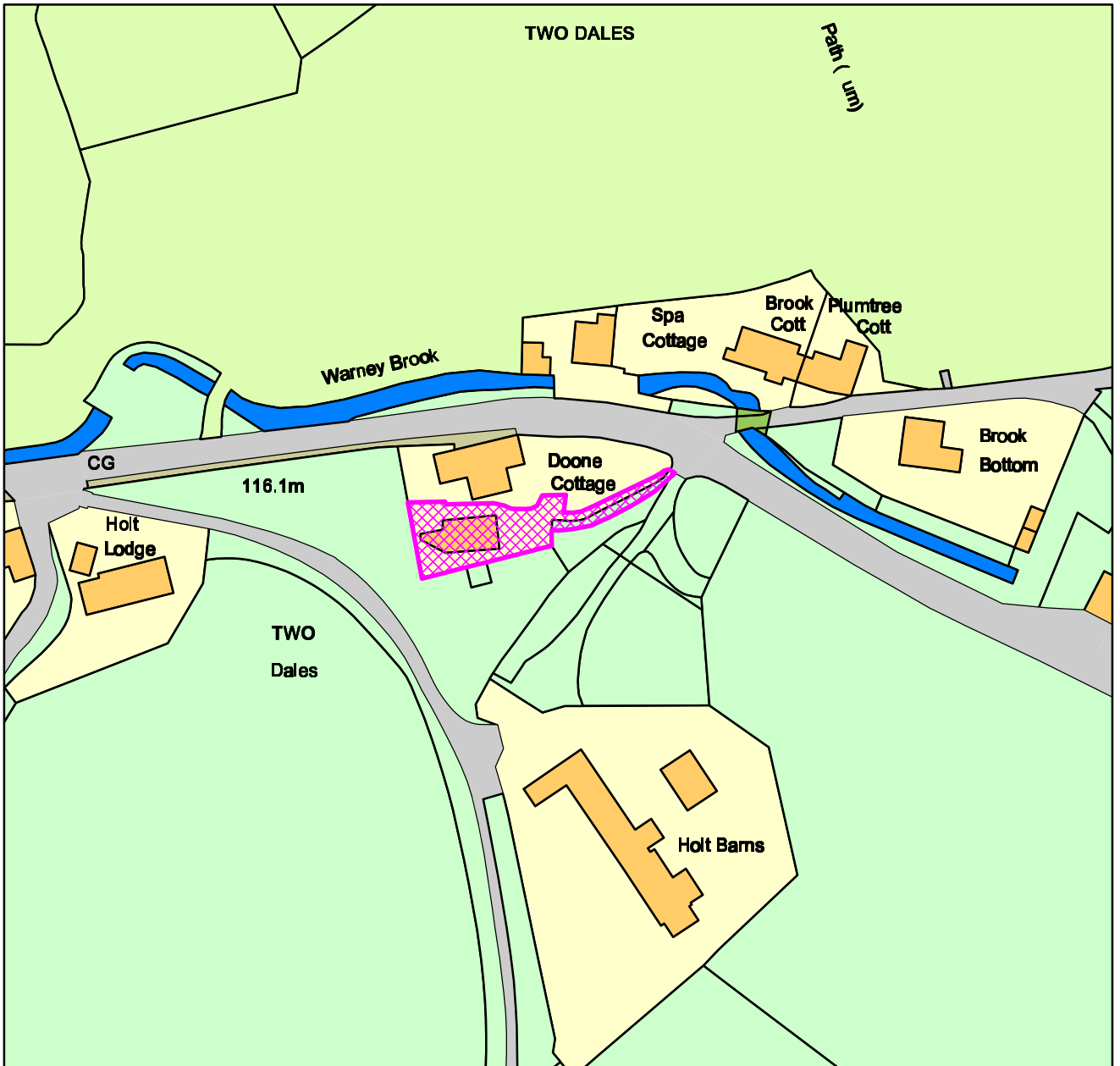
APPLICATION NUMBER		18/00958/FUL	
SITE ADDRESS:		Building To Rear Of Doone Cottage, Ladygrove Road, Two Dales	
DESCRIPTION OF DEVELOPMENT		Change of use to dwelling (Use Class - C3)	
CASE OFFICER	Mr. G. A. Griffiths	APPLICANT	Mr K Bullen
TOWN	Darley Dale	AGENT	Roger Yarwood Planning Consultancy Ltd
WARD MEMBERS	Cllr. J. Atkin Cllr. M. Salt Cllr. A. Statham	DETERMINATION TARGET	24th October 2018
REASON FOR DETERMINATION BY COMMITTEE	Requested by Ward Member	REASON FOR SITE VISIT (IF APPLICABLE)	To allow Members to assess the impact of the proposals on the character, appearance and amenity of the area

MATERIAL PLANNING ISSUES
<ul style="list-style-type: none"> • Principle of the development • Impact on the character and appearance of the area • Impact on amenity • Highway safety

RECOMMENDATION
Approval

18/00958/FUL

Building to Rear of Doone Cottage, Ladygrove Road, Two Dales



Derbyshire Dales DC

1:1,250

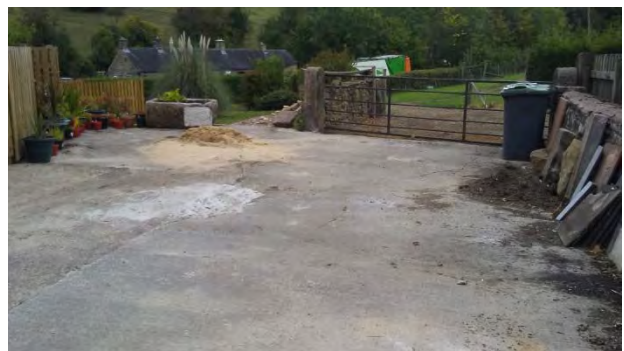
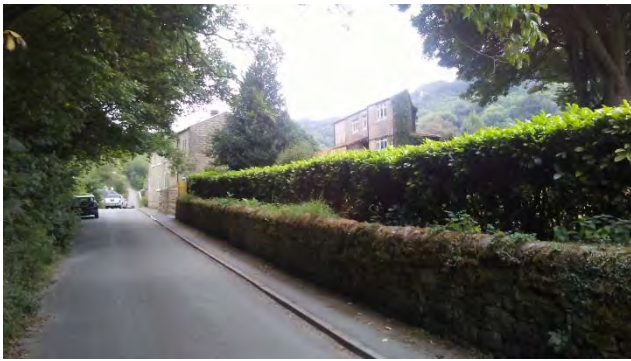
Date: 28/09/2018

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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 a stone outbuilding set in an elevated position to the rear of Doone Cottage and 2 Doone Cottage. It is visible in the approaches from the north and south along Ladygrove Road and backs onto open fields. Vehicle access to the site is to the north of 2 Doone Cottage.
- 1.2 The building was erected further to the grant of planning permission MAT/270/20 and was subject to Condition 3 that its ground floor was to be for a garage, with a store for television, radio and electrical parts on the first floor. The reason for this condition was to avoid the introduction of a business in the rural locality.



2. DETAILS OF THE APPLICATION

- 2.1 Full planning permission is sought for a change of use of the building to a dwellinghouse. It is proposed to have a kitchen/dining room, living room, utility and wc on the ground floor with two bedrooms with en-suite bathrooms on the first floor. The external alterations include some minor alterations to the windows on the north elevation, to address overlooking of Doone Cottage, and an alteration to the door, and the provision of an additional window in the south elevation. The boundary between the application site and Doone Cottage is a hit and miss fence. There is parking space for two cars.
- 2.2 The applicant has submitted a Planning Statement. This advises that the building was used in connection with a business operated by a former occupant of Doone Cottage. The applicant maintains that the last use was within Use Class B1(a) as an office and that permitted development rights to change the building are available; this has been disputed by Officers given Condition 3 of the planning permission for the building (MAT/270/20).

3. PLANNING POLICY AND LEGISLATIVE FRAMEWORK

- 3.1 Adopted Derbyshire Dales Local Plan (2005)
- S1 Sustainable Development Principles
 - S4 Development in the Countryside
 - S7 Matlock/Wirksworth/Darley Dale Development Area Strategy
 - PD1 Design and Place Making
 - HC1 Location of Housing Development
 - HC8 Conversion and Re-use of Buildings for Residential Accommodation
 - HC21 Car Parking Standards
 - EC3 Existing Employment Land and Premises
- 3.2 National Planning Policy Framework
- 3.3 National Planning Practice Guidance

4. RELEVANT PLANNING HISTORY

MAT/367/28 Garage and aerial store - Granted
MAT/370/20 Garage and store - Granted

5. CONSULTATION RESPONSES

Parish Council

- 5.1 No objection

Local Highway Authority (Derbyshire County Council)

- 5.2 No objection:
- not aware of any existing highway safety issues that would justify a reason for refusal
 - conditions required with regard to space for site accommodation, storage of plant and materials, on-site parking provision and arrangements for the storage of bins and collection of waste.

6. REPRESENTATIONS RECEIVED

- 6.1 None.

7. OFFICER APPRAISAL

Principle of Development

- 7.1 Policy HC8 specifically addresses the conversion and re-use of buildings for residential accommodation outside of Settlement Boundaries. This advises that buildings in rural areas will be allowed to be converted to residential use provided they are of permanent and substantial construction, make a positive contribution to the character and appearance of the surroundings, can be converted without extensive alteration, rebuilding or extension and do not have a detrimental impact upon the character and appearance of the building or the group of buildings and their surroundings.
- 7.2 However, notwithstanding the above, Policy EC3 advises that the redevelopment of existing business premises (such as those within Use Class B1 as the applicant states the premises was last used) to non-employment uses will only be permitted where the continuation of such employment use is constrained to the extent that it is no longer suitable or commercially viable, as demonstrated by a marketing exercise; this has not been submitted by the applicant.
- 7.3 Whilst the applicant has consistently advised that the last use of the building was for Use Class B1 purposes, this has not been substantiated with a Certificate of Lawfulness. The approved use of the premises is as a garage with a store for television, radio and electrical parts on the first floor and is subject to a condition. The reason for this was to avoid the introduction of a business in the rural locality. It would clearly not be appropriate in these circumstances to insist on the retention of the building for employment purposes
- 7.4 Given the above, it is considered that the conversion of the building to a dwellinghouse is acceptable in principle subject to considerations regarding character and appearance, the impact of the proposals on the amenity of neighbouring properties and matters of highway safety; these are addressed below.

Impact on the Character and Appearance of the Area

- 7.5 The building has a quirky design at its western end and, overall, makes limited contribution to the character and appearance of the area. However, it is constructed largely of traditional materials and forms part of the group of buildings comprising Doone Cottage and 2 Doone Cottage. It appears rather residential in its current character and appearance and, to this end, it is considered that the conversion of the building is acceptable in principle.
- 7.6 The alterations to the building are considered appropriate and do not harm its character and appearance; they are largely determined by the applicant seeking to limit any impacts on the amenity of Doone Cottage.

Impact on Amenity

- 7.7 The applicant has proposed that the ground floor rooms with windows overlooking Doone Cottage be used for ancillary purposes, such as a wc and utility. A first floor room overlooking Doone Cottage is proposed to be made into a high level window and to serve an ensuite. The relationship of the building to 2 Doone Cottages is such that the principle view of that property will be with an angled from the first floor window serving bedroom 2 and which will be over part of the curtilage of this property. To this end, it is not considered to significantly harm the amenity enjoyed by the occupiers of these properties.
- 7.8 The applicant has erected a hit and miss fence along the boundary with the existing dwellinghouses to a height where it considered there will be no significant loss of privacy from the ground floor windows of the proposed conversion or from within its curtilage.

Highway Safety

- 7.9 The Local Highway Authority has considered the proposal and advises that it is not aware of any existing highway safety issues that would justify a reason for refusal. It is considered that there is adequate off road parking to serve the existing and proposed dwelling and it is advised that conditions, with regard to space for site accommodation, storage of plant and materials during the conversion, on-site parking and arrangements for the storage of bins and collection of waste, be attached to any grant of planning permission.

Conclusion

- 7.10 Whilst the building is of little architectural merit, it is nevertheless considered reasonable for conversion being that it is a permanent structure which would only otherwise continue in its use as garage and store. The conversion works could be undertaken sympathetically, with conditions attached to any permission with respect to the details such as replacement doors and windows being submitted for approval. Through conversion, it is considered that its character and appearance will be likely to be improved upon as someone's dwelling. However, it is considered reasonable to remove permitted development rights for any extensions or alterations to the building and the property. Given the above, it is recommended that planning permission be granted.

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. Prior to being provided, details of the following shall be submitted to and approved in writing by the Local Planning Authority:
 - any replacement doors and windows and additional windows, to include their materials, colour and recess in the openings;
 - any replacement rainwater goods; and
 - any meter boxes and their positioning.

The development shall be provided in accordance with the approved details.

Reason:

To ensure the satisfactory appearance of the development to comply with Policies S1, S4, S7, PD1 and HC8 of the Adopted Derbyshire Dales Local Plan (2017).

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) 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 dwelling hereby approved 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 character and appearance of the original building and its surroundings in accordance with Policies S1, S4, S7, PD1 and HC8 of the Adopted Derbyshire Dales Local Plan (2017).

4. A site compound, including space for site accommodation and storage of plant and materials, shall be made available and retained for the duration of the conversion works.

Reason:

In the interests of highway safety.

5. Prior to occupation of the dwelling hereby approved, on-site parking shall be provided in accordance with the application drawings, laid out and constructed as may be agreed with the Local Planning Authority and maintained thereafter free from any impediment to designated use.

Reason:

To ensure adequate off road parking in the interests of highway safety to comply with Policies S4 and HC21 of the Adopted Derbyshire Dales Local Plan (2017).

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

Reason:

In the interests of highway safety.

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 considered the application as submitted to be acceptable. On this basis, there was no need to engage with the applicant in a positive and proactive manner to resolve any problems with the application and consent was granted without negotiation.
3. This decision notice relates to the following documents:

Site Location Plan 1:1250 received on 29th August 2018

Block Plan 1:500 received on 29th August 2018

Drawing Nos. 18.B.16, 18.B.19 and 1878-01 received on 29th August 2018

Supporting Planning Statement received on 29th August 2018.

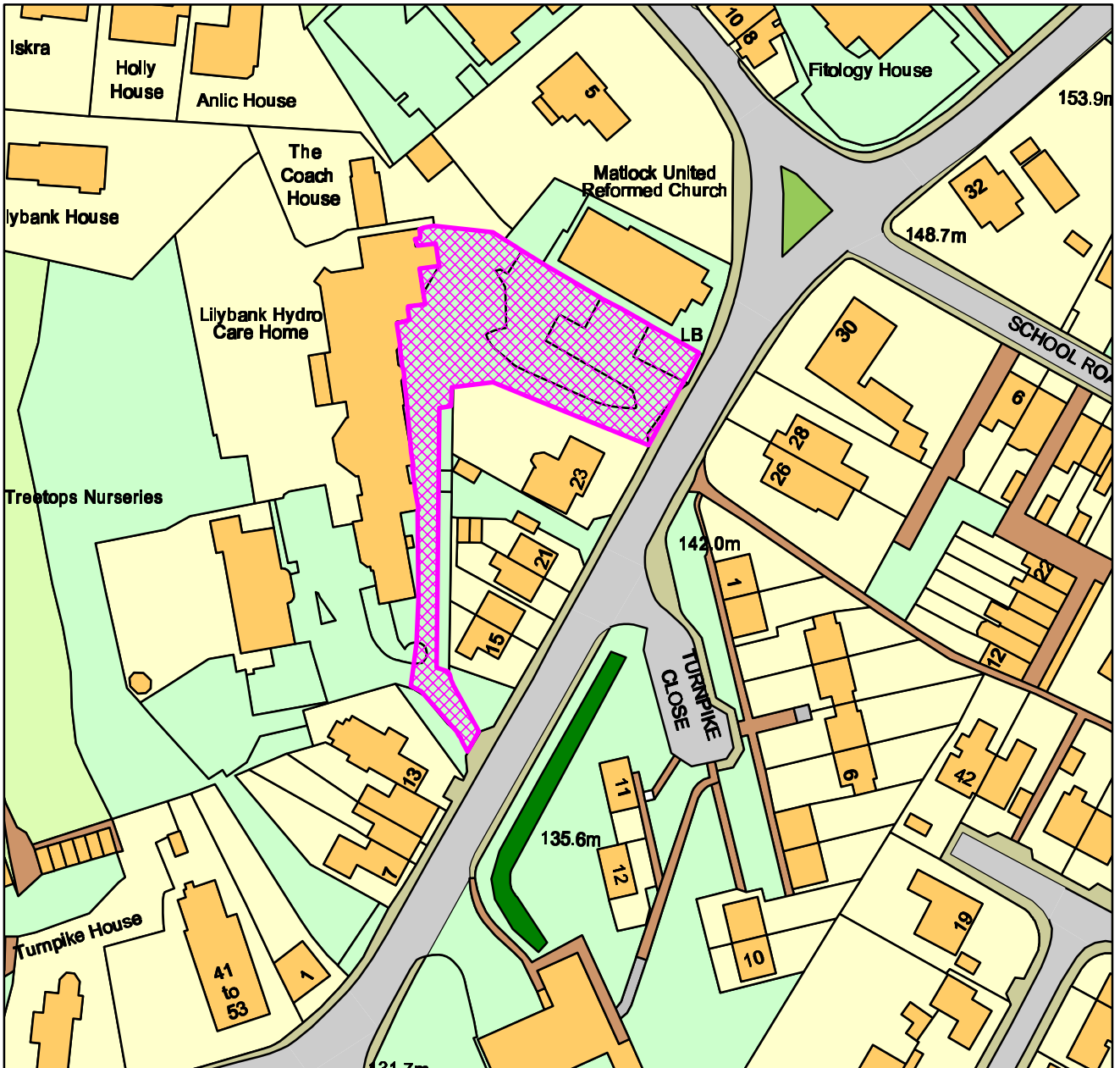
APPLICATION NUMBER		18/00796/FUL	
SITE ADDRESS:		Lilybank Hydro Gardens Nursing Home, Chesterfield Road, Matlock	
DESCRIPTION OF DEVELOPMENT		Erection of 8 Retirement Apartments and Associated Access Improvements	
CASE OFFICER	H Frith	APPLICANT	Mr S Ali
PARISH/TOWN	Matlock	AGENT	John Church Planning Consultancy
WARD MEMBER(S)	Cllr S Burfoot, Cllr M Burfoot, Cllr A Elliott	DETERMINATION TARGET	14.09.18
REASON FOR DETERMINATION BY COMMITTEE	Requested by Ward Member	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 - Impact on the character and appearance of the area - Impact on Residential Amenity - Highway Safety

RECOMMENDATION
Approval subject to conditions

18/00796/FUL

Lilybank Hydro Gardens Nursing Home, Chesterfield Road, Matlock



Derbyshire Dales DC

1:1,250

Date: 28/09/2018

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 application relates primarily to a parcel of land immediately to the north of the northern access route into Lilybank Hydro Care Home which itself lies to the west of Chesterfield Road, Matlock. The land is currently used informally for parking. To the north is a church and to the south beyond the driveway into Lilybank is a detached dwelling. The land slopes down in the locality from north to south and within the site from east to west with Lilybank sat well down below road level. The application site also includes the access route which circulates traffic to Lilybank and emerges next to the site. The site lies within Matlock Bank Conservation Area.



2 DETAILS OF THE APPLICATION

- 2.1 Planning permission is sought to erect a three storey building to provide 8 no. one and two bedroom apartments. The intention is that the apartments would be occupied by persons with a minimum age of 55 years who will be able to draw upon the services offered by Lilybank Hamlet but not wholly dependent upon them. Planning permission for a 7 no. bedroom scheme was approved in 2003 and 2009, this proposal is very similar to the previous proposals with slight changes to the positioning of some windows.
- 2.2 The building proposed is a three storey building with the upper floor accommodation provided within the roof space with dormer windows. The building is proposed to be of stone construction and Victorian style architecture with gable features proposed to break up the mass of the structure. The materials proposed to construct the building are natural gritstone with a pitched face (300mm gauge below the stringcourse and 150mm gauge above), blue slate, sawn gritstone quoins, heads and cills and painted softwood windows. The building footprint measures approximately 27m by 11m.
- 2.3 The main entrance into the building would be via a stone porch structure to the access road elevation. To the road frontage the building would appear as two storeys with the ridge level below that of the adjacent chapel building. The access would be modified to provide a curved wall frontage to the site with a small garden area being formed between the frontage of the building and the highway. The scheme has been amended through the application process to remove the first floor balcony to the access road elevation.
- 2.4 The proposed accommodation is as follows:
Ground floor –
2 no. two bedroom apartments, porch, lift, plant room, stair and store.
First floor –
2 no. two bedroom apartments, 1 no. one bedroom apartment, lift and stair.

Second floor –

2 no. two bedroom apartments, 1 no. one bedroom apartment, lift and stair.

3 PLANNING POLICY AND LEGISLATIVE FRAMEWORK

1. Adopted Derbyshire Dales Local Plan (2017)
 - Policy S1 : Sustainable Development Principles
 - Policy S2 : Settlement Hierarchy
 - Policy S3 : Development Within Defined Settlement Boundaries
 - Policy S7 : Matlock / Wirksworth / Darley Dale Development Area Strategy
 - Policy PD1 : Design and Place Making
 - Policy PD2 : Protecting the Historic Environment
 - Policy HC1 : Location of Housing Development
 - Policy HC11 : Housing Mix and Type
 - Policy HC19 : Accessibility and Transport
 - Policy HC21 : Car Parking Standards
2. Matlock Bank Conservation Area Appraisal
National Planning Policy Framework (2018)
National Planning Practice Guidance

4 RELEVANT PLANNING HISTORY:

- | | |
|----------------|--|
| 09/00580/FUL | Erection of 7 no. new build assisted living apartments including associated access alterations (renewal of planning permission 03/09/0677) – Permitted with conditions |
| 09/00145/VCOND | Occupation of assisted living accommodation without compliance with Condition 2 of planning permission 03/04/0316 (age restriction) - Granted |
| 07/00422/ADV | Display of non-illuminated fascia signs and freestanding signs - Refused |
| 05/00737/FUL | Change of use and conversion of basement area to form 1 no. apartment - Granted |
| 03/09/0677 | Erection of 7 no. new build assisted living apartments, including access alterations (Amended Scheme) - Granted |
| 02/04/0316 | Creation of 7 assisted living units within care home – Granted |

5 CONSULTATION RESPONSES

Town Council

- 5.1 Object on the basis of overdevelopment and insufficient parking provision.

Derbyshire County Council (Highways)

- 5.2 I refer to the amended parking layouts for these applications, it is considered that these still do not accord with the details submitted on the application form (18/00528 states there are 34 spaces available and 18/00796 states there are only 12). Application 18/00796 is for 7 retirement units (presumably linked to the existing care home) on an area which seems to be used for parking. Therefore, whilst the proposals 'indicate' an increase of 9 parking spaces, it seems there are a significant number of parking spaces lost as a result of the proposed building. Furthermore, if you check Google Ariel views, it seems the majority of these 'new' parking spaces are in fact existing spaces/areas where parking already takes

place. However, it is noted similar proposals have been previously accepted on this area on land under application ref's 03/04/0316, 03/09/0677 and 09/00580. Therefore, if your Authority is minded to permit the application, it is recommended that conditions and footnotes are added to any decision.

Development Control Archaeology

- 5.3 The proposal site is not of archaeological interest and I recommend that the application be determined with the guidance of the Local Authority's Conservation Officer.

Conservation and Design Officer (Derbyshire Dales)

- 5.4 The site is located within the Matlock Bank Conservation Area. It is adjacent to an historic (un-listed) chapel and to Lilybank Nursing Home (an un-listed, former Victorian Hydro). The site is prominently located adjacent to Chesterfield Road. Approval for a retirement apartment's development on this site was granted in 2003 and that permission was renewed in 2009. It lapsed in 2012. The current application is for a very similar development as previously approved in terms of its footprint, location, orientation, scale, mass and character. There are, however, a number of changes which have been made to the 2003/2009 schemes.

Based on the submitted drawings, those changes are as follows –

South West elevation –

- *The louvered vent openings to the two gables have been omitted;*
- *The window adjacent to the flat roofed entrance porch has been formed into a patio door and a glazed (?) balustrade added to the top of the porch;*

North East elevation –

- *The louvered vent openings to the two gables have been omitted;*
- *Two windows to the left hand gable and three windows to the right hand gable have been omitted;*
- *The ground level has been reduced to incorporate a new doorway at the base of the left hand gable and to the intermediate gabled projection;*
- *The intermediate gabled projection has been lowered slightly and the two louvered vents replaced with windows;*
- *The gabled projection attached to the right hand side gable has been raised slightly and the doorway and window omitted.*

North West elevation –

- *The central windows, to each of the three floors have been enlarged slightly;*
- *The horizontal string course above the ground floor windows has been omitted.*

South East elevation –

- *No changes have been made.*

In terms of the changes identified above the following comments are made –

- The principal gables (to the south west elevation) are relatively large and the omission of the louvered vent openings visually exacerbates the blankness and form of the triangular gables. In this regard, if the louvered openings are not functionally required, a blank recessed feature should be included in the gable apices.
- The horizontal string course is considered to be an important element of the elevational design and treatment of the development. The string course to the North West elevation should be re-introduced.
- The enlargement of the central windows to the North West elevation is unfortunate as it diminishes the status of the larger windows to either side. The extent of enlargement should be re-considered.

- The patio door and glazed (?) balcony to the south west elevation will require careful constructional design which could be controlled via a condition.
- The proposed changes to the north east elevation (which faces the chapel and of which views/glimpses are reduced) appear to be acceptable.

The proposed siting of the new development is in association with two relatively large institutional buildings – the former hydro and the chapel. In this regard, the scale of the new development, whilst being much larger than the residential dwellings in the vicinity has a connection and legibility to the existing, large, institutional buildings. The new development is close to the chapel, but as a result of land levels and the proposed traditional design concept it is considered that the new building will not be in, architectural, conflict with the chapel. With regard to the overall proposal the scale, form, shape, design, character and materials were considered in detail at the initial application of 2003 and re-considered again in 2009. In this regard the proposed design and character of the new development was, and is, considered to be acceptable as a new building element within this part of the Conservation Area and within this particular context.

In this prominent location, the development will be reliant on the quality and workmanship of the building materials and details, including the associated walls and retaining walls, external communal areas, footpaths and ramps and railings etc. around the building. Of particular relevance will be the roofing material, the off-set of the verges and eaves and the detailing of the barge-boards and finials, the stonework finish for the walling areas, plinth and string-course and the window heads and cills. The roof dormers will require particular design detailing, together with the stone entrance porch. The proposed window frames are identified in the application as ‘timber’ (meaning painted timber). Their pattern, detailing and finish will be important to the overall character of the building. For an ‘institutional’ building the drawings depict no external service apparatus (i.e. vents, grilles, flues, air con units etc.). It is assumed such a building may require these. Such elements can diminish external character and affect the Conservation Area. Details of all such external apparatus to all walls and roofs etc. should be controlled via a condition. All of the above should be controlled via conditions.

6 REPRESENTATIONS RECEIVED

6.1 Matlock Civic Association:

Welcome this application which will make good use of a neglected site within a building design that respects the setting.

There are no details of the treatment of the frontage of the development facing Chesterfield Road.

We have previously installed a blue plaque at the entrance to the site telling the history of Lilybank, fixed to a stone pillar. This needs to be reintegrated into the frontage stone wall and a new tree to echo the existing beech in the garden of the house downhill from the site access.

6.2 A letter has been received from a resident living near to the application site, the comments of which are summarised:

These plans were submitted some years ago, the road was bad then and is now worse.

The construction vehicles will have an impact on local residents.

Is car parking to be provided for the residents of the apartments?

It is a one way system to the nursery and nursing home, exiting by a building site will cause disruption. Children and elderly residents are on and near the site, this could cause a hazard. There is limited parking on the main road, this will increase demand for parking which will impact on residents.

6.3 Comments from Councillor M Burfoot:

I have some comments on this application, which appears to be an excessively large building for the site, and not exactly subservient to the adjoining church, with very little external space for residents to circulate or relax.

The drawings show a small area of garden inside the Chesterfield Road frontage, and seem to attempt to promote the existence of the Copper Beech tree in the front garden of the dwelling (proposed for an extension), immediately below the Hydro Care Home car park exit.

However, the applicant has made no attempt to balance the visual impact of that tree and those above the church, by proposing a significant tree in the front garden, in order to further enhance the streetscape and reduce the impact of such a large building.

A further concern is the car parking proposed for this development. Since there is no space within the site, it is proposed to provide parking spaces to the rear of the site, but apparently by confiscating spaces at present available for staff and visitors to the care home. Therefore, it appears that there will be an issue of overspill parking, either alongside the exit drive or on Chesterfield Road itself, thereby causing further problems of obstruction and congestion opposite Turnpike Close, as well as problems for existing residents.

If these matters cannot be resolved, I think the scale of the development should be reduced to something more sustainable, otherwise it should be refused, as currently proposed.

I trust you will take my views, as ward member, into account, and if officers are minded to approve it, I request that it be referred to Committee.

7 OFFICER APPRAISAL

The following material planning issues are relevant to this application:

- Principle of Development
- Impact on the character and appearance of the area
- Impact on Residential Amenity
- Highway Safety

Principle of Development

- 7.1 The application site is within the town of Matlock which is a first tier settlement as defined by the Adopted Local Plan 2017. Policy S2 sets out that the first tier settlements are the primary focus for growth in order to safeguard and enhance their strategic role as employment and service centres.
- 7.2 Policy HC11 specifically refers to specialised housing accommodation and advises that schemes which provide specialised accommodation whilst promoting independent living will be supported provided:
- The type of accommodation meets identified needs and contributes to maintaining the balance of housing stock,
 - Relates well to the existing settlement with easy access to services within the town, including public transport enabling independent living,
 - The design is suitable to the need of the occupier and arrangements are in place to ensure the delivery of appropriate care and support packages.
- 7.3 In this case the proposal is to provide 8 no. apartments which can be accessed via a lift and would be located within the town where there is a bus service and facilities within easy walking distance. The use will meet the needs of those who will need additional care over time which will contribute towards meeting the needs of the ageing population of the Derbyshire Dales.

- 7.4 It is specified within the submission that the accommodation is proposed for those over 55 who will be able to draw upon the services of the adjacent Lilybank hamlet. In this respect and given the previous permissions granted for very similar developments at this site it is considered that in principle the proposed development is acceptable subject to a condition restricting the occupation of the units. Given the constraints of the site it is appropriate to consider the impacts of the development upon the character and appearance of the area, the residential amenity impacts and highway safety and parking provision.

Impact on the character and appearance of the area

- 7.5 The site is within the Matlock Bank Conservation Area close to an existing chapel and the Lilybank Nursing Home both of which are of an imposing architectural style. Below the site to the south are a number of residential dwellings of modern and differing designs and materials. The application site is prominent within the street scene and therefore any development on the site would need to assimilate well with the surrounding development and either preserve or enhance the character and appearance of the Conservation Area.
- 7.6 The design chosen in this case is a pastiche design of a Victorian style building. The design in this case is considered to be appropriate to the surroundings and is very similar to schemes previously approved in 2003 and 2009.
- 7.7 The building whilst large utilises the topography of the site to break up the visual mass of the building. The gabled design of the building also helps to break up the scale and mass of the structure. The building as proposed whilst filling the site is considered to be acceptable in terms of its scale and massing and is not considered to be overdevelopment of the site.
- 7.8 It has been suggested that a tree should be planted to the site frontage similar to that of the Beech tree to the adjacent property. Given the limited space available in the front garden area for a substantial tree to grow and the potential impact this would have in terms of overshadowing the windows of the proposed building, the planting of a substantial tree in this location is not considered feasible. However a planting scheme for the site shall be considered via condition to ensure appropriate planting in this locality.

Impact on Residential Amenity

- 7.9 A building of this scale will have implications in regard to the amenity of neighbouring residents. The site is bounded by a dwelling to the south, a dwelling to the east across the highway and the care home to the west. The dwelling on the other side of the access road has recently had a substantial belt of screening to the side of its rear garden removed.
- 7.10 The access road elevation of the building is proposed to be sited between 13.5m and 15m from the secondary side elevation windows of the property to the south of the site. Due to the nature of local topography the proposed building will also sit at a higher level despite the applicant's design which involves digging the property into the site. The building would certainly have an imposing presence when viewed from the dwelling to the south and would to a degree dominate it. However, such relationships between properties are not uncommon on the hillside in Matlock given the topography of the area. In addition to its physical presence on the site, the proposed building would also have windows that have the potential to overlook the adjacent property. The proximity of windows and the elevated position has the potential to make the residents of the adjacent dwelling feel overlooked. This overlooking was not an issue in relation to previous applications because of the presence of screen planting in the garden of the adjacent property. In order to address this it is considered necessary for some of the windows within the elevation fronting the access road to be obscure glazed. Subject to a condition relating to the windows it is considered that the

amenity impacts of the proposal would not warrant refusal of planning permission, particularly given the previous permissions relating to the site.

- 7.11 It is not considered that the dwellings to the opposite side of the highway or the residents of the care home would be adversely affected by the proposal due to the distances between and the siting of the buildings.
- 7.12 Whilst it has been noted that there is limited garden space to the site the size of the garden area proposed, largely to the front of the building, is considered adequate to give minimal amenity and sitting out space for the residents.

Highway Safety

- 7.13 The site currently has two points of access/egress which is shared with Lilybank nursery. The nursery operates on a one way traffic circulation of in at the south and out of the north. The applicants are proposing that all traffic operate in at the south and out at the north and that the northern access be improved with a dedicated footway for pedestrians and signage to mark no entry. With these measures in place, the increase in traffic associated with this development is mitigated by improved traffic and pedestrian circulation. There is only limited parking proposed to serve the apartments and therefore a condition will need to be attached restricting the occupation of the building to those who are less likely to use the private car for travel.

Conclusion

- 7.14 Whilst it is recognised that the development will almost fill the available space on the site it is considered that the quality of development proposed will assimilate well into the surroundings and will preserve the character and appearance of the area. The amenity impacts will not be so significant that refusal is warranted subject to conditions. Whilst parking at the site is limited it is considered sufficient for the proposed occupants of the apartments. The proposal therefore complies with the requirements of local and national planning policies and is recommended for approval.

8 RECOMMENDATION

That planning permission be granted subject to the following conditions:

1. Condition ST02a: Time Limit On Full

Reason:

Reason ST02a

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

Reason:

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

3. Before any other operations are commenced (excluding Condition No 2 above) the existing vehicular accesses to Chesterfield Road shall be modified in accordance with the submitted 'Proposed Site Plan' Drawing No 9, and provided with a 2.4m parallel visibility sightline across the entire frontage of the development controlled by the applicant fronting Chesterfield Road, the area in advance of the sightlines being kept clear, in perpetuity, of any obstructions in excess of 1m (0.6m in the case of vegetation), measured above the adjacent carriageway channel .

Reason:

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

4. No residential unit shall be occupied until space has been laid out within the site in accordance with the submitted 'Proposed Site Plan' Drawing No 9 for 9 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 interests of highway safety in accordance with policies S3 and HC19 of the Adopted Local Plan 2017.

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

6. Prior to the occupation of the first unit, full details of both hard and soft landscaping works, incorporating replacement planting to the site frontage with Chesterfield Road, indicating the number, types, sizes and positions of trees and shrubs, including existing trees and hedges to be retained, and treatment of paved and other areas, have been submitted to and approved in writing by the Local Planning Authority, and these works shall be carried out as approved.

Reason:

To ensure an appropriate finished form of landscaping to the site in accordance with policies S1, S3 and PD1 of the Adopted Local Plan 2017.

7. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development, or else in accordance with a programme to be agreed in writing by the Local Planning Authority before any site works have started. Any trees or plants which, within a period of five years from the provision of the landscaping works, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority give written consent to any variation.

Reason:

To ensure a satisfactory standard of landscaping in the interests of amenity in accordance with policies S1, S3 and PD1 of the Adopted Local Plan 2017.

8. Prior to the occupation of the first unit, detailed plans showing the design, location and materials to be used on all boundary walls/fences/screen walls and other means of enclosure have been submitted to and been approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details. The boundary treatment shall be completed before the units are occupied.

Reason:

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

9. Prior to works commencing on the elevations of the building full specifications of:

- (a) ridge tiles and roof coverings
- (b) finial and barge board detail and colour finish
- (c) stone type and its method of finishing/tooling
- (d) window and door details, their reveal and their finish (painted timber)
- (e) the porch parapet and its flat roof
- (f) metal work railings and their finish
- (g) stone heads and cills

shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

10. Prior to development commencing details of the routing of construction traffic and hours of working shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason:

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

11. The assisted living accommodation shall be occupied and operated in association with Lilybank Hydro Care Home.

Reason:

To define the permission due to the constraints of the site and in the interest of highways safety and parking in accordance with policies S3 and HC19 of the Adopted Local Plan 2017.

12. In accordance with condition 11 above, the occupants of the assisted living accommodation shall be limited to persons who by reason of their personal care needs, infirmity or disability require to benefit from the care provided by the adjoining care home. The assisted living accommodation shall not be occupied by any other persons without the prior written approval of the Local Planning Authority.

Reason:

To define the permission due to the constraints of the site and in the interest of highways safety and parking in accordance with policies S3 and HC19 of the Adopted Local Plan 2017.

13. Notwithstanding the submitted and approved drawings the lounge windows to apartments 5 and 8 and the living and kitchen windows of apartment 4 as shown on approved drawings 95318_05A, 06B and 07A in the southern elevation of the building shall be fitted with obscure glazing prior to occupation, details and a sample if deemed necessary shall be approved prior to installation. The glazing shall thereafter be retained in perpetuity.

Reason:

To protect the amenity of the neighbouring residents in accordance with policy PD1 of the Adopted Local Plan 2017.

14. This permission relates solely to the application as amended by the revised plan(s) Amended floor plan 95318_06B received 27.09.18 and Amended elevation plan 95318_08A received 27.09.18

Reason:

For the avoidance of doubt.

9 NOTES TO APPLICANT:

- 9.1 The Local Planning Authority considered the application as submitted to be acceptable. On this basis, there was no need to engage with the applicant in a positive and proactive manner to resolve any planning problems and permission was granted without negotiation.
- 9.2. The Town and Country Planning (Fees for Applications, Deemed Applications and Site Visits) (England) Regulations 2012 as amended stipulate that a fee will henceforth be payable where a written request is received in accordance with Article 27 of the Development Management Procedure Order 2015 for the discharge of conditions attached to any planning permission. Where written confirmation is required that one or more conditions imposed on the same permission have been complied with, the fee chargeable by the Authority is £34 per householder request and £116 per request in any other case. The fee must be paid when the request is made and cannot be required retrospectively.
- 9.3 A. Pursuant to Section 184 of the Highways Act 1980 and Section 86(4) of the New Roads and Streetworks Act 1991 prior notification shall be given to the Department of Economy Transport & Environment at County Hall, Matlock regarding access works within the highway. Information, and relevant application forms, regarding the undertaking of access works within highway limits is available via the County Council's website http://www.derbyshire.gov.uk/transport_roads/roads_traffic/development_control/vehicular_access/default.asp , email ETENetmanadmin@derbyshire.gov.uk or telephone Call Derbyshire on 01629 533190.
- B. 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.

9.4 This decision notice relates to the following documents:

Amended floor plan 95318_06B received 27.09.18

Amended elevation plan 95318_08A received 27.09.18

Proposed plans 95318_05A and 07A received 20.07.18

Visuals plan no. 12 received 20.07.18

Streetscape plan no. 10. Received 20.07.18

Existing and proposed parking layouts no. 14 received 20.08.18

Proposed street elevation no. 13 received 20.07.18

Planning and heritage statement received 20.07.18

Design and access statement received 20.07.18

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 R Pigott
WARD MEMBER(S)	Cllr Susan Bull	DETERMINATION TARGET	17/08/2018
REASON FOR DETERMINATION BY COMMITTEE	Cllr Bull Request	REASON FOR SITE VISIT (IF APPLICABLE)	N/A site visit carried out at previous planning committee (11/09/2018)

MATERIAL PLANNING ISSUES

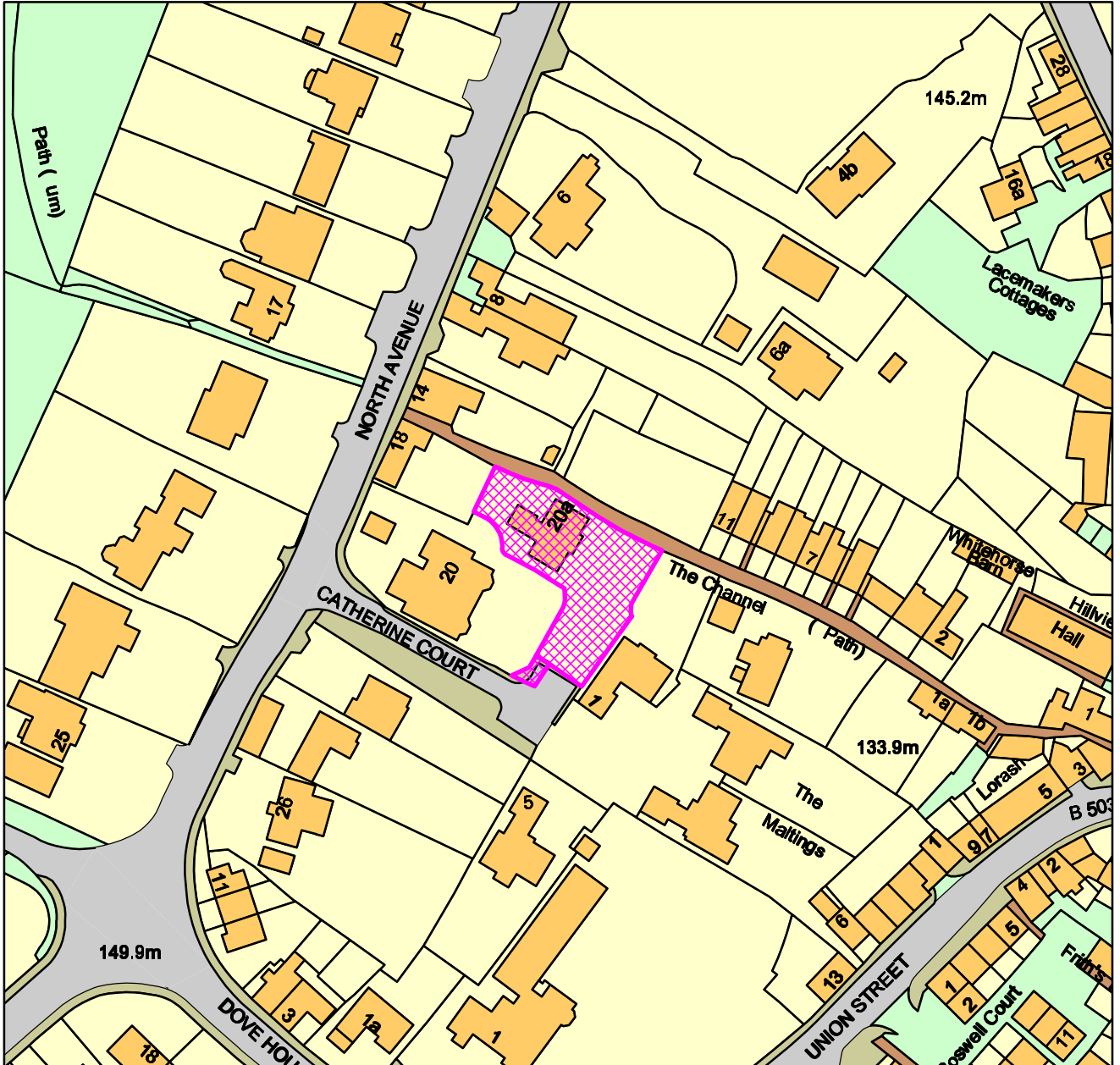
- The impact of the development on residential amenity of the occupants of neighbouring properties, and;
- The impact of the development on the character and appearance of the existing dwellinghouse and its surroundings.

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 INTRODUCTION

- 1.1 This application was presented to Planning Committee on 11th September 2018, members resolved to defer the application to see if the impact of the development on the neighbouring property could be lessened, by means of relocation or re-design, with particular reference to the carport/office space. The item is represented, incorporating the further views of the applicant's agent – Richard Pigott. No amendments to the scheme are proposed.

2 THE SITE AND SURROUNDINGS

- 2.1 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.



3 DETAILS OF THE APPLICATION

- 3.1 Following the deferral of this application at the Planning Committee on 11th September 2018, correspondence has been received from an agent of behalf of the applicant in support of the proposal, as summary of which is as follows:

- The kitchen window in the north west side elevation of 1 Catherine Court should not be considered a primary window as there is also a kitchen window on the south eastern side of the building facing the driveway, limited weight should therefore be afforded to the window in the north western elevation.
- The impact on this window would be minimal due to the existing poor outlook due to site levels and proximity to the fence and tree.

- The eaves of the carport would be below the eaves of 1 Catherine Court.
 - There would be no loss of direct sunlight to the north west elevation kitchen window.
 - The applicant has made attempts to reach agreement prior to submission of this application through a pre-application enquiry and speaking with neighbours during the design phase.
 - The rotation of the roof would not significantly improve the relationship with adjacent properties.
 - There are no potential amendments which would significantly improve the proposal without compromising what the applicants are trying to achieve.
- 3.2 Planning permission is sought for the construction of a single storey extension to the rear of the property, construction of a detached carport/office and a number of minor works including the erection of a boundary fence (retrospective) to the garden and blocking up/widening of existing windows.
- 3.3 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 and bi-folding doors and two further windows in the south eastern elevation.
- 3.4 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.
- 3.5 The existing fence – for which retrospective permission is sought, is 1.83m in height and is constructed of timber. The fence forms the south east and south western border to the existing garden area.

4 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

5 RELEVANT PLANNING HISTORY:

13/00203/FUL	Single storey front extension	PERC	17/05/2013
0187/0048	HOUSE	A	24/02/1987

6 CONSULTATION RESPONSES

Ashbourne Town Council

- 6.1 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.

7 REPRESENTATIONS RECEIVED

- 7.1 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.

8 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.

8.1 The application was presented to the Planning Committee on 11th September 2018; members determined that the application should be deferred to see if the impact of the development on the neighbouring property could be lessened, by means of relocation or re-design, with particular reference to the carport/office space. Correspondence received by the Local Planning Authority on 26th September 2018 from Richard Pigott (on behalf of the applicant) concludes that “there are no potential amendments which would improve the proposal significantly without compromising what the applicants are trying to achieve”. The proposal remains as submitted and the Officer Appraisal below remains as presented to the planning committee on 11th September 2018 accordingly.

8.2 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.

8.3 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. 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 cause an existing loss of light to this window, it is considered that the removal of the tree and 4m separation between the properties would allow enough light to travel between the properties and the loss of light to neighbouring properties 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. 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 side elevations allows 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.

8.4 Other alterations

The proposed increase in size of the existing window on the south eastern elevation of the property above the proposed extension is not considered to result in any harm to amenity of neighbouring properties. There are also no concerns in relation to the blocking up of the window on the south western elevation. The 1.83m timber fence requires planning permission as permitted development rights have been removed. The fence is considered an appropriate boundary to the garden and is considered acceptable in this case.

8.5 Conclusion

The Planning Committee deferred the application with the aim of securing amendments to the scheme which lessened the impact of the proposal on the immediate neighbour. As they are entitled to do, the applicants have requested that the scheme submitted is determined without further amendment. In line with the previous officer recommendation, on balance it is considered that the level of adverse impact of the scheme on neighbouring amenity is not such that it would warrant the refusal of this application.

9 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.

10 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)

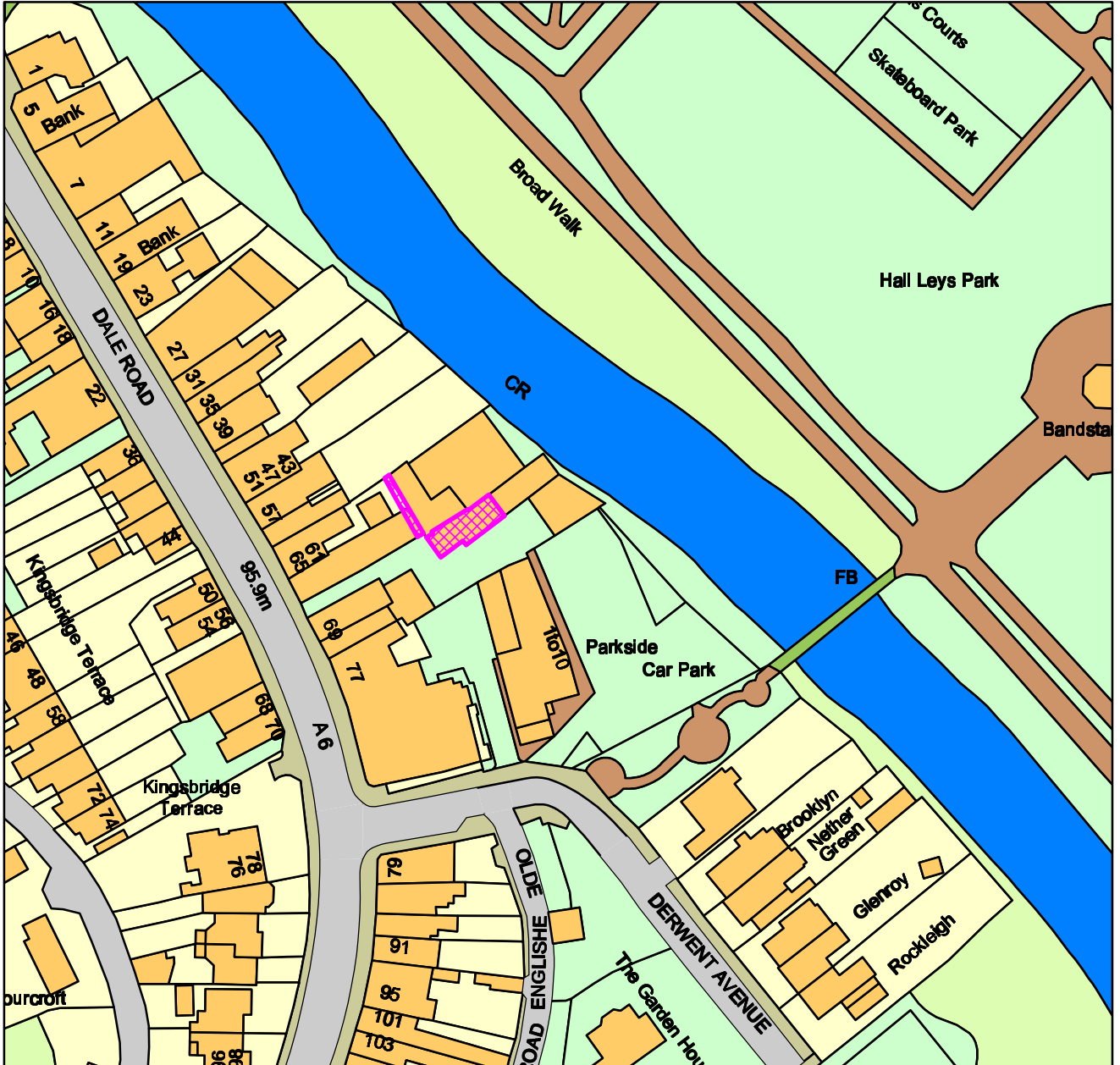
APPLICATION NUMBER		18/00818/FUL	
SITE ADDRESS:		Derwent Carpets, 67 Dale Road, Matlock	
DESCRIPTION OF DEVELOPMENT		Change of Use Of Part of Carpet Shop (A1 Use) to Café (C3 Use)	
CASE OFFICER	H Frith	APPLICANT	Mrs L Groves
PARISH/TOWN	Matlock	AGENT	
WARD MEMBER(S)	Cllr, S Burfoot, Cllr M Burfoot, Cllr A Elliott	DETERMINATION TARGET	26.09.18
REASON FOR DETERMINATION BY COMMITTEE	Due to the extent of public objection	REASON FOR SITE VISIT (IF APPLICABLE)	Site visit not required

MATERIAL PLANNING ISSUES
<ul style="list-style-type: none"> - Principle of Development - Impact on Residential Amenity - Impact on the Character and Appearance of the Area - Parking and Access

RECOMMENDATION
Approval subject to conditions

18/00818/FUL

Derwent Carpets, 67 Dale Road, Matlock



Derbyshire Dales DC

1:1,250

Date: 28/09/2018

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 relates to part of an existing retail property situated behind the main Dale Road frontage within the courtyard area adjacent to the Parkside development which contains a number of flats. The site is within the town centre area as defined by the Adopted Local Plan 2017 and within the Matlock Bridge Conservation Area. The property is subject to an Article 4 Direction which removes some of the normal permitted development rights. In this case the direction relates to painting and means of enclosure.



2 DETAILS OF THE APPLICATION

- 2.1 Planning permission is sought to change the use of part of the ground floor of the premises from retail (A1 Use) to café (A3 Use). Internally the premises will accommodate a customer area and toilet, counter and small kitchen. To the exterior the only change proposed is the change of a single window to a door to allow access to and from the kitchen. An extractor flue to the side of the newly created door is proposed directly from the kitchen. The opening hours are proposed to be daily from 0900 to 1800.

A flood risk assessment has been submitted with the application.

3 PLANNING POLICY AND LEGISLATIVE FRAMEWORK

- 3.1 Adopted Derbyshire Dales Local Plan (2017)
S1 Sustainable Development Principles
S3 Development within Defined Settlement Boundaries

- S7 Matlock/Wirksworth/Darley Dale Development Area Strategy
- PD1 Design and Place Making
- PD2 Protecting the Historic Environment
- PD9 Pollution Control and Unstable Land
- EC1 New and Existing Employment Development
- EC2 Employment Land Allocations
- EC6 Town and Local Centres

Other:

Matlock Bridge Conservation Area Appraisal
 National Planning Policy Framework (2018)
 National Planning Practice Guidance

4 RELEVANT PLANNING HISTORY:

15/00376/FUL Change of use of retail premises to public house –Refused – Allowed on appeal.

The reason for refusal was as follows:

The application site is set in a relatively quiet, backland area off the main commercial road and in an area that has residential properties in close proximity. In this respect, the use of the premises as a public house could significantly impact on the amenity of local residents, by reason of the noise and general disturbance, particularly at night, caused by the comings and goings of patrons, people gathering outside the premises, with the potential for anti-social behaviour, and general noise nuisance emanating from the premises. As such, it is considered that the proposals fail to comply with government guidance contained in the National Planning Policy Framework and with Policies SF1, SF5, NBE27 and S1 of the Adopted Derbyshire Dales Local Plan (2005).

5 CONSULTATION RESPONSES:

Town Council

- 5.1 Objection of the basis of noise for Parkside residents and traffic flow problems caused by deliveries.

Derbyshire County Council (Highways)

- 5.2 No objection given existing use, town centre location and availability of public parking.

Environmental Health (Derbyshire Dales)

- 5.3 Concerns in regard to noise and odour and therefore recommend conditions relating to the hours of use as set out in the application. There is limited information with regard to the extract ventilation, recommend a condition prior to commencement which should include details of odour and noise control measures. Recommend no amplified music is played and no external tables without the prior agreement of the Local Planning Authority.

6 REPRESENTATIONS RECEIVED

- 6.1 Four letters of objection have been received, the concerns raised are summarised as follows:

- There are enough eating and drinking establishments in the area.
- There is an existing noise problem for residents of the Parkside apartments.
- There will be an extraction fan blowing straight below our balcony, we already suffer from cooking smells within the area, can the extract be channelled in another direction?
- Where are deliveries to be made?
- Where will the parking be?

- This is in close proximity to our outdoor area and is likely to cause additional disturbance and odours.
- There should be acoustic and filtration measures put in place and adequate fresh air ventilation to the new kitchen.
- The kitchen access door should not be open for lengthy periods of time. Waste storage is some distance from the site, for convenience it is likely the bins will be in the yard.
- There should be no food waste in the yard.

7 OFFICER APPRAISAL

The following material planning issues are relevant to this application:

- Principle of Development
- Impact on Residential Amenity
- Impact on the Character and Appearance of the Area
- Parking and Access

Principle of Development

- 7.1 The application site is located within the town centre but outside of the primary shopping frontage area. In this respect policy EC6 of the Adopted Local Plan allows for uses which add to the vitality and viability of the area. Given the permission previously granted for the use of these premises as a public house it is considered that in principle the use of the premises for a café under use class A3 is acceptable. However in accepting such a use in principle consideration has to be given to the impacts arising from the use and any potential mitigation measures.

Impact on Residential Amenity

- 7.2 Policies PD1 and PD9 of the Adopted Local Plan require that developments protect the amenity of neighbouring residents from any adverse effects including noise, nuisance and smells. In this case concern has been raised regarding the impact of the use on the amenity of neighbouring residents in terms of noise, disturbance and smells. Similar issues were of concern during the appeal on the premises for use as a public house and the Inspector in that case considered that such matters could be resolved through conditions on the opening hours of the premises and appropriate extraction. In this regard the applicant has provided additional detail regarding the proposed operation advising that the kitchen will primarily be used for baking and will not emit obnoxious odours. The Council's Environmental Health Officers have considered the proposal and recommended conditions. Whilst one of the conditions recommended prevents tables and chairs being sited and used externally, given the limited hours of operation proposed having customers sitting outside during these hours is not considered to have such an impact on the amenity of neighbouring residents that a condition to restrict this is necessary. Subject to conditions it is considered that the use of the premises for a café is appropriate in this town centre location.

Impact on the Character and Appearance of the Area

- 7.3 The proposal includes the minor alteration to the building to change an existing window to a door opening. This minor alteration to a building of minimal merit within the Conservation Area is considered to preserve the character and appearance of the Conservation Area in accordance with primary legislation and policy PD2 of the Adopted Local Plan 2017.

Parking and Access

- 7.4 There is some potential for parking at the site and for deliveries to be via the access to the yard from Dale Road. The access is limited in width and there is limited parking space. Nevertheless, it is considered that this is adequate to serve the property. Given the scale of

the development it is not considered that vehicle movements in this area will unduly impact upon the amenity of neighbouring residents given the town centre location.

Conclusion

- 7.5 Given the town centre location and the previous appeal decision relating to a potentially more harmful use within the building it is considered that the proposed change of use is acceptable in accordance with local and national planning policy subject to conditions.

8 RECOMMENDATION

That planning permission be granted subject to the following conditions.

1. Condition ST02a: Time Limit On Full

Reason:

Reason ST02a

2. Prior to the installation of the proposed timber door, details of the door and its finish shall be submitted to and approved 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 accordance with policies S3, PD1 and PD2 of the Adopted Local Plan 2017.

3. With the exception of the detail to be agreed under condition 2 above this permission does not allow for any external changes to the building.

Reason:

For clarification.

4. The use of the premises including deliveries shall be restricted to be between the hours of 0900 to 1800 Monday to Sundays including bank and statutory holidays.

Reason:

In order to safeguard the amenity of nearby residents in accordance with policy PD1 of the Adopted Local Plan 2017.

5. There shall be no amplified music from the premises.

Reason:

In order to safeguard the amenity of nearby residents in accordance with policy PD1 of the Adopted Local Plan 2017.

6. Before any cooking in the premises commences, an extraction system shall be installed in accordance with the details contained within the email from the applicant dated the 25th September 2018. In addition the cooking which then takes place within the premises shall be restricted to be in accordance with the detail contained within the email dated the 25th September 2018, described as primarily baking with no obnoxious smells or odours. There shall be no flue or external chimney provided.

Reason:

In order to safeguard the amenity of nearby residents and protect visual amenity in accordance with policies S3, PD1 and PD2 of the Adopted Local Plan 2017.

9 NOTES TO APPLICANT:

- 9.1 The Local Planning Authority considered the application as submitted to be acceptable. On this basis, there was no need to engage with the applicant in a positive and proactive manner to resolve any planning problems and permission was granted without negotiation.
- 9.2. The Town and Country Planning (Fees for Applications, Deemed Applications and Site Visits) (England) Regulations 2012 as amended stipulate that a fee will henceforth be payable where a written request is received in accordance with Article 27 of the Development Management Procedure Order 2015 for the discharge of conditions attached to any planning permission. Where written confirmation is required that one or more conditions imposed on the same permission have been complied with, the fee chargeable by the Authority is £34 per householder request and £116 per request in any other case. The fee must be paid when the request is made and cannot be required retrospectively.
- 9.3 This decision notice relates to the following documents:
Existing exterior building
Proposed exterior building
Existing interior plan
Proposed interior plan
Flood risk assessment,
Location plan
Block plan
7 no. photographs of the building
All received 25.07.18

APPLICATION NUMBER		18/00857/FUL	
SITE ADDRESS:		Grove Cottage, St Elphins Park, Dale Road South, Darley Dale	
DESCRIPTION OF DEVELOPMENT		Conversion And Extension Of Existing Cottage To Provide 2 No. Units Of Specialist Elderly Accommodation	
CASE OFFICER	H Frith	APPLICANT	Mr B Krauze
PARISH/TOWN	Darley Dale	AGENT	Gaunt Francis Architects
WARD MEMBER(S)	Cllr Statham, Cllr Atkin, Cllr Salt	DETERMINATION TARGET	02.10.18
REASON FOR DETERMINATION BY COMMITTEE	Requested by Ward Member due to the scale of the development and the impact on surrounding heritage and context	REASON FOR SITE VISIT (IF APPLICABLE)	No site visit required

MATERIAL PLANNING ISSUES

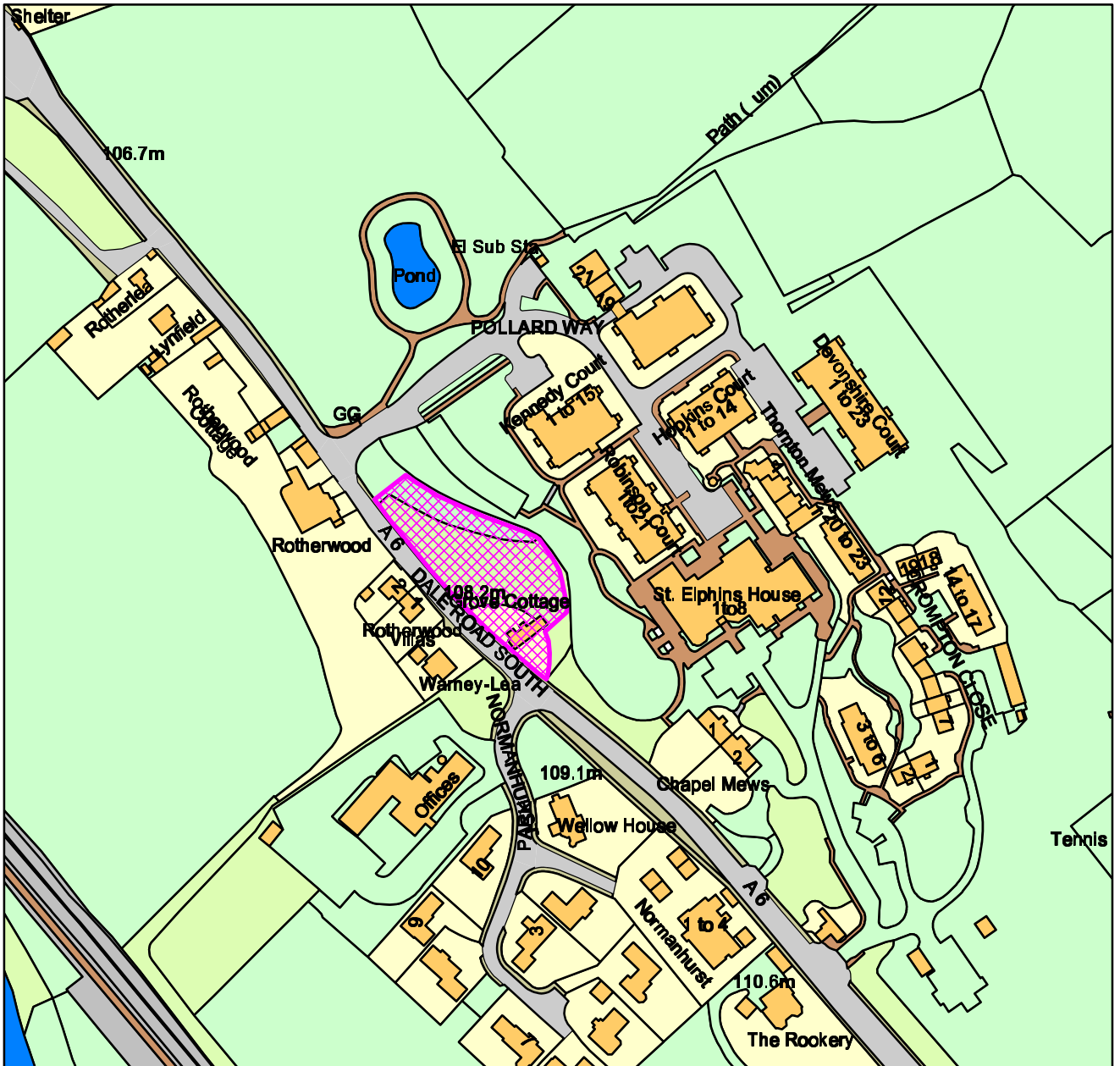
- Principle of Development
- Impact on protected trees
- Visual Impact
- Highway Safety

RECOMMENDATION

Approval subject to conditions

18-00857-FUL

Grove Cottage at St Elphins Park, Dale Road South, Darley Dale



Derbyshire Dales DC

1:2,500

Date: 28/09/2018

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 relates to an existing two storey detached dwelling of stone construction which is set gable onto the highway in a prominent street frontage position in Darley Dale. The site lies to the frontage of the St Elphins site. The garden sits mainly to the north west of the dwelling where there are a number of trees protected under TPO number 119. The site is within the settlement framework boundary for Matlock.



2 DETAILS OF THE APPLICATION

- 2.1 Planning permission is sought to provide a rear two storey extension to the dwelling, change the C3 dwelling use to a C2 use class for assisted living accommodation in association and subdivide the dwelling into two units of accommodation each having two bedrooms to the upper floor. The proposed extension to the rear would be in the form of a double gable detail. The extension is proposed to be of natural stone and artificial slate with timber windows. Access to the property is to remain unaltered.

3 PLANNING POLICY AND LEGISLATIVE FRAMEWORK

1. Adopted Derbyshire Dales Local Plan (2017)
 - Policy S1 : Sustainable Development Principles
 - Policy S2 : Settlement Hierarchy
 - Policy S3 : Development Within Defined Settlement Boundaries
 - Policy S7 : Matlock / Wirksworth / Darley Dale Development Area Strategy
 - Policy PD1 : Design and Place Making
 - Policy HC1 : Location of Housing Development
 - Policy HC11 : Housing Mix and Type
 - Policy HC19 : Accessibility and Transport
 - Policy HC21 : Car Parking Standards
2. National Planning Policy Framework (2018)
 - National Planning Practice Guidance

4 RELEVANT PLANNING HISTORY:

05/00504/FUL Incorporation of land into domestic curtilage – Permitted with conditions

05/00741/FUL Two storey extension to dwelling, erection of detached garage block, formation of access driveway and incorporation of land into residential curtilage – Permitted with conditions

5 CONSULTATION RESPONSES

Town Council

5.1 No response received

Derbyshire County Council (Highways)

5.3 No objection based on the specialist accommodation proposed is in connection with the C2 operation at Audley St Elphin's Park and existing access arrangements are maintained.

Trees and Landscape Officer (Derbyshire Dales)

5.9 There are two group Tree Preservation Orders relating to the site.

All existing trees should be retained where possible and appropriately protected during clearance and construction works. It is recommended that the applicant provide an Arboricultural Impact Assessment for pre-commencement approval to inform DDDC as to the scale of tree losses resulting from the proposals. To date no details of protection measures for the retained trees and hedgerows on site, and within 15m of its boundaries, have been submitted to DDDC in the form of an Arboricultural Method Statement and Tree Protection Plan. These should be submitted by the applicant for pre-commencement approval.

There are concerns that protected trees will be at risk of removal to facilitate the proposals and long-term damage could negatively impact their stability and vitality from the proposed construction works. Further details are therefore required, as detailed above, to allow assessment of these risks and how provide details regarding how the trees will be protected.

6 REPRESENTATIONS RECEIVED

6.1 None

7 OFFICER APPRAISAL

The following material planning issues are relevant to this application:

- Principle of Development
- Impact on protected trees
- Visual Impact
- Highway Safety

Principle

7.1 The application site is within the defined settlement boundary of Matlock which is a first tier settlement as demonstrated in the Adopted Local Plan 2017. Policy S2 sets out that the first tier settlements are the primary focus for growth in order to safeguard and enhance their strategic role as employment and service centres.

7.2 Policy HC11 specifically refers to specialised housing accommodation and advises that schemes which provide specialised accommodation whilst promoting independent living will be supported provided:

- The type of accommodation meets identified needs and contributes to maintaining the balance of housing stock,

- The proposal relates well to the existing settlement with easy access to services within the town, including public transport enabling independent living,
- The design is suitable to the need of the occupier and arrangements are in place to ensure the delivery of appropriate care and support packages.

7.3 In this case the proposal is to provide 2 no. dwellings under the special care use class C2 which would sit within their own gardens but closely associated with Audley St Elphin's from where the care will be provided. The two dwellings proposed will meet the needs of those who will need additional care over time but who want to maintain some degree of independence. As such the use will contribute towards meeting the needs of the ageing population of the Derbyshire Dales.

7.4 Whilst residential accommodation without the special care would have been appropriate in this location, given the nature of the application and the intention to link this with the existing development it is considered necessary and reasonable to impose a condition to restrict the occupancy to that connected with the wider use of the St Elphin's site.

7.5 In principle the development is considered appropriate, as the principle is established it is important to consider the detail of the proposal.

Impact on Protected Trees

7.6 There are a number of protected trees within the grounds of the property. At the time of writing the report no details of the impacts of the development upon those trees had been submitted. It would appear from the site that the extensions can be accommodated without the need to cause any harm to the surrounding trees. The previous permission granted for an extension to the dwelling in 2005 was positioned in the same location as the north eastern end of the extension now proposed but was of longer length. That extension was approved as it was not considered to cause harm to the adjacent trees.

7.7 The Council's Tree and Landscape Officer has raised concern that no information has been submitted regarding the impacts from the development. In view of this concern the applicant has been requested to provide more information in this regard. The recommendation reflects the potential need to accommodate additional conditions regarding the long term health and protection of the trees. An update on this matter will be provided at the committee meeting.

Visual Impact

7.8 The proposed extensions are considered to be a traditional form of extension to a building which has remained largely unaltered and retained its vernacular appearance to the benefit of the character and appearance of the surroundings. It is considered that the form, scale and detail of the extension is appropriate subject to conditions regarding the detail of windows, doors and materials. In this respect it is not considered appropriate that an artificial slate be used for the property.

7.9 To the front elevation it is proposed to replace the existing and original door opening with a blocked in area of stone with window above. It is considered important to retain the original door opening as this is crucial to understanding the history of the building and therefore a condition is required to agree a revised detail to this opening.

7.10 Subject to conditions the proposal is considered acceptable in terms of the visual impacts.

Highway Safety

7.11 The existing access leads from the main route into the St Elphin's development. The Local Highway Authority have noted that the retention of this access route is acceptable. Sufficient parking is available at the site for the increased accommodation. It is therefore considered that the development is acceptable in terms of highway safety matters.

Conclusion

7.12 Subject to the impacts on the protected trees being resolved it is considered that the change of use of the premises and the proposed extension and subdivision is appropriate in this sustainable location and will add to the existing accommodation provided by Audley St Elphin's. The development will not cause any issues in respect of highway safety and will have no adverse impacts on any neighbouring development. The application is therefore recommended for approval.

8 RECOMMENDATION

That planning permission be granted subject to the following conditions.

1. Condition ST02a: Time Limit On Full

Reason:

ST02a

2. The assisted living accommodation shall be occupied and operated in association with the adjacent Audley St Elphin's development.

Reason:

To define the permission and to protect amenity as the curtilage has not been defined in accordance with policies PD1 and HC11 of the Adopted Local Plan 2017.

3. In accordance with condition 2 above, the occupants of the assisted living accommodation shall be limited to persons who are aged 55 and over and who are by reason of their personal care needs, infirmity or disability require to benefit from the care provided by the adjoining extra care facility.

Reason:

To define the permission and to protect amenity as the curtilage has not been defined in accordance with policy PD1 of the Adopted Local Plan 2017.

4. The external facing materials shall be natural stone to match the existing stonework in terms of geological source, method of construction and tolling that of the existing dwelling.

Reason:

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

5. Notwithstanding the submitted details the roofing material shall be a natural slate to match the existing dwelling.

Reason:

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

6. Notwithstanding the submitted details prior to works commencing on the front elevation of the building a raised detail to retain the front door opening shall be submitted to and approved 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 accordance with policies S1, S3 and PD1 of the Adopted Local Plan 2017.

7. Prior to their installation details including sections, recess and proposed finish of all windows and doors shall be submitted to and approved 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 accordance with policies S1, S3 and PD1 of the Adopted Local Plan 2017.

Condition 8 onwards – potential tree conditions to be confirmed at the committee meeting.

9 NOTES TO APPLICANT:

- 9.1 The Local Planning Authority considered the application as submitted to be acceptable. On this basis, there was no need to engage with the applicant in a positive and proactive manner to resolve any planning problems and permission was granted without negotiation.
- 9.2. The Town and Country Planning (Fees for Applications, Deemed Applications and Site Visits) (England) Regulations 2012 as amended stipulate that a fee will henceforth be payable where a written request is received in accordance with Article 27 of the Development Management Procedure Order 2015 for the discharge of conditions attached to any planning permission. Where written confirmation is required that one or more conditions imposed on the same permission have been complied with, the fee chargeable by the Authority is £34 per householder request and £116 per request in any other case. The fee must be paid when the request is made and cannot be required retrospectively.
- 9.3 This decision notice relates to the following documents:
 - Design and Access Statement received 07.08.18
 - Proposed floor plan A100 received 07.08.18
 - Proposed plan A101 received 07.08.18
 - Proposed sections A102 received 07.08.18
 - Proposed block plan received 07.08.18
 - Existing floor plan A103 received 07.08.18
 - Existing elevations A104 received 07.08.18
 - Location and ownership plan received 07.08.18

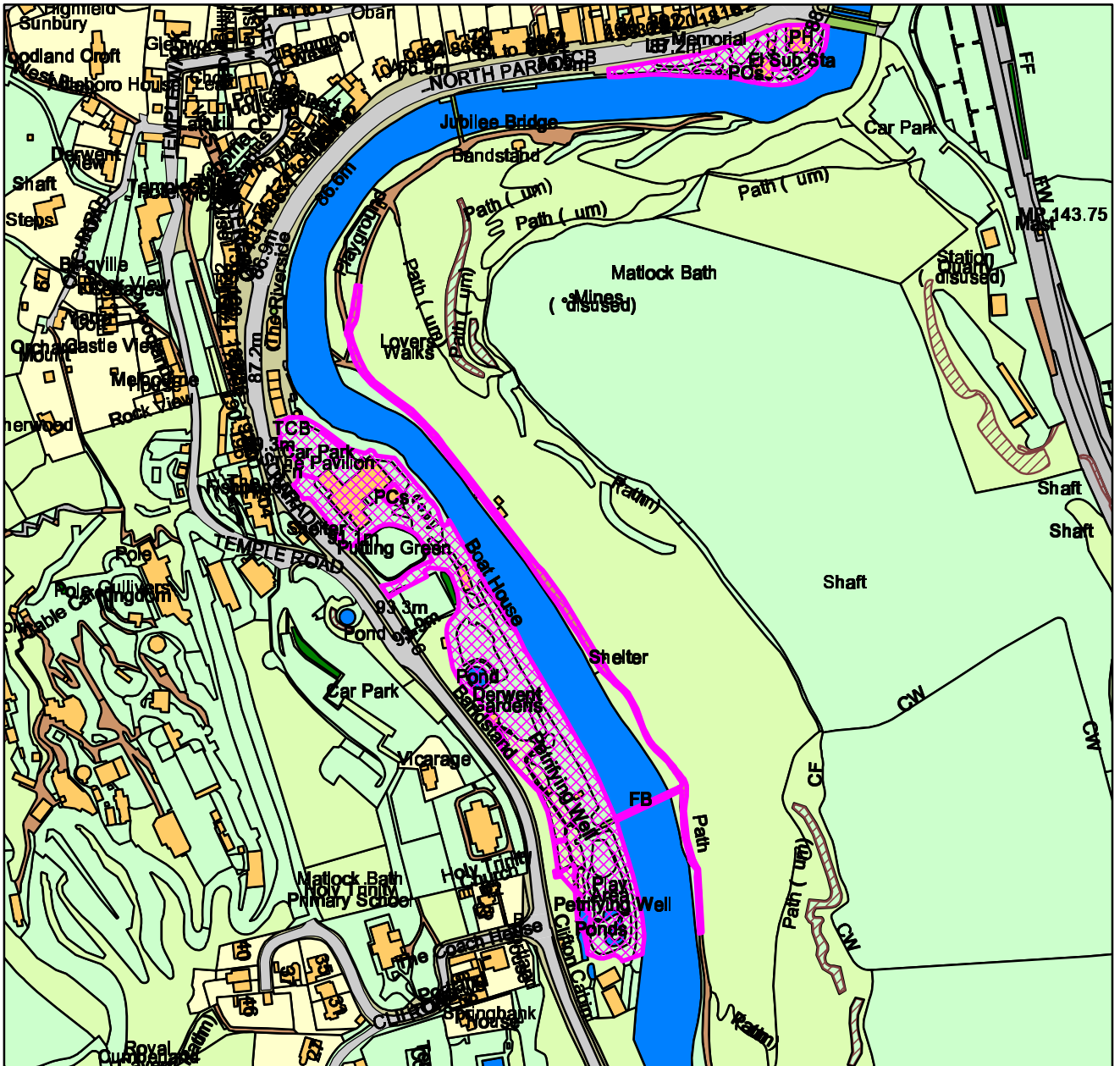
APPLICATION NUMBER		18/00877/FUL	
SITE ADDRESS:		Derwent Gardens, South Parade, Matlock Bath	
DESCRIPTION OF DEVELOPMENT		Use of public open space for temporary siting of market stalls/catering units, funfair, ticket office and toilets for periods between 25/08/18 to 07/11/18, 24/08/19 to 06/11/19 and 22/08/20 to 04/11/20.	
CASE OFFICER	H Frith	APPLICANT	Derbyshire Dales District Council
PARISH/TOWN	Matlock Bath	AGENT	
WARD MEMBER(S)	Cllr J Pawley, Cllr G Purdy	DETERMINATION TARGET	17 th October 2018
REASON FOR DETERMINATION BY COMMITTEE	Due to the applicant being the District Council	REASON FOR SITE VISIT (IF APPLICABLE)	No site visit necessary

MATERIAL PLANNING ISSUES
<ul style="list-style-type: none"> - Principle of Development - Impact on Residential Amenity - Visual Impact and Heritage Matters - Flooding - Ecology

RECOMMENDATION
Approval subject to conditions

18/00877/FUL

Derwent Gardens, South Parade, Matlock Bath



Derbyshire Dales DC

1:4,000

Date: 28/09/2018

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 This application relates to land within Derwent Gardens, a public park which runs alongside the western bank of the River Derwent. The park lies at a lower level to the A6 classified road which forms its western boundary. This level change and the mature trees and shrubs are such that the only main views of the site are either from within the park or from the riverside walk on the opposite side of the Derwent. The site is a Grade II registered park, it is within the Derwent Valley Mills World Heritage Site Buffer Zone and within the Matlock Bath Conservation Area. Adjacent to the site is a site of international importance for nature conservation designated as a Peak District Dales Special Area of Conservation.



2 DETAILS OF THE APPLICATION

- 2.1 Planning permission is sought for the temporary siting of market and catering stalls, a children's funfair, temporary toilets and ticket office. The proposed use of the land for these purposes is temporary with the intended operational hours of 10 a.m. to 10 p.m. every Saturday and Sunday for the August to October period over the next three years (2018 – 2020). The dates set out in the application description include erection and dismantling periods. The actual period of the event is: 08.09.18 to 28.10.18, 07.09.19 to 27.10.19 and 05.09.20 to 25.10.20.

- 2.2 The pertinent points of the supporting statement are summarised as follows:
It is advised that the stalls, temporary ticket offices and equipment will be in keeping with the illuminations event.
The whole of the event, including stalls, catering units and the children's funfair, is accessible to disabled persons.
The temporary toilets that are brought in for the fireworks nights would be easily accessible, with one for sole use by disabled persons. The large area to the rear of ticket office 1 is set aside for the sole use of disabled persons as a viewing area on weekend evenings for the parade of illuminated boats.
On weekend evenings, from 6pm until 9pm, there would be a controlled, paid access to Derwent Gardens that is policed by stewards.

3 PLANNING POLICY AND LEGISLATIVE FRAMEWORK

1. Adopted Derbyshire Dales Local Plan (2017)
 - Policy S1 : Sustainable Development Principles
 - Policy S3 : Development Within Defined Settlement Boundaries
 - Policy S7 : Matlock, Wirksworth, Darley Dale Development Strategy
 - Policy PD1 : Design and Place Making
 - Policy PD2 : Protecting the Historic Environment
 - Policy PD3 : Biodiversity and the Natural Environment
 - Policy PD8 : Flood Risk Management and Water Quality
 - Policy PD9 : Pollution Control and Unstable Land
 - Policy HC14 : Open Space and Outdoor Recreation Facilities
 - Policy HC19 : Accessibility and Transport
 - Policy HC21 : Car Parking Standards
 - Policy EC8 : Promoting Peak District Tourism and Culture
2. National Planning Policy Framework
National Planning Practice Guidance

4 RELEVANT PLANNING HISTORY:

There have been numerous repeat planning applications for this temporary development approved over the past years, the last one being 15/00277/TEMP which covered the period of August to November 2015 - 2017.

5 CONSULTATION RESPONSES

Parish Council

- 5.1 The Parish Council has no objection in principle.
Amplified music or announcements should cease at 9pm in the interests of amenities of local residents.
A noise management plan should be provided.
The flood management plan is out of date although this may still be applicable.
There is insufficient toilet provision in Derwent Gardens, it is noted that further toilets will be available next to the pavilion.
The Parish Council has concerns about the funfair opening during the week in term time from 10am until 10pm, although does not have an issue out of school time.

Environment Agency

- 5.2 The proposed development will only be acceptable if the following measures as detailed in the Flood Risk Assessment submitted with this application are implemented and secured by way of a condition.

The development permitted by this application shall only be carried out in accordance with the approved Flood Risk Assessment (FRA), Use of Public Open Space for Temporary Market Stalls/Catering Units, Funfair, Ticket Officer and Toilets, the following mitigation measures detailed in the FRA:

The temporary structures are located on land that is no lower than 90m.

Reason:

To reduce the impact of flooding on the temporary site and on life and property downstream of the temporary market location.

Derbyshire County Council (Highways)

5.3 No highway safety objections

Natural England

5.4 No objection subject to appropriate mitigation being secured.

Without appropriate mitigation the application would:

Have an adverse effect on the integrity of the Peak District Dales Special Area of Conservation

Damage or destroy the interest features for which Matlock Woods Site of Special Scientific Interest has been notified.

In order to mitigate these adverse effects and make the development acceptable, the following mitigation measures are required in the form of a condition:

Stalls, equipment or storage for stock will not be located within the boundary of the SAC.

Waste management to ensure litter arising from the development will not harm the SAC and SSSI.

The Gardens Trust

5.5 We have considered the information provided in support of the application and on the basis of this confirm that we do not wish to comment on the proposals at this stage.

Development Control Archaeology

5.6 The proposals will have no archaeological impact.

Environmental Health (Derbyshire Dales)

5.7 No objections

Heritage Co-Ordinator of the Derwent Valley Mills World Heritage Site

5.8 The temporary installation will have no impact on the OUV of the DVMWHS or, in NPPF terms amounts to no harm done.

6 REPRESENTATIONS RECEIVED

6.1 None

7 OFFICER APPRAISAL

The following material planning issues are relevant to this application:

- Principle of Development
- Impact on Residential Amenity
- Visual Impact and Heritage Matters
- Flooding
- Ecology

Principle

7.1 The proposed facilities and use are intended for the annual Matlock Bath illumination season which operates at the weekends throughout the season and are of considerable benefit to

the local tourist economy through extending the tourist season. However, the economic benefits arising from this event must be weighed against the impact upon the residents of Matlock Bath.

Impact on Residential Amenity

- 7.2 The Matlock Bath Illuminations are an undoubted success and have strong historical associations with the area. However, the impact of the event must be recognised and in this regard, previous planning permissions have restricted music and announcements (whether amplified or non-amplified) to the hours of 18.00 to 21.00 only. It is recommended that in order to minimise the impact of noise within the locality, such a condition be imposed again. It is also considered appropriate, for the avoidance of doubt, to impose a further condition restricting the use as a whole to the hours specified within the application, namely 10.00 a.m. to 10.00 p.m. on Saturdays and Sundays and Bank Holiday Mondays to prevent midweek disturbances.

Visual Impact and Heritage Matters

- 7.3 All of the installations proposed within the gardens are of a temporary nature and are removed from the site following the event, in addition the area is well screened. In view of this it is considered that the temporary use will not adversely impact upon the character and appearance of the Registered Garden, Conservation Area and World Heritage Buffer Zone.

Flooding

- 7.4 The Environment Agency has advised that there is no objection to the proposal provided a condition is imposed ensuring the event takes place in accordance with the submitted Flood Risk Assessment and the temporary structures shall not be located on land that is lower than 90m. The suggested condition is included within the recommendation. In this regard the proposal is considered acceptable in respect to flooding.

Ecology

- 7.5 Natural England has advised that without appropriate mitigation the proposal would have an adverse effect on the integrity of the Peak District Dales Special Area of Conservation and may damage or destroy the interest features for which Matlock Woods Site of Special Scientific Interest has been notified. They have therefore advised that in order to mitigate these potential adverse effects and make the development acceptable, mitigation measures are required in the form of a condition. The condition required is included in the recommendation. On this basis the proposal is considered to be acceptable in regard to ecology and conservation.

Conclusion

- 7.6 Given the above, it is recommended that a temporary planning permission be granted with the conditions referred to above.

8 RECOMMENDATION

Planning permission be granted subject to the following conditions:

1. The use hereby permitted shall cease on or before the 4th November 2020 and the land shall be restored to its former condition unless, prior to that date the Council has, on an application made to it for that purpose, approved the use for a further period.

Reason:

To enable the Local Planning Authority to assess the impact of any continuation of the development on the locality.

2. The temporary structures and all associated items authorised by this permission shall not be placed on the site prior to 22nd August in any calendar year and shall be removed in their entirety by 7th November in the same calendar year and the areas of land restored to their former condition. The land thereafter be maintained until the temporary use resumes the following year.

Reason:

The activities are only acceptable for the temporary periods and in order to ensure that the appearance of the area is not harmed in accordance with Policies S1, S3, PD1 and PD3 of the Adopted Local Plan 2017.

3. This permission does not allow for the storage of any equipment other than that reasonably required for the operation of the funfair rides, toilets and stalls.

Reason:

For the avoidance of doubt as to what is permitted and to ensure the appearance of the area is not harmed to comply with Policies S1, S3, PD1, and PD2 of the Adopted Local Plan 2017.

4. The event hereby approved shall only operate between the hours of 10.00 to 22.00 on Saturdays, Sundays and Bank Holidays in accordance with the authorised operational periods.

Reason:

In the interests of the amenities of nearby residents and to comply with Policies PD1 and PD9 of the Adopted Local Plan 2017 and government guidance contained within the National Planning Policy Framework.

5. Any amplified music or announcements shall cease at 21.30 on any day during the authorised operational periods.

Reason:

In the interests of the amenities of nearby residents and to comply with Policies PD1 and PD9 of the Adopted Local Plan 2017.

6. The development permitted by this application shall only be carried out in accordance with the approved Flood Risk Assessment (FRA), Use of Public Open Space for Temporary Market Stalls/Catering Units, Funfair, Ticket Officer and Toilets, the following mitigation measures detailed in the FRA: The temporary structures shall be located on land that is no lower than 90m.

Reason:

To reduce the impact of flooding on the temporary site and on life and property downstream of the temporary market location.

7. There shall be no stalls, equipment or storage located within the boundary of the Special Area of Conservation.

Reason:

To protect the Special Area of Conservation in accordance with policy PD3 of the Adopted Local Plan 2017.

8. Prior to the event taking place a waste management plan shall be submitted and agreed in writing by the Local Planning Authority to ensure litter arising from the development will not harm the Special Area of Conservation and SSSI.

Reason:

To protect the Special Area of Conservation and SSSI in accordance with policy PD3 of the Adopted Local Plan 2017.

9 NOTES TO APPLICANT:

- 9.1 Should there be a requirement for high powered lighting as part of this proposal that this be directed away from Matlock Woods SSSI to prevent any unnecessary light spillage into this protected area.
- 9.2 The Local Planning Authority considered the application as submitted to be acceptable. On this basis, there was no need to engage with the applicant in a positive and proactive manner to resolve any planning problems and permission was granted without negotiation.
- 9.3 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.
- 9.4 This decision notice relates to the following documents:
 - Site location plan received 22.08.18
 - Flood risk assessment received 22.08.18
 - Ticket office and toilet location plan received 22.08.18
 - Design and access statement received 22.08.18

APPLICATION NUMBER		18/00895/VCOND	
SITE ADDRESS:		Land At Asker Lane, Matlock	
DESCRIPTION OF DEVELOPMENT		Variation of condition 1 of 17/00978/VCOND to allow for the incorporation of a revised landscaping scheme	
CASE OFFICER	Mr. G. A. Griffiths	APPLICANT	William Davis Ltd.
TOWN	Matlock	AGENT	Pegasus Planning Group
WARD MEMBERS	Cllr. Mrs. D. Botham Cllr. S. Flitter Cllr. Mrs. J. Stevens	DETERMINATION TARGET	13 th November 2018
REASON FOR DETERMINATION BY COMMITTEE	Major application	REASON FOR SITE VISIT (IF APPLICABLE)	Not applicable as Members have recently visited the site.

MATERIAL PLANNING ISSUES

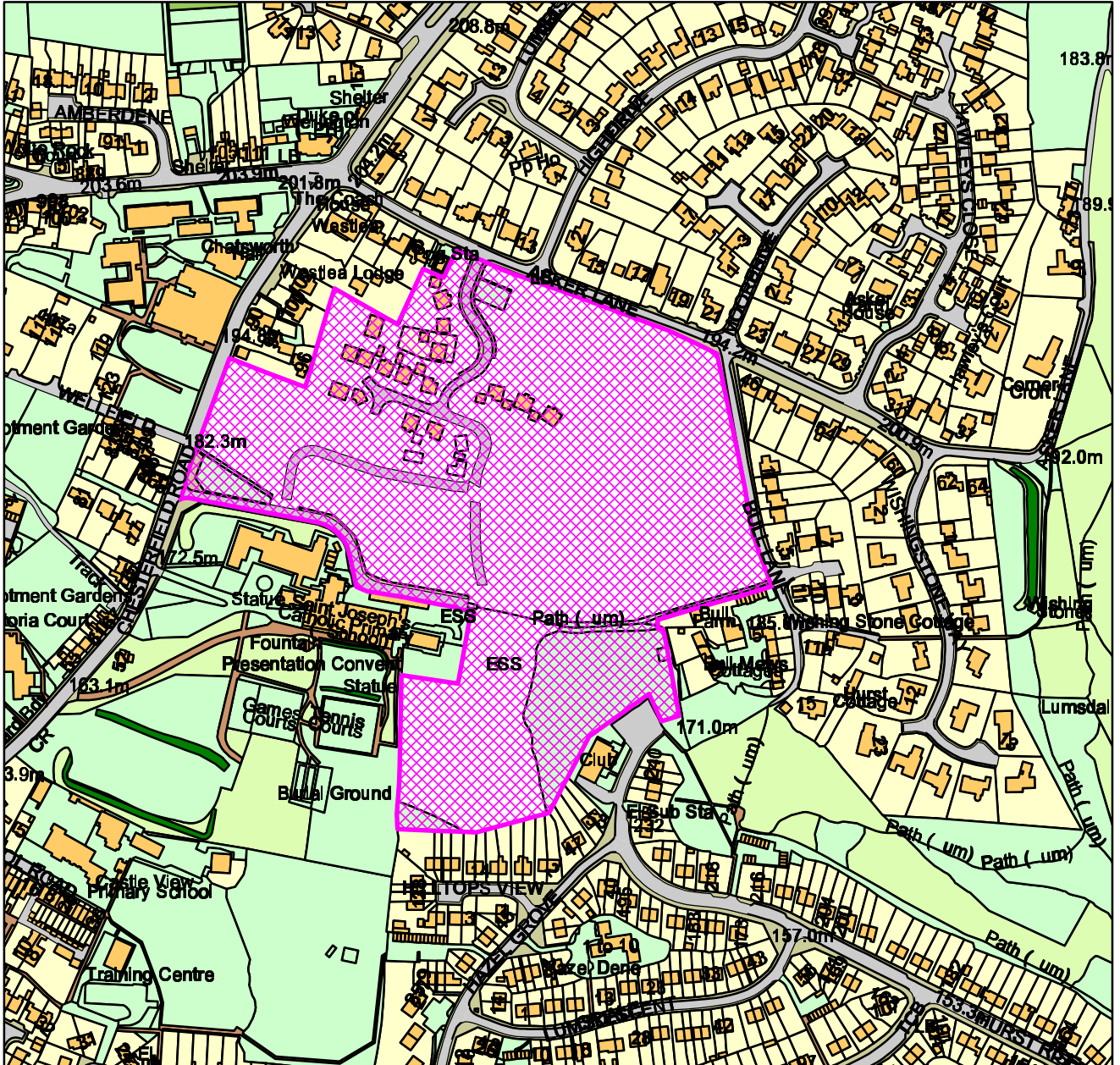
- Character and appearance of the meadow area and the setting of Baileys Tump
- Residents' amenity
- Ecology
- Public rights of way
- Impact on the residential estate development

RECOMMENDATION

Approval

18/00895/VCOND

Land at Asker Lane, Matlock



Derbyshire Dales DC

1:4,000

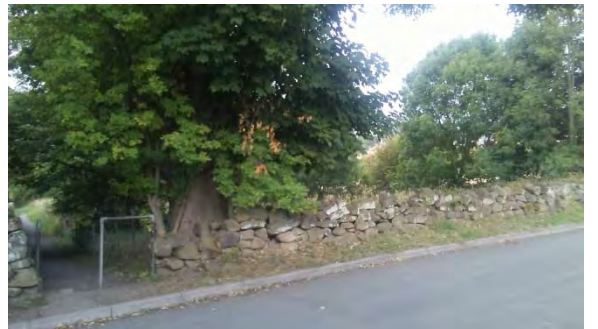
Date: 28/09/2018

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 an area of sloping open grassland of some 0.62ha to the south of Baileys Tump and an area within the residential development currently under construction. Beyond this development site, to the north, is the residential development along Asker Lane. The site is to the west of the residential development off Bull Lane and Wishingstone Way beyond this.
- 1.2 Along the southern boundary of the site is a public footpath and Bull Farm Mews and an area of open space leading down to the Hurst Farm residential estate. The site is within the Settlement Boundary for Matlock.



2. DETAILS OF THE APPLICATION

- 2.1 The proposal is to create formal pathways and formal/informal seating areas through the meadow to the east of the application site and to amend the landscaping of two areas within the residential estate.
- 2.2 More formal paths are proposed within the meadow to essentially follow existing informal paths. A seating area is proposed at the north western corner of the site below Baileys Tump and informal area of rocks, which could be sat upon, are proposed adjacent to the path proposed in a north west-south east direction. The formal seating area is proposed to have block paving and the pathways are proposed to be surfaced with rolled Breedon gravel.
- 2.3 Within the development site, it is now proposed to not provide a footpath initially detailed between Plots 18 and 47. This is because the embankment is rather steep and would require steps to be provided, disadvantaging persons with mobility difficulties. The applicant has detailed this area to be landscaped. The proposals also include additional planting surrounding the attenuation basin south of Plot 60.

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
 - S7 Matlock/Wirksworth/Darley Dale Development Area Strategy
 - PD1 Design and Place Making
 - PD2 Protecting the Historic Environment
 - PD3 Biodiversity and the Natural Environment
 - PD4 Green Infrastructure
 - PD5 Landscape Character
 - PD6 Trees, Hedgerows and Woodlands
 - HC2 Housing Land Allocations
 - HC14 Open Space, Sports and Recreation Facilities
 - HC17 Promoting Sport, Leisure and Recreation
2. National Planning Policy Framework
3. National Planning Practice Guidance

4. RELEVANT PLANNING HISTORY

- | | |
|----------------|--|
| 18/00347/FUL | Regrading of land to accommodate surplus material from adjacent housing site and associated landscaping - Withdrawn |
| 17/00978/VCOND | Variation of conditions 1 and 24 of approval of reserved matters application 17/00025/REM to allow for minor alterations to the site layout, including the removal of a plot and alterations to the Radbourne house type, garage designs and landscaping - Granted |
| 17/00025/REM | Residential development - reserved matters application for the erection of 86 dwellings and associated works (Outline permission 14/00089/OUT) – Granted |

14/00527OUT	Residential development of up to 110 dwellings and associated open space (outline) – Refused
14/00089/OUT	Residential development of up to 110 dwellings and associated open space (outline) – Refused – Appeal Allowed
0399/0183	Residential development and open space (outline) – Refused.

5. CONSULTATION RESPONSES

Town Council

5.1 No comments.

Local Highway Authority (Derbyshire County Council)

5.2 Comment:

- drawings are all soft landscaping proposals and probably unlikely to have highway implications.

Lead Local Flood Authority (DCC)

5.3 No comment due to the nature and scale of the proposals.

Natural England

5.4 Comment:

- area could benefit from enhanced green infrastructure (GI) provision
- multi-functional GI can perform a range of functions including improved flood risk management provision of accessible green space, climate change and biodiversity enhancement
- consider against the Derbyshire Local Biodiversity Action Plan
- if amendments significantly impact on natural environment, then Natural England should be consulted again.

Derbyshire Wildlife Trust

5.5 Comment:

- welcome the areas of native scrub planting and request that plum or damson is added to the mix
- existing trees appear to be retained
- area no longer needs to be re-seeded and the existing grassland should be managed with either an annual or biannual cut of the grassland with arisings removed, as per earlier revisions of the Management Plan
- the Ecological Management Plan Rev 3 (March 2018) should be updated to reflect that the surplus spoil will not be used
- would prefer fewer paths than that indicated on the drawing
- advise that the seating area is moved to the north-eastern corner of the area to avoid disturbance to wildlife and the likelihood of litter particularly at base of the hedgerow
- prefer that the boulders be removed and that public access is directed to the seating area
- given that the area will not include a significant slope, we would prefer not to see knee rails.

Development Control Archaeologist (Derbyshire County Council)

5.6 Comment:

- do not feel that the proposed provisions have a heritage impact
- satisfied that significance of the WWII site at Bailey's Tump is conserved.

Peak and Northern Footpaths Society

5.7 No comments.

5.8 Landscape and Arboricultural Officer (DDDC)

Comment:

- changes are considered improvements over the previously submitted proposals
- trees should be retained because of the range of amenity benefits.

6. REPRESENTATIONS RECEIVED

6.1 None.

7. OFFICER APPRAISAL

Principle of Development

7.1 With regard to the meadow area, the key matters for assessment are the impact on the following:

- character and appearance of the meadow area and the setting of Baileys Tump
- residents' amenity
- ecology
- public rights of way
- the residential estate development.

Impact on the Character and Appearance of the Meadow Area and the setting of Baileys Tump

7.2 It is considered that the proposals will preserve the meadow whilst providing improved footpaths through the site for the public enjoyment of the area. The provision of formal and informal seating areas is considered to also provide some public benefit. Conditions will be required on the details of the surfacing, steps, benches, bins, etc. that are proposed on the site.

7.3 The proposal details the removal of trees within the meadow. This was detailed in the previous proposal to tip spoil from the development site onto the land but, as this is no longer the case, it is considered unnecessary as part of these landscape management proposals for the trees to be removed. To this end, a condition requiring all existing trees to be retained, unless otherwise agreed by the Local Planning Authority, will be required.

7.4 A knee rail has been detailed along a contour to the south of the footpath proposed to cross from the north west to the south east across the site. The purpose of this was as part of providing a demarcation where the land levels changed as part of the previous, withdrawn application for the deposition of spoil from the development site. This is considered to be unnecessary as part of these revised proposals. Therefore, it is considered that this should not be provided as a condition of any planning permission.

7.5 The proposals have been assessed by the Development Control Archaeologist (DCC) given the proximity to Baileys Tump, a former WWII searchlight site which is an undesignated heritage asset. It is considered that that the proposals would not impact on the significance of the WWII site at Bailey's Tump.

Residents' Amenity

7.6 The development will not harm the amenity of neighbouring residents given that informal paths already exist and are used on the meadow area. It is considered reasonable to restrict the hours of working on the provision of the paths to be from 8.00am until 5pm, on weekdays only, in order to limit the impact on the local residents. It is not considered that the alterations to the landscaping within the site will harm amenity.

Ecology

- 7.7 The applicant has submitted an ecological report, and additional information, which has been considered by Derbyshire Wildlife Trust (DWT), having regard to protected species in the area. DWT has advised that they welcome the areas of native scrub planting and request that plum or damson is added to the mix. The grassland is still indicated on the drawing as wildflower grassland i.e. a seed mix. However, this area no longer needs to be re-seeded and the existing grassland should be managed with either an annual or biannual cut of the grassland with arisings removed, as per earlier revisions of the Management Plan. The Ecological Management Plan Rev 3 (March 2018) should be updated to reflect that the surplus spoil will not be used.
- 7.8 DWT would prefer fewer paths than indicated on the drawing as they would not wish to encourage a higher level of public use in this area. They advise that the main path should run north-west to south-east (as far as practicable) and that paths should be simple in construction, either just mown paths through a taller sward or compacted gravel surface. It is also preferred that the boulders are removed and that public access was directed to the seating area. There are concerns over the litter that tends to accumulate in areas where people gather and that this could be detrimental to wildlife. Finally, given that the area will not include a significant slope, DWT prefer not to see knee rails.
- 7.9 Whilst the points raised by DWT are noted, it is considered that there is opportunity to allow for improved public use of the site without necessarily having a harmful impact on wildlife. It is considered that the boulders do not need to be provided in the meadow and that the knee rail is unnecessary. It is also agreed that the meadow and existing planting do not need to be changed as detailed on the submitted drawing for this area; the drawing reflects more upon the previous proposals for the site and therefore conditions can be attached that address the details of the changes proposed whilst safeguarding the existing landscape. Whilst DWT would prefer the seating are in the north eastern corner of the site, it is considered that the area detailed is acceptable as a point where the residential development and open space meets with the meadow.

Public Rights of Way

- 7.10 It is considered that the proposals will not harm public rights of way but will improve current desire lines of informal paths that have been created on the land.

Impact on the Residential Estate Development

- 7.11 Whilst the interconnectivity between the parallel estate roads would be lost, the distance to walk around the block containing Plots 45-49 is not significant. It is also considered that the landscaping will provide an attractive feature running through the site which links up to the landscaping between Plots 38 and 39. The additional tree planting around the attenuation basin is welcomed.

Conclusion

- 7.12 Given the above, it is recommended that planning permission be granted subject to conditions with regard to the time when the works are undertaken, the hardsurfacing materials, seating, etc. proposed within the meadow area and that the knee rail is not provided.

8. RECOMMENDATION

That planning permission be granted subject to the following conditions:

1. Condition ST02a Time Limit on Full

Reason:
Reason ST02a

2. The works shall only be undertaken during the hours of 08.00 and 17.00 on Monday to Friday and shall not be undertaken on Saturdays, Sundays or Bank Holidays.

Reason:
In the interests of amenity to comply with Policies S3 and PD1 of the Adopted Derbyshire Dales Local Plan (2017).

3. All landscaping and future management of the application site shall be undertaken in accordance with an updated Ecological Management Plan to be first submitted to and approved in writing by the Local Planning Authority.

Reason:
To ensure the satisfactory appearance of the development and in the interests of ecology to comply with Policies S1, S3, PD1 and PD3 of the Adopted Derbyshire Dales Local Plan (2017).

4. Notwithstanding the details on the approved drawings, before being provided on the site, details of the following shall be submitted to the Local Planning Authority for approval in writing:

- any works to the boundary walls
- the surfacing and edging of the footpaths;
- the hard surfacing of the seating area;
- the benches;
- the boulders, which shall include their geological source and size, and which shall only be provided at the seating area and not along the footpaths;
- the bins; and
- the interpretation board.

The development shall only be provided in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason:
To ensure the satisfactory appearance of the development and in the interests of ecology to comply with Policies S3, PD1 and PD3 of the Adopted Derbyshire Dales Local Plan (2017).

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

Reason:
This is deemed an unnecessary feature within the meadow and to ensure the satisfactory appearance of the development to comply with Policies S3 and PD1 of the Adopted Derbyshire Dales Local Plan (2017).

6. Notwithstanding the details on the approved drawing, no trees shall be removed from the site unless otherwise agreed in writing by the Local Planning Authority.

Reason:
To safeguard the character and appearance and biodiversity of the area to comply with Policies S1, S3, PD1 and PD3 of the Adopted Derbyshire Dales Local Plan (2017).

7. Notwithstanding the details on the approved drawing, the meadow shall remain in its current form with its current planting unless otherwise agreed in writing by the Local Planning Authority.

Reason:

To safeguard the character and appearance and biodiversity of the area to comply with Policies S1, S3, PD1 and PD3 of the Adopted Derbyshire Dales Local Plan (2017).

NOTES TO APPLICANT:

1. The Local Planning Authority have, prior to the submission of this application, engaged in a positive and proactive dialogue with the applicant which has resulted in the submission of these revised proposals which have overcome initial concerns with regard to the moving of excess material from the residential development site.
2. The Town and Country Planning (Fees for Applications, Deemed Applications and Site Visits) (England) Regulations 2012 as amended stipulate that a fee will henceforth be payable where a written request is received in accordance with Article 27 of the Development Management Procedure Order 2015 for the discharge of conditions attached to any planning permission. Where written confirmation is required that one or more conditions imposed on the same permission have been complied with, the fee chargeable by the Authority is £ £116 per request.. The fee must be paid when the request is made and cannot be required retrospectively.
3. This decision notice relates to the following documents:
Drawing Nos. P16-0901_003-J, 004-K and 005-K received on 14th August 2018.

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, 19, 21, 22 and 23 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/18/00150	Vibration caused by construction of development 17/00250/REM	Land South Of Leys Farm Wyaston Road Ashbourne Derbyshire	Pending Consideration
ENF/18/00164	Unauthorised siting of caravan for residential purposes.	Land To The Rear Of Mayfield Road Cadet Hut Mayfield Road Ashbourne Derbyshire DE6 1AR	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
ENF/18/00159	Unauthorised erection of steel framed building on land at Bridge Cottage, Yeldersley Lane, Ednaston	Bridge Cottage Yeldersley Lane Ednaston Derbyshire DE6 3AX	Pending Consideration

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
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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 Jaggars 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	St Elphins Cottage Blind Lane Hackney Derbyshire DE4 2QE	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
ENF/18/00160	Siting of a Shepherd's Hut with Hot Tub for use as holiday accommodation	Oakstone Farm Old Hackney Lane Hackney Derbyshire DE4 2QJ	Pending Consideration
ENF/18/00167	Erection of a building on proposed site of 4no. Residential Care Apartments	St Elphins Park Darley Dale Derbyshire	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

ENF/18/00165	Unauthorised change of use of agricultural building to use as commercial dog kennels.	Victory Farm 10 Marston Lane Doveridge Derbyshire DE6 5JS	Pending Consideration
ENF/18/00168	Swale forming part of Doveridge Park Development (Planning application reference no. 17/00092/REM) being filled in and development closer to property boundary then was approved	Land Off Derby Road Doveridge Derbyshire	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

ENF/18/00152	Plots 6 - 11 of 15/00776/FUL - Dwellings not built in accordance with approved plans	Darne Mews Development Hulland Ward Derbyshire DE6 3GQ	Pending Consideration
ENF/18/00155	Replacement agricultural storage building not built in accordance with permission 15/00616/AGR, construction of car park and building being used as a dog training business	Moorside Farm Moor Lane Kirk Ireton Derbyshire DE6 3JZ	Pending Consideration
ENF/18/00173	Land clearance works including removal of trees and hedgerows	Land Adjacent Hulland House Smith Hall Lane Hulland Ward Derbyshire	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
ENF/18/00166	Unauthorised engineering works consisting of removal of mature trees, erection of fencing and gate, rear garden excavations and construction of drystone wall.	San Robryn/Woodland Bank Quarry Bank Matlock Derbyshire DE4 3LF	Pending Consideration

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
ENF/18/00162	Unauthorised tipping of materials	Land Adjacent To 9 Oak Tree Gardens Tansley Derbyshire	Pending Consideration
ENF/18/00163	Installation of new shopfront	Costcutters Supermarket Lynholmes Road Matlock Derbyshire DE4 3DW	Pending Consideration
ENF/18/00171	Alterations to access to the A615	Hill Top Farm Alfreton Road The Cliff Tansley Derbyshire DE4 5JU	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
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 faciliate 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
ENF/18/00158	Breach of condition 2 and 4 of planning permission 15/00299/FUL - Partial change of use of agricultural storage building to boarding kennels and associated building operations and car parking area	Honeysuckle Farm Shirley Lane Rodsley Derbyshire DE6 3AQ	Pending Consideration
ENF/18/00170	Alterations to building in the grounds of Shedley Manor	Shedley Manor Rodsley Lane Yeaveley Derbyshire DE6 2DT	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
ENF/18/00169	Erection of sign	Field Adjacent To Oldfield Lane Warren Carr Derbyshire	Pending Consideration

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
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
ENF/18/00154	Listed building consent and planning permission expired Ref 22.04.2018, no work commenced on site.	3 Gate House Gatehouse Drive Wirksworth Derbyshire DE4 4DL	Pending Consideration
ENF/18/00157	Erection of decking area	Flats At Mountain View The Croft Greenhill Wirksworth Derbyshire DE4 4EN	Pending Consideration

Total Open Cases

166

Enforcement Investigations Closed

In the 6 Months Prior to 28/09/2018



Ashbourne North

ENF/18/00060	Issues regarding facia'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
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	Complied Voluntarily	30/08/2018
ENF/18/00156	Erection of log structure between driveways	47 Lodge Farm Chase Ashbourne Derbyshire DE6 1GY	Complaint Unfounded	12/09/2018

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/17/00085	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
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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/18/00065	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/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/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
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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
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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/18/00034	Replacement Shop Front	Turkish Delight 57 Dale Road Matlock Derbyshire DE4 3LT	No Code []	12/04/2018
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
ENF/18/00153	Use of premises for storage	Hall Jackson Road Matlock Derbyshire	Justification from Officer	10/09/2018

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/18/00083	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".	Land To The South Of West View Shields Lane Roston Derbyshire	Complaint Unfounded	13/06/2018
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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
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Stanton

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
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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/17/00136	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
ENF/18/00161	Unauthorised change of use from one dwelling to two dwellings	Mountain View The Croft Greenhill Wirksworth Derbyshire DE4 4EN	Complaint Unfounded	18/09/2018

Total Closed Cases 58

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 allowed - copy of appeal decision attached
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 dismissed - copy of appeal decision attached
17/00453/FUL	20 Willowbath Lane, Wirksworth	WR	Appeal dismissed - copy of appeal decision attached
18/00437/FUL	10 West Crescent, Matlock	HOUSE	Appeal being processed

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 on 22 May 2018

by William Fieldhouse BA (Hons) MA MRTPI

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

Decision date: 23rd May 2018

Appeal Ref: APP/P1045/D/18/3197728

Ivy Cottage, Twisses Bank, Boylestone DE6 5AA

- 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 Carter against the decision of Derbyshire Dales District Council.
 - The application ref 18/00037/FUL, dated 11 January 2018, was refused by notice dated 8 March 2018.
 - The development proposed is a two-storey rear extension, replacement garage, new garden wall and gates (resubmission).
-

Decision

1. The appeal is allowed and planning permission is granted for a two-storey rear extension, replacement garage, new garden wall and gates at Ivy Cottage, Twisses Bank, Boylestone DE6 5AA in accordance with the terms of the application ref 18/00037/FUL dated 11 January 2018 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 approved plans ref 001, 002a and 003.
 - 3) The materials to be used in the construction of the external surfaces of the extension, garage and garden wall hereby permitted shall match those used in the existing house.

Main Issue

2. The main issue is the effect that the proposal would have on the character and appearance of the area.

Reasons

3. The appeal relates to a modest-sized, two-storey, red brick cottage on a large plot enclosed by mature vegetation. It is located in a rural village that consists of sparsely distributed houses that vary in terms of size, design and layout.
4. Two small single-storey outbuildings immediately to the rear of the existing house, and a dilapidated detached garage to one side, would be demolished. The proposed two-storey rear extension would essentially mirror the design and scale of the original cottage, and a small single-storey glazed extension would be attached to one side of the existing projection that would link the new and

original parts of the building. A replacement triple garage with a pitched roof would stand in a central part of the plot some distance from the house, and a new wall and gates would be erected at the driveway entrance on Twisses Bank.

5. The height, form, design and materials of the two-storey extension would be in keeping with the existing house, and the glazed side addition would be clearly subservient. Whilst the resulting building would be nearly double the size of the existing, it would not appear cramped on its plot or disproportionate in scale compared to other properties in the village. The design and materials of the proposed garage would also match those of the original cottage, and it would be appropriately positioned on the site. The new entrance gate and walls would be in keeping with the character of the property and the surrounding rural area.
6. I therefore conclude that the development would enhance the quality of the property and cause no harm to the character or appearance of the area. The proposal would, therefore, be in accordance with national policy¹ and policies PD1 and HC10 of the Derbyshire Dales Local Plan 2017. Collectively, these policies seek to ensure high quality design; that development contributes **positively to an area's character; and that the height, scale, form and design of an extension is in keeping with the scale and character of the original dwelling.**
7. In addition to the standard conditions relating to the timing of development and compliance with the approved plans, it is necessary to ensure that the external materials match those of the existing house in order to safeguard the character and appearance of the area.

Conclusion

8. I therefore conclude that the appeal should be allowed.

William Fieldhouse

INSPECTOR

¹ National Planning Policy Framework 2012 section 7.



Appeal Decisions

Site visit made on 22 August 2018

by Chris Preston BA(Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 September 2018

Appeal A Ref: APP/P1045/C/17/3187675

20 Willowbath Lane, Wirksworth, Matlock DE4 4AY

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Miss A Pearson against an enforcement notice issued by Derbyshire Dales District Council.
 - The enforcement notice, numbered PLS/BM/HF/C7051, was issued on 10 October 2017.
 - The breach of planning control as alleged in the notice is: Without planning permission the unauthorised building works consisting of the erection of a closed boarded timber fence in excess of 1 metre in height, adjacent to a highway used by vehicular traffic.
 - The requirements of the notice are: (a) Permanently reduce the height of the timber fence to 1m above ground level of the adjacent highway, between points A and B, marked in blue on the attached plan.
 - The period for compliance with the requirements is 30 days from the date the notice takes effect.
 - The appeal is proceeding on the grounds set out in section 174(2) (a) and (e) of the Town and Country Planning Act 1990 as amended.
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Appeal B Ref: APP/P1045/W/17/3184644

20 Willowbath Lane, Wirksworth, Matlock DE4 4AY

- 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 Miss A Pearson against the decision of Derbyshire Dales District Council.
 - The application Ref 17/00453/FUL, dated 18 May 2017, was refused by notice dated 07 September 2017.
 - The development proposed is described on the application form as the erection of fence (retrospective).
-

Decision in Relation to Appeal A:

1. The appeal is dismissed and the enforcement notice is upheld. Planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Decision in Relation to Appeal B:

2. The appeal is dismissed.

Procedural Matters

3. Two appeals are before me, one relating to the enforcement notice and the other relating to the Council's decision to refuse to grant planning permission for the erection of the fence. A ground (a) appeal has been made in relation to

the enforcement notice appeal. The main issues relating to that appeal are the same as those relating to Appeal B and I have considered both appeals together within my decision.

4. At the time the Council took the decision to issue the enforcement notice and to refuse to grant planning permission the development plan for the area comprised the saved policies of the Derbyshire Dales Local Plan (2005) (the 2005 LP). However, in December 2017 the Derbyshire Dales Local Plan (2017) (the 2017 LP) was adopted which replaced the earlier version of the plan.
5. The enforcement notice and the decision notice referred to policies SF1, SF5 and H2 of the 2005 LP and those policies are no longer extant. The Council considers that policies S1, S3, PD1 and HC10 of the 2017 LP are relevant to the determination of the appeal. The appellant has responded in writing to set out her views on compliance with those policies. In line with section 38(6) of the Planning and Compulsory Purchase Act 2004 I am required to determine the deemed application and the planning appeal in line with the development plan as it exists at the time of my decision. That is the 2017 LP and I shall make my decisions on the basis of the relevant policies of that plan.

Appeal A on Ground (e)

6. An appeal on ground (e) is made on the basis that copies of the enforcement notice have not been properly served on all those with an interest in the land. The mechanics of how a notice should be served are dictated by section 172(2) of the Act (the Act) which states that:

(2) A copy of an enforcement notice shall be served—

(a) on the owner and on the occupier of the land to which it relates; and

(b) on any other person having an interest in the land, being an interest which, in the opinion of the authority, is materially affected by the notice.

7. The purpose of those provisions is to ensure that owners and those with an interest in the land are aware of the notice and have the opportunity to appeal against it. In this case, the notice was served on the appellant – Miss Annette Pearson – and on her parents, Malcolm and Molly Pearson. The Council maintain that copies were served on Mr and Mrs Pearson because they were identified on the Land Registry search as having an interest in the land¹. Mr and Mrs Pearson were **shown in the 'Charges Register' and** could reasonably have been considered to have an interest in the land even though Miss Pearson was the '**proprietor**'. Thus, it appears to me that the Council took reasonable steps to ascertain those with an interest in the land and served the notice accordingly.
8. The Land Registry search was carried out on 05 October 2017. In an extremely unfortunate turn of events Mr Pearson died on 06 October. The enforcement notice to which this appeal relates was subsequently served on 23 October². Clearly, the service of the notice on the deceased Mr Pearson would have been extremely upsetting for the relatives concerned and I am very mindful of that. The Council has apologised in that respect and, had it been

¹ As shown in the Land Registry search produced at Appendix 1 of the Council's statement

² An earlier notice had been served on 16 October only to be withdrawn by the Council

aware of the situation I have no doubt that it would not have served notice on Mr Pearson.

9. There was no malicious intent the timing of the service was extremely unfortunate. However, in terms of an appeal on ground (e) I must limit my decision to whether the notice was served on all owners and those with an interest in the land. That would appear to be the case and there is no suggestion that there has been a failure to serve notice on any other party with an interest in the land. Thus, I am satisfied that the Council served the notice properly, having regard to the terms of s172 of the Act and based on the information that was available to it at the time. Consequently, the appeal on ground (e) must fail.

Appeal A on Ground (a) and Appeal B

10. The main issue in relation to both appeals is the effect of the fence on the character and appearance of the surrounding area.
11. Willowbath Lane is part of a residential area situated to the eastern side of Derby Road, Wirksworth. The dwellings on the right hand side of the Lane, when travelling away from Derby Road appear to be of mid twentieth century origin whereas those on the left, including the property in question, form part of a more modern estate dating from the latter part of the twentieth century. Thus, there is a variety in the individual design of dwellings along the Lane.
12. Nonetheless, there are a number of consistent features which add to the character of the area. All of the dwellings are set back behind modest front gardens and those gardens are almost universally enclosed by low stone walls. The distance between properties provides a feeling of spaciousness and the walls and generally well maintained gardens present an attractive outlook to the street.
13. The appeal site sits at the junction between Willowbath Lane and Ian Avenue. Ian Avenue is made up of semi-detached dwellings of the same design as those on the left hand side of Willowbath Lane and has a similarly spacious layout with well-maintained front gardens and low boundary walls. In contrast to Willowbath Lane, brick is the predominant material for the walls at Ian Avenue.
14. The garden at the appeal site turns the corner between the two streets such that the side boundary runs parallel with Ian Avenue. The original low stone wall along that boundary is still visible to the front of the timber fence that is the subject of the notice. The height and design of the close board timber fencing is considerably at odds with the established character of the surrounding estate as described above. The structure extends from the rear corner of the property along the full length of the garden and terminates at a point that is level with the front garden wall. It has a height of just under 2 metres along its length and is extremely prominent as a result of its position on the corner between the two streets.
15. The height of the fence and the close boarded design creates an unremitting blank façade around the edge of the property which contrasts sharply with the greenery of surrounding gardens. The over-riding impression is of a defensive and unwelcoming structure that appears as a discordant addition in an otherwise pleasant environment. That impact is emphasised by the presently untreated finish. However, even if the fence were to be stained, as has been

suggested, it would still cause harm to the character and appearance of the surrounding area. The materials and design are intrinsically unsuited to the environment within which the fence is located.

16. For all of those reasons the development has caused harm to the character and appearance of the area and is contrary to the aims of policy S3 of the 2017 LP which, amongst other things, requires that development should be of a design and scale that is compatible with the character and appearance of the part of the settlement within which it is located. Similarly, the fence fails to achieve the aims of the first bullet point of policy PD1 which is that all development should be of a high quality design that respects the character, identity and context of the local townscape, and the general aims of policy S1 which include a requirement to secure high quality design and an attractive living environment. Although the Council has referred to policy H10 of the 2017 LP, that policy relates to extensions and outbuildings and I am not satisfied that it is relevant to the erection of a fence.

Other Matters

17. The appellant has explained that the fence was erected to ensure privacy within the garden and to contain pet animals. I recognise that there is often a difficulty in achieving privacy and a sense of enclosure within the rear part of gardens for properties situated on corner plots, as is the case here. It is not unreasonable for the occupants to seek a degree of privacy within sections of the garden but the fence in question covers a large part of the perimeter. It appears to me that the aims could be achieved by enclosing a smaller area of the garden, perhaps immediately to the rear of the house with fencing that was set well away from the boundary, or by planting a hedgerow, as is the case with the attractive and well-maintained beech hedge that encloses the garden of No.22 on the opposite side of the junction. That hedge is of a height sufficient to provide privacy but the greenery provided by the vegetation fits in with the surrounding gardens and provides a soft finish, unlike the harsh finish of the fence.
18. Such a hedge need not encroach onto the pavement if planted within the garden and maintained. I note that the appellant has medical issues which would make it difficult for her to maintain the hedge herself and her partner noted on site that he has back trouble which would also hinder his ability to cut a hedge. Whilst it has been suggested that the cost of paying a gardener to maintaining a hedge would be beyond the means of the appellant I note that the fence is said to have cost £3000 and funds were evidently available to enable its construction. In contrast, the cost of paying someone to trim a hedge a few times a year is not likely to be excessive. Accordingly, I consider that more sensitive options would be available whereby privacy and a means of enclosure could be achieved without harming the character and appearance of the area.
19. I have also noted the examples of other fences in the local area put forward by the appellant and took the opportunity to view the fences at my site visit. It is clear that some of those fences face directly onto the highway but not many of the properties are situated at a corner plot on a layout that is directly comparable to the property in question. With the exception of the fencing at Slater Crescent I found each of the fences to be less prominent in the local environment than the fencing at the appeal site. In any event, it is not clear

whether any of the fences in question benefit from planning permission and some of them may be unauthorised. Thus, even if those fences were considered to be harmful, their presence should not be used as reason to permit further harmful development at the appeal site.

20. In addition, whilst the examples are taken from local streets, they are exceptions rather than the norm. I must have regard to the particular character and appearance of the area within which the fence is located and, as described above, the immediate vicinity on Willowbath Lane and Ian Avenue is largely free from comparable fences. Front gardens benefit from low enclosures and gardens on corner plots, particularly the one directly opposite, are enclosed with hedgerows to provide privacy. In fact, I noted that the use of hedgerow planting on corner plots within the local area was far more common than the use of fencing. The fence at 27 Willowbath Lane is much less intrusive and prominent in the street scene. In view of the above, the examples of other fences on streets surrounding the appeal site do not lead me to alter my conclusions on the suitability of the fence in question.
21. I have also considered the possibility of granting planning permission for part **of the development on the basis of the appellant's suggestion that the part** forward of the front elevation of the house could be removed. That would reduce the harm to some degree because the forward projection is particularly prominent but a significant proportion of the fence directly along the boundary with Ian Avenue would remain. The uncharacteristic and harsh appearance would still be notable due to the prominent location and the fence would still cause harm to the character and appearance of the area. In my view, that harm would not be outweighed by any benefits, particularly having regard to my views that an alternative and less obtrusive means of enclosure could be achieved.
22. Reference has been made to the environmental impact of having to take down the fence. That would amount to a waste of resources but the timber could no doubt be reused elsewhere if taken down carefully and I attach little weight to that matter in the planning balance.

Conclusion

23. For the reasons given I find that the fence has caused significant harm to the character and appearance of the local area, contrary to the relevant policies of the 2017 LP. That harm could not be mitigated by staining the fence. The material considerations put forward in support of the fence do not outweigh that harm or amount to a reason to grant planning permission contrary to the aims of the development plan. I find that the stated aims could all be achieved through a less harmful solution.
24. In view of the above, I conclude that planning permission should not be granted, that Appeal A on ground (a) should fail and that Appeal B should be dismissed.

Chris Preston

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