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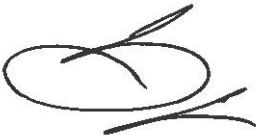
For assistance in understanding or reading this document or specific information about this Agenda or on the "Public Participation" initiative please call Democratic Services on 01629 761133 or email [committee@derbyshiredales.gov.uk](mailto:committee@derbyshiredales.gov.uk)

15 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 23 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 3.15pm 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](mailto:committee@derbyshiredales.gov.uk) of any apologies for absence and substitute arrangements.

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

Planning Committee – 09 October 2018

### **3. INTERESTS**

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

#### **4. APPLICATIONS FOR DETERMINATION**

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

##### **PUBLIC PARTICIPATION**

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

	<b>Page No.</b>
<b>4.1 APPLICATION NO. 18/00971/FUL (Site Visit)</b>	<b>06 - 19</b>
Erection of four residential care apartments (resubmission) at St. Elphin's Park, Darley Dale.	
<b>4.2 APPLICATION NO. 17/00850/FUL (Site Visit)</b>	<b>20 - 39</b>
Erection of 26 dwellings with widening of existing access to serve development and new access to the retained property on site at Land off Whitelea Lane, Tansley.	
<b>4.3 APPLICATION NO. 18/00922/FUL (Site Visit)</b>	<b>40 - 58</b>
Demolition of existing buildings and erection of 48 retirement living apartments with associated access, community facilities, car parking and landscaping at 31 - 33 Causeway Lane, Matlock.	
<b>4.4 APPLICATION NO. 18/00919/FUL</b>	<b>59 - 71</b>
Installation of new equipment, diversion of access road, extension of car park, construct retaining walls, re-locate building and extension to existing building at Darley Dale Smelter, Oldfield Lane, Warren Carr.	
<b>5. INFORMATION ON ACTIVE AND CLOSED ENFORCEMENT INVESTIGATIONS</b>	<b>72 - 90</b>

##### **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 **3.15pm prompt** for the following site visits:

	<b>Page No.</b>
<b>3.30pm APPLICATION NO. 18/00971/FUL</b>	<b>06 - 19</b>
<b>ST. ELPHIN'S PARK, DARLEY DALE.</b>	
At the request of Officers for Members to appreciate the site in context.	
<b>4.00pm APPLICATION NO. 17/00850/FUL</b>	<b>20 - 39</b>
<b>LAND OFF WHITELEA LANE, TANSLEY.</b>	
At the request of Officers for Members to appreciate the site in context.	
<b>4.35pm APPLICATION NO. 18/00922/FUL</b>	<b>40 - 58</b>
<b>31 – 33 CAUSEWAY LANE, MATLOCK.</b>	
At the request of Officers for Members to assess the impact of the development on the local environment, including the residential amenity of the occupants at Harley House, the character and identity of this part of the settlement and the setting of Matlock Bridge Conservation Area.	
<b>5.00pm RETURN TO TOWN HALL, MATLOCK.</b>	

## **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.

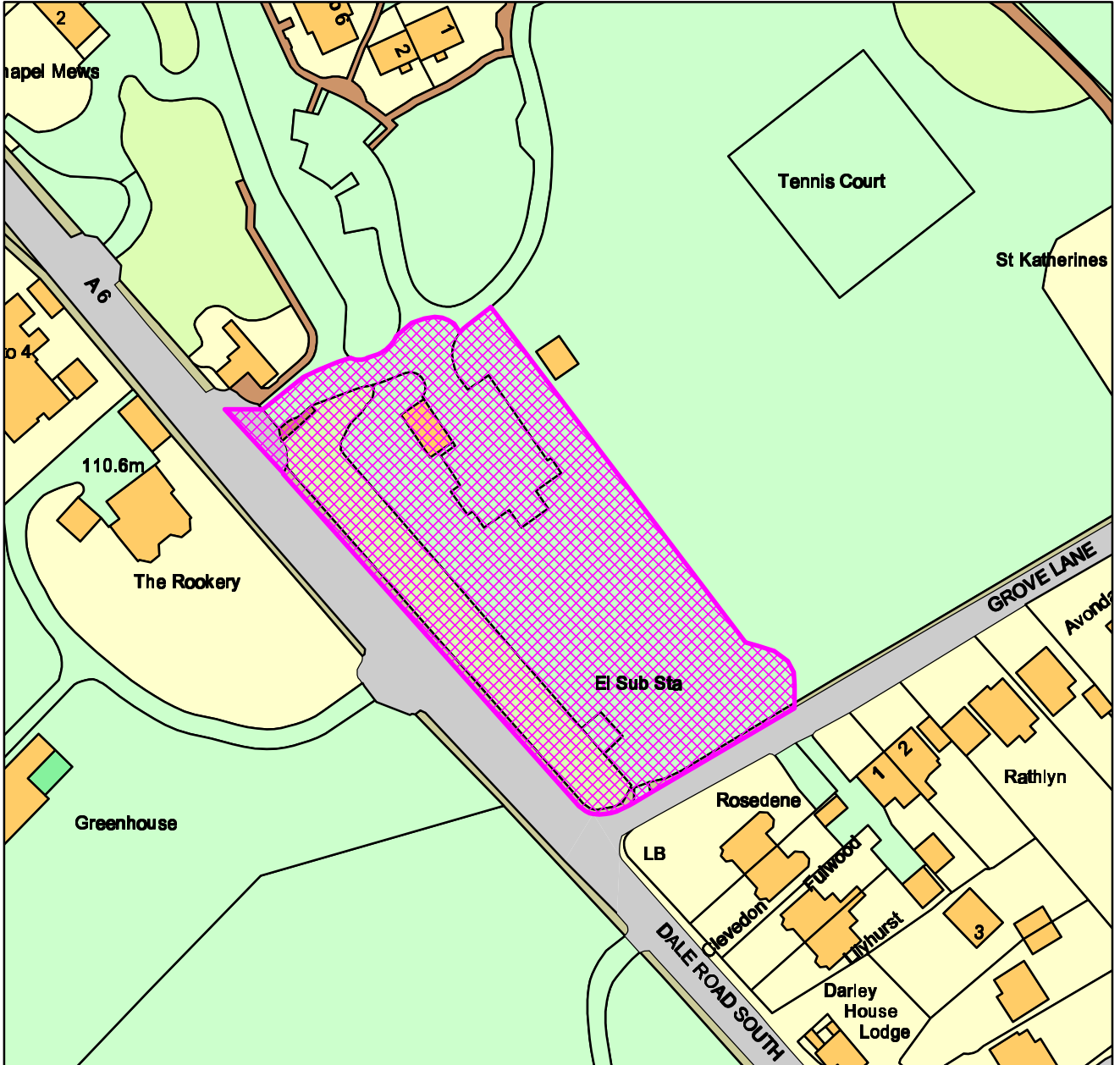
<b>APPLICATION NUMBER</b>		18/00971/FUL	
<b>SITE ADDRESS:</b>		St Elphin's Park, Darley Dale	
<b>DESCRIPTION OF DEVELOPMENT</b>		Erection of Four Residential Care Apartments (Resubmission)	
<b>CASE OFFICER</b>	H Frith	<b>APPLICANT</b>	Mr A Hales for Audley St Elphin's Ltd
<b>PARISH/TOWN</b>	Darley Dale	<b>AGENT</b>	Mr J Iles of Pro Vision
<b>WARD MEMBER(S)</b>	Cllr J Atkin, Cllr M Salt, Cllr A Statham	<b>DETERMINATION TARGET</b>	25.10.18
<b>REASON FOR DETERMINATION BY COMMITTEE</b>	Requested by Ward Member	<b>REASON FOR SITE VISIT (IF APPLICABLE)</b>	For Members to appreciate the site and context.

<b>MATERIAL PLANNING ISSUES</b>
<ul style="list-style-type: none"> <li>- Principle Of Development</li> <li>- Character And Appearance</li> <li>- Impact Upon Residential Amenity</li> <li>- Impact On Protected Trees</li> <li>- Ecology</li> <li>- Highway Safety</li> </ul>

<b>RECOMMENDATION</b>
Approval subject to conditions

18/00971/FUL

St Elphins Park, Darley Dale, Derbyshire



Derbyshire Dales DC

1:1,250

Date: 10/10/2018

100019785

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Telephone: (01629) 761100.  
website: [www.derbyshiredales.gov.uk](http://www.derbyshiredales.gov.uk)

# 1. THE SITE AND SURROUNDINGS

1.1 The application site is an authorised car parking area located to the south-east of the Audley St. Elphin's development. The site sits on the corner between the original access into the site, the A6 and Grove Lane. To the southern and south eastern boundaries are a series of mature trees protected by a Tree Preservation Order and beyond this stone walls define the extent of the site. To the north east is an embankment to a drainage basin upon which planting is beginning to develop and mature. Open fields are set beyond the embankment with two dwellings located on the incline of the fields to the north east. Existing on this relatively level site is a garage building, a further ancillary building is adjacent to the embankment and hardsurfacing is in place across the site for parking. The application site is within the Settlement Framework Boundary for Matlock which is a first tier settlement.





## **2. DETAILS OF THE APPLICATION**

- 2.1 Planning permission is sought to erect four extra care units on the site of the existing car park. The four units are proposed to be 2 bedroom units, single storey in height, set in an 'L' shape around a courtyard of planting and hardsurfacing. The three units to the north east would be set slightly into the embankment with the latter unit sited gable towards the A6. The properties are intended to have slate roofing with timber to the elevations. Most of the glazing to the units would be full height glazing to the courtyard facing elevations with a timber pergola structure providing a walkway to the courtyard elevations.
- 2.2 The existing unused access to Grove Lane is to be removed with additional planting proposed. The hardstanding between the proposed units and Grove Lane would be replaced with meadow and soft landscaping. The majority of the existing planting around the site will be retained with the removal of only one tree adjacent to the existing parking area and sub-stations.
- 2.3 The applicant has submitted the following documents in support of the proposal:-  
Arboricultural Report and Plans  
Design and Access Statement  
Heritage Statement  
Planning Statement  
Landscape and Visual Appraisal  
Carterwood Report on Need Assessment  
Ecological Report

## **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 PD1 : Design and Place Making
  - Policy PD2 : Protecting the Historic Environment
  - Policy PD3 : Biodiversity and the Natural Environment
  - Policy PD5 : Landscape Character
  - Policy PD6 : Trees, Hedgerows and Woodlands
  - Policy PD8 : Flood Risk Management and Water Quality
  - Policy PD10 : Matlock to Darley Dale Corridor
  - 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:**

17/00866/FUL Erection of four residential care apartments – Withdrawn

17/00865/FUL Retain street lighting lamps erected around the temporary care suite and installation of anti-glare shields to the lamps - Pending Consideration

16/00324/VCOND Variation of condition 1 to extend time period to retain care suite until 18/05/2017(15/00203/TEMP) - Permitted with Conditions

15/00203/TEMP Retention of care suite for temporary period of 2 years - Granted Temporary Planning Permission

07/01007/FUL Erection of detached two storey dwelling - Permitted with Conditions

07/00832/FUL Modifications to approved design of leisure facility - Permitted with Conditions

06/00892/TEMP Erection of temporary building for a period of 3 years to be used as a marketing suite - Permitted with conditions

06/00321/FUL Conversion and redevelopment of former school to create extra care community facility, associated external works and landscaping – Permitted with conditions

04/03/0211 Residential development including replacement /new sports facilities and playing fields and associated access – Refused and appeal dismissed.

03/10/0841 Residential development including replacements sports facilities/playing fields and associated access (outline) – Refused.

DDD/0798/0448 Residential development for seven dwellings and access alterations (Outline) - Refused

## **5. CONSULTATION RESPONSES**

### Town Council

- 5.1 Considerable discussion was held regarding this matter. Points raised were a national need for increased care units due to the ageing population, the need to support local residents, historical issues and the improved nature of the plans.

There were 5 votes to support the application and 4 votes to object, therefore, the Town Council will record no objection to the application.

### Derbyshire County Council (Highways)

- 5.2 Refer to the previous comments made regarding application 17/00866/FUL. Those comments were:

No objections provided vehicular access is via the existing St Elphin's Park access direct to the A6 (not via Grove Lane).

### Derbyshire Wildlife Trust

- 5.3 Sufficient information has been provided in the well-detailed ecology report (Tim Moya Associates, 2018) to determine the application. Should the council be minded to approve the application, we advise that conditions are attached.

### Arboriculture and Landscape Design Officer (Derbyshire Dales)

- 5.4 The site was classified by the DDDC Landscape Sensitivity Study (2015) as low sensitivity. There would be negligible adverse to none significance of effect upon the local landscape resource, because the proposed development would be experienced only with the very local landscape and would be barely discernible with wider landscape. The proposed development is of a form, scale and material finish appropriate to the local landscape setting. Retention of all but one of the trees on the site and forming its boundaries is welcome and will contribute significantly to the screening and amenity of the proposed development. No loss or deterioration of ancient woodland or veteran trees will result from the proposals. Concerns raised regarding the maintenance of the trees, location of an area of hardstanding, the extent of root protection areas and the removal of existing hardstanding and conditions recommended to cover these issues.

## 6. REPRESENTATIONS RECEIVED

- 6.1 A total of 79 letters of objection have been received from residents of St. Elphins and the surrounding area and from outside the area. The comments are summarised as follows:
- Concerned that Audley are planning to build on an area outside the approved rope line.
  - This is outside the former area of school buildings.
  - There are many properties unsold (25 units or 20%). Why do they need to build more?
  - This will lead to building on the green fields around the site, the green belt should not be built on.
  - This will lead to pressure to fell the protected trees along the A6.
  - Expansion of the site will impact adversely on available health and social amenities for local people.
  - Is this proposal why Audley have left the area overgrown?
  - This will adversely affect the local bats and other protected species.
  - If properly managed this could be a nature reserve.
  - Open spaces, even in settlements should be protected.
  - Light from the development will result in an area that looks more like a built up city.
  - Approval would next be given to developing the surrounding fields.
  - This is green belt erosion along the A6.
  - Uncontrolled urban sprawl continues to bring Matlock and Darley Dale together.
  - The complex is quite big enough.
  - The development will adversely affect the landscape.
  - When I bought here I was assured there would be no further development.
  - The proposal will detract from the ambience of the park.
  - This will lead to difficulties accessing and leaving the park from a major road and would lead to increased chances of a serious accident.
  - There are already parking difficulties at the site, with spaces often blocked by Audley staff. The loss of this overspill parking will make the situation worse.
  - New building occupants would suffer from noise on the A6.
  - This will adversely affect health and social care amenities for local people who require affordable services.
  - Affordable extra care is needed.
  - Given the costs this is not a development for the ordinary elderly person.
  - Disturbing underground drainage will bring back localised flooding.
  - If this was granted earlier it could have saved the school.
  - This type of development has reached saturation point.
  - This is overdevelopment.
  - This will cause more upheaval for the residents.
  - The parking in this location would be lost.
  - No additional parking is proposed.
  - This will lead to more waste and pollution of the local environment.
  - Numbers of elderly and disabled people are already too many for the site complex leading to a shortfall in facilities offered and limited quality of site for some residents.
  - Growing number of owners will not be absorbed into the local community, creating difficulties in ease of travel and social acceptance.
  - Darley Dale will be seen as a haven for the elderly rather than a delightful space for a mixed community and local industry.
  - The completion ceremony last year led residents to believe that the surroundings would remain unaltered.
  - The completion ceremony was held in full knowledge of intentions to expand.
  - Audley is intentionally misleading to customers and residents in suggesting last few properties remaining, 20% is available.
  - The need for the units is not proven.

- Audley are often short staffed so this would get worse.
- This should be a luxury village not a luxury city.
- The waste disposal is insufficient and needs expanding.
- Being outside the originally approved rope line was why this was rejected previously.
- They are proposing 2 new units at Grove Cottage.
- Developments along the A6 are already changing the character of the area.
- Whilst there is a need for more housing this should not be to the detriment of open spaces.
- If granted Audley would struggle to sell these units due to noise, pollution, dirt and shading from trees.
- Previously dwellings proposed near the Chapel were moved due to traffic noise. The lighting approved last year was needed to light the car park area until 10.30 pm loss of this will result in further parking being proposed elsewhere on the site.
- The proposal will lead to noise and disturbance during construction but also from the comings and goings of residents, staff and family / friends.
- This space separates dwellings on Grove Lane from the Audley buildings.
- During the Local Plan Audley attempted to prevent the fields surrounding the site from being protected.
- Audley have no vested interest in protecting open space and surrounding areas.
- This adds nothing for Audley residents.
- Audley claim 700 additional care places are needed but they are not providing affordable care for local people.
- A further residential care home is proposed on Dale Road South which will better serve the community. Underhall is also now independent living operated by Waterloo Housing Group – there is enough care provision.
- The large amount of elderly people in the area puts a strain on local services.
- GP surgeries are already struggling to cope.
- The application creates no additional jobs.
- The site is already overdeveloped.
- Audley have a master plan for further development.
- The submitted needs assessment for extra care is based on a blanket formula which is applied across the site, it does not take into account the demographic of this area, or consider affordability.
- Residents of the development came from outside the local area.
- Originally this area was only for a temporary structure.
- This has no benefit to the local area.
- A metal site cabin is on site, if this is for the proposed build it makes a mockery of the planning process.
- They moved the care team into an unused apartment and the sales team occupies another apartment; this site is used for all the staff to park.
- There are already 104 residential care spaces within 0.5 miles of St. Elphins.
- This will completely change the character along the A6 with urban sprawl.
- This development will set a precedent for further development.
- The density proposed is out of scale and would appear out of character.
- We already had to put up with the unsightly marketing suite for many years.
- Why has this been submitted before the Local Plan is finalised.
- The land was never restored after the marketing suite was removed.
- They are trying to circumnavigate their way around the rules for the development of the site.
- Do something about the traffic gridlock.
- It will make it more difficult for pedestrians to cross the road.
- They should stringently comply with the recommendations of the tree and landscape officer to protect the trees.
- The units are too remote from the main site to operate effectively for additional care.

- The proposed building would be too near to the communal dustbins and recycling.
- The development is entirely out of keeping with the surroundings.
- Whilst other buildings have been preserved the new blocks are ugly and institutional in appearance.
- Audley is now at risk of assuming the proportions of a Victorian mental hospital, developing into an institution that is too large.
- The recreational area promised to be on these fields has not been delivered.
- A bypass is required before additional buildings can be considered.
- This application undermines the entire planning system.
- Granting consent brings the credibility of the plan into question.
- If approved it should include a restriction on further development of the site.

One letter of support has been received which is summarised:

- The 4 units will not be detrimental to the area.
- The properties are well away from Grove Lane and would be hardly visible due to retained planting.
- Audley will go to great lengths to protect the environment, trees and wildlife.
- The provision of 4 units for the elderly will immediately release 4 properties onto the open market for young people to buy further down the housing chain.

## **7. OFFICER APPRAISAL**

The following material planning issues are relevant to this application:

- Principle Of Development
- Character And Appearance
- Impact Upon Residential Amenity
- Impact On Protected Trees
- Ecology
- Highway Safety

### Principle Of Development

- 7.1 As defined by the Adopted Derbyshire Dales Local Plan the application site is contained within the settlement framework boundary for Matlock which is a first tier settlement. Policy S2 of the Adopted Local Plan relates to first tier settlements and advises that as these are the District's main towns, they are the primary focus for growth and development to safeguard and enhance their strategic roles as employment and service centres. The site being an authorised car park in accordance with permission 06/00321/FUL is brownfield land. Although raised as a concern by local residents this area of land no longer forms part of the protected corridor between Darley Dale and Matlock. As such it is considered that in locational terms the site is suitable for further development. However, consideration has to be given to the suitability of development at the site in terms of its current character and appearance, and role as part of the wider setting of St Elphins.

### Character And Appearance

- 7.2 The application site is well screened by existing tree planting to the A6 and Grove Lane which is subject to tree preservation orders, and by the planted embankment to the open land to the north east of the site. This area of the site is detached from the remainder of St Elphin's which is a development contained within the core of the site in an area roughly in accordance with the original school buildings on the site. The core of buildings, which includes most of the new residential development on the site, is set within a landscaped parkland setting of the former school. This application site forms an integral part of this parkland setting. The hamlet area to the north of the site whilst of a more domestic scale of

development than the principle apartment buildings, nevertheless is well contained and integrated into the developed area of the site and is screened by embankments and landscaping such that it has minimal visual impact upon the surrounding area. As such the character and appearance of the parkland setting remains. The frontage areas of the parkland contains a number of historic buildings of significant architectural quality associated with the former school. It is considered that the parkland setting surrounding the whole development is critical to the prevailing character and appearance of the area and as such should be respected through any new development in accordance with Policies S1, S3 and PD1 of the Adopted Local Plan 2017.

- 7.3 The design of buildings within the developed core of the site are largely of a scale and design intended to be reflective of the original school building with a clustered hamlet to the south east. Outside of the parkland setting the development surrounding the site along the A6 is generally of larger dwellings set in substantial plots. Moving along Grove Lane the character becomes more suburban in form with typical scale dwellings fronting the highway within standard sized plots. The proposed development which is for single storey timber clad buildings of a functional character relates more closely to the character and scale of ancillary buildings within parkland. In this respect, this part of the site differs from the wider undeveloped areas of St Elphin's in that it is considered to be able to appropriately accommodate a modest single storey development without having an adverse impact on that wider parkland setting due to the particular circumstances of this area.
- 7.4 A recent application for the erection of a two storey building to house 4 units on this site was not supported by officers due to concerns regarding how such a formal and large scale building sat within the context of the wider site and jarred with the prominence of the historic buildings associated with this site which front the A6. The applicant withdrew that application and has carried out detailed assessment of the landscape and history of the site in order to reconsider the scheme in a way which respects the context. This analysis of the site this scheme has been designed to create a series of low outbuildings centred around an informal garden and which draws on the original stables courtyard that was located between the original Hydropathic Establishment and the A6. The intention is that this will be seen as a collection of ancillary buildings albeit of modern natural materials which is considered to sit appropriately within the context of the wider site. The proposal is therefore considered to overcome previous officer concerns.
- 7.5 The concerns of local residents in respect of the original 'ropeline' envisaged for the development remains relevant as a measure for restricting further development in line with the boundary of the settlement. However, the development of this part of the site, due to the existing mature planting and topography along with it being previously developed land, is considered to be the area of the site where an exception for development can be considered. Allowing for development in this particular locality and set of circumstances will not it is considered undermine the Council's ability to resist development in more sensitive parts of the St Elphins setting.

#### Impact Upon Residential Amenity

- 7.6 Concern has been raised by local residents that the development of this site will harm the amenity of neighbouring residents. Given the detached nature of the site away from any neighbouring properties and the existing screening to the site it is not considered that the development of the site would result in any adverse impacts upon the amenities of neighbouring residents.

#### Impact On Protected Trees

- 7.7 There are protected trees to the south and western boundaries of the site. The proposed buildings whilst in relatively close proximity to these trees, particularly to the south would nevertheless be beyond the root protection areas of the trees. Whilst it is acknowledged that the building would be largely shaded by these trees the pressure to fell these can, it is considered, be resisted due to their protected status. As such it is considered that on balance the proposed development would not result in such pressure to fell the trees that the application would warrant refusal on this basis. Detailed requirements have been set out by the Council's tree and landscape officer which it is considered can be accommodated via conditions attached to any permission. Subject to conditions the proposal is considered to be acceptable in accordance with policies S1, S3, PD1 and PD6 of the Adopted Local Plan 2017.

#### Ecology

- 7.8 It is known that there are bats roosts within close proximity of the application site and that the wider parkland is valuable habitat to numerous species. In this regard the applicant's agent has submitted detailed surveys. Derbyshire Wildlife Trust have considered these surveys and mitigation and are satisfied in respect of the impacts on protected species subject to conditions. Subject to these conditions the proposed development is considered acceptable in terms of ecological impacts in accordance with policy PD3 of the Adopted Local Plan 2017.

#### Highway Safety

- 7.9 Concern has been raised that the development of the site will lead to a danger to highway safety due to the increased number of vehicles, loss of parking and general gridlock in Darley Dale. The Local Highway Authority have considered the application and concluded that the proposal is acceptable subject to using the existing main access to the site from the A6. It should also be noted that the access route to Grove Lane will be closed which is considered a benefit to highway safety. As a total of 13 parking spaces will remain in this location following construction this is considered sufficient to serve both the proposed units and any overspill parking requirements. It is considered that the proposal is acceptable in terms of highway safety and parking in accordance with policies S3, HC19 and HC21 of the Adopted Local Plan 2017.

#### Other matters:

- 7.10 Much of the correspondence received raises concern regarding the need for such further development. Whilst the applicant has submitted a report advising that there is a need for such accommodation, it is also known as indicated in the local plan under paragraphs 2.31 and 2.39 the number of people aged 65 and over in the Derbyshire Dales is projected to rise by 46% and the old age dependency ratio for the Derbyshire Dales is considerably higher than the East Midlands, paragraph 2.39 goes on to note that consequently this will impact on the demand for certain types of development to cater for this ageing population within the District. It is therefore considered that the need for the proposed four units cannot reasonably be questioned. Whilst it is acknowledged that a number of the units remain unsold or vacant, this is likely to happen in such a large development of this nature, but this does not amount to a reason to refuse planning permission for the current scheme.

#### Conclusion

- 7.11 The site is within a defined settlement and therefore suitable for further development. The scale, design and appearance of these diminutive units, which have the appearance of functional outbuildings serving the wider site, is considered to be an appropriate response to the wider parkland setting of St Elphin's. The proposal is considered to overcome the

previous officer concerns as to how development can be successfully integrated into this area without undermining its character and appearance.

- 7.12 There are no concerns in respect of highway safety given the closure of the access to Grove Lane and adequate parking space will remain. Subject to conditions the impacts upon ecology and protected trees is considered to be appropriate. There are considered to be no adverse impact upon existing residents in respect of amenity. It is therefore considered that subject to conditions the proposal is acceptable in accordance with local and national planning policy.

## **8. RECOMMENDATION**

That planning permission be granted subject to the following conditions.

1. Condition ST02a: Time Limit On Full

Reason: ST02a

2. Prior to works commencing to the external elevations of the buildings details, including samples, of all external facing and roofing materials 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.

3. No development shall take place (including ground works, vegetation clearance etc) until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the Local Planning Authority. The CEMP (Biodiversity) shall include the measures outlined within Section 7 of the Ecological Report (Tim Moya Associates, 2018) to safeguard bats, badgers, birds and herpetofauna. Clarification shall be provided as to the location of the site compound and a Plan indicating protective fencing shall be provided to ensure safeguarding of grassland in the east. The CEMP shall give particular attention to the two 'bat buildings' and ensure that their functionality is not compromised by proposals.

Reason:

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

4. Prior to building works commencing above foundation level, a Biodiversity Enhancement Strategy shall be submitted to and approved in writing by the Local Planning Authority to achieve a net gain in biodiversity in accordance with the NPPF 2018. Such approved measures should be implemented in full and maintained thereafter. Measures shall include:

Details of bird and bat boxes will be clearly shown on a plan (positions/specification/numbers).

Hedgehog connectivity measures will be clearly shown on a plan, such as small fencing gaps (130 mm x 130 mm), railings or hedgerows.

Retention/provision of habitat piles in suitable areas.

Summary of ecologically beneficial landscaping (full details to be provided in Landscape Plans).



Reason:

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

5. Notwithstanding the submitted details a scheme of hard and soft landscaping shall be submitted to and approved in writing by the Local Planning Authority within 56 days of the commencement of development, the details of which shall include :-
- a) indications of all existing trees, hedgerows and other vegetation on the land;
  - b) all vegetation to be retained and measures for protection, including measures for any ground works within the RPA's of the protected trees and details of the canopy spread of all trees and hedgerows within or overhanging the site, in relation to the proposed buildings, roads, and other works, fully taking into consideration the comments of the Council's Trees and Landscape Officer in respect of RPA's;
  - c) all plant species, planting sizes, planting densities, the number of each species to be planted and plant protection;
  - d) grass seed mixes and sowing rates;
  - e) finished site levels and contours;
  - f) means of enclosure, which shall include details of an extension to the boundary wall to close the access onto Grove Lane;
  - g) car park layouts;
  - h) details of hard surfacing materials, including the submission of samples where necessary, and other vehicle and pedestrian access and circulation areas, taking into consideration the comments made by the Council's Tree and Landscape Officer;
  - i) minor artefacts and structures (e.g. furniture, refuse and other storage units etc.);
  - j) a detailed lighting strategy to minimise light pollution
  - k) proposed and existing functional services above and below ground (e.g. drainage, power, communications, cables, pipelines etc. indicating lines, manholes, supports etc.).

Reason:

To ensure a satisfactory landscaped setting for the development and the protection of biodiversity in accordance with policies S1, S3, PD1, PD3 and PD6 of the Adopted Local Plan 2017.

6. Prior to the occupation of the units a detailed strategy for the long term maintenance and management of the area of protected trees to the southern and eastern borders, taking into account the comments of the Council's Trees and Landscape Officer, shall be submitted to and approved in writing by the Local Planning Authority. The agreed strategy shall be implemented in perpetuity.

Reason:

To secure appropriate management and maintenance of the landscaped areas and to ensure the safety of the occupants in accordance with policies S1, S3, PD1 and PD6 of the Adopted Local Plan 2017.

7. 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.

8. In accordance with condition 7 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.

9. Prior to their installation details of all windows and doors and their 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 S1, S3 and PD1 of the Adopted Local Plan 2017.

## **9. NOTES TO APPLICANT:**

- 9.1 The Local Planning Authority prior to the submission of the application engaged in a positive and proactive dialogue with the applicant which resulted in the submission of a scheme that overcame initial concerns relating to the scale and appearance of the development.
- 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:
  - Ecological report received 30.08.18
  - Carterwood report on needs assessment received 30.08.18
  - Landscape and visual appraisal received 30.08.18
  - Planning statement received 30.08.18
  - Cellweb TRP system
  - Heritage statement received 30.08.18
  - Design and access statement received 30.08.18
  - Roof plan no. A002 Rev F received 30.08.18
  - Ground floor plan A001 Rev F received 30.08.18
  - Courtyard planting strategy A003 Rev A received 30.08.18
  - North elevation and section no. A105 Rev E received 30.08.18
  - South elevation A106 Rev F received 30.08.18
  - West Elevation and section 1 A107 Rev F received 30.08.18
  - East Elevation A104 Rev E received 30.08.18
  - Site location plan existing GA (LOC) 000 Rev E received 30.08.18
  - Boundary treatment plan GA (BOU) 000 Rev E received 30.08.18
  - Parking and access plan GA (P & A) 000 Rev E received 30.08.18
  - Site sections GA (SIT) 002 Rev F received 30.08.18
  - Site plan proposed GA (SIT) 000 Rev J received 30.08.18

Site plan (existing) GA (SIT) 001 received 30.08.18  
Arboricultural report and associated plans received 30.08.18

- 9.4 The pre-commencement conditions attached to this permission have been imposed having served the requisite notice on the applicant(s) and having received a positive response (deemed or otherwise) under section 100ZA(5) of the Town and Country Planning Act 1990.

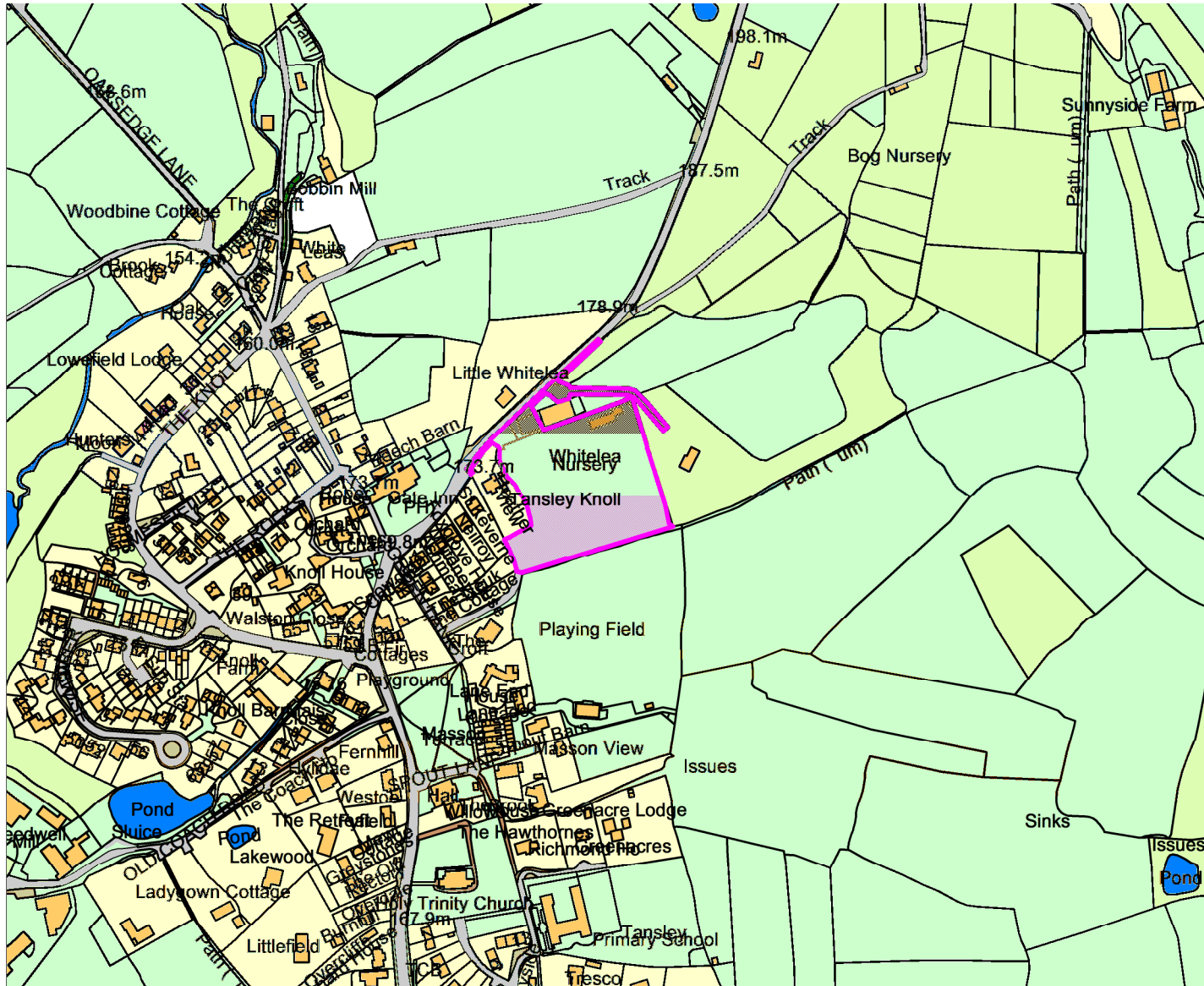
<b>APPLICATION NUMBER</b>		17/00850/FUL	
<b>SITE ADDRESS:</b>		Land Off Whitelea Lane, Tansley	
<b>DESCRIPTION OF DEVELOPMENT</b>		Erection of 26 dwellings and widening of existing access to serve development and new access to the retained property on site	
<b>CASE OFFICER</b>	H Frith	<b>APPLICANT</b>	James Chatterton for William Davis Ltd
<b>PARISH/TOWN</b>	Tansley	<b>AGENT</b>	
<b>WARD MEMBER(S)</b>	Cllr D Botham, Cllr S Flitter, Cllr J Stevens	<b>DETERMINATION TARGET</b>	11.12.17
<b>REASON FOR DETERMINATION BY COMMITTEE</b>	Due to being major development	<b>REASON FOR SITE VISIT (IF APPLICABLE)</b>	For Members to appreciate the site and context

<b>MATERIAL PLANNING ISSUES</b>
<ul style="list-style-type: none"> <li>- Principle of Development and Housing Mix</li> <li>- Impact on Residential Amenity</li> <li>- Visual Impact</li> <li>- Highway Safety</li> <li>- Ecological Impacts</li> <li>- Land Drainage</li> <li>- Developer Contributions</li> </ul>

<b>RECOMMENDATION</b>
Approval subject to conditions

17/00850/FUL

Land Off Whitelea Lane, Tansley



**Legend**

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1:4553

<b>Organisation</b>	Derbyshire Dales DC
<b>Department</b>	Department
<b>Comments</b>	Not Set
<b>Date</b>	10 October 2018
<b>Licence No.</b>	100019785

## 1. THE SITE AND SURROUNDINGS

1.1 The application site is the former commercial plant nursery situated towards the eastern edge of the village adjacent to the existing playing field and open countryside. The site is currently well screened by existing planting which to the borders consists of a substantial conifer hedge and a native hedge. To the west of the site are a number of detached properties in relatively large plots both bungalows and dwellings. On the opposite side of Whitelea Lane to the west of the site is The Gate Inn Public House. A single bungalow is located opposite the site frontage. To the immediate north of the site is a large workshop/agricultural building of metal cladding which is owned by a dwelling located to the east of the site which is set within a wooded landscaping. The land inclines towards the east and north. There is a public right of way passing the site to the south via the playing field.



## 2. DETAILS OF THE APPLICATION

2.1 Through the consideration of the application the details of the proposal have been altered to seek improvements to the original design of the units and their layout. The proposal is now to seek planning permission for the residential development of 26 units including the provision of 8 affordable units.

2.2 The details of the application are as follows:

- 5 no. 2 bed two storey units
- 7 no. 3 bed two storey units
- 6 no. 4 bed two storey units
- Total 18 open market dwellings

- 5 no. 2 bed two storey units

3 no. 3 bed two storey units

Total 8 no. affordable dwellings which is just above 30% provision.

- 2.3 The dwellings are proposed to be of a traditional style with stone and render with a slate effect tile to the roof being used as the external facing materials to reflect on the materials within Tansley village.
- 2.4 To the site frontage one dwelling would be sited at the entrance into the site leaving a large side garden to this property to reduce the density and respect the rural character of the lane. Two larger detached properties with garages are located to the rear of the frontage dwelling fronting the access road with a balancing pond feature located to the south west of the site with a link to the existing footpath. On the opposite side of the access road is a further large dwelling adjacent to the existing agricultural/workshop building located to the frontage of the site. Detached and semi-detached properties then front the main access route and the balancing pond. A cul-de-sac is formed to the southern end of the site looking over onto the recreation ground. The smaller open market and affordable units are intended to the north eastern area of the site set in both short terraces and as semi-detached properties with parking to the frontages separating with small areas of planting. A further small cul-de-sac is formed to the eastern edge of the site with a pair of semi-detached properties and a detached dwelling to the far end. Existing native hedges surrounding the site are to be retained where possible and the existing conifer trees removed for the site.
- 2.5 The wall to the neighbouring property to the west of the site will need to be set back to allow for the insertion of a footpath to the frontage linking the development to the village.
- 2.6 The applicant has submitted a supporting statement regarding the housing mix which sets out the following matters:  
The site is for only 26 dwellings and is just of sufficient size to provide affordable housing and a varied mix of housing on site in keeping with the local area. Given the rural location of the site, density is typically lower with detached houses dominant in the village. The development has been designed to be in keeping with the character and appearance of the area. The dwellings propose seek to address the housing need of the district by providing a higher number of 2 bedroom units.

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

- 3.2 Other:  
National Planning Policy Framework (2018)  
National Planning Practice Guidance

#### 4. RELEVANT PLANNING HISTORY:

None

#### 5. CONSULTATION RESPONSES

##### Parish Council

- 5.1 The following comments have been received from Tansley Parish Council:
- The submission does not contain an accurate description of Tansley village, the developer should get their facts correct.
  - The PC met with William Davis when sites were allocated by DDDC, we raised concern regarding materials and flooding and considered that a play area should be included. Whilst the issue of materials has been addressed they have not addressed the other matters.
  - There does not appear to be any evidence for the need of affordable housing in Tansley and the units proposed do not appear to be based on future demographic trends or people with disabilities.
  - We consider on-site parking should be increased.
  - Assurance should be given that the southern boundary hedge is retained and not damaged, the ancient hedge needs protection.
  - There is flooding in the area which does not appear to have been addressed in the application. The proposed balancing pond next to an existing dwelling is of concern.
  - Why is there no assessment of the cumulative impacts of development on Church Street and the access to the A615?
  - The numbers of houses proposed for the village is not acceptable.
  - An offsite commuted sum towards public space should be ring fenced for Tansley, all contributions adhere to the requirements for this set out in the NPPF. This is also the case in respect of policy S11.
  - We expect the following contributions:
    - A play area or replacement of existing play equipment.
    - Improvements to the fete field.
    - Funding for additional school places.
    - Funding for broadband
    - Contribution to the CCG for health facilities in Matlock.

##### Derbyshire County Council (Highways)

- 5.2 Concerns have been raised by the Local Highway Authority requiring amendments and clarification of a number of issues as set out below:  
Detailed swept paths need to be submitted demonstrating appropriate large vehicle manoeuvres.  
There is concern regarding geometry proposed, recommended that a larger junction radii is needed at 10m.  
A change to the speed limit area along Whitelea Lane is considered necessary this should be included in the proposed documents.  
Clarification of footways through the site is needed with areas of 2m wide footway required through the development.  
The trip rates should be relative to those used in the transport evidence base to the local plan.  
The submission of a pedestrian audit is required to improve sustainability.  
Connection to the existing footpath is required.



Concerns regarding bringing the access to the property above the site back into use. No details of this access and its boundary treatment have been submitted.

The applicant is seeking to address these matters.

Derbyshire County Council (Planning Policy)

- 5.3 Given the existing capacity at local schools and the projected pupil numbers no contribution towards school places is required.

Following a reduction in the number of units proposed a further consultation on this matter resulted in a response advising that a contribution was now required for secondary and post 16 school places.

Derbyshire County Council (Flood Team)

- 5.4 Clarification is required regarding the following matters:

- 1) The proposed application details that the drainage system will be drained to an attenuation pond in the south west corner of the site, it is noted from the plans within the FRA, that the pond will have limited access around the top of the pond to facilitate maintenance operation, this will potentially impact on the maintenance of the pond outfall. Please can you provide clarification on the extent of the pond in relation to the redline boundary and quantify what access will be required for maintenance purposes?
- 2) The proposed development indicates that the site will outfall to a sough in the south west corner of the site, but that no assessment in relation to the condition or viability of this outfall has been undertaken. If the sough proves unviable as an outfall what alternate proposals will be developed?
- 3) The flood risk assessment details that the nearest fluvial flood risk is 300m from the site; however, there is a watercourse indicated adjacent to the Eastern boundary of the site flowing North East to South West. Has the any risk associated with this watercourse been assessed?

Dialogue is ongoing in response to these queries to address these initial concerns of the Lead Local Flood Authority.

Derbyshire Wildlife Trust

- 5.5 Concerns raised in respect of the initial assessment which required additional survey work to be undertaken. Initially those surveys had not been undertaken in respect of an internal inspection of the open fronted barn to check for the presence of bats, the possibility of great crested newts in the area, potential impacts on any reptile species. A number of conditions have been recommended in anticipation of the appropriate surveys being carried out. Further survey information has since been submitted to DWT to which a response is anticipated.

Natural England

- 5.6 No comments to make on this application.

Peak and Northern Footpaths

- 5.7 The proposed new footpath linking the SW corner of the site to existing footpath 2, is welcome, this should be dedicated as a right of way. It is not clear whether there would be a screen between the site and footpath 2 running along the southern edge of the site, there should be a screen so if the hedge is removed a new hedge outside of the area of the path should be provided. The footpath should remain unobstructed at all times.

### Derbyshire Dales Group of the Ramblers

- 5.8 No objection provided the footpath is not affected during or after development without the prior written agreement from DCC Rights of Way dept.

### Landscape Design Officer (Derbyshire Dales)

- 5.9 The area is currently the site of Whitelea Nurseries with poly tunnels, large sheds, display, grassed and servicing areas, dividing hedges and hard surfacing. The site is bounded on the roadside by a native species hedge with a high coniferous hedge (Leyland cypress) behind which effectively screens the area in most views from the wider countryside to the north. On the southern boundary the site abuts the village cricket ground from which it is screened by a tall well established hedgerow of native species shrubs and occasional conifers. This hedge extends out into the countryside to the east. Hedges also border the area on the western and eastern sides. Various hedges and trees characterise the nursery site including a prominent group of trees in the extreme south west.

Tansley extends across two Landscape Character Areas and Landscape Character types:

- Dark Peak/ Settled Valley Pastures – to the north and east
- The Derbyshire Peak Fringe and Lower Derwent/ Wooded Slopes and Valleys - extending across the larger part of the village to the west and south.

Subject to the retention of the surrounding hedgerow/ tree screen development can be accommodated on this site without any significant adverse impact on the landscape.

Subsequent to the assessment an appraisal of the sensitivity of the landscape to housing development was undertaken in connection with a number of settlements across the district – including Tansley. The site was assessed as having high sensitivity in this regard. This was considered as a factor in the allocation of sites for residential development to be included as part of the emerging Local Plan. However, it was considered that the high degree of enclosure and screening afforded by existing vegetation would successfully mitigate the impact of development in this respect.

There is no objection in principle to the proposal for development. However, there is concern regarding details of the scheme presented:

1. Though a new section of footway is to be provided in the north there are no proposals to provide pedestrian links to the existing footpath network.
2. The drainage balancing pond is squeezed into a constricted position in the south western corner. It is simply “a hole in the ground” when it should be a bio-diverse environment accommodating public access for its enjoyment and linked to existing green infrastructure. Important trees are to be removed to accommodate it with only one planted in replacement. As a sustainable urban drainage scheme it is obstructive, damaging and unimaginative in the extreme.
3. The beech hedge proposed for the road frontage should be replaced with one comprising native species to better reflect the site’s edge of countryside location. *Betula utilis Jacquemontii* (though nice) should be replaced with larger growing native species for the same reason.
4. There are no proposals/ planting details included with the submission with respect to the new access arrangement for the existing off-site dwelling. It is important to gauge the impact of proposals in this regard on the existing roadside hedge as it extends north eastwards.

#### Development Control Archaeologist

- 5.10 Previous assessment in respect of archaeology was carried out under the consideration of sites for the local plan. The applicant has commissioned an archaeological desk based assessment to inform the current proposals. This report provides greater detail of the history of the site but concludes that it has no archaeological potential. Therefore we do not wish to make further comments on this proposal.

#### Environmental Health (Derbyshire Dales)

- 5.11 Recommend a contaminated land condition. Standard working hours should be conditioned to 0800 to 1800 Monday to Fridays and 0800 to 1300 on Saturdays with no working on Sundays and Bank Holidays.

#### Coal Authority

- 5.12 Refer to standing advice.

#### Clinical Commissioning Group

- 5.13 A contribution is required for the expansion of GP Practices in Matlock at Lime Grove and Imperial Road.

#### Strategic Housing Team DDDC

- 5.14 We would like 8 affordable homes on site to be owned and managed by a housing association, with any remaining affordable housing contribution as an off-site financial contribution.

We require:

- 4 x 2 bedroomed 4 person houses – 2 for affordable rent and 2 for shared ownership
- 4 x 3 bedroomed 5 person houses – 2 for affordable rent and 2 for shared ownership

The minimum gross internal floor areas required to meet housing association standards are 78 m<sup>2</sup> for the 2 bedroomed houses and 85 m<sup>2</sup> for the 3 bedroomed houses. Drawings should show gross internal floor areas and furniture layouts.

The affordable homes need to be better integrated on the site, rather than all together at the bottom end of the site.

The homes should be positioned to maximise solar gain, with sufficient private outdoor space for a family home.

Further comments received in respect of the amended plans:

The proposal submitted is for 3 x 3 bedroomed houses at 81 and 82 metres squared and 5 x 2 bedroomed houses at 65 metres squared, which does not match our requirements.

The absolute minimum that would be acceptable in terms of internal floor standards is as follows; 2 bedroomed houses must be 2 bedroomed 4 person houses x 4 with a minimum floor area of 71m<sup>2</sup> and the 3 bedroomed houses must be 3 bedroomed 5 person houses x 4 with a minimum floor area of 82m<sup>2</sup>. The Housing Team strongly recommends that this proposal be refused if these minimum space standards are not met as these units will not be attractive to the Housing Association, nor to a potential tenant or shared ownership owner. Housing Associations will not take on units that they will struggle to sell or let, as it is through their sales and rental income that they service their loans. We have experience of our partner housing associations not taking on affordable housing units in Derbyshire Dales because they are too small.

In addition the layout of the three bedroom unit 'Thirsk' is poor with one large and two tiny bedrooms.

In summary, the Housing Team strongly recommends that this proposal is refused in its current form, as it is very unlikely that one of our partner RPs will take on these affordable homes.

#### Community Development and Wellbeing Officer DDDC

- 5.15 A contribution is required to support our evidenced strategic requirements listed in the Adopted Built Sports Facility, Playing Pitch and Open Space Strategy for Tansley to upgrade the Fete Field Recreation Ground which borders the site.

## **6. REPRESENTATIONS RECEIVED**

- 6.1 A total of 10 letters received from local residents raising concern regarding the development, the comments are summarised:

#### Flooding/Drainage:

- There are drainage concerns relating to this very wet site which is prone to surface water run of.
- Concern regarding flooding near Green Lane.
- The brook should divide in the nursery and flow down by Little Whitelea Bungalow, but it has been blocked off causing occasional flooding.
- Why is a pond necessary, where will the water come from?
- Water running down the lane will cause further impacts in entering to and from this site.
- Children will be attracted to a pond.
- The playing fields are often waterlogged.
- The proposed pond will lead to further flooding problems.
- The removal of the hedge would lead to access to the fete field which is used by youngsters, where the pond would be a danger.
- A small river flow through the site into a ditch at the top of the fete field, in periods of heavy rain the ditch at the top of the field floods and overflows then runs down the field, The Ropewalk and into Green Lane causing flooding. Whitelea Lane drainage systems are usually blocked with debris from the farm.
- The drain below Green Lane has collapsed which has been reported to Council workers.
- Surface water flooding does not seem to have been considered.

#### Highway safety:

- Vehicular traffic will increase considerably.
- Whitelea Lane needs to be widened to accommodate this development as it is the main route to Chesterfield from the village.
- This increase in traffic will cause a build-up of vehicles at the junction on Church Street/Nottingham Road, where there is already poor visibility.
- Access to the site is near a blind bend so will be dangerous. This is a rural lane with horse riders and cattle moving, this will be a danger to all users.
- The extent of development is completely out of keeping with the size of the village.
- Planning permission has already been given to developments in Tansley, infrastructure improvements should come from this.
- The proposed access will make access to existing properties difficult.
- The cars coming in and out of the development will take away all of the privacy I have.
- There is no reason to further widen the access.
- Whitelea Lane has a steep gradient and has only one vehicle width.
- There is inadequate parking in the village and no bus service.
- Does the removal of the conifer hedge include the removal of the native hedge?

#### Ecology:

- The development will harm local wildlife which uses the site.
- This is an established site for local wildlife.

Other:

- No play area is proposed, if this is not to be provided money should be set aside to replace the existing equipment on the village green.
- DDDC have decided where the housing is to be, the decent thing is to ensure locations chosen have the best possible development.
- A contribution is required for the CCG as the Matlock doctors need to expand.
- The development will impact severely upon Whitelea Lane which is a narrow country lane. The cumulative effects of this and the 49 units at Tansley House Gardens will adversely affect the highway infrastructure in Tansley.
- Councillor's need to ensure corners are not cut, stand up for Tansley.
- Building next to the fete field which often has up to 100 children playing football, the ball will be kicked onto neighbouring land, how will new residents feel about this?
- The submitted supporting information is misleading, the facilities in Tansley are commensurate with its size. There is no village shop, there are only two areas for sports facilities. Have William Davis visited the village?
- There are no facilities for young people.
- A regular bus service is needed.

6.2 One letter of support received from a local resident which is summarised:

- This development is on brownfield land close to the village centre. It will help maintain the village school. The development allows children and adults to reach the pub, church, school, village hall and bus stop without having to cross the A615.

## 7. OFFICER APPRAISAL

The following material planning issues are relevant to this application:

- Principle of Development and Housing Mix
- Impact on Residential Amenity
- Visual Impact
- Highway Safety
- Ecological Impacts
- Land Drainage
- Developer Contributions

### *Principle of development and Housing Mix*

- 7.1 This site is allocated for development in the Adopted Local Plan under Policy HC2 (aa) for residential development of 27 units. Whilst the allocation outlines the principle of residential development on this site the detail of the scheme needs to be considered in accordance with other policy requirements set out in the plan including housing mix.
- 7.2 Policy HC11 of the Adopted Local Plan requires that the mix of dwelling on a site should be 15% one bed units, 40% 2 bed units, 40% 3 bed units and 5% 4+ bed units. The housing mix proposed in this case is: 38% 2 bed units, 38% 3 bed units and 23% 4 bed units.
- 7.3 This mix does not accord with the requirements set out in policy HC11, however this policy advises that proposals which do not provide for the above housing mix will be required to demonstrate how the proposal contributes to meeting the long term housing needs of the district particularly in regards to the housing needs of young people, families and the elderly.
- 7.4 It is considered that based on the character and appearance of the area, the mix of 2 and 3 bedroom dwellings proposed as affordable units and the small scale of the site the housing mix in this case whilst not meeting the exact requirements of planning policy HC11 nevertheless is considered appropriate to the context and provides a substantial number of smaller units and affordable units.

- 7.5 In accordance with this allocation it is necessary to consider the details of the proposed scheme as submitted and other impacts arising from the development.

#### *Residential amenity*

- 7.6 Amendments to the development have removed the property closest to the dwelling situated to the west of the site. It is considered that whilst the development will no doubt be a significant change to the locality which will be of concern to residents the siting of the dwellings proposed is not considered to result in substantial amenity impacts in terms of overlooking, loss of light etc.
- 7.7 The property opposite the site known as Little Whitelea whilst not adversely affected by the siting of dwellings will be affected by the development as the only suitable point of access from the development will be directly opposite this property with all the vehicles movements to and from the site and in darker evenings car headlights impacting on the enjoyment of that residence.
- 7.8 Whilst alternatives to the point of access have been considered these are not possible due to highway safety concerns it is therefore inevitable that in order to bring forward the development of this allocated site there will be an adverse impact on the amenity of Little Whitelea. This is regrettable, the applicants have been requested to have a dialogue with the occupier of that property which it is understood has not taken place as the applicant has advised that the primary windows to the property front the opposite side of the dwelling and would not be affected and that the resident has already planted in the garden area to the south of the dwelling in order to minimise the impacts.
- 7.9 Whilst this amenity issue remains a negative of the scheme given the inevitability of this in bringing forward the development it is not considered that refusal of the scheme on these grounds is justified.

#### *Visual impact*

- 7.10 The dwellings proposed are a range of sizes with short terraced rows, semi-detached properties and detached properties. Whilst the house types vary across the development there is a general theme to the house types of a relatively traditional appearance. The buildings have an appropriate ratio of windows to walling with simple gables, an appropriate window hierarchy across all house types and simple porch details. It is therefore considered that in this context with a range of housing types in this part of Tansley, this approach to the design is acceptable and appropriate to this context. The dwellings are intended to be of natural stone (to the most prominent elevations) and render with slate effect tiles to the roof, such materials are in keeping with the use of materials within the village. The use of these materials requires clarification to the side elevations to some of the properties which can be resolved via condition. Some of the dwellings proposed will have chimneys attached to the gable end of the units, the position of some of the chimneys will need to be resolved via condition where these are not located to the gable ends. Subject to conditions the appearance of the units and the layout of the development is considered appropriate reflecting on the prevailing character and appearance of the area.
- 7.11 Whilst it is intended to remove significant areas of planting from the site this is mainly in the form of conifer hedging with the native hedges being retained. Whilst a planting scheme has been submitted and the general proposals in relation to this scheme are acceptable, it is nevertheless considered that additional detail is required in terms of landscaping in respect of existing plant protection and new planting and the detail of the proposed balancing pond. As such the landscaping of the site is considered to be acceptable subject to conditions.

7.12 In terms of visual impact the proposal is considered to comply with the requirements of policies S1, S3, S9, PD1 and HC1 of the Adopted Local Plan 2017.

### *Highway safety*

7.13 Significant concerns have been raised regarding the impacts of the development upon traffic movements both at the site and at pinch points for traffic elsewhere in the village including the junction from Church Street onto the A615. The Local Highway Authority have considered the application and have raised a number of queries regarding the detail of the proposal. However, it is clear from their comments that the point of access and the visibility associated with this is acceptable. Whilst residents have concerns regarding the impact of traffic arising from the development in terms of the wider area such matters were considered during the local plan process in terms of the capacity of growth within the District and as such the fundamental matter of the extent of growth proposed in Tansley and the traffic impacts arising from this has been addressed through the local plan process resulting in the allocation of this site.

7.14 The concerns of the Local Highway Authority in respect to the detail of the proposed development are set out in the consultations section above. The applicant is attempting to address the remaining concerns through continued dialogue. In this respect the committee will be updated on the progress of the remaining highway matters at the meeting.

7.15 There is concern that the re-opening the access above the site to the adjacent dwelling will lead to significant works to the boundary along Whitelea Lane. Details in respect to this access are yet to be agreed both in terms of visual impact and highway safety. Given the potential visual impacts arising from this it is likely that conditions will be required to secure the details. However, this matter will be updated to the committee in accordance with other highway matters.

### *Ecology*

7.16 Concerns have been raised by local residents regarding the impact of the development of the site upon the wildlife present on the site. Policy PD3 of the Adopted local Plan 2017 sets out that the District Council will seek to enhance biodiversity and ensure development proposals do not harm biodiversity. A preliminary assessment of the impacts of the development upon ecology was submitted with the application. As set out in the consultation section of the report further queries have been raised by Derbyshire Wildlife Trust in respect of those impacts and potential mitigation. The applicant has produced additional information which is being considered by Derbyshire Wildlife Trust. It is anticipated that this additional information will result in a series of conditions being proposed in respect of the ecological impacts to satisfy the requirements of policy PD3. An update on this matter will be provided at the committee meeting.

### *Drainage*

7.17 The site is known to have drainage issues and the local area has resulted in flooding as has been identified by a number of local residents. Policy PD8 of the Adopted Local Plan requires appropriate Sustainable Drainage measures. The Lead Local Flood Authority is aware of the previous flooding issues in the area and has been in dialogue with the applicant as set out in the consultation section of the report above in order to ensure appropriate measures for dealing with run off from the development. The applicant is in the process of submitting further information to the Lead Local Flood Authority to clarify the specific queries raised. It is anticipated that an update on this matter will be provided to the committee.

### *Developer Contributions*

7.18 In considering new development there are a number of issues for which developer contributions are likely to be required, these matters are considered below.

#### 7.19 Affordable Housing:

The proposal includes the provision of 8 affordable units; 5 no. two bed units and 3 no. three bed units which results in 30.7% provision. Policy HC4 of the Adopted Local Plan requires the provision of 30% of all units on site to be affordable with 80% of these being for rent and 20% for shared ownership. In this respect the proposal is considered to comply with planning policy.

However, the Council's Housing Team have raised concern with respect to the size of the units proposed, particularly the 2 bed units which they have advised are unlikely to be wanted by Housing Associations based on information they have received from a number of Housing Associations in the area. However, the applicant has commented that these units are delivered as affordable units across the country and are wanted by Housing Associations and are the same size as the 2 bed open market dwellings.

Whilst the precise size of the units is still the subject of discussion between the Council and the developer it should be noted that the proposal is to provide 2 and 3 bed units at a number which meet the requirements of planning policy. In this respect the proposal is considered to be acceptable in terms of meeting plan policy.

It is hoped that agreement can be reached on the precise floor space of the units before the meeting with an update given.

#### 7.20 Play space:

Given the small scale of the site and the proximity of the local play area which is in need of new equipment it is considered that in this case it is appropriate to seek an off-site contribution to upgrade the existing play area in the village to the benefit of the wider community. A contribution of £13,000 is to be agreed via a S106 agreement.

#### 7.21 Sports/recreation improvements:

In accordance with the strategic requirements listed in the Adopted Built Sports Facility, Playing Pitch and Open Space Strategy, a contribution towards the upgrade of the Fete Field Recreation Ground which borders the site is required. The sum required for this is £16,640.

#### 7.22 School Provision:

Based on the original consultation in respect of this proposed development at 27 units it was confirmed by DCC policy team that there was no need for additional school places as there was sufficient capacity at the schools to accommodate the growth proposed. However, in consulting the DCC policy team on the reduced number of units they have now advised that a substantial condition is required towards secondary and post 16 school places. The request for school provision should be based upon the growth proposed throughout the plan period. There are other development within Tansley under consideration where again no contribution has been requested. Therefore whilst clarification has been requested regarding the change in response to the initial consultation on this application it is not considered reasonable to now impose this contribution on the applicant in this case given that the delay in progressing the matter has been as a result of seeking to obtain an improved layout and design.



## Conclusion

7.23 The proposal is the development of an allocated site and is therefore appropriate in terms of locational principles in accordance with policy H2 of the Adopted Local Plan 2017. The layout and design of the units is considered to be appropriate to the prevailing character and appearance of the area subject to conditions relating to the materials and finishes of the development. The housing mix whilst not strictly in accordance with policy HC11 is considered to be an appropriate response to the context in this fringe of village location where the typical development is larger dwellings in lower density surroundings. The developer contributions and affordable housing provision meet with the requirements of adopted policies. The outstanding issues in respect to ecology, highway safety and land drainage are to be updated at the meeting. These are issues which can be resolved and will not result in fundamental objections to the proposal. On this basis and subject to the conditions specified below and those which will arise from the outstanding matters the proposal is considered to accord with the requirements of policies set out in the Adopted Local Plan 2017.

## 8. RECOMMENDATION

That planning permission be granted subject to the signing of a S106 agreement in respect of the developer contributions and affordable housing subject to the following conditions.

### 1. Condition ST02a: Time Limit On Full

Reason: ST02a

### 2. Condition ST06a: amended plans as follows:

Proposed site layout plan P02 Rev Ac received 03.10.18

Site location plan P01 Rev F received 03.10.18

Street scenes plan P06 Rev F received 03.10.18

Proposed materials plan P03 received 03.10.18

Proposed hard landscaping P04 Rev K received 03.10.18

Proposed boundary treatments P05 Rev K

House types:

12-201 KD 2

12-201 TS(PC)-2

12-201 DL-2

12-201 DK(PC)-7

12-201 RR-2

12-201 BM (PC)-1

12-201 BM (PC)-2

12-201 MD-6

12-201 MD-7

12-201 DE-11

12-201 DD (PC)-5

12-201 DD(PC)-4

Garages types: double side gable, semi side gable, single front gable

All received 11.09.18

Reason:

For the avoidance of doubt and to define the permission.

### 3. Prior to their installation, which shall occur prior to the occupation of the unit to which it relates, the details of the boundary treatments as set out on plan Proposed Boundary

Treatments P05 Rev K shall be submitted to and agreed in writing by the Local Planning Authority. Works shall be completed in accordance with the agreed details.

Reason:

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

4. Notwithstanding the detail on proposed materials plan P03 received 03.10.18, revised details of the elevational treatments to plots 1, 3 and 4 shall be submitted prior to works commencing on the elevational treatments of these plots demonstrating stonework to the side elevations and render to the entirety of the rear 'extensions' of the dwellings. Works shall be completed in accordance with the agreed details.

Reason:

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

5. The stone work to the dwellings as shown on plan proposed materials plan P03 received 03.10.18 and in accordance with condition 4 above, shall be pitched faced Birchover stone to 150mm bed heights with at least three random lengths without quoins, unless otherwise agreed in writing by the Local Planning Authority. Works shall be completed in accordance with the agreed details.

Reason:

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

6. The roofing materials of the development shall be in accordance with the detail on plan proposed materials plan P03 received 03.10.18, unless otherwise agreed in writing by the Local Planning Authority. Works shall be completed in accordance with the agreed details.

Reason:

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

7. Prior to any render being applied to any of the dwellings the finished colour of the render shall be submitted to and agreed in writing by the Local Planning Authority. Works shall be completed in accordance with the agreed details.

Reason:

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

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

Details of the external surfacing materials in accordance with plan Proposed hard landscaping P04 Rev K received 03.10.18

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

Prior to their installation a 1:20 plan or similar details of all chimneys stacks and pots and how they are positioned the gable end of the dwelling with revised details to house types 12-201 DK(PC)-7, 12-201 BM (PC)-1, 12-201 BM(PC)-2.

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

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

Details, including the pattern, recess, type, finish and colour of all windows and doors, including garage doors, to the dwellings/garages.

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

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

Details of the eaves and verges to the garages and the submission of samples of any materials.

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

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

Reason:

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

9. Prior to the occupation of the first dwelling details of the long term management and maintenance of the landscaped areas including the balancing pond shall be submitted to and agreed in writing by the Local Planning Authority. The operation and long term management and maintenance of the site shall be in strict accordance with the agreed details.

Reason:

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

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

Reason:

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

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

Reason:

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

12. Prior to the commencement of any works to the balancing pond, details and sections of the contours of the pond shall be submitted to and agreed in writing by the Local Planning Authority. Works shall be completed in accordance with the agreed details.

Reason:

To ensure the provision of an attractive feature in accordance with policies PD1 and PD5 of the Adopted Local Plan 2017.

13. Notwithstanding the submitted details, a scheme of hard and soft landscaping shall be submitted to and approved in writing by the Local Planning Authority within the time period specified below, the details of which shall include :-
- a) indications of all existing trees, hedgerows and other vegetation on the land, within 56 days of the commencement of development;
  - b) all vegetation to be retained including details of the canopy spread of all trees and hedgerows within or overhanging the site, in relation to the proposed buildings, roads, and other works, within 56 days of the commencement of development;
  - c) measures for the protection of retained vegetation during the course of development, within 56 days of the commencement of development;
  - d) all plant species, planting sizes, planting densities, the number of each species to be planted and plant protection, prior to the occupation of the first unit;
  - e) grass seed mixes and sowing rates, prior to the occupation of the first unit;
  - f) finished site levels and contours, within 56 days of the commencement of development;
  - g) minor artefacts and structures (e.g. furniture, play equipment, refuse and other storage units, signs, lighting etc), prior to the occupation of the first unit.

Reason:

To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features in accordance with Policies S1, S3, PD1, PD5 and PD6 of the Adopted Local Plan 2017.

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

Reason:

To ensure a satisfactory standard of landscaping in the interests of amenity in accordance with Policies S1, S3, PD1, PD5 and PD6 of the Adopted Local Plan 2017.

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

#### **A. Site Characterisation**

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The

contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced and submitted in electronic format. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:-

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

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

## **B. Submission of Remediation Scheme**

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

Reason:

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy PD9 of the Adopted Local Plan 2017.

16. Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation shall not commence until sections A and C have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing, until condition B has been complied with in relation to that contamination.

## **A. Implementation and Validation of Approved Remediation Scheme**

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that development required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

## **B. Reporting of Unexpected Contamination**

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with DEFRA and the Environment Agency's *'Model Procedures for the Management of Land Contamination, CLR 11'*, and where remediation is necessary a remediation scheme must be prepared which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with section A.

## **C. Importation of soil to site**

In the event it is proposed to import soil onto site in connection with the development or remediation the proposed soil shall be sampled at source and analysed in a UKAS accredited laboratory. The results of the analysis, and an interpretation, shall be submitted to the Local Planning Authority for consideration prior to importation. Imported topsoil shall comply with British Standard 3882:2007 - Specification for topsoil and requirements for use. Only the soil approved in writing by the Local Planning Authority shall be used on site.

Reason:

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy PD9 of the Adopted Local Plan 2017.

17. Notwithstanding the provisions of the Town and Country Planning General Permitted Development (England) Order 2015 (or any Order revoking or re-enacting that Order with or without modification), no extensions or alterations to the front elevations (as shown on the submitted plans) of the dwelling on Plot Nos.16, 17 and 18 shall be carried out 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 area in accordance with Policies S1, S3 and PD1 of the Adopted Local Plan 2017.

18. 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 plot 1 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 any 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, S3 and PD1 of the Adopted Local Plan 2017.

Highway conditions – to be confirmed at the committee

Ecology conditions – to be confirmed at the committee

Drainage conditions – to be confirmed at the committee

## 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:  
Proposed site layout plan P02 Rev Ac received 03.10.18  
Site location plan P01 Rev F received 03.10.18  
Street scenes plan P06 Rev F received 03.10.18  
Proposed materials plan P03 received 03.10.18  
Proposed hard landscaping P04 Rev K received 03.10.18  
Proposed boundary treatments P05 Rev K  
House types:  
12-201 KD 2  
12-201 TS(PC)-2  
12-201 DL-2  
12-201 DK(PC)-7  
12-201 RR-2  
12-201 BM (PC)-1  
12-201 BM (PC)-2  
12-201 MD-6  
12-201 MD-7  
12-201 DE-11  
12-201 DD (PC)-5  
12-201 DD(PC)-4  
Garages types: double side gable, semi side gable, single front gable  
All received 11.09.18  
Ecology report Rev C received 11.10.18  
Housing mix report received 11.09.18  
Planting plan 10.17/01 Rev B received 11.09.18  
Nicholls Colton ground investigation dated August 2016  
Design and access statement received 29.08.17  
Planning statement received 01.09.17  
Topographical survey received 29.08.17  
Transport statement RT98621-01 received 01.09.17  
Flood risk and drainage strategy received 01.09.17  
Nicholls Colton interpretive report dated august 2016  
Archaeological desk based assessment received 01.09.17  
Arboricultural survey received 01.09.17
- 9.4 The pre-commencement conditions attached to this permission have been imposed having served the requisite notice on the applicant(s) and having received a positive response (deemed or otherwise) under section 100ZA (5) of the Town and Country Planning Act 1990.

<b>APPLICATION NUMBER</b>		18/00922/FUL	
<b>SITE ADDRESS:</b>		31-33 Causeway Lane, Matlock	
<b>DESCRIPTION OF DEVELOPMENT</b>		Demolition of Existing Buildings and Erection of 48 Retirement Living Apartments with Associated Access, Community Facilities, Car Parking and Landscaping	
<b>CASE OFFICER</b>	Mr. C. Whitmore	<b>APPLICANT</b>	Churchill Retirement Living
<b>PARISH/TOWN</b>	Matlock Town	<b>AGENT</b>	Miss Kim Langford, Planning Issues Limited
<b>WARD MEMBER(S)</b>	Cllrs. Flitter, Stevens and Botham	<b>DETERMINATION TARGET</b>	19 <sup>th</sup> November 2018
<b>REASON FOR DETERMINATION BY COMMITTEE</b>	Major application and ward member request	<b>REASON FOR SITE VISIT (IF APPLICABLE)</b>	To assess the impact of the development on the local environment, including the residential amenity of the occupants of Harley House, the character and identity of this part of the settlement and the setting of Matlock Bridge Conservation Area

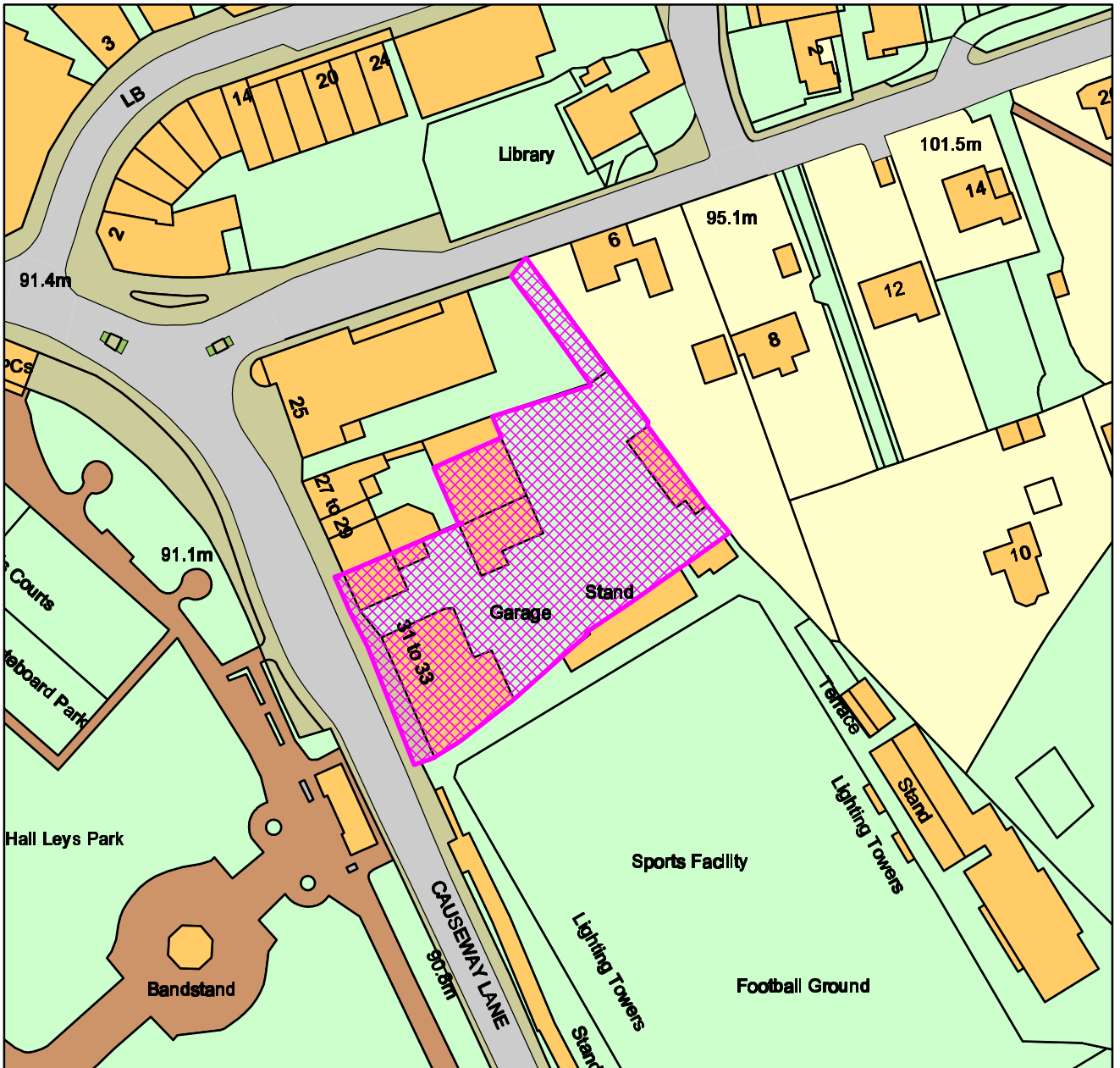
<b>MATERIAL PLANNING ISSUES</b>
<ul style="list-style-type: none"> <li>• Principle of development</li> <li>• Loss of employment and impact on the vitality and viability of the town centre</li> <li>• The appropriateness of the layout, scale and design of the building and the impact on the setting of Matlock Bridge Conservation Area</li> <li>• Highway issues</li> <li>• Impact on neighbouring land uses, including the residential amenity of the occupants of existing dwellings</li> <li>• Flooding and drainage</li> <li>• Ecology, and</li> <li>• Local infrastructure provision and developer contributions.</li> </ul>

<b>RECOMMENDATION</b>
Refusal



18/00922/FUL

31 - 33 Causeway Lane, Matlock



Derbyshire Dales DC

1:1,250

Date: 10/10/2018

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 extends to 0.3ha and includes a mixture of traditional and modern stone and red brick built buildings associated with the showroom, offices, reception, parts and service buildings at Matlock Ford, located off Causeway Lane, Matlock (see photographs 1 - 4). The central part of the site is hard surfaced and is used to store / display vehicles. The buildings fronting Causeway Lane (seen in photographs 1 and 2) are visually prominent and sit opposite Hall Leys Park and Matlock Bridge Conservation Area (which can be seen in photograph 5). The reception building forms part of a terrace of traditional stone buildings constructed in the 1920s, containing shop fronts at ground floor level (see photograph 6). Access to the central part of the site is between the showroom / office and reception buildings. The site includes a narrow strip of land to the north west which provides access / extends up to Steep Turnpike.
- 1.2. To the south of the site is Matlock Town Football Club. To the north, physically attached to the reception building is 27-29 Causeway Lane which, until its closure, was occupied by Farmers Electrical. Planning permission was granted in 2013 to convert and extend part of the premises to commercial use (Use Classes A1, A2 and A3) and 6 no. residential flats at first floor level and within a two storey outshot which projects in a easterly direction at the rear of the building. Permission has been recently granted (September 2018) to convert the ground floor of no. 29 Causeway Lane to a hot food takeaway (use class A5).
- 1.3. To the east of the site is Harley House, a large detached dwelling. This property sits at a higher level. Its associated curtilage / garden area extends in an easterly direction beyond a detached swimming pool building. Conifer trees define the majority of the boundary.
- 1.4. The site is relatively flat. It is situated primarily within Flood Risk Zone 3 with some of the north eastern part of the site within Flood Risk Zone 2.



(Photograph 1)



(Photograph 2)



(Photograph 3)



(Photograph 4)



(Photograph 5)



(Photograph 6)

## 2. DETAILS OF THE APPLICATION

- 2.1 Planning permission is sought to demolish the existing buildings on site and erect a new building, 'L' shaped in plan, containing 48 retirement apartments comprising 32 no. 1 bed and 16 no. 2 bed units. The building will be mainly three storeys in height, rising to 4 storeys at the southern corner and falling for a short section to two storeys where it will sit close to the boundary with Harley House to the east. The frontage building will face Causeway Lane and will be physically attached to what will remain of the row of 1920s built commercial units. To the rear, and facing south east, is a larger block. The majority of the frontage building (up to the 4 storey high tower with flat roof) will have a dual pitched roof with a single chimney stack and broken ridge line. The larger three storey building at the rear will extend approximately 50m into the site. The building will incorporate projecting elements creating varied ridge heights. The frontage building is to be constructed in stone and the rest of the development in red brick. The pitched roofs are to be faced in concrete tiles and will incorporate white painted boxed soffits, verges and gables. The building will feature metal balconies and 'Juliette' balconies. The frontage is to have a number of eaves-dormers.
- 2.2 The development would be served from a new access off Causeway Lane between the new building and Matlock Town Football Club. Access from Steep Turnpike will be maintained, however, will be utilised for emergency purposes only. Sixteen car parking spaces (including one disabled space) will be provided in addition to a modest communal garden which will surround the building.
- 2.3 The development will accommodate a communal lounge, guest suite and lodge manager for security and to provide a basic level of assistance. The limited care provision is such that the units will comprise apartments falling under Use Class C3 (dwellinghouse), not C2 (residential institution). The apartments will, however, provide housing for older people and will sold with a long lease containing an age restriction which ensures that they can only be occupied by people of 60 years or over, or those over this age with a partner of at least 55 years.
- 2.4 The application is accompanied by the following documents / supporting information:
- Planning Statement prepared by Planning Issues Ltd;
  - Design and Access Statement prepared by Planning Issues Ltd;
  - Affordable Housing and Viability Statement prepared by Planning Issues Ltd;
  - Supporting Stakeholder Engagement Statement prepared by Planning Issues Ltd;
  - Viability Statement by Bailey Venning Associates;
  - Preliminary Ecological Appraisal prepared by ECOSA;
  - Transport Statement prepared by Paul Basham Associates;

- Desk-based Archaeological Appraisal prepared by Orion Heritage;
- Flood Risk Sequential Test by Planning Issues Ltd;
- Flood Risk Assessment prepared by Peter Brett Associates;
- Drainage Impact Assessment and Drainage Strategy Report prepared by Peter Brett Associates;
- Draft Heads of Terms for any s106 contributions by Town Legal LLP;
- Indicative Landscape Strategy prepared by James Blake Associates, and;
- Ground Investigation Report and Desk Study Appraisal prepared by Crossfield Consulting and WSP.

These documents have been published online for examination and comment and circulated to consultees. They are referred to, where necessary, and pertinent in the 'Officer Appraisal' section of the report.

### 3. PLANNING POLICY AND LEGISLATIVE FRAMEWORK

#### Adopted Derbyshire Dales Local Plan (2017)

S1	Sustainable Development Principles
S2	Settlement Hierarchy
S3	Development within Defined Settlement Boundaries
S7	Matlock / Wirksworth / Darley Dale Development Area
S10	Local Infrastructure Provision and Developer Contributions
PD1	Design and Place Making
PD2	Protecting the Historic Environment
PD5	Landscape Character
PD6	Trees, Hedgerows and Woodland
PD7	Climate Change
PD8	Flood Risk Management and Water Quality
PD9	Pollution Control and Unstable Land
HC1	Location of Housing Development
HC4	Affordable Housing
HC11	Housing Mix and Type
HC14	Open Space, Sports and Recreation Facilities
HC19	Accessibility and Transport
HC20	Managing Travel Demand
HC21	Car Parking Standards
EC3	Existing Employment Land and Premises
EC6	Town and Local Centres

#### 3.2 Other Material Considerations:

National Planning Policy Framework (2012)  
 National Planning Practice Guidance  
 Matlock Bridge Conservation Area Appraisal (2003)

### 4. RELEVANT PLANNING HISTORY:

05/00910/ADV	Replacement of Internally and Non-Illuminated Signage	Granted
1287/0833	Alterations and Extensions to Garage	Granted

## 5. CONSULTATION RESPONSES

### 5.1 Matlock Town Council:

In objecting to the proposal the Town Council raise the following concerns:

- Overdevelopment of a restricted plot.
- Parking.
- Flooding.
- Conflict with Neighbouring Properties.
- Access onto the A615.

### 5.2 Local Highway Authority:

Advise that they are unable to sanction the application proposals as submitted. Whilst conceding that the existing garage and the range of activities carried out at the site, would be the higher traffic generator of the two uses, the Local Highway Authority advise that the development is likely to generate more pedestrian movements and express disappointment that more up to date accident data had not been presented with details of the nature of the recorded accidents to establish whether or not these involved pedestrians.

The Local Highway Authority advise that the main access geometry is generally acceptable, especially for the anticipated level of proposed vehicle activity, and whilst noting that emerging visibility will be an improvement over the current situation, visibility will still be obscured by vehicles parked in the frontage on street parking bays; where parking is prevalent for the majority of the day. They advise that the closure of the existing access presents the opportunity to reconfigure on-street parking arrangements, to move the extent of the bays further away from the new access point and that this should form part of the application proposals.

The Local Highway Authority advise that visibility from the access to the north is substandard, where the adjoining property boundary directly abuts the carriageway and state that it would be preferable to close this route particularly to pedestrians. If the access is to remain, it is suggested that any gates are set back further into the site, so that the bins can be stored clear of existing highway limits on refuse collection days.

Whilst accepting that the amount of on-site parking to be provided could be successful, having regard to the town centre location of the site, the Local Highway Authority advise that no allowance appears to have been made for food deliveries, carers and family visitors etc. that are likely to take place on a regular basis. In addition, for a development of this nature they would also expect a higher proportion of disabled spaces to be provided within the site. They advise that at times of high parking demand vehicles would potentially enter the site and if all the spaces were occupied there would be no opportunity for vehicles to turn. Vehicles would then have no alternative but to reverse out of the site onto the A615 resulting in danger and inconvenience to other highway users.

### 5.3 County Council (Strategic Infrastructure):

Given the nature of the accommodation to be provided (i.e. where occupation is restricted to the over 55's) the County Council advise that a contribution towards providing school places will not be necessary in this case.

They do however recommend that a footnote be attached to any planning permission that encourages the developer to make separate enquiries with broadband providers in order to ensure that future occupants have access to sustainable communications infrastructure.

The following views expressed by Local County Councillor Sue Burfoot are also provided:

*As a District Councillor I am a member of the planning committee at Derbyshire Dales District Council and will of course be part of the decision making for this application. My views are therefore preliminary views.*

*I welcome this type of development in Matlock town centre for older people given the towns topography. Consideration should be given to the additional pressure of up to possibly 96 elderly or disabled residents on the existing GP services and therefore I hope a financial contribution will be expected to enable pooling of funds for improved medical facilities.*

*I would also question the adequacy of the proposed provision of only 16 parking spaces for the number of apartments. This may mean that some residents and certainly their visitors will often be forced to find roadside parking in the vicinity where virtually all on street parking is time limited unless on residential streets. Public long stay parking is some distance away.*

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

The LLFA initially advised that they did not wish to comment as they considered the proposal to constitute minor development and referred the District Council to their standing advice. As the proposed site is within flood zones 2 & 3, the LLFA recommended consultation with the Environment Agency.

Having clarified with the LLFA that the development involves the construction of C3 apartments and constituted major development, the LLFA have advised that the development is something that they do wish to comment on. They have subsequently commented as follows:

We are unable to provide an informed comment on the proposed development until the applicant has submitted further information.

As a statutory consultee for surface water the minimum details required on all major planning applications are as follows:

- Site plan and impermeable area – this has been provided
- Topographic survey of the site – this has been provided
- Appropriate evidence to support how the site will drain (photographs / maps / a confirmation letter from a water company) – this has been provided
- Basic calculations of the greenfield/brownfield runoff and discharge rates, in l/s/Ha, for the site – this has been provided
- A quick storage estimate to show the required storage volume of surface water on site and an indication of the likely location – the applicant needs to provide information which indicates the location of the storage features to be used
- Calculations should include allowances for the current Environment Agency guidance for climate change – it is unclear which climate change figure is being used
- Basic ground investigation (desktop survey as a minimum) – it is unclear if this has been provided
- Evidence of consideration of a variety of SuDS methods – the applicant has not given full consideration to a variety of SuDS methods.

They advise that these details are required at the early planning stage to demonstrate that the proposed site is able to drain and that due consideration has been given to the space required on site for surface water storage.

#### 5.5 Environment Agency:

Advise that they need to review of the breach model used by the applicant as part of the submitted FRA and that this process can take between 6 and 8 weeks to complete. On the 10<sup>th</sup> October 2018 the Environment Agency advised that although they had made contact with the applicant's agent in August the model had still not been provided and therefore they are unable to provide a formal response.

#### 5.6 Development Control Archaeologist (Derbyshire County Council):

Advise that the site is not in a zone of early settlement, and has no associated entries on Derbyshire HER that would suggest enhanced archaeological potential. They conclude site is fully developed with buildings and hardstandings and although there would be potential for truncated survival where only hardstanding is present they do not feel that archaeological investigation of this type is justified under the policies at NPPF chapter 16, given the low potential generally.

#### 5.7 Community and Wellbeing Officer (Derbyshire Dales District Council):

After reviewing this application in the context of the District Council's adopted Built Sports Facilities, Playing Pitch and Open Space Strategy, the level of financial contribution sought towards providing for our strategic priorities (off site) is as follows;

Sport and Recreation Infrastructure on Hall Leys Park - £30,509.

#### 5.8 Natural England:

Do not wish to comment.

#### 5.9 Historic England:

Do not wish to comment.

#### 5.10 North Derbyshire CCG:

Request a financial contribution of £18,259 to increase capacity at the main practices affected, namely Lime Grove Medical Centre and Imperial Road Surgery.

#### 5.11 Conservation Advisory Forum (CAF):

Make following comments:

- CAF noted that a detailed space and design assessment/analysis had been carried out, however, they considered that this had done little to inform the proposed design and character of what has been submitted. The site is located directly opposite Hall Leys Park (Conservation Area) which is a key element of the town centre heavily used by residents and visitors to the town.
- Matlock is a town of robust and muscular character with 19<sup>th</sup> and 20<sup>th</sup> century buildings strong in their design & concept and in their detailing. CAF considered that the submitted proposal reflected none of that inherent Matlock character and represented a standard large-scale housing solution with a standard layout that was over-large for the site and context.
- CAF noted a gesture of stone cladding but an over-whelming presence of red brick. This, associated with the roof form, bargeboards, boxed soffits and over-fenestration results in a poor concept and scheme. The proposed balconies are considered a particularly awful element of the scheme.

- In conclusion, CAF considered that the proposal was wholly inappropriate in its concept, scale, form, mass, detailing and materials and would represent a degradation, rather than an enhancement, to this part of the town and to the setting of the adjacent Conservation Area.
- CAF considered that in this prominent and important town centre site Matlock deserves a building/development that is architecturally appropriate for its site and context.

#### 5.12 Economic Development Manager (Derbyshire Dales District Council):

The majority of the site is currently in commercial use as a car dealership with ancillary garage facilities to the rear. Although not an express requirement of Policy EC6, from the information presented with the application, the site does not appear to have been marketed for alternative commercial uses or consideration given to commercial development as part of a mixed use scheme. Information submitted with the application also indicates the proposed scheme will generate just 1 FTE job, a notable reduction on its current use.

Although, given its size and location, the site is considered unlikely to attract demand for large scale retail use, it is considered appropriate that any redevelopment of the site should incorporate active frontages to avoid shrinkage of the defined town centre in line with policy EC6. This would also deliver some employment generating uses. It is understood that 29 Causeway Lane has recently been let and a planning application approved for use by Domino's Pizza as a fast food take-away indicating a level of demand for A class uses in this location.

Therefore, from an economic development perspective the application is not recommended for support as submitted.

## 6. REPRESENTATIONS RECEIVED:

- 6.1 Representations have been received from 7 local residents and Matlock Civic Association objecting to the proposed development. Matlock Town Football Club have also commented on the proposal. Their comments are set out below and summarised where appropriate:

Comments from Matlock Town Football Club:

1. We do not object to the proposed development in principle and note the applicant has sought to create buffer space with car parking along the common boundary with the football ground. However, we do have concerns relating to the sites use as retirement apartments and their close proximity potentially conflicting with evening and weekend use of the ground
2. We are concerned that the proposed levels of the development have the potential to direct surface water towards the football ground and pitch causing serious problems and it is essential that an adequate sustainable drainage system to prevent this is installed as part of the development.
3. The draft plan shows a grassed area adjoining the football ground at the new road entrance. To comply with the current Football Ground Grading requirements the common boundary wall has to be of sound construction such as concrete blocks or brick with a minimum height measured from outside the ground of 1.83 metres. To help reduce the number of footballs which can currently go into the Matlock Ford area a further 1.5 metres of netting has been in place for many years and would also be required on the new boundary wall.
4. The plans indicate a maximum of 16 car parking spaces for residents which based on our local knowledge should at least be based on 1 for every 2 apartments.



5. The Council are aware of Matlock Town Football Club's long-standing wish to develop a 'four-sided' ground in order fit with League expectations for a club at Matlock's level. We are continuing to explore how and where this might be possible along with improving existing facilities at Causeway Lane. We hope to install a 3G pitch to provide training facilities for our 1<sup>st</sup>, reserves, academy, 22 Junior teams and many other local teams in the Derbyshire Dales area and this would ensure that our ground would be able to operate 7 days a week with floodlights required to be used throughout the year.
6. Our Community room on the ground provides a service to many organisations with Derbyshire Dales including the Bridge Club, U3A, Singing in the Rain, DCC, DDDC, Trade Unions, BTEC courses for Academy students and many others.
7. The Community room also has many social functions particularly at weekend for parties, wedding meals, music groups, presentation nights as well as Christmas and New Year celebrations.
8. Items 5, 6 and 7 indicate some of the activities which take place on Causeway Lane and of which potential residents coming into the town should be made aware by the developer.

#### Comments from Matlock Civic Association:

- In principle we welcome this development on 'brownfield' land and the provision of much needed retirement housing. This should enable older people to downsize, thereby freeing up existing family homes for younger people. However the design needs to reflect the location in Matlock town centre and the current proposals do not do this.
- The proposal to provide only one car parking space per three apartments is misguided. Most occupants are likely to have a car and there will be a need for visitor parking and (as this is a retirement development) parking for grocery deliveries, carers, meals-on-wheels etc too. There is no conveniently located public parking nearby and this should be kept for town centre shoppers and business purposes and not be used for residential purposes. More generous provision needs to be made for parking within the development and this will need a redesign.
- Matlock Town Centre is predominantly dark brown gritstone walls with blue slate roofs. Even though the nearby Firs Parade (a 1950s/60s development) is in brick it is in dark brown brick (respecting the colours of the town) with stone on the corner buildings (Iceland and the Co-op currently). The new development seems to be overwhelmingly red brick. The materials palette needs to be completely reconsidered – e.g. using natural gritstone along the Causeway Lane frontage + beige/brown brick for the remainder of the development.
- We are particularly concerned with the design of the development fronting Causeway Lane. In particular:
  - The existing terrace of shops needs to be retained as an entity – the end shop (currently the Ford dealer's reception) should be adapted rather than demolished.
  - The development seems to have very intrusive balconies facing the road. A more sensitive design is needed.
  - The corner building at the eastern end of the Causeway Lane frontage is very bland and flat roofed. This is the main approach into Matlock from the east and it needs to be a 'statement building' with a pitched roof. Matlock has many such 'statement buildings' on corner sites (e.g. the nearby Ritz building at the corner of Causeway Lane and Steep Turnpike).

## Comments from local residents objecting to the proposed development:

- The application states that there are no other suitable sites in the area. This is untrue. The site at RBS bank will deliver 24 apartments and is included in the local plan.
- The application site is in a flood zone which would make it particularly unsuitable for the elderly.
- The viability statement should be taken with extreme caution e.g. the developer will certainly not pay 2% per unit estate agents costs. More like 0.5%, assume they are massively inflating all other costs.
- Why is the developer taking on this development project at 20% return (Before head office overheads) when their average return on investments is 30%?
- Has the site been marketed for employment use? The site is in a great retail and commercial shop front area.
- Overall a big improvement on the existing garage buildings, but there are some improvements to be made. I am concerned because of recent developments which have neglected vital details regarding materials. The Causeway Lane building should be constructed in natural stone. Recent developments have been allowed in an inappropriate strong red brick.
- If a person is spending £200,000 plus on a flat I think there is a fair chance that they will also own a car. Forty eight cars plus visitors is going to cause parking issues locally.
- The access from Steep Turnpike for emergencies will become used as a regular access.
- In a key location on the gateway to the town, I don't consider a large red brick building suitable. In this location either a stone building or ultra-modern building would be more in-keeping or better contrasting.
- The development is likely to prejudice the operation of the football club in terms of complaints regarding noise and floodlights.
- If residents have blue badges and easy access to Steep Turnpike then parking near to The Ritz will be a big problem.
- The height of the proposed structure is too imposing and will affect the outlook from the park as well as from the opposite side, this is just too big and imposing.
- Residents will complain about noise from the football club and demand constraints on the timing and volume of the loud speakers. The Councils Christmas fireworks may also be stopped.
- Development is too dense.
- There are privacy issues from Harley House. The top floor will look directly into Harley House.
- Why does the frontage need to be higher than nos. 29/31.
- We are not happy to sign a Party Wall Agreement as it will affect our new tenant.
- The property will be in a flood zone. There has been deep water twice in the 60s and 70s. The water table is very high.
- Fifteen spaces for parking is totally inadequate. This is supposed to cater for owner's cars, deliveries, internet sales, delivered meals, hairdressers etc. and family visitors to residents.
- The proposed exit onto Steep Turnpike, which will be used as a scooter exit and bin and delivery route is totally inadequate. Visibility is non-existent to traffic speeding down Steep Turnpike. Parked lorries will be a major hazard.
- Matlock Ford provides employment of high quality for around 20 staff. The current proposal will not provide the same quality and number for that amount of staff.
- Is the Council satisfied that the site owners have fully marketed the site? I have not seen any selling agent's boards. I would have thought 6-12 months marketing drive would be a minimum requirement to gauge the current potential of the site.
- The CCG should take account of the age group of the new residents.

- The County Council may decide to waive the need for developer contributions in relation to education, given the nature of the development. This would be wrong, as existing homes would be freed up creating more demand for school places.
- A minimum of one parking space per unit and sufficient visitor spaces should be agreed.
- There should be an agreed developer contribution to allow for some new off-site, affordable and social housing provision in the area.

## 7. OFFICER APPRAISAL

7.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission are determined in accordance with the development plan unless material considerations indicate otherwise. The development plan for the purposes of this section of the Act comprises the Derbyshire Dales Local Plan which was Adopted December 2017.

7.2 Having regard to the relevant policies of the development plan, national planning guidance, consultation responses received and comments from the public, Matlock Town Football Club and Matlock Civic Association, the main issues to assess are:

- Principle of development
- Loss of employment and impact on the vitality and viability of the town centre
- The appropriateness of the layout, scale and design of the building and the impact on the setting of Matlock Bridge Conservation Area
- Highway issues
- Impact on neighbouring land uses, including the residential amenity of the occupants of existing dwellings
- Flooding and drainage
- Ecology, and
- Local infrastructure provision and developer contributions.

### Principle of development

7.3 Within the 2017 Adopted Derbyshire Dales Local Plan the site is located within Matlock, a main market town / first tier settlement defined by Policy S2. Such settlements are seen as the primary focus for growth and development. It is envisaged that market towns will provide for significant levels of housing and employment opportunities, together with supporting community facilities and infrastructure to meet their economic potential in the most sustainable way.

7.4 The above policy and guidance contained within the National Planning Policy Framework both support the provision of residential development in sustainable locations such as Matlock, where residents will have easy access to services and facilities and without the need to be reliant upon car based journeys.

7.5 The evidence that underpins the housing policies contained within the Adopted Derbyshire Dales Local Plan (2017) indicates that the population of people aged 60 plus is anticipated to rise by 32% over the period to 2033 and as such there is a need to provide housing for older people as part of the future mix of new housing in the plan area. Policy HC11 supports the provision of specialised housing accommodation that meets the needs of the elderly and that which includes a broad range of accommodation for older people. This policy also seeks to ensure that new residential development meets the needs of the future population of Derbyshire Dales by seeking to deliver essentially smaller sized dwellings. The nature and mix of housing to be delivered on site is therefore considered to be acceptable in principle. Within the defined settlement development boundaries policy S3, however, states that planning

permission will be granted for development that does not conflict with any other relevant policy of the Local Plan. It also requires development to be of a scale, density, layout and design that is compatible with the character and amenity of the part of the settlement in which it would be located.

- 7.6 Policy S7 sets out a development strategy for Matlock, Wirksworth and Darley Dale which seeks to promote the sustainable growth of Matlock, whilst at the same time promoting and maintaining its distinct identity. This includes providing for the housing needs of the community by planning for sustainable housing and mixed use developments, maintaining, and where possible, enhancing the vitality and viability of the town centre and providing an increasing range of employment opportunities in addition to safeguarding existing employment sites for industrial and business use, unless specifically allocated for an alternative use. Whilst the development would help meet the housing needs of the elderly, redevelopment of the site would in this case result in the loss of employment and impact on the vitality and viability of the town centre which requires consideration in terms of whether the development would constitute sustainable growth / development within the town.

#### Loss of employment and impact on the vitality and viability of the town centre

- 7.7 Policy EC3 deals with existing employment land and premises and advises that proposals involving the redevelopment or change of use of existing business or industrial land or premises (falling within use classes B1, B2 or B8) to non-employment use will only be permitted where the continuation of the land or premises in industrial or business use is constrained to the extent that it is no longer suitable or commercially viable for industrial or business use as demonstrated by marketing evidence commensurate with the size and scale of the development and the proposed use is compatible with neighbouring uses. Given the nature of the uses on site, which include A1, B1 and B2 components, Officers agree with the applicant that the site has a 'sui generis' use. The applicant advises that Policy EC3 does not apply in this respect as it does not safeguard employment sites falling within sui generis use. They also advance the argument that Policy EC4 identifies specific employment sites which will be protected in accordance with Policy EC3, and the application site is not listed in support of their assertion that policy EC3 does not apply.
- 7.8 Notwithstanding the above, to ensure the sustainable growth of Matlock policy S7 seeks, through development, to increase the range of employment opportunities in addition to safeguarding existing employment sites and maintaining, and where possible, enhancing the vitality and viability of town centres. Policy EC6 deals specifically with town and local centres. The policy advises that the maintenance, and where possible enhancement of the vitality and viability of the town centres will be achieved by enhancing consumer choice in town centres, permitting appropriate retail, leisure and other commercial development of a scale and type appropriate to the role and function, providing a good range of shopping, food and drink uses, services, offices, entertainment, leisure and cultural facilities and requiring active ground floor frontages are maintained and created within town centres amongst other criteria. The current reception building forms part of a terrace of buildings with shop frontages to Causeway Lane. Following closure of Farmers Electrical occupying no's 27-29 Causeway Lane, an estate agent and hot food takeaway have utilised or are in the process of utilising the ground floor of these buildings, indicating that this is a viable part of the town for retail uses, which contributes to its vitality and sustainability. The applicant has not explored any alternative or mixed use of the site which might have been capable of maintaining some employment and active ground floor frontage. The failure to properly explore alternative forms of development and simply opt for a complex of private retirement / elderly persons apartments would have an adverse impact on vitality and viability and result in the shrinkage of the town centre contrary to the aims and objectives of Policies S7 and EC6 of the Adopted Derbyshire Dales Local Plan (2017).

The appropriateness of the layout, scale and design of the building and the impact on the setting of Matlock Bridge Conservation Area

- 7.9 An important consideration in respect of this application is the appropriateness of the layout, scale and design of the building which will be prominently located in the town centre. Policy PD1 of the Adopted Derbyshire Local Plan 2017 deals with design and place making and requires development to be of high quality design that respects the character, identity and context of the Derbyshire Dales townscapes and contribute positively to an area's character, history and identity in terms of scale, height, density, appearance and materials. This requirement is echoed in policy S3 at criteria a) which requires new development to be of an appropriate scale, density, layout and design that is compatible with the character, appearance and amenity of the part of the settlement in which it would be located. Criteria d) of policy S3 also permits development that retains any existing buildings that make a positive contribution to the character and appearance of the settlement.
- 7.10 As can be seen from the consultation responses and letters of representation received, a number of comments have been made in relation to the design and scale of the proposed building. Pre submission of the application, the applicant entered into discussions with the Local Planning Authority and presented 3D massing images for consideration. Despite commenting on the appropriateness of the footprint and scale of any building and giving a steer on its design, it is not considered that this advice is reflected in the scheme that has been submitted.
- 7.11 Whilst the proposed building will cover a large proportion of the site resulting in a limited communal garden area, future residents would have good access to Hall Leys Park opposite. In this respect the overall footprint / site coverage is considered to be acceptable.
- 7.12 This application proposes a frontage building some 8m high to eaves with eaves dormers providing three floor of apartments with four storey tower to the southern corner. As such a large building in such a prominent location is unusual for the town centre its potential architectural presence is heightened. Whilst there are a large number of public and commercial buildings in the town centre none in the locality are as large as the proposed building for this site. In that regard, its sheer scale, form and presence warrants an architectural response that is specifically and uniquely associated with the site, its context and, of paramount importance to the character and appearance of Matlock. What has been proposed does not read as a specific and unique large-scale building for Matlock town centre and does not respect the character and identity of this part of the town.
- 7.13 The submitted design is of a standard type, form and appearance (with an unusual use of so much red brick in the town centre) with a token gesture of a rather crude (stone faced) 'tower' attempting to have some relationship or association with the very finely detailed and designed tower to the former 1920s cinema. The submitted Design and Access Statement includes a number of images of other such developments around the country. The Matlock scheme appears to be a derivation of the same standard type as seen/built elsewhere and in that regard cannot be deemed a bespoke, site specific, architectural response to this particular context. The applicant has chosen a standard and bland 'house-style' type to replicate in Matlock rather than a uniquely & specifically designed architectural response for Matlock and this important site within the town centre. The frontage building would involve the demolition of a building forming the end of a historic terrace of 1920s built commercial properties which makes a positive contribution to the character and appearance of this part of the town centre. Whilst it is proposed to face the frontage building in stone, the finished ground floor level would be raised and three and four storeys of apartments accommodated within a building that would be some 8m high to

eaves (in the case of the three storey building). The regular punctuation of the stonework with windows presents a bland and institutional appearance and introduction of insincere quoin and band detailing would appear incongruous. At ground floor level windows have been positioned a significant height above ground level. This will result in an odd street level detail that is not reflective of any residential development in the area. Projecting metal balconies are also proposed and railings to the streetscene would also appear incongruous. The wing behind the frontage building is some 50m long. The building is three storeys high for the majority of this length, is over-fenestrated, faced in red brick and features bargeboards, boxed soffits and metal balconies. Its monolithic scale, bland and incongruous design detailing does not respect the character or history of its immediate surroundings in this respect. The height, mass and design of the building and materials would for reasons set out above, be wholly out of scale and context with this part of the town and would neither respect its character, identity or context contrary to the requirements of policies PD1 and S3 of the Adopted Derbyshire Dales Local Plan (2017).

- 7.14 Policy PD2 of the Adopted Derbyshire Dales Local Plan advises that the District Council will seek to conserve heritage assets in a manner appropriate to their significance. Matlock Bridge Conservation Area, a designated heritage asset, is located to the west of the site. It is considered for reasons set out above that the development would represent degradation to this part of the town and to the setting of the adjacent Conservation Area contrary to the aims of Policy PD2.

#### Highway issues

- 7.15 Criteria f) of Policy S3 of the Adopted Derbyshire Dales Local Plan 2017 requires development within defined settlement boundaries to have a layout, access and parking provision appropriate to the proposed use, site and its surroundings. Policy HC19 advises that the District Council will seek to ensure that development can be safely accessed in a sustainable manner by requiring that all new development is located where the highway network can satisfactorily accommodate traffic generated by the development, approving developments unless the residual cumulative impacts on the transport network are severe and ensuring development does not lead to an increase in on-street parking to the detriment of the safe and efficient operation of the highway network amongst other considerations. Policy HC21 advises that parking for new development should be provided having regard to adopted standards, as set out in Appendix 2, or where the developer can adequately justify their own parking provision with evidence accompanying any planning application.
- 7.16 The public have highlighted the additional demand the development will place on parking in the area. Having regard to the justification given in the applicants Transport Assessment as to the level of parking to be provided on site the Local Highway Authority is not satisfied that this would constitute an appropriate level of parking to serve a development of this nature and scale. It is not considered, despite the town centre location, that appropriate consideration has been given to parking for visitor, staff and delivery/service vehicles, in addition to residents parking and when the proposed parking spaces are in use insufficient manoeuvring space would remain to enable vehicles to turn around and exit the site in a forward gear. This is likely to result in dangerous vehicle manoeuvres onto the public highway and inconvenience to highway users contrary to the requirements of policies S3, HC19 and HC21 of the Adopted Derbyshire Dales Local Plan 2017.
- 7.17 Whilst concerns have been raised with regard to the acceptability of the use of the access to the north off Steep Turnpike by vehicles and pedestrian, it is recognised that this access could currently be utilised by employees and vehicles associated with the current use of the site and an alternative, safer, pedestrian route into the town centre is available along Causeway Lane for pedestrians. Conditions could also be imposed to restrict the use of this access. Taking the above into consideration, it is not considered that inadequacies of

this access in relation to its intended usage would constitute a sustainable reason for refusal in this case.

#### Impact on neighbouring land uses, including the residential amenity of the occupants of existing dwellings

- 7.18 Policy PD1 of the Adopted Derbyshire Dales Local Plan (2017) requires that development achieves a satisfactory relationship to adjacent development and does not cause unacceptable effects by reason of visual intrusion, overlooking, shadowing, overbearing effect, noise, light pollution or other adverse impacts on local character and amenity.
- 7.19 Concerns have been raised by the occupants of Harley House to the east with regard to overlooking. Other residents have commented that the building is too big and imposing. Although the building will reduce to two storeys within 1.5m of the boundary with Harley House which sits at a higher level, the building rises to three storeys (some 12.5m high to ridge) within 5m of the boundary and will extend for a distance of 20m to the south of a swimming pool building in close proximity of significant length of this properties garden. Notwithstanding the difference in levels and boundary treatment, having stood in the garden of this property and having regard to the position of windows in the east elevation ('Ele 5') the development would result in significant overlooking and overbearing effects (particularly when in the garden) to the detriment of the residential amenity of the occupants of Harley House contrary to policy PD1 of the Adopted Derbyshire Dales Local Plan (2017).
- 7.20 There is an extant permission to convert the two storey outshot to the rear of 27-29 Causeway Lane under application code ref. 13/00762/FUL. Windows which will serve these apartments will face a significant number of windows in 'Ele 6' (Sheet 3) some 8m away. Whilst this raises concerns with regard to loss of privacy between future occupants of the apartments, it is not considered that the impacts would be so significant in residential amenity terms so as to warrant refusal of the application on such grounds.
- 7.21 Matlock Town Football Club has raised concerns with regard to the impact of the development on the operation of the club, particularly in the evenings and at weekends. The car park and access road between the apartment complex and football club will provide a modest buffer between the two land uses and measures can be incorporated into the construction of the proposed building to mitigate noise. This and the frequency of activity at the club is unlikely to result in significant concerns with regard to noise and nuisance such that a recommendation of refusal on such grounds could be sustained.

#### Flooding and drainage

- 7.22 The site is located within Flood Zones 2 and 3 and is therefore more vulnerable to a flooding event. Policy PD8 of the Adopted Derbyshire Dales Local Plan states that the District Council will support development proposals that avoid areas of current or future flood risk and which do not increase the risk of flooding elsewhere, where this is viable and compatible with other policies aimed at achieving a sustainable pattern of development. It advises that the management of flood risk will be achieved by only permitting development within areas at risk from flooding as defined by the Environment Agency if a sequential test as set out in the 'National Planning Practice Guidance' to the NPPF and in accordance with the updated 'Derbyshire Dales Strategic Flood Risk Assessment' demonstrates that this is the only site where the development can be located. Being located on a brownfield site and in a main market town / tier 1 settlement, where significant housing development is envisaged to meet the Councils housing needs it is considered that redevelopment of the could pass the sequential test in which case an exception test is required to demonstrate that the proposed development can be accommodated with an acceptable degree of safety. The application is accompanied by a site specific flood risk assessment

which indicates that the site would be protected from flooding and would not worsen flooding on the site or elsewhere, however, as can be seen from the consultation response from the Environment Agency, information on the breach model used is lacking and without this information the Local Planning Authority cannot ratify this.

- 7.23 Policy PD8 also requires that new developments shall incorporate appropriate Sustainable Drainage Measures (SuDs) in accordance with National Standards for Sustainable Drainage Systems. It goes on to state that new development in areas with known ground and surface water flooding issues should seek to provide betterment in flood storage and to remove obstructions to flood flow routes where appropriate. The LLFA consider that full consideration has not been given to incorporating a sustainable urban drainage scheme into the development.
- 7.24 In its submitted form and at the time of writing this report insufficient information has been submitted with the application to demonstrate that the development would be protected from flooding and would not worsen flooding on the site or elsewhere or appropriate consideration given to incorporating a Sustainable Urban Drainage Scheme into the development contrary to the aims of Policy PD8 of the Adopted Derbyshire Dales Local Plan (2017).

### Ecology

- 7.25 Within the applicants supporting planning statement reference is made to the Ecological Assessment prepared by ECOSA, which recognises that there is some potential for bats within the existing buildings on site and recommends that further survey work is carried out. They advise that such work is being undertaken, however, at the time of writing this report (October 2018) no such surveys have been submitted to the Local Planning Authority for consideration. Without such information it is not possible to assess the status of bats from the site to be able, if necessary, to incorporate suitable mitigation and compensatory measures into the scheme to safeguard this protected species. The Local Planning Authority is therefore unable to discharge its duties in respect of regulation 9(3) of the Habitats Regulations contrary to the aims of Policy PD3 of the Adopted Derbyshire Dales Local Plan (2017) and guidance contained within the National Planning Policy Framework.

### Local infrastructure provision and developer contributions

- 7.26 Policy S10 deals with Local Infrastructure Provision and states that the District Council will work with partners to ensure that infrastructure will be in place at the right time to meet the needs of the District and to support the development strategy. Policy HC4 requires that 30% of the dwellings created on site comprise affordable dwellings. In exceptional circumstances, this can be off set with a financial contribution to off-site provision. In addition to a financial contribution towards affordable housing modest contributions towards sports facilities and health care provision would also be required to make the development acceptable in planning terms. It is considered that the contributions sought would be reasonably related in scale and kind to the development in this case. The applicant has indicated, in a draft heads of terms document that with the exception of the sports facilities contribution they would expect that the proposed development would contribute to such infrastructure, however, advise that they will submit a viability appraisal to assess the level of contribution that can be made. This assessment indicates that only a modest contribution towards local infrastructure can be made. The Local Planning Authority have, however, previously asked the District Valuers Office to independently assess a viability appraisal for a similar development of retirement apartments submitted by the applicant on a brownfield site at Ashbourne. The applicant has included the same inputs with regard to contingencies, professional fees and sales periods that the District Valuer was unable to agree to in this viability appraisal, indicating that an enhanced



contribution towards key community infrastructure can be made in this case. Given that there are other fundamental concerns with the application that are likely to have a bearing on viability, it is not however considered reasonable to seek independent assessment of the appraisal accompanying this application should members be minded to refuse the application.

## Conclusion

7.27 Whilst it is recognised that the proposal would meet the housing needs of the elderly for which there is a clear need, there are overwhelming technical and planning reasons to reject the application, including the impact of the development on the character and identity of this part of the town and the setting of the adjacent conservation area, lack of parking and manoeuvring space, impact on the residential amenity of the occupants of Harley House, the vitality and viability of the town centre, lack of consideration of a Sustainable Urban Drainage system and information to demonstrate that the development would be protected from flooding and would not worsen flooding elsewhere and the presence or otherwise of protected species and the extent to which they may be affected by the proposed development. The development would conflict with the relevant provisions of the development plan and national guidance in these areas and it is recommended that the application be refused on this basis.

## 8. RECOMMENDATION

That planning permission be refused for the following reasons:

1. The development would involve the loss of a building at the end of a terrace of historic commercial properties which make a positive contribution to this part of Causeway Lane. The redevelopment of the site with a building that by reason of its height, mass, design and materials would be wholly out of scale and disrespectful to the character and identity of this prominent and important part of the town centre, would be detrimental to the local sense of place and harmful to the setting of Matlock Bridge Conservation Area. The development would therefore conflict with policies PD1, PD2 and S3 of the Adopted Derbyshire Dales Local Plan (2017) and guidance contained within the National Planning Policy Framework.
2. The siting of the apartment complex in close proximity to Harley House, position of windows and its height and mass would result in significant overlooking and overbearing effects when appreciated from this property to the detriment of the residential amenity of its occupants contrary to policy PD1 of the Adopted Derbyshire Dales Local Plan (2017).
3. The application proposes insufficient space for the parking and manoeuvring of resident, visitor, staff and delivery/service vehicles that would be necessary to serve a development of this nature and scale and is likely to result in vehicles needing to reverse out onto the A615 presenting a danger and inconvenience to highway users contrary to the requirements of policies S3, HC19 and HC21 of the Adopted Derbyshire Dales Local Plan (2017) and guidance contained within the National Planning Policy Framework.
4. The applicant has not explored any alternative or mixed use of the site which maintains an active commercial use of the ground floor frontage / some employment. The failure to properly explore these alternatives and simply opt for a complex of private retirement / elderly persons apartments would have an unjustified adverse impact on the vitality and viability of the town centre contrary to the aims and objectives of Policies S7 and EC6 of the Adopted Derbyshire Dales Local Plan (2017).

5. Insufficient information has been submitted to demonstrate that the development would be protected from flooding and would not worsen flooding on the site or elsewhere or appropriate consideration given to incorporating a sustainable urban drainage scheme into the development contrary to the aims of Policy PD8 of the Adopted Derbyshire Dales Local Plan (2017).
6. The application as submitted is not accompanied by sufficient information to clearly demonstrate the presence or otherwise of protected species and the extent to which they may be affected by the proposed development. In the absence of adequate information, the Local Planning Authority is unable to discharge its duties in respect of regulation 9(3) of the Habitats Regulations contrary to the aims of Policy PD3 of the Adopted Derbyshire Dales Local Plan (2017) and guidance contained within the National Planning Policy Framework.

#### **NOTES TO APPLICANT:**

1. The Local Planning Authority considered the merits of the submitted application and despite engaging in pre-application discussions with the applicant judged that there was no prospect of resolving the fundamental planning problems with it through negotiation. On this basis the requirement to engage in a positive and proactive manner was considered to be best served by the Local Planning Authority issuing a decision on the application at the earliest opportunity and thereby allowing the applicant to exercise their right to appeal.
2. This Decision Notice relates to the following documents:
  - 1:1250 Scale Red Edged Site Location Plan numbered 30039ML/P001, and;
  - 1:200 Scale Drawing Titled 'Site Plan - Roof Plan' numbered 30039ML/P002 received by the District Council on the 6<sup>th</sup> September 2018, and;
  - 1:200 Scale Landscape Strategy Drawing numbered 30039ML/P014;
  - 1:200 Scale Floor Layout and Elevations Drawings numbered 30039ML/P005, 30039ML/P006, 30039ML/P007, 30039ML/P008, 30039ML/P009, 30039ML/P010, 30039ML/P011 and 30039ML/P012;
  - 1:200 Scale Topo. Survey Plan numbered 30039ML/P015 Rev 429975 E;
  - Planning Statement prepared by Planning Issues Ltd;
  - Design and Access Statement prepared by Planning Issues Ltd;
  - Affordable Housing and Viability Statement prepared by Planning Issues Ltd;
  - Supporting Stakeholder Engagement Statement prepared by Planning Issues Ltd;
  - Viability Statement by Bailey Venning Associates;
  - Preliminary Ecological Appraisal prepared by ECOSA;
  - Transport Statement prepared by Paul Basham Associates;
  - Desk-based Archaeological Appraisal prepared by Orion Heritage;
  - Flood Risk Sequential Test by Planning Issues Ltd;
  - Flood Risk Assessment prepared by Peter Brett Associates;
  - Drainage Impact Assessment and Drainage Strategy Report prepared by Peter Brett Associates;
  - Draft Heads of Terms for any s106 contributions by Town Legal LLP;
  - Indicative Landscape Strategy prepared by James Blake Associates, and;
  - Ground Investigation Report and Desk Study Appraisal prepared by Crossfield Consulting and WSP received by the District Council on the 20<sup>th</sup> August 2018.

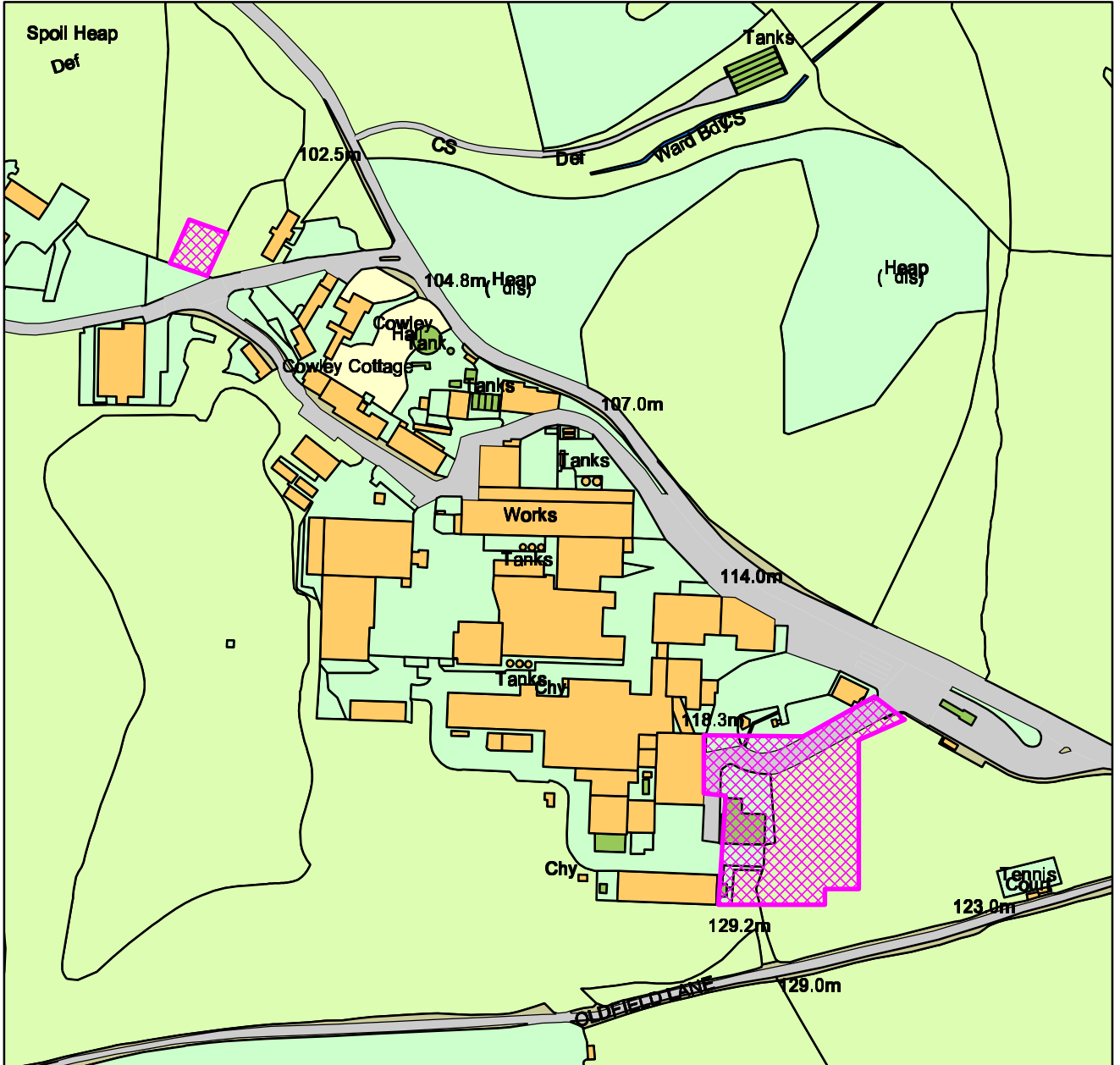
<b>APPLICATION NUMBER</b>		18/00919/FUL	
<b>SITE ADDRESS:</b>		Darley Dale Smelter, Oldfield Lane, Warren Carr	
<b>DESCRIPTION OF DEVELOPMENT</b>		Installation of New Equipment, Diversion of Access Road, Extend Car Park, Construct Retaining Walls, Relocate Building and Extension to Existing Building.	
<b>CASE OFFICER</b>	H Frith	<b>APPLICANT</b>	Mr J Yorke of H J Enthovens and Sons
<b>PARISH/TOWN</b>	South Darley	<b>AGENT</b>	Miss K Saunders of Norder Design Associates Ltd.
<b>WARD MEMBER(S)</b>	Cllr Colin Swindell	<b>DETERMINATION TARGET</b>	19.11.18
<b>REASON FOR DETERMINATION BY COMMITTEE</b>	Due to being major development	<b>REASON FOR SITE VISIT (IF APPLICABLE)</b>	

<b>MATERIAL PLANNING ISSUES</b>
<ul style="list-style-type: none"> <li>- Principle of Development</li> <li>- Visual Impact</li> <li>- Highway Safety</li> <li>- Impact on Residential Amenity</li> <li>- Ecological Impacts</li> </ul>

<b>RECOMMENDATION</b>
Approval subject to conditions

18/00919/FUL

Darley Dale Smelter, Oldfield Lane, Warren Carr



Derbyshire Dales DC

1:3,500

Date: 10/10/2018

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](http://www.derbyshiredales.gov.uk)

# 1. THE SITE AND SURROUNDINGS

1.1 The application relates to the existing industrial site of Darley Dale Smelter, whose commercial operation is a Lead Recycling Facility. The site is situated to the north west of Darley Bridge and to the south east of Stanton Lees in an open countryside location. The boundary to the Peak District National Park lies across open fields and woodland to the south, west and north of the site. There is a high wall forming the boundary to the site along Oldfield Lane with woodland screening the site from the immediate vicinity to the north, west and south. To the east of the site is an area of what appears to be historic tipping of waste material. There are two main access points into the site, one to the south east which appears to be mainly for larger vehicles and one to the north of the main site which appears to be for staff vehicles. Despite the screening to the site the entirety of the development can be seen from higher ground at Stanton Lees.



## 2. DETAILS OF THE APPLICATION

- 2.1 Planning permission is sought for alterations and extension to structures within the confines of the site and to marginally extend the site area to the southeast and northwest. The following is a comprehensive list of the proposed works:
- 2.2 Divert access road to accommodate an extension to C-Bay, the new plant (Cible 6) will be housed in the existing C-bay. The extension will be a replacement for the existing A-Bay which is structurally poor and destined for demolition following the transition of operations into the new C-Bay.
- New Cibel 6 piece of equipment, which is to be located in the existing C-Bay. This equipment is essentially a bag filter designed to collect dust from the exhaust of onsite processes, to prevent it from being vented into the air. The new cibel 6 also contains a filter to take out the VOC's. (Volatile Organic Compounds – these are compounds that easily become gas or vapour. For example, VOC's are released from burning fuels, they are also released from products such as solvent paints)
- Relocate existing oxygen tank farm to the southern end of the site, adjacent to the FGD (Flue Gas Desulphurisation) building.
- Relocated the water tanks adjacent to the weighbridge area to the eastern end of the site.
- Extend the car park to the northern end of the site to ensure there is sufficient parking on site without causing overspill parking into the delivery area.
- Relocate existing A-Bay facility into the proposed C-Bay extension.
- New oxygen generator to be constructed to the south eastern end of the extended site area.
- Extension to the FGD building to the southern end of the site.
- Relocate a hut to the front of the site adjacent to Oldfield Lane from near the Weighbridge.
- Demolish toilet block
- Relocate unloading ramp closer to the weighbridge area.
- No new chimney is proposed.
- 2.3 In and out goods delivery will still restricted to 0630 to 1600 Monday to Friday and process activities will remain a 24 hour operation.
- 2.4 There is intended to be no additional HGV activity on site. The oxygen generator should minimise HGV movements to and from the site by one vehicle per day.
- 2.5 The proposed C-Bay extension will extend the area from 945 sq m to 2560 sq m. The building will be 10m high to eaves with a 6 degree roof pitch resulting in a ridge height of 12m, which is lower than the existing C-Bay buildings.
- 2.6 The proposed extension to the eastern end of the FGD building will increase the size of the building by 240 sq m. The eaves level of this building is to be 14m with a 12 degree roof pitch resulting in a ridge height of 15.7m to match the existing.
- 2.7 The total additional floor space is 2800 sq m.
- 2.8 Existing buildings are of a dark grey cladding and plant is coloured battleship grey. The proposal is for the buildings to match this colour.
- 2.9 It is proposed that 30 fast growing evergreen trees will be removed from the south eastern end of the site. For each tree removed an oak sapling is to be planted. In addition a further 10% of trees are to be planted.
- 2.10 Rebuttal to the PC comments advises that:
- The current provision requires a daily delivery of oxygen to the site, the generator will reduce HGV traffic by one vehicle per day.

- An EIS is not required.
- The removal of trees is at the frontage of the site and will be set back from the road. The removal of these trees will have no effect on the visual and acoustic quality of the screening of the site as a whole.
- The applicant replaces a number of trees at the site periodically as part of their management of the living acoustic buffer. The long term plan is to replace the fast growing evergreen with deciduous local species of trees.
- The existing cibles are for other buildings and processes and are not related to the current proposals,
- Cibel 6 replaces a drop out box currently used by the dryer building. By June 2020 the applicant is required under EU's IPPC directive to reduce the level of VOC's permitted through the main stack to less than 40g/m<sup>3</sup>, they must use the best available technology to do this. The aim is to future proof further lowering of emissions. Installing cible 6 will ensure this is achievable. Without this the permit from the EA would not be issued.
- The A-Bays are no longer fit for purpose. A recent structural survey advised only a 2-3 year life span. These bays will remain operational through reconstruction of the new C-Bays until the extension is complete and the operation can be transferred, at this point the A-Bays will be demolished to be covered under a new application nearer the time.
- To clarify an error in the submission there is to be no change between buildings 16, 13, 20 and 30, the plans should show plant equipment here only. Revised plans clarify this.
- The removal of the toilet block should have been included as its removal is necessary for the new road layout. Details of the new toilet block will be subject to a further application.
- The new internal road layout has been designed to maintain HGV access and circulation around the site.
- No new employees will be employed as a result of the proposed works and no additional journeys to and from the site will result. The existing car park is used by staff, contractors and visitors. It does not have the capacity to accommodate all site users which leads to visitors having to park near the HGV entrance. The extension to the car park will ensure sufficient parking capacity away from the delivery area. It is the intention to extend the FGD building within the next three years and it is therefore included in the application. We consider sufficient information has been submitted for this to be considered.

### **3. PLANNING POLICY AND LEGISLATIVE FRAMEWORK**

1. Adopted Derbyshire Dales Local Plan (2017)
  - Policy S1 : Sustainable Development Principles
  - Policy S4 : Development in the Countryside
  - Policy PD1 : Design and Place Making
  - Policy PD2 : Protecting the Historic Environment
  - Policy PD3 : Biodiversity and the Natural Environment
  - Policy PD5 : Landscape Character
  - Policy PD6 : Trees, Hedgerows and Woodlands
  - Policy PD9 : Pollution Control and Unstable Land
  - Policy HC19 : Accessibility and Transport
  - Policy HC21 : Car Parking Standards
  - Policy EC1 : New and Existing Employment Development
2. National Planning Policy Framework 2018  
National Planning Practice Guidance

#### 4. RELEVANT PLANNING HISTORY:

Numerous application relating to the development of the site.

#### 5. CONSULTATION RESPONSES

##### Parish Council

##### 5.1 South Darley:

No objection assuming there is no increase in HGV movements through Darley Bridge.

Stanton In Peak (adjacent Parish):

Object to this application for the following reasons:

- 1) It is considered that for such a largescale application, the level of detail provided is insufficient to make a positive or meaningful assessment as too many questions are left unresolved.
- 2) The multiplicity of the buildings and equipment requirements complicate the single application – an oxygen generator plant is mentioned but to what scale and handling and storage of bi-products plus support transport affects are omitted.
- 3) There is no Environmental Impact Statement. What are the effects on noise, light, vegetation, smell (plastic/acid) and Ecology. The proposals increase the visibility of the site from the road as the new extension encroaches on the existing green buffer. It is also highly visible from the Peak District National Park and the village and Conservation Area of Stanton Lees – Item 22 of the Planning Application is incorrect. Removing 30 evergreen, fast growing trees, and replacing with 33 deciduous oaks will take years to form any barrier but there is no indication on the plans where this work is planned for.
- 4) The Cibel 6 machine joins 2 Cibel already in place but is needed to comply with European Air Quality regulations. Can this be explained in terms of whether this is future proofing, compliance catch up and with what regulations.
- 5) Massing of buildings on site would increase by 1000m<sup>2</sup> with no explanation regarding the outcome for the existing A Bay building (no 29 on site plan). Is this building being removed or reused?  
Comparing the proposed site plan and the existing DR-A-1002 and DR-A-1001: the spaces between buildings 16, 13, 20 and 30 are no longer there on the proposed plan, these are not referred to in the Design and Access Statement along with no mention of the proposal to move the toilet block.
- 6) Application states 'no increase in HGV activity' but there is a worry that the expanded covered area restricts or reduces the number of HGVs on site making for more congestion on the waiting area and approach roads at busy times. It is noted that an additional 16 car park spaces has a potential extra 32 journeys minimum along the narrow roads daily. Local residents for whom this is a major concern would need more reassurance than this.
- 7) The application includes for a "Future" Phase 4 extension to the FGD building, but if this is speculative then how can it form part of this application with unknowns for time, construction traffic etc. The unknown scale of these works and increased impact on the footprint of the site especially when taken with the recent highly visible perimeter alterations and the lack of detail especially when considering environmental aspects and ongoing problems especially with noise makes us conclude that this application has insufficient consideration for the needs of our parishioners.

It is also of note that the persistent use of Darley Smelter is at odds with all the recent efforts to sort out HGV signage to "Enthoven". Construction traffic will inevitably end up in the 7.5T and 39'6" zone as a result.

Further concerns raised in additional correspondence from Stanton in Peak Parish Council:



Over the past five or more years residents of the area around Darley Dale Smelter (DDS) (aka Enthovens) have been submitting pollution complaints most commonly about noise but also about, acid smells, light pollution, plastic burning smells, passage of HGVs across Darley Bridge and HGVs accessing the plant via restricted routes. These complaints have been directed at the EA, DCC and DDDC.

The recent submission of a planning application by DDS has highlighted why communication difficulties have arisen when members of the public and Parish Councils attempt to resolve who is permitting what; and who is commenting on and approving planning applications.

A grey area of misunderstanding exists between the 3 authorities, which is resulting in a lack of transparency in dealing with Planning Issues, especially holistic environmental concerns. An example is that the EA without a transparent published consultation can approve a Permit application and DDDC do not question this as it considers that the EA have already done the work.

The result is that local concerns are not voiced anywhere, which leaves the population speculating on the role of the EA and its Officers.

No Environmental Impact Assessment( EIA) has been seen from any of the organisations resulting in a lack of transparency. In any case EA do not concern themselves with such matters as traffic so it would not be included from them; but should be by DCC. A supplementary EIA has not been produced for DDDC planning again resulting in a lack of transparency of local issues. This lack of transparency in the process applies to all environmental situations and results in the company DDS obtaining permissions without full public scrutiny. This situation is clearly unacceptable and requires rectification action, at a level above desk officer to ensure processes are appropriate for the environment and the community.

Do you have any suggestions as to how this situation can be resolved?

#### Environment Agency

- 5.2 On this occasion we have no formal comment to make as there are no constraints within the remit of the Environment Agency associated with the site. We are in communication with the operator regarding the potential changes to the permit boundary as a result of the proposal.

#### Derbyshire County Council (Highways)

- 5.3 No highway objections in principle to the proposed internal site modifications.

#### Derbyshire County Council (Flood team)

- 5.4 Refer to standing advice.

#### Derbyshire Wildlife Trust

- 5.5 The proposals largely affect the existing working site, with some removal of evergreen trees which form part of a plantation woodland in the south-east. The Trust have records of great crested newt in the wider area but none within 250 m of the application area. We also have records of reptiles and badgers. We advise that a site visit is undertaken by an ecologist to determine whether any badger setts are present within 30 m of the works area and to identify any other ecological constraints, such as invasive species or any potential for the trees to support roosting bats.

It is likely that a Method Statement for works will be sufficient to safeguard wildlife. This should be produced and submitted to the LPA for approval. The method statement should particularly include measures to protect reptiles, amphibians and badgers during site clearance.

### Natural England

- 5.6 No objection - Based on the submitted plans, Natural England considers that the proposed development will not have a significant adverse impacts on designated sites and has no objection.

### Peak and Northern Footpaths

- 5.7 This application does not appear to affect any public rights of way.

### Derbyshire Constabulary Designing Out Crime Officer

- 5.8 No objections to or comments to make regarding the application.

### Development Control Archaeology

- 5.9 The Darley Dale lead smelting works (Derbyshire Historic Environment Record MDR8430) was established in 1934 just to the south of the old Mill Close Mine site (MDR9624), which lies north of the road. Historic mapping shows that the current application site lies some way outside the historic core of the works to the south-east, and does not therefore retain any heritage interest in terms of archaeological remains or historic buildings.

### Environmental Health (Derbyshire Dales)

- 5.10 No objections as the regulator for this site is the Environment Agency who provide an Environmental Permit including odour, noise, dust etc. However, in terms of Air Quality the district council has overall responsibility and the Air Quality Objective for Lead is 0.25µg/m<sup>3</sup> as an annual mean.

I am aware that sampling is currently undertaken for lead in air. I would recommend this is formalised and results submitted annually to Derbyshire Dales District Council with an annual mean on the basis of a calendar year. For lead DEFRA and the Devolved Administrations have approved the use of a method that employs the subsequent analysis of sampled filters. Further guidance on method is in Local Air Quality Management Technical Guidance (TG16) February 2018.

## **6. REPRESENTATIONS RECEIVED**

- 6.1 Nine letters of representation have been received which raise the following concerns:

Detail of the application:

- This application is against the previous aims to liaise with the community.
- On the edge of the Peak Park and within a Conservation Area we are subject to much scrutiny, this application needs a depth of scrutiny to clarify the full impact on the environment.
- There is too much technical jargon in the application to understand what is proposed.
- It would appear that an environmental impact assessment is required.
- Which Air Quality regulation is being fulfilled by this development?
- The submission is vague.
- Why is a larger car park required?
- It is stated that the Cibel 6 unit is required to satisfy EU regulation, but there is no indication of that requirement, the size, purpose or function of that unit.
- It states no extra staff or HGV's, but a 2,800 sq m building with additional activity will result.
- Are 16 or 20 additional spaces proposed? Why is this needed if there are no additional staff.
- There will be a substantial loss of trees, further information is required.
- What is proposed to happen with the not fit for purpose A-Bay facility?
- The plans show building infill next to buildings 13 and 16 but there are no comments in relation to this.
- Relocating a toilet block is also proposed but not mentioned.

- A future FGD building is proposed this application should include this work or apply for it later.
- Despite their comments there will be additional traffic movements and the problems associated with this.
- The application refers to future expansion, what will this be?

#### Traffic:

- There are difficulties with larger lorries in the area causing congestion, this will get worse.
- Large lorries use narrow roads and lanes trying to avoid congestion or following Sat Nav systems.
- There will be increased traffic, there is already a history of damage to the local area from large vehicles.
- The existing light pollution is dangerous to vehicles on Oldfield Lane.

#### Amenity issues:

- Where is the environmental statement? This should set out the noise impacts.
- What will be the effect on the acrid smell that blows across Oldfield Lane?
- What causes the burning plastic smell?
- Further development may affect my home and business which is tourism based.
- We already suffer noise and smell and fumes, are we in danger of breathing the air so near the plant? There is already noise from flue venting, reversing beepers, road sweepers and perimeter alarm.
- There will be increased light pollution.
- There will be increased noise pollution.
- Increasing the capacity at the site will exacerbate the existing problems.
- The site is near the National Park, whilst it has economic benefits locally any expansion should be resisted, as ugly industrial buildings have no place in this location. No encouragement should be given to expansion.
- Noise levels are already unacceptable, they will worsen.
- The factory is already harmful to this environment.
- Light pollution from the factory is already at an unacceptable level, new and extended buildings and sites will mean more lights and the dark skies of Stanton Moor are already impacted upon.
- No one seems to want to resolve the problems already associated with the site, noise complaints have been submitted to the EA with no action.
- The permit states that H J Enthoven's should control off site noise, this does not happen.
- Before any permission is granted the existing problems should be resolved.
- We do not want another tall chimney belching out smoke and fumes.
- What measures are in place to ensure new machinery does not add to the already overpowering and oppressive noise.
- Road sweepers on the site add more noise. Operatives wear air wash face visors with face masks and vehicles are washed down before leaving the site, this shows that the risk of pollution is ever present.

#### Other:

- Extending into green fields is not acceptable.
- Due to recent vehicle movements it is clear work has started on site.
- The size of the plant is unacceptable in this countryside location, it has doubled in the past 30 years.
- The removal of 30 evergreen trees replaced with Oak Saplings will mean the natural barrier will be removed and replaced with one taking many years to grow.
- Extensive work has begun to the rear of the site.

## 7. OFFICER APPRAISAL

The following material planning issues are relevant to this application:

- Principle of Development
- Visual Impact
- Highway Safety
- Impact on Residential Amenity
- Ecological Impacts

### *Principle of development*

- 7.1 Policy EC1 of the Adopted Derbyshire Dales Local Plan 2017 supports existing businesses. Whilst this site is located in the countryside, it is nevertheless an important local employer contributing to the local economy. Therefore, in principle, planning policies support additional facilities and expansion of such sites. However, this economic benefit needs to be considered against other aims of the Local Plan which include protecting the Peak District National Park, the amenity of nearby residents in terms of noise, smells, pollution and congestion and ecology impacts. This report seeks to address these matters.

### *Visual Impact*

- 7.2 The site is proposed to be expanded to the south east through the reconfiguration of the access road due to extensions proposed to C-Bay and the associated relocation of existing plant in this area. It is also proposed to expand the site to the north west to provide additional car parking. The site is well contained by woodland the south, west and north, however the site is nevertheless visible as a large industrial complex from the far north within the Derbyshire Dales and Peak District National Park.
- 7.3 The site is well screened by woodland planting. Part of the proposal will involve removing around 30 evergreen and fast growing trees to the south east of the site boundary and replacing these with local tree species. No detail has been provided as to where the replacement trees will be planted but it is understood this is part of a long term plan to replant the surrounding woodland with native trees.
- 7.4 Concern has been raised that the proposed development will result in additional harm to the character and appearance of the area including the Peak District National Park. Whilst the proposals are a modest expansion of the site the proposal will be seen within the context of the wider site. With appropriate conditions relating to the finish of the car park and the planting to this area as well as details of the replacement tree planting, it is considered that this modest expansion will not cause significant harm to the character and appearance of the area over and above the existing development such that refusal of planning permission would be warranted. As such the proposed is considered to comply with Policies S1, S4, PD1, PD2, PD5 and PD6 of the Adopted Derbyshire Dales Local Plan 2017.

### *Highway Safety*

- 7.5 Concern has been raised that the proposed works will lead to additional traffic movements which would cause further harm to the local road network. Part of the proposal includes the provision of an oxygen generator which will lead to the reduction of HGV delivery vehicles by one per day. Whilst this is a minor decrease, any reductions in large vehicles from the site is welcomed. The extensions will not expand the facility on site but will assist the operation to meet emission targets, relocating and continue the existing operation from A-Bay to C-Bay when extended and prevent parking congestion on site to alleviate the manoeuvring of HGV's.
- 7.6 It is considered that the proposal will not cause any additional traffic movements to and from the site other than those connected with the necessary construction works. As such

the proposal meets highway requirements to comply with policies S4, HC19 and HC21 of the adopted Derbyshire Dales Local Plan 2017.

#### *Impact on Residential Amenity*

- 7.7 Concern has been raised by local residents regarding the potential impacts from the proposed development in terms of noise, smells and pollution.
- 7.8 Whilst much of the proposed works involve moving and altering the existing operation within the site the introduction of new plant into the existing C-Bay is intended to reduce emissions from the site. The site as a whole is given a permit to operate from the Environment Agency which means that appropriate measures in respect of odour, noise and dust are controlled by the EA who have raised no concerns regarding this proposal. The Environmental Health team of Derbyshire Dales District Council are responsible for air quality. In this respect the Environmental Health Officer has recommended a condition is imposed over the entire site regarding the submission of air quality details on an annual basis. However, given that the need to control air quality does not arise specifically from this development it is not considered reasonable to impose such a condition which covers the long term use of the site. A footnote will be added to the permission to advise the applicant to contact the Council's Environmental Health team in respect of establishing an annual submission of data.
- 7.9 Therefore on the basis of the existing regulations relating to this development it is considered that the additional impacts arising from the proposal would not be significant and as such would not warrant the refusal of planning permission. As such the proposal is considered to comply with policies S9 and PD1 of the adopted Derbyshire Dales Local Plan 2017.

#### *Ecological Impacts*

- 7.10 The proposed car park expansion into a green field and the removal of trees to expand the site may result in ecological impacts. Derbyshire Wildlife Trust have requested that additional ecological work including a method statement to safeguard wildlife is submitted. The applicant has been requested to submit this information and as such an update on this matter will be provided to the committee at the meeting.

#### *Conclusion*

- 7.11 Having considered the impacts arising from the proposed development it is considered that subject to satisfactory ecological information being submitted the proposal will not result in impacts that are substantial and therefore the proposal is considered to accord with local and national planning policies and approval is recommended.
- 7.12 Whilst the concerns of Stanton in Peak Parish Council are noted, the Local Planning Authority can only consider the impacts arising from the proposed development and it is other regulatory bodies that maintain control of the operation and impose a pollution control regime over the entire site.

## **8. RECOMMENDATION**

That planning permission be granted subject to the following conditions.

1. Condition ST02a: Time Limit On Full

Reason: ST02a

2. Prior to works commencing on the proposed car park detailed plans of the finish of the car park within its context and detailed planting details, including all plant species, planting sizes, planting densities, the number of each species to be planted and plant protection, to

enhance the area around the car park shall be submitted to and agreed in writing by the Local Planning Authority. Works shall be completed in accordance with the agreed details.

Reason:

In order to ensure an appropriate finished form of development in the interests of landscape character in accordance with policies S1, S4, PD1, PD2 and PD5 of the adopted Derbyshire Dales Local Plan 2017.

3. Prior to any works commencing within the red edged area of the site (plan sketch 3 received 25/09/18) a detailed plan of the area of the tree removal and details of proposed replacement planting including all plant species, planting sizes, planting densities, the number of each species to be planted and plant protection; shall be submitted to and agreed in writing by the Local Planning Authority. Works shall be completed in accordance with the agreed details.

Reason:

In order to ensure an appropriate finished form of development in the interests of landscape character in accordance with policies S1, S4, PD1, PD2 and PD5 of the Adopted Derbyshire Dales Local Plan 2017.

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

Reason:

To ensure a satisfactory standard of landscaping in the interests of amenity in accordance with policies S1, S3, PD1 and PD5 of the Adopted Local Plan 2017.

## **9. NOTES TO APPLICANT:**

- 9.1 The Local Planning Authority have during the consideration of this application engaged in a positive and proactive dialogue with the applicant which has resulted in revised proposals which overcame initial problems with the application relating to traffic and ecological impacts arising from the development.
- 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:  
Amended proposed site plan 1002 Rev P3 received 25.09.18  
Response to PC comments supporting letter received 25.09.18

Sketch 1 montage of building size received 25.09.18  
Site ownership plan received 25.09.18  
Site plan sketch 3 received 25.09.18  
Amended existing plan 1001 Rev P2 received 25.09.18  
Car park construction layout plan 030 Rev P01 received 20.08.18  
3D view existing site plan A9001 Rev P2 received 20.08.18  
3D view proposed site plan A9002 Rev P2 received 20.08.18  
Proposed FGD building elevations A6004 Rev P1 received 20.08.18  
Proposed C-Bay extension A6002 and 3 Rev P1 received 20.08.18  
Proposed C-Bay building section DR A 6001 Rev P2 received 20.08.18  
Proposed floor plans and section FGD extension DR A 4502 Rev P1 received 20.08.18  
Proposed C-Bay plan and 3D view DR A 4501 Rev P1 received 20.08.18  
Location plan received 20.08.18  
Design and Access Statement received 20.08.18  
Site block plan Dr A 1000 Rev P1 received 20.08.18

- 9.4 The pre-commencement conditions attached to this permission have been imposed having served the requisite notice on the applicant(s) and having received a positive response (deemed or otherwise) under section 100ZA (5) of the Town and Country Planning Act 1990.
- 9.5 The applicant is advised that in order to assist with the aim to improve air quality to contact the Council's Environmental Health team (Tel: 01629 761212) in respect of establishing an annual submission of data in respect of sampling undertaken for lead in the air.

## 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/18/00144	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
ENF/18/00175	UNAUTHORISED ERECTION OF A NEW TWO STOREY BUILDING AT BARN 2, WALLANDS FARM, ASHBOURNE ROAD, BRASSINGTON, DERBYSHIRE, DE4 4DB	Wallands Farm Brassington Derbyshire DE4 4DB	Notice Issued
ENF/18/00179	Unauthorised engineering works to facilitate a standing area for farm machinery and produce.	Land And Buildings Off Wester Lane Ashbourne Road Brassington Derbyshire	Pending Consideration

## Clifton And Bradley

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

## Darley Dale

ENF/12/00034	Unauthorised demolition of a Listed wall and unauthorised access off the A6 at Dale Road North Darley Dale.	Stancliffe Quarry, Darley Dale, Matlock.	Notice Issued
ENF/17/00016	Breach of pre commencement conditions on planning permission 15/00718/FUL Demolition of existing dwelling and barn and erection of replacement dwelling and swimming pool building.	Former Bent Farm Farley Hill Matlock Derbyshire DE4 5LT	Pending Consideration
ENF/17/00100	Alleged - Unauthorised Use of Site and Building for the Holding of Weddings	Peak Village Ltd Darwin Lake Holiday Village 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	St Elphins Cottage Blind Lane Hackney Derbyshire DE4 2QE	Pending Consideration
ENF/17/00159	Partial change of use of agricultural building for ancillary domestic purposes, on land at St Elphins Cottage, Hackney		Pending Consideration
ENF/18/00035	Erection of Double Garage and engineering works in association with Landscaping to front of property.	Lilac Cottage Holt Road Hackney Derbyshire DE4 2QD	Pending Consideration
ENF/18/00067	Works comprising the formation of a widened access and works to provide water supply and electricity hook-ups points.	Former Bent Farm Farley Hill Farley Derbyshire DE4 5LT	Notice Issued
ENF/18/00070	Breach of condition 14 (hard and soft landscaping) of planning permission 10/00069/FUL - Failure of new trees	Land Off Morledge Bakewell Road Matlock Derbyshire	Pending Consideration
ENF/18/00085	Unauthorised building works to create a cattle isolation unit on land at St Elphins Cottage, Blind Lane, Hackney	St Elphins Cottage Blind Lane Hackney Derbyshire DE4 2QE	Notice Issued
ENF/18/00086	Extension to agricultural building		Pending Consideration
ENF/18/00103	Erection of fence over 1m in height adjacent to the highway	No. 16 And Riversdale Darley Avenue Darley Dale Derbyshire DE4 2GB	Pending Consideration
ENF/18/00121	Unlawful Externally illuminated advertisements on land adjacent to Molyneux Business Park and A6 for Creating Spaces Ltd.	Creating Spaces (Derbyshire) Ltd Unit 20A Molyneux Business Park Whitworth Road Darley Dale Derbyshire DE4 2HJ	Pending Consideration
ENF/18/00135	Garage not being built in accordance with 18/00457/CLPUD	St Elphins Cottage Blind Lane Hackney Derbyshire DE4 2QE	Pending Consideration
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
ENF/18/00174	Siting of containing and other materials onsite	Land East Of Les Ardennes 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/18/00069	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
ENF/18/00177	Unauthorised erection of decking in the rear garden of Ranmoor, Waterloo Road, Matlock Bath	Ranmoor Waterloo Road Matlock Bath Derbyshire DE4 3PH	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
ENF/18/00178	Unauthorised conversion of garage to office accomodation	Land Adjacent To 9 Oak Tree Gardens Tansley Derbyshire	Pending Consideration

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

## Stanton

ENF/18/00075	Engineering work construction of retaining wall within the curtilage of Grade II listed building	Midland Cottages 1 - 2 Dale Road North Rowsley Derbyshire DE4 2EL	Pending Consideration
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ENF/18/00180	Illuminated signage	Unit 10 Unity Complex Dale Road North Darley Dale Derbyshire DE4 2HX	Pending Consideration
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## Winster And South Darley

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

ENF/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**

**167**

# Enforcement Investigations Closed

In the 6 Months Prior to 10/10/2018



## 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
ENF/18/00143	Erection of Flag Pole	Beechcroft 6A North Avenue Ashbourne Derbyshire DE6 1EZ	Complaint Unfounded	03/10/2018

## 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
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
ENF/18/00109	Installation of external lighting on storage building, storage of unauthorised materials on site and land at corner of Money Hills Lane incorporated into curtilage	Land To The North West Of Smith Hall Farm Smith Hall Lane Hulland Ward Derbyshire	Not in the Public interest to pursue	20/06/2018

## Masson

ENF/16/00090	Erection of a shed, decking and fence.	2 Primrose Cottages St Johns Road Matlock Bath Derbyshire DE4 3PQ	Notice complied with	06/07/2018
ENF/17/00102	Erection of Four Sheds	Land Adj. The Allotments Between North Street And Bedehouse Lane Cromford Derbyshire DE4 3QZ	Planning Application Received	12/06/2018
ENF/17/00145	Unauthorised works to ground floor concrete floor slab, contrary to condition 8 of 15/00329/LBALT	1 High Street Bonsall Derbyshire DE4 2AS	Complied Voluntarily	13/06/2018
ENF/18/00028	Alleged change of use of hotel building, Temple Hotel, Matlock Bath.	Temple Hotel Temple Walk Matlock Bath Derbyshire DE4 3PG	Complaint Unfounded	17/05/2018
ENF/18/00033	Alleged works to change use of building	Temple Hotel Temple Walk Matlock Bath Derbyshire DE4 3PG	Complaint Unfounded	13/06/2018
ENF/18/00039	Unauthorised Internal and External Alterations to a Listed Building	21 The Hill Cromford Derbyshire DE4 3RF	Planning Application Received	04/10/2018
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
ENF/18/00176	Alleged unauthorised works to roof of property.	142 Dale Road Matlock Derbyshire DE4 3PS	Complaint Unfounded	04/10/2018

## 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".2	Land To The South Of West View Shields Lane Roston Derbyshire	Complaint Unfounded	13/06/2018
ENF/18/00007	Breach of Condition 1 of 15/00691/FUL - Removal of Mobile Home from site by 8th September 2017	Honeysuckle Farm Shirley Lane Rodsley Derbyshire DE6 3AL	Justification from Officer	02/07/2018
ENF/18/00170	Roof alterations to Bungalow	The Firs Rodsley Lane Yeaveley Derbyshire DE6 2DT	Justification from Officer	28/09/2018

## Stanton

ENF/18/00169	Erection of sign	Field Adjacent To Oldfield Lane Warren Carr Derbyshire	Justification from Officer	05/10/2018
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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/16/00079	Erection of timber fence over 1 metre in height adjacent a highway.	20 Willowbath Lane Wirksworth Derbyshire DE4 4AY	Notice complied with	08/10/2018
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/18/00022	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** **62**

## **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**