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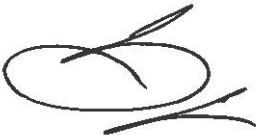
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26 November 2018

To: All Councillors

As a Member or Substitute of the **Planning Committee**, please treat this as your summons to attend a meeting on **Tuesday 4 December 2018 at 6.00pm** in the **Council Chamber, Town Hall, Matlock DE4 3NN**.

Yours sincerely



Sandra Lamb
Head of Corporate Services

AGENDA

SITE VISITS: The Committee is advised a coach will leave the Town Hall, Matlock at 2.40pm prompt. A schedule detailing the sites to be visited is attached to the Agenda.

1. APOLOGIES/SUBSTITUTES

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

2. APPROVAL OF THE MINUTES OF THE PREVIOUS MEETING

Planning Committee – 6 November 2018

3. INTERESTS

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

4. APPLICATIONS FOR DETERMINATION

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

PUBLIC PARTICIPATION

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

	Page No.
4.1 APPLICATION NO. 18/00960/FUL (Site Visit)	07 – 27
Erection of Residential Care Home (C2 Use), Conversion Of Darley Lodge to Form 7no. Apartments (C3 Use), Erection of 3no. Dwellings (C3 Use) and Demolition of Buildings on Site at Darley Lodge, Dale Road South, Darley Dale.	
4.2 APPLICATION NO. 18/01011/FUL (Site Visit)	28 – 42
Erection of dwelling at land adjoining Elmcroft, Derby Road, Cromford.	
4.3 APPLICATION NO. 18/00767/VCOND	43 – 61
Variation of Conditions 6 and 7 of Planning Application 14/00074/OUT to allow a start to be made on site prior to the road improvements being completed at Ashbourne Airfield, Ashbourne, Derbyshire.	
4.4 APPLICATION NO. 18/00918/FUL	62 – 77
Erection of 2no. B8 (Storage and Distribution)/B1(c) (Business - Industrial Process) units and associated engineering works to raise land level, fill existing ponds and create a new pond at Woodhouse Farm, Long Lane, Longford, Derbyshire.	
5. INFORMATION ON ACTIVE AND CLOSED ENFORCEMENT INVESTIGATIONS	78 – 97
6. APPEALS PROGRESS REPORT	98 - 119
To consider a status report on appeals made to the Planning Inspectorate.	

Members of the Committee

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

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

Nominated Substitute Members

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

PUBLIC PARTICIPATION

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

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

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

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

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

SITE VISITS

Members will leave the Town Hall, Matlock at **2.40pm prompt** for the following site visits:

		Page No.
2.50pm	APPLICATION NO. 18/00960/FUL	07 – 27
	DARLEY LODGE, DALE ROAD SOUTH, DARLEY DALE	
	At the request of Officers for Members to appreciate the scale of development and the impacts arising from this.	
3.30pm	APPLICATION NO. 18/01011/FUL	28 – 42
	LAND ADJOINING ELMCROFT, DERBY ROAD, CROMFORD	
	At the request of Officers for Members to appreciate the context of the site and the impacts upon designated heritage assets.	
4.00pm	RETURN TO TOWN HALL, MATLOCK.	

COMMITTEE SITE MEETING PROCEDURE

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

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

Planning Committee 4th December 2018

APPLICATION NUMBER		18/00960/FUL	
SITE ADDRESS:		Darley Lodge, Dale Road South, Darley Dale	
DESCRIPTION OF DEVELOPMENT		Erection of Residential Care Home (C2 Use), Conversion Of Darley Lodge to Form 7no. Apartments (C3 Use), Erection of 3no. Dwellings (C3 Use) and Demolition of Buildings on Site.	
CASE OFFICER	H Frith	APPLICANT	Frontier Estates Ltd
PARISH/TOWN	Darley Dale	AGENT	Gillings Planning Ltd
WARD MEMBER(S)	Cllr Atkin, Cllr Salt, Cllr Statham	DETERMINATION TARGET	03.12.18
REASON FOR DETERMINATION BY COMMITTEE	Due to scale of development	REASON FOR SITE VISIT (IF APPLICABLE)	For Members to appreciate the scale of development and the impacts arising from this.

MATERIAL PLANNING ISSUES

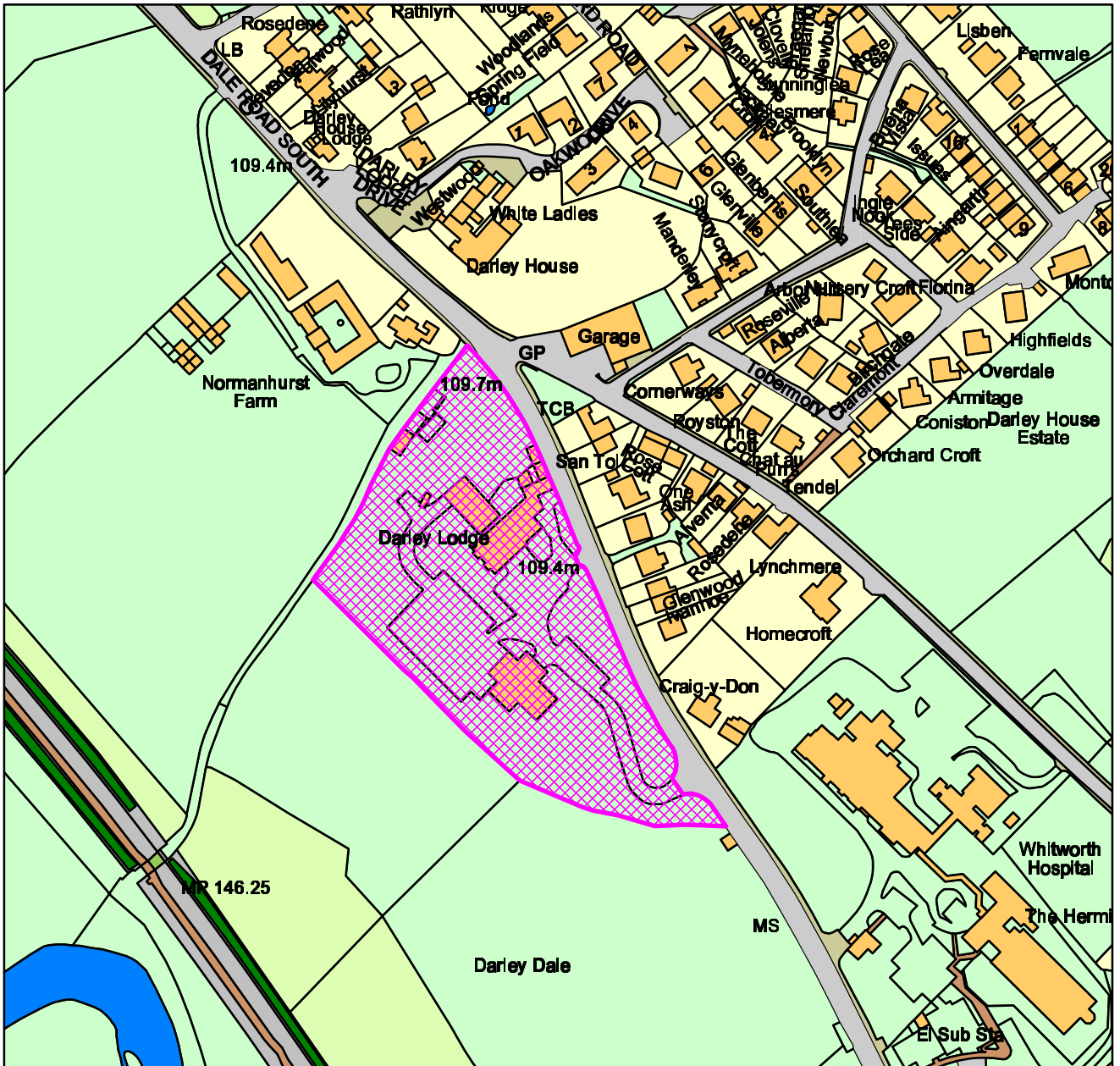
- Principle of Development
- Visual Impact
- Highway Safety
- Ecology
- Trees

RECOMMENDATION

Grant permission subject to conditions

18/00960/FUL

Darley Lodge, Dale Road South, Darley Dale



Derbyshire Dales DC

Date: 23/11/2018

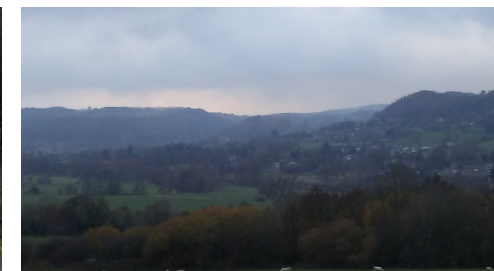
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Telephone: (01629) 761100.
website: www.derbyshiredales.gov.uk

1.0 THE SITE AND SURROUNDINGS

- 1.1 The application site is situated to the north west of Matlock and to the west of the A6. The site is 1.31 hectares which has existing buildings and hardstanding with landscaping to the boundaries and to the south east of the site. There is a belt of trees to the north of the site providing a buffer to the adjacent footpath which leads from the A6 to the countryside to the west.
- 1.2 Access is to the south east directly from the A6 with a boundary wall along the site frontage which increases in height towards the north and along the northern boundary.
- 1.3 Existing on the site is Darley Lodge which is a two storey stone building with double height bays to the frontage. To the rear of the property there is a glazed extension leading to a two storey stone building which has the appearance of a former outbuilding/coach house. To the northern side elevation of the building is a large rendered extension with metal clad roof.
- 1.4 There is also a vacant office building on the site which is largely glazed with metal roof with a stone plinth to the structure. The central part of the structure is two storeys in height with single storey element leading from this.
- 1.5 The site is on two levels with the lower level being hardstanding in the form of a car park to the north west of the site. The site is open to views across the valley over the River Derwent from Snitterton.



2.0 DETAILS OF THE APPLICATION

- 2.1 Planning permission is sought to demolish the existing modern office building and erect a 78 bed care home. The care home would be three storeys in height utilising the topography of the site. This would result in a three storey building facing towards the valley

with a two storey elevation on the approach into the site facing towards the A6 with pedestrian bridges giving access into the building above sunken gardens. The building is proposed to be flat roofed and has been broken up in its scale into a series of elements with differing but sympathetic finishes which include render, stone and timber cladding and timber louvres with powder coated aluminium windows, doors and balconies with timber side details and planting and small areas of green walling. The building scale is also broken up through the building being stepped along its façade. The central element of the building would be highest with large areas of glazing and balconies to what will be the internal communal spaces.

- 2.2 It is also proposed to convert the existing two storey stone building to 7 no. apartments by replacing the rear glazed link with a flat roofed stone extension and converting the former coach house. Demolition of the existing single storey rendered side extension is proposed, restoring the side elevation of the two storey stone building. A terrace of three, stone built, 3 bedroom, two storey dwellings is also proposed. These dwellings would have pitched roof and be of simple design and form reflecting on building traditions in the area. The dwellings would have flat roof porches with sash type windows and glazed flat roofed elements to the rear elevations. These dwellings would face towards the valley with private walled rear courtyards provided for amenity space.
- 2.3 There are propose to be 15 parking spaces for the residential accommodation and 33 spaces for the care home along with ambulance parking close to the main entrance to the building. There is a delivery area and storage for bins to the south eastern end of the care home building. Cycle parking is to be provided for the care home and for the apartments. A new pedestrian link to the footpath leading along the northern edge of the site is proposed which will involve the removal of a previously blocked opening in this boundary wall. This will then allow pedestrian access to the footpath network and to the pavement along the A6.
- 2.4 The following reports have been submitted to support the submission:
- Transport Assessment and Addendum
 - Heritage Statement
 - Travel Plan
 - Design and Access Statement
 - Planning Support Statement Incorporating Statement of Community Involvement
 - Sustainability Statement
 - Desktop Market Analysis
 - Preliminary Ecological Appraisal
 - Landscape and Visual Appraisal
 - Market Appraisal
 - Geo-Environmental Assessment Report
 - Flood Risk Assessment and Drainage Strategy
 - Economic and Social Impact Statement
 - Arboricultural Impact Assessment
 - Pre Development Arboricultural Survey
 - Nocturnal Emergence and Dawn Re-Entry Bat Surveys
 - Preliminary Bat Roost Assessment
 - Archaeological Desk Based Assessment

3.0 PLANNING POLICY AND LEGISLATIVE FRAMEWORK

1. 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 Strategy
 - 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
PD9 Pollution Control and Contaminated Land
PD10 Matlock to Darley Dale A6 Corridor
HC1 Location of Housing Development
HC11 Housing Mix and Type
HC19 Accessibility and Transport
HC21 Car Parking Standards
EC3 Existing Employment Land and Premises

2. National Planning Policy Framework 2018
National Planning Practice Guidance

4.0 RELEVANT PLANNING HISTORY:

0796/0455 Extension to Offices for Storage - Permitted

0296/0131 Extensions to Offices (Link Block and Stores) - Permitted

0594/0358 Erection of Warehouse - Permitted

0594/0331 Display of Illuminated sign – Permitted

0293/0108 Removal of Condition No. 4 on Wed/1188/0875 to Extend Permitted Uses - Permitted

0791/0615 Use of Coach House for Office Accommodation (Renewal of WED/0387/0202) - Permitted

0791/0614 Change of Use from Residential To Offices (Renewal of WED/0686/0375) - Permitted

0389/0293 Access - Permitted

0988/0707 Office building (Outline) - Permitted

0988/0706 Retention of Offices without Complying With Condition No. 1 on Planning Consent Wed0686/0375 and Alterations to Access - Permitted

0387/0202 Conversion of Coach House to Office Accommodation - Permitted

0686/0375 Change of Use from Residential to Offices - Permitted

0184/0022 Change of use to hotel and holiday accommodation – Refused

5.0 CONSULTATION RESPONSES

Parish Council

5.1 No Objection:

The Town Council would like to formally record and thank the developer for their proactive approach and willingness to attend Town Council meetings as part of their pre submission process. They would also like to state their preferred version of the Plans was version one however the District Council requested a different approach, hence this application.

Environment Agency

- 5.2 We have reviewed the submitted documents and on this occasion the Environment Agency has no formal comment to make on the submission. This is because there are no constraints associated with the proposal which fall within the remit of the Environment Agency.

Derbyshire County Council (Highways)

- 5.3 The following comments were received in response to the revised Transport Assessment the applicant has carried out in response to this Authority's initial comments expressing highway safety concerns.

The sites existing vehicular access to Bakewell Road (A6) has severely restricted emerging visibility in the south eastern (critical) direction due to third party land. The recommended level of emerging visibility at this location is 2.4m x 103m in both directions unless evidence is submitted to illustrate approaching vehicle speeds are less than the 40mph speed limit. The available visibility in this case is restricted due to vegetation on third party land and not by vegetation encroaching onto the public highway. Therefore, as the applicant has no control over the land to the south east, the Highway Authority considers the access to be substandard.

The revised document has now recognised that some of the proposed residential units, which are to be completely separate to the proposed care facility, were not included in the previous Transport Assessment. The trip rates have been modified accordingly using the TRICS database, with conclusion that the proposed care facility and residential units will generate 79 less two-way trips a day compared with the sites existing use. As stated previously, examination of the TRICS data indicates that a number of council offices are included in the sample of comparator sites which may account for the relatively high number of traffic trips the TA suggests the existing office use generated. However, although the Highway Authority considers the 79 two way trip reduction to be extreme; there is no evidence to suggest the proposal will materially increase the traffic generation associated with the site. Therefore, despite the access deficiencies, it's unlikely an objection on highway safety grounds would be sustainable at any appeal.

Internally, 47 car parking spaces are being proposed. In accordance with current parking guidance, 18 of these spaces should be allocated for the separate residential units based on 1 space per 1 bed unit and 2 spaces per 2 or 3 bed units. This leaves 29 parking spaces for the proposed 78 care home rooms; a ratio of approximately 1 parking space per every 3 rooms. Given that there are no proposed facilities open to the general public within the site such as a café, restaurant, retail shop etc., the Highway Authority considers this level of parking to be acceptable.

Submitted drawing No TR05 provides a swept path analysis of an 11.2m long refuse vehicle being able to manoeuvre around the site without the need to reverse to or from Bakewell Road (A6). Whilst this is to the satisfaction of the Highway Authority, I trust you will consult with the appropriate refuse company for their comments prior to any permission being granted. Roadside collection on Bakewell Road would not be in the best interest of highway safety.

With regards to the proposed pedestrian crossing point on Bakewell Road, the Highway Authority recommends this is removed from the proposals. It is not considered this would be a particularly safe location for pedestrians to cross the A6, which the introduction of the new facility would imply. It would also require a corresponding crossing point to be installed within the public highway, which in light of the deficiencies in meeting safe minimum criteria the Highway Authority could not condone.

Suggested Section 106 content

The Travel Plan is a working document, and should not be seen as exhaustive in its current form. It will be subject to change in the light of progression and completion of the development, results of actions undertaken, and responsive to results of future travel surveys. In terms of Travel Plan monitoring, the County Council would wish to be involved in this process to ensure the development proceeds in accordance with the aspirations made in the Transport Assessment and Travel Plan documents, subject to recouping appropriate resources from the developer within the S106 Agreement. This has been calculated at approximately £5,000, based on £1,000 per annum for a period of 5 years. I have attached a separate document which includes comments from this Authority's Transportation Team with regards to the submitted Travel Plan.

Therefore, once the proposed pedestrian crossing has been removed from the proposals, the Highway Authority would not be in a position to raise or sustain objection in principle to the application proposals as submitted. Should your Authority be minded to permit the application, it is recommended that conditions and footnotes are appended to any permission.

Derbyshire County Council (Strategic Planning Policy)

- 5.4 The County Council's Developer Contributions Protocol identifies that contributions will only be sought on developments of 11 dwellings or more, or applications where a development is of 10 dwellings or less but with a gross floor space over 1,000 square metres. It also excludes dwellings that will be restricted to occupation by people aged 55 and over. As such, no education contributions would be sought from this proposed development for a residential care home with 10 market dwellings.

Derbyshire County Council (Flood team)

- 5.5 Thank you for consulting the Lead Local Flood Authority (LLFA) on the above planning application. Please can the applicant submit further clarification on the following?

- The LLFA need to see that outfall to the watercourse via the culverts within the site boundary has been fully exhausted as a method of discharge.
- The FRA does not appear to have assessed the potential flood risk within the site boundary from the existing presumed surface water culverts across the site.
- There is a need for Land Drainage Consent regarding the plans to divert existing culverts within the site which needs to be sought through the LLFA.
- The current proposals for a geocellular tank to be constructed either above or below a proposed culvert diversion appear to have potential for underground maintenance issues and may be simplified by fully assessing whether above ground attenuation options have been fully considered, also more preferable from context of SuDS features.

Thank you for the reply below in relation to the Lead Local Flood Authority (LLFA) requesting further clarification on this planning application. Please see further comments from the LLFA as follows:

- The LLFA can accept that the underlying culverts that enter the proposed site may give difficulties in determining satisfactorily safe discharge. As confirmation has been provided that Severn Trent have already sought an agreeable discharge rate to the public sewer of 3L/S that would appear to be a practical outfall for the proposed site at this stage.
- The second and third paragraph responses below have been accepted.
- The LLFA wish to acknowledge that an above ground attenuation basin would be not achievable due to the steepness of terrain as a reason for the departure to below ground storage. However, the LLFA need to see an easement of 3 metres to each

side of the proposed culvert diversion for maintenance purposes particularly within the proximity of the geo-cellular tank.

Derbyshire Wildlife Trust

- 5.6 Sufficient survey work has been undertaken to enable determination of the planning application. The Trust welcome the biodiversity enhancement measures detailed on the Masterplan (The Landscape Partnership, 10.05.18) and support the recommendations to safeguard habitats and wildlife in Section 7 of the Preliminary Ecological Appraisal (Middlemarch, August 2018). Should the council be minded to approve the application conditions are recommended.

Peak and Northern Footpaths

- 5.7 No objection provided that the full width of Footpath 23 Darley Dale remains unobstructed at all times.

Economic Development Manager

- 5.8 The subject site is located on the edge of the settlement boundary of Matlock and comprises B1 office use. The office premises have been vacant for some time.

Information submitted with the planning application indicates marketing of the premises was undertaken by NG Chartered Surveyor (with a board on site for several years prior to this) between the period September 2014 and April 2016, both as a headquarter office location and potential alternative uses. Marketing has included the use of websites including Costar which feeds the Council's commercial property database.

During this period, three substantive enquires were received for office space and in one case a sale agreed with a local business which ultimately fell through. This demonstrates some level of demand prior to the premises being taken off the market (following an offer being accepted for the proposed use).

Independent research (Review of Approach to the Delivery of New Employment Floor space in Derbyshire Dales, Thomas Lister Ltd. Nov 2016) and Derbyshire Dales Business Survey 2018, QA Research Ltd.) suggests that where office requirements have been identified, these are for good quality, smaller individual units predominantly in established locations. NG's assessment that the size of office accommodation available is larger than that currently demanded by the local market is therefore considered reasonable, although alternatives such as the provision of smaller units does not appear to have been considered.

Whilst the potential loss of employment space is not supported, the proposed scheme would at least bring this brownfield site back into use.

Trees and Landscape Officer (Derbyshire Dales)

- 5.9 The site includes:

5 trees and 1 group of trees classified as 'category A'

32 trees and 2 groups classified as 'category B'

40 trees, 5 groups and 1 hedge classified as 'category C'

6 trees classified as 'category U'

The proposed development would require the removal of no 'category A' trees. However, 31 trees (18 'category C', 7 'category B', 6 'category U') would need to be removed together with the partial removal of 1 'category C' group.

The proposed buildings are all located outside the RPAs of retained trees. However, construction and resurfacing of roads and parking bays would be required within the RPAs of 8 trees and 2 groups of trees. There are a number of instances where the proposed locations of tree protection fencing does not fully enclose the RPA of retained trees.

No loss or deterioration of ancient woodland or veteran trees will result from the current proposals.

The increased density of buildings on the site and scale of the proposed buildings in comparison to the existing create a greater visual impact. This needs careful consideration for the impact it has on the character and appearance on this fringe of settlement locality.

I have concerns that retained trees could be at risk of potential damage resulting from the proposed construction works within their Root Protection Areas that could negatively impact their stability and vitality. It is recommended that a modification the site layout is provided to address this issue.

Before the dwellings are occupied all dead wood over 25mm diameter should be removed from all tree canopies within and bordering the site for safety reasons.

All retained trees within and bordering the site should be inspected for hazards before occupation of the dwellings. Climbing inspections should be used where appropriate, for example in the case of the larger deciduous trees.

Parts of the Root Protection Areas of several retained trees are currently shown to be unprotected by tree protection fencing or ground protection.

On-site landscaping proposals are generally good with the creation of varied interesting micro-environments to stimulate residents to spend time outdoors and encouraging social interaction and physical activity.

A small number of trees should be removed which are currently / have potential to damage a boundary wall.

Development Control Archaeologist

- 5.10 Initially concern raised regarding the lack of assessment of existing buildings on site. Following the submission of a heritage statement for Darley Lodge the following comments were received in response to that additional information:

This seems to be proportionate to the importance of the built heritage on site and provides a good overview of significance and impact in line with NPPF para 189. Because the historic buildings are to be retained and converted there is no requirement for further work under the policies at NPPF chapter 16.

In terms of historic townscape the site forms part of a cluster of mid-to-late 19th century 'gentlemen's residences' around the junction of Dale Road with Hackney Lane, and including Darley House and its associated grounds and outbuildings, 'The Lodge' on the current application site south of Dale Road and the neighbouring Normanhurst Farm. This cluster expanded westward through the end of the 19th century to include St Elphin's School, 'The Rookery' and 'Rotherwood'. This created a distinctive townscape character, with high sandstone boundary walls along Dale Road and glimpses of the substantial buildings beyond among mature trees. In considering the current application the Local Planning Authority should seek to conserve this character through retention of the site boundary walls and mature trees as appropriate.

Environmental Health Officer (Derbyshire Dales)

- 5.11 Food and hygiene team - No comments to make
Pollution team – Having read the accompanying Geo-Environmental Assessment Report, I recommend that a condition is imposed to reflect the comments and recommendations made in that report, regarding soil contamination on the site.

6.0 REPRESENTATIONS RECEIVED

- 6.1 One letter of representation has been received which raises the following concerns:
- Dangerous access
 - This is a fast road with blind bend that is dangerous for pedestrians.

- It is necessary to leave this access at speed in order to avoid collisions due to lack of visibility.
- It is extremely difficult to cross the road due to the speed and volume of traffic.
- Anyone with limited mobility would be unable to cross the road safely.
- Putting in dropped kerbs as a crossing would encourage people to cross a dangerous road.
- Lowering the speed limit and putting in a crossing with lights would assist pedestrians, make the access safer and make the junction to Old Hackney Lane safer, again due to the existing limited visibility.

7.0 OFFICER APPRAISAL

The following material planning issues are relevant to this application:

- Principle of Development
- Visual Impact
- Highway Safety
- Ecology
- Trees

Principle of Development

- 7.1 The application site is located within the settlement boundary for Matlock which is defined as a first tier settlement in policy S2 of the Adopted Local Plan 2017. Policy S2 advises that as one of the District's main towns this is one of the primary areas for growth and development to safeguard and enhance its strategic role as an employment and service centre.
- 7.2 The proposal in this case is a combination of different components. This includes the provision of a care home, the conversion of a building and its former outbuilding to residential flats and the erection of three independent dwellings. Each of these three proposals for development are considered to be suitable uses within the settlement boundary.
- 7.3 Whilst the site is currently vacant it has permission for use as use class B1 offices which is a protected use under policy EC3 of the Adopted Local Plan 2017. Policy EC3 requires that:
The redevelopment or change of use of business or industrial land (use classes B1, B2 or B8) for non-employment uses will only be permitted where; a) the continuation of the land or premises in business use is constrained such that it is no longer suitable or commercially viable as demonstrated by marketing evidence commensurate with the size and scale of the development.
- 7.4 In this case it is clear from the marketing report that the property has been vacant for some years and has been unsuccessful in promoting an alternative employment or office use for the site. In this respect the Council's Economic Development Officer has assessed the submitted marketing information which indicates that marketing of the premises was undertaken by NG Chartered Surveyor (with a board on site for several years prior to this) between the period September 2014 and April 2016, both as a headquarter office location and potential alternative uses. Marketing has included the use of websites including Costar which feeds the Council's commercial property database. During this marketing period, three substantive enquires were received for office space and in one case a sale agreed with a local business which ultimately fell through. This demonstrates some level of demand prior to the premises being taken off the market. Independent research (Review of Approach to the Delivery of New Employment Floor space in Derbyshire Dales, Thomas Lister Ltd. Nov 2016) and Derbyshire Dales Business Survey 2018, QA Research Ltd.) suggests that where office requirements have been identified, these are for good quality,

smaller individual units predominantly in established locations. NG's assessment that the size of office accommodation available is larger than that currently demanded by the local market is therefore considered reasonable. In this respect it is considered that the marketing has been carried out to a level that satisfies the requirements of Policy EC3, such that alternative uses of the site can be considered. Although the proposed development is not for office space, care homes nevertheless generate employment within the care sector. Therefore, a level of employment use will remain on the site which is a benefit to the local economy. It is therefore considered that the proposed development of this potential employment site is acceptable.

- 7.5 In terms of the proposal to provide extra care accommodation for the elderly policy HC11 advises that such accommodation will be supported provided that the type of provision meets identified District needs. In the local plan under paragraphs 2.31 and 2.39 we are advised that the number of people aged 65 and over in the Derbyshire Dales is projected to rise by 46% and that 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 accommodation proposed will meet the needs of the District in accordance with policy HC11.
- 7.6 The conversion of the existing two storey building for apartments will provide a number of smaller two bedroom properties. These are not intended to be restricted in terms of occupancy which is considered to be acceptable in this first tier settlement location. It is considered that the mix of uses proposed for the whole site is acceptable and will not lead to adverse impacts between the extra care use and the open market residential accommodation.
- 7.7 As only 10 open market dwellings are proposed in this case there is no requirement for developer contributions. It is considered that the number of units proposed is reasonable capacity for the site and it would not be appropriate in this case to encourage further housing on the site in order to achieve the provision of affordable housing.
- 7.8 The proposals are therefore considered to be acceptable uses and development types in principle in this location in accordance with policies S1, S2, S3, S7, HC1 and HC11.

Visual Impact

- 7.9 The existing buildings have been vacant for some time but were previously in use as a converted office building and a more contemporary bespoke office building that was constructed during the 1990's. Therefore the existing character of the site is mixed with a variety of building types albeit retaining the open character and substantial landscaping of the site to soften the visual impact of the development from wider views. The original character and appearance of the site as a former large detached dwelling has been substantially lost due to previous development. The original character of the site would have been reflective of the prevailing character of the surrounding area which is of larger dwellings in large open plots of land lining the route of the A6. As that original character of the site has been lost, the primary visual impact of this site is the views across the valley from the Peak District National Park. The site retains much of its planting to the perimeter which softens views of the site. However, the more contemporary office building can be still be seen across the valley against the backdrop of other developments along the A6. Whilst the views of this site from across the valley are distant, nevertheless consideration needs to be given to the impact of any new development on that view from the Peak District National Park.
- 7.10 The proposed conversion of the former dwelling Darley Lodge will have minimal impact upon wider views with the proposed works overall resulting in improvements to the

appearance of this building. The proposed terraced row of three dwellings will likewise be well contained within the site and will have minimal visual impact in the wider area.

- 7.11 The proposed care home, being a three storey building of considerable size, will have a greater visual impact upon the surrounding area. Across the valley such a large expanse of built form will be visible. The design of the care home has been carefully considered through ongoing pre application negotiations to minimise the massing of the building. The form of the building in basic terms is designed to be an efficient working care home and therefore its linearity and form is to a degree set by the internal layout. The flat roof design and contemporary approach along with the use of local and natural materials will in terms of the colour palate of materials blend in with distant views which will be seen in association with a backdrop of other developments along this A6 corridor. The building has a series of steps within the design which is proposed to break up to the mass of the built form. Whilst the building is large and will be visible from views across the valley, it is considered that the design and choice of material for the external finish along with the retention of existing trees and proposed landscaping will assimilate well into the site such that it will not cause undue harm the character and appearance of the area or the surrounding landscape including views from the Peak District National Park.
- 7.12 Subject to conditions regarding the details of the finishes to the building and the landscaping of the site, the scheme is acceptable in accordance with policies S1, S3, PD1 and PD5 of the Adopted Local Plan 2017.

Highway Safety

- 7.13 Concern has been raised that the development will increase vehicle movements at a dangerous access and will lead to danger to pedestrian and vehicle safety. Initially the Local Highway Authority raised concerns regarding the proposed development in terms of visibility at the access which passes third party land, the detail of the trip data and the potential danger in terms of a proposed pedestrian access from the site which was intended to be located in an opening in the boundary wall along the A6. In response to the concerns of the Local Highway Authority the applicant provided an addendum to the transport assessment. This addendum then considered the reality of trip data from the entirety of the proposed development.
- 7.14 The Local Highway Authority has considered this additional information and responded noting that whilst they did not agree with all of the data presented, they were satisfied that whilst they still considered the access to be substandard the development proposed would not materially increase the level of traffic associated with the access and therefore an objection on highway grounds could not be sustained. On the basis that adequate parking is provided, sufficient manoeuvring space is shown for large vehicles and the site plan is modified to remove the pedestrian access onto the A6 and the proposed crossing point, the proposal would satisfy the requirements of the highway authority subject to detailed conditions. Whilst it has been suggested by the Local Highway Authority that aS106 agreement is required in respect of the fee for the travel plan monitoring, given the cost of drafting such an agreement and the low fee required £5,000 it is considered that this matter can be adequately covered by a condition to cover travel plan monitoring and a footnote advising the applicant to have direct contact with the Local Highway Authority regarding this matter. The proposal therefore meets the requirements of policies S1, S3, HC19 and HC21 of the Adopted Local Plan 2017 subject to conditions and the ongoing monitoring of the travel plan.

Ecology

- 7.15 The site is vacant and has been for some time. The site is well planted and leads directly onto open countryside. Therefore the impact of development on this site in respect to

ecology has to be considered. An ecological survey, bat survey and bat roost assessment of the site has been carried out and this has been assessed by Derbyshire Wildlife Trust and found to be satisfactory. The surveys indicated the potential for bats using the buildings and trees, badgers using the area for foraging, birds utilising the buildings and trees and reptiles on the land. The survey sets out methodology and mitigation. Subject to conditions as recommended by Derbyshire Wildlife Trust the proposal is considered to be acceptable in terms of ecological impacts and therefore accords with policy PD3 of the Adopted Local Plan 2017.

Trees

7.16 There are a substantial number of trees present on the site which appear to have been without appropriate management for some time. Given the location of the site on the edge of open countryside it is important to retain the well treed nature of the site for the benefit of landscape impacts. Initially concerns were raised regarding the siting of some of the parking bays which would impact on retained trees. Through negotiation the scheme has been amended to site the parking bays so as to have minimal impact upon the retained trees. Subject to conditions as recommended by the Council's Trees and Landscape Officer the proposal is considered to be acceptable in respect to trees in accordance with policy PD6 of the Adopted Local Plan 2017.

Other

7.17 The Lead Local Flood Authority has had continuing dialogue with the applicants regarding the drainage of the site and has accepted the proposals. It is considered reasonable to impose a condition requiring the applicants carry out the drainage of the site in accordance with advice of the Flood Authority.

7.18 The submitted Geo-Environmental Assessment sets out the potential contaminants on the site and mitigation in respect of this. The Council's Environmental Health Officer has advised that a condition to ensure the mitigation in the report is followed is imposed on any permission. Subject to this the proposal is considered acceptable in terms of potential land contamination.

Conclusion

7.19 Whilst the existing use of the site is protected in adopted plan policies the marketing of the site has adequately demonstrated that this use is no longer commercially viable in this location. The proposed use will include an element of employment which will be of benefit to the local economy. It is considered that the proposal meets the requirements of Policy EC3 of the Adopted Local Plan 2017.

7.20 The site is within a high tier settlement where the care home use proposed and the dwellings are considered to be appropriate uses. Derbyshire Dales has an ageing population which is set to increase and therefore the use is considered to meet the needs of the District. In this respect the proposal is considered to accord with policies S1, S2, S3, S7, HC1 and HC11 of the Adopted Local Plan 2017.

7.21 The design of the converted building is an improvement to the existing development on site. The proposed dwellings are considered to be well designed reflecting on local traditions and will assimilate well into the development site.

7.22 The proposed care home is a large building which will be visible across the valley from the Peak District National Park. The design of the building with stepped façade and appropriate use of materials with retained and proposed planting whilst remaining visible in wider views will nevertheless assimilate well into the local environment. As such the

proposal will not cause undue harm to the character and appearance of the surrounding landscape and Peak District National Park. As such the proposal meets the requirements of policies S1, S3, PD1 and PD5 of the Adopted Local Plan 2017.

7.23 The additional information and revised plans submitted in respect to highway safety concerns have resulted in a scheme which the Local Highway Authority consider to be acceptable subject to conditions. The proposal therefore accords with policies S3, HC19 and HC21 of the Adopted Local Plan 2017.

7.24 The scheme now submitted adequately responds to retained trees on the site and impacts on ecology are considered to be appropriately mitigated through conditions. As such the proposal meets the requirements of policies S1, PD3 and PD6 of the Adopted Local Plan 2017.

7.25 The scheme as submitted is considered to accord with local and national planning policies subject to conditions and the signing of a S106 agreement to secure funding for ongoing monitoring of the travel plan document. The proposal is therefore recommended for approval.

8.0 RECOMMENDATION

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

1. Condition ST02a: Time Limit On Full

Reason: ST02a

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

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

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

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

4. Prior to occupation of the proposed uses, the sites existing vehicular access to Bakewell Road (A6) shall be provided with emerging visibility sightlines extending from a point 2.4 metres from the carriageway edge, measured along the centreline of the access, for a distance of 103 metres in the north western direction and to the extremities of the application site in the south eastern direction in accordance with a scheme first submitted to and approved in writing by the Local Planning Authority. The area in advance of the visibility sightlines shall be retained throughout the life of the development free of any object greater than 1m in height (0.6m in the case of vegetation) relative to adjoining nearside carriageway channel level.

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

5. No other / new pedestrian access to the A6, sole means of access to and from the site for pedestrians and vehicles shall be via the permanent access referred to in condition 4 above.

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

6. Prior to occupation of the proposed uses space shall be laid out within the site in accordance with drawing No G4139-90-03M for 47 cars to be parked and for all vehicles including service and delivery vehicles to turn so that they may enter and leave the site in forward gear. These facilities shall thereafter be retained for use at all times.

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

7. There shall be no gates or other barriers within 15m of the nearside highway boundary and any gates shall open inwards only, unless otherwise agreed in writing by the Local Planning Authority.

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

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

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

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

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

10. The Approved Travel Plan shall be implemented in accordance with the timescales specified therein, to include those parts identified as being implemented prior to occupation and following occupation, unless alternative timescales are agreed in writing with the Local Planning Authority. Before built development commences details of arrangements for ongoing monitoring and review in accordance with the agreed Travel Plan targets shall be submitted to and agreed in writing by the Local Planning Authority.

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

11. No development shall take place (including ground works, vegetation clearance, demolition 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 incorporate the measures outlined within Section 7 of the Preliminary Ecological Appraisal (Middlemarch, August 2018) and the Bat Survey Report (Middlemarch, August 2018). This document shall include, amongst other things, working method statements, locations of biodiversity protection zones, responsible

persons and lines of communications, and any requirement for an Ecological Clerk of Works.

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

12. Prior to building works commencing above foundation level, a detailed lighting strategy shall be submitted to and approved in writing by the LPA to safeguard bats. This should provide details of the type of lighting and any mitigating features such as shields, hoods, timers etc. A plan showing lux levels of light spill around the application area should be included. Guidelines can be found in Bats and Lighting in the UK (BCT, 2009). Such approved measures will be implemented in full.

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

13. 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. The Strategy shall be based on the Masterplan (The Landscape Partnership, 10.05.18). 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).
 - Details of hibernacula/habitat piles will be clearly shown on a plan.
 - Hedgehog connectivity measures will be clearly shown on a plan, such as small fencing gaps (130 mm x 130 mm), railings or hedgerows.
 - 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).

14. Site drainage shall accord with the detailed advice provided in the email from the Lead Local Flood Authority dated 04.10.18.

Reason: to ensure adequate site drainage in accordance with policy PD8 of the Adopted Local Plan.

15. 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 demolition/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 including details of the canopy spread of all trees and hedgerows within or overhanging the site, in relation to the proposed buildings, roads, and other works;
 - c) measures for the protection of retained vegetation during the course of development;
 - d) all plant species, planting sizes, planting densities, the number of each species to be planted and plant protection, including details of the green walls;
 - e) finished site levels and contours;
 - f) means of enclosure, including details of the proposed opening to the stone boundary walls and samples of materials (natural stone) as deemed necessary;
 - g) car park layouts;

- h) other vehicle and pedestrian access and circulation areas;
- i) hard surfacing materials;
- j) minor artefacts and structures (e.g. furniture, refuse and other storage units, signs, lighting etc);
- k) proposed and existing functional services above and below ground (e.g. drainage, power, communications, cables, pipelines etc. indicating lines, manholes, supports etc);
- l) retained historic landscape features (boundary walls) and proposed restoration, where relevant.

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.

16. 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.

17. A landscape management plan, including long-term design objectives, management responsibilities and maintenance schedules for all landscape areas (other than small, privately owned, domestic gardens), including tree management (refer to:BS3998:2010, BS5837:2012 and NJUG4) shall be submitted to and approved in writing by the Local Planning Authority prior to first use of the site or building. The landscape management plan shall be carried out as approved in accordance with the approved details.

Reason: To ensure the proper management of the landscaped areas in the interests of visual amenity in accordance with policies S1, S3, PD1, PD5 and PD6 of the Adopted Local Plan 2017.

18. Notwithstanding the submitted details and prior to works commencing on the external elevations of the buildings hereby approved, details, including samples or sample panels where necessary shall be submitted to and agreed in writing by the Local Planning Authority:

- Details of the source of the geological source of the stone, the method of construction, tooling, bed heights and lengths and junctions with other materials.
- The colour/s and texture of the render.
- Details including finish of any external timber work to louvres, balcony structures, cladding, garden/pergola structures.
- Details including sections of all windows and doors, their pattern, recess and finish.
- Roofing materials.
- Eaves and verge details and materials.
- Details of all balconies and bridges.

Works shall be completed on site 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.

19. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (or any Order revoking or re-enacting that Order with or without modifications) the care home accommodation hereby permitted shall be used solely for the purposes of a residential care home and for no other purpose.

Reason: To secure the benefits arising from the development in meeting the needs of the aging population arising from the development in accordance with policy HC11 of the Adopted Local Plan 2017.

20. Construction work shall only be carried out between the hours of 0800 and 1800 on Mondays to Fridays; 0900 to 1300 on Saturdays, and at no time 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

21. Prior to the commencement of development a detailed site-specific Arboricultural Method Statement (AMS) according to guidelines provided in BS5837:2012 Trees in relation to design, demolition and construction, shall be submitted to and agreed in writing by the Local Planning Authority. This document should provide details of how the above-ground and below-ground parts each retained tree and hedgerow on site, and within 15m of its boundaries, will be protected during development and details of any materials and methods to be used of any RPA encroachment.

As a minimum, the AMS should provide:

1. Details of the layout and specification of tree protection fencing and/or ground protection to exclude all construction, surfacing, ground level change, landscaping, excavation, vehicles, contamination and storage activity from within RPAs.
2. Details of required facilitation pruning. All tree works should be undertaken according to guidelines provided by BS3998:2010 Tree Work-Recommendations.
3. Details of trenching, excavations, runs and installation methods for all underground utilities and services close to trees. These will be required to be undertaken according to the guidelines provided by NJUG4-Guidelines for the Planning, Installation and Maintenance of Utility Apparatus in Proximity to Trees.
4. Details of all ground level changes within RPAs.
5. Details of materials and construction methods for all building and surfacing to be installed within the RPAs of retained trees.
6. Details of arboricultural supervision, monitoring and reporting arrangements.

Reason: To ensure appropriate protection and management of trees in the interest of visual amenity in accordance with policies S1, S3, PD1, PD5 and PPD6 of the Adopted Local plan 2017.

22. This permission relates solely to the application as amended by the revised plans received by the Local Planning Authority on the 22.11.18 numbered proposed site layout plan G4139-90-03 O and Landscape Management Plan B18005-102 D

Reason:

For the avoidance of doubt.

23. The development shall be completed in strict compliance with the detailed mitigation as set out in the Geo-Environmental Assessment Report received 03.09.18.

Reason: To ensure appropriate mitigation of any contaminated land in accordance with policy PD9 of the Adopted Local Plan 2017.

9.0 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 design 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:
Transport Assessment and appendices received 03.09.18 and Addendum received 05.11.18
Heritage Statement received 22.10.18
Travel Plan received 03.09.18
Design and Access Statement received 03.09.18
Planning Support Statement Incorporating Statement of Community Involvement received 03.09.18
Sustainability Statement received 03.09.18
Desktop Market Analysis received 03.09.18
Preliminary Ecological Appraisal received 03.09.18
Landscape and Visual Appraisal received 03.09.18
Market Appraisal received 03.09.18
Geo-Environmental Assessment Report received 03.09.18
Flood Risk Assessment and Drainage Strategy received 03.09.18
Economic and Social Impact Statement received 03.09.18
Arboricultural Impact Assessment received 03.09.18
Pre Development Arboricultural Survey received 03.09.18
Nocturnal Emergence and Dawn Re-Entry Bat Surveys received 03.09.18
Preliminary Bat Roost Assessment received 03.09.18
Archaeological Desk Based Assessment received 03.09.18
Elevations as proposed G4139-02-01 D received 03.09.18
Proposed residential floor plans G4139-01-06 D received 03.09.18
Proposed residential floor plans G4139-01-07 D received 03.09.18
Landscape masterplan received 22.11.18
Overall site layout plan G4139 -09-03 O received 22.11.18
Residential elevations G4139-02-03 B received 03.09.18
Residential elevations as existing G4139-02-02 A received 03.09.18
Roof plan G4139-01-04 A received 03.09.18
3 no. photo montage received 03.09.18
Lower ground floor layout G4139-01-01 C received 03.09.18
Ground floor layout G4139-01-02 C received 03.09.18
First floor layout G4139-01-03 C received 03.09.18
Site location plan as existing G4139-00-03 B received 03.09.18
Tree Constraints Plan G4139-90-06 B received 03.09.18
Proposed drainage strategy plans CWA-17-210-530 Rev P4 received 03.09.18
- 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 In addition, please append the following notes to any consent for the applicant's information:-

- A. Pursuant to Sections 149 and 151 of the Highways Act 1980, the applicant must take all necessary steps to ensure that mud or other extraneous material is not carried out of the site and deposited on the public highway. Should such deposits occur, it is the applicant's responsibility to ensure that all reasonable steps (eg; street sweeping) are taken to maintain the roads in the vicinity of the site to a satisfactory level of cleanliness.
- B. The application proposals are affected by a Prescribed Improvement (18B) and Prescribed Building Line (18B) under the Public Health Act / Roads Improvement Act 1925. Whilst it is an offence to undertake building works in advance of these lines, it may be possible for the applicant to apply to rescind the lines. The applicant is advised to write to the Strategic Director of the Economy, Transport and Environment Department at County Hall, Matlock, DE4 3AG, at least 6 weeks before commencing works requesting that the lines be removed and confirming that they will meet the Authority's administrative / legal costs if the removal is approved.
- C. Derbyshire County Council is now able to offer an online toolkit known as STARSFor, <https://starsfor.org/> for the purposes of Travel Plan monitoring. This is available for a fee payable to Derbyshire County Council, and enables the user to input monitoring data and track modal shift. This replaces any other travel plan monitoring fee that may be charged. Should this be of interest, please contact the Derbyshire County Council Sustainable Travel Team: sustainable.travel@derbyshire.gov.uk
- D. The application site is affected by a public Right of Way, Footpath No 23 on the Derbyshire Definitive Map. The route must remain unobstructed on its legal alignment at all times and the safety of the public using it must not be prejudiced either during or after development works take place. Further advice can be obtained by calling 01629 533190 and asking for the Rights of Way Duty Officer. Please note that:-
 - The granting of planning permission is not consent to divert or obstruct a public right of way.
 - If it is necessary to temporarily obstruct a right of way to undertake development works then a temporary closure is obtainable from the County Council. Please contact 01629 533190 for further information and an application form.
 - If a right of way is required to be permanently diverted then the Council that determines the planning application (The Planning Authority) has the necessary powers to make a diversion order.
 - Any development insofar as it will permanently affect a public right of way must not commence until a diversion order (obtainable from the planning authority) has been confirmed. A temporary closure of the public right of way to facilitate public safety during the works may then be granted by the County Council.
 - To avoid delays, where there is reasonable expectation that planning permission will be forthcoming, the proposals for any permanent stopping up or diversion of a public right of way can be considered concurrently with the application for the proposed development rather than await the granting of permission.

9.6 In reference to condition 10 of this permission the ongoing monitoring and review in accordance with the agreed Travel Plan targets by the Local Highway Authority is likely to

result in the payment of a fee of £5,000. In this regard you are advised to make direct contact with the Local Highway Authority in order to make this payment.

- 9.7 Please consult with the relevant refuse collection service to ensure that the swept path detail demonstrated is sufficient to allow the collection vehicles to manoeuvre within the site.

BACK TO AGENDA

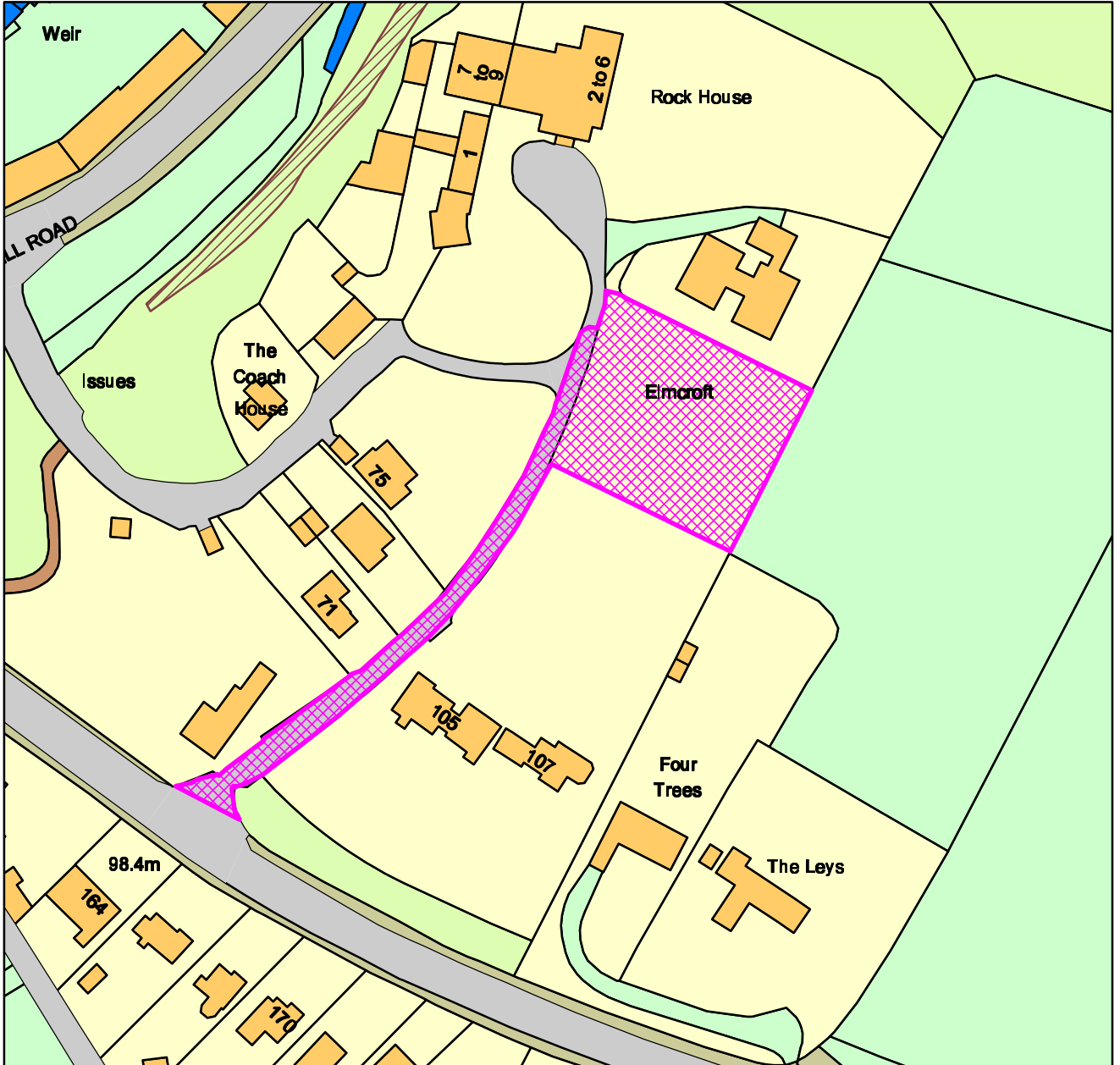
APPLICATION NUMBER		18/01011/FUL	
SITE ADDRESS:		Land Adjoining Elmcroft, Derby Road, Cromford	
DESCRIPTION OF DEVELOPMENT		Erection Of Dwelling	
CASE OFFICER	H Frith	APPLICANT	Mr D Potter
PARISH/TOWN	Cromford	AGENT	Mr R Yarwood
WARD MEMBER(S)	Cllr Purdy, Cllr Pawley	DETERMINATION TARGET	26.11.18
REASON FOR DETERMINATION BY COMMITTEE	Due to extent of neighbour objection	REASON FOR SITE VISIT (IF APPLICABLE)	For Members to appreciate the context of the site and the impacts upon designated heritage assets.

MATERIAL PLANNING ISSUES
<ul style="list-style-type: none"> - The principle of the development - Impact upon heritage assets - Impact on trees - Highway safety

RECOMMENDATION
Refusal

18/01011/FUL

Land Adj. Elmcroft, Derby Road, Cromford



Derbyshire Dales DC

1:1,250

Date: 23/11/2018

100019785

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

1.0 THE SITE AND SURROUNDINGS

1.1 The application site forms part of the grounds to Rock House which is a Grade II Listed Building. The land forms part of the curtilage of Rock House as a result of an alteration to the south eastern boundary of the immediate grounds in the 19th century. The land to the south east of the driveway was widened between 1885 and 1896 when a projection was formed into the parkland beyond the immediate grounds. During the 20th century the house and grounds were divided up creating flats in the house and new dwellings within the grounds but this area of land was retained with Rock House. The site is within the Cromford Conservation Area and Derwent Valley Mills World Heritage Site and forms an integral part of the history and development of the area. The site is a level area to lawn with protected trees to the boundary. The site is within the settlement framework boundary of Cromford.



2.0 DETAILS OF THE APPLICATION

2.1 Planning permission is sought to erect a three bedroom detached single storey dwelling on the site to the northern end of this open area of land. The dwelling is of a modern appearance consisting of what appears as a series of single storey flat roof elements with both large glazed panels and horizontal window slots. The facing material is proposed as gritstone. The dwelling would be accessed via the existing private road running through the site with a driveway formed to this site immediately adjacent to the boundary with Elmcroft which would incorporate a turning head.

- 2.2 A design and access statement, archaeological assessment and tree survey have been submitted with the application.

3.0 PLANNING POLICY AND LEGISLATIVE FRAMEWORK

3.1 Adopted Derbyshire Dales Local Plan

- S1 Sustainable Development Principles
- S2 Settlement Hierarchy
- S3 Development within Defined Settlement Boundaries
- S7 Matlock/Wirksworth/Darley Dale Development Area Strategy
- PD1 Design and Place Making
- PD2 Protecting the Historic Environment
- PD3 Biodiversity and the Natural Environment
- PD6 Trees, Hedgerows and Woodland
- HC1 Location of Housing Development
- HC19 Accessibility and Transport
- HC21 Car Parking Standards

3.2 Other:

- Cromford Conservation Area Appraisal
- Derwent Valley Mills World Heritage Site Management Plan
- National Planning Policy Framework 2018
- National Planning Practice Guidance

4.0 RELEVANT PLANNING HISTORY:

17/00118/FUL Erection of dwelling – Refused due to impacts on heritage assets, design considerations and impacts on trees.

15/00782/FUL Erection of dwelling – Refused due to impacts on heritage assets, design considerations and amenity issues.

5.0 CONSULTATION RESPONSES

Parish Council

5.1 Cromford Parish Council OBJECTs to the application for the following reason:

As far as we can ascertain, the building proposal is a repeat of the previous application for this site (17/00118/FUL), which we strongly objected to. Our views are unchanged.

Rock House is notable as the home of Richard Arkwright (prior to the building of Willersley Castle very late in his life). It is Grade II listed, within the Conservation Area and World Heritage Site.

We believe that the proposal is within the historic curtilage of the Listed Building (Rock House).

The ancillary “service” buildings to Rock House (The Mews, The Stable Grange and the Coach House) are carefully arranged around the head of the carriage drive and all face S/E with a view across the open space to the local landscape of the Derwent Valley, designed as an integral part of the original development.

Although the proposed site area was later used as a tennis court it retains its open character and allows sweeping views of Rock House and its surroundings. The mid 20th century development although not in keeping with the original, stops short of a line running from S/W of The Coach House, the N/W gable of 75 Derby Road and the S/W edge of the tennis court.

The only exception to this is a modern development Elmcroft. This is a single storey dwelling set at a lower level than the tennis court area (probably by around 0.4 – 0.5m,) in the old sunken rose garden. Although prominent from the parkland landscape to the S/E & N/E, it is shielded from view by a high yew hedge. This is approx 3m in height measured from the tennis court side.

In principle any new building which protrudes into the overall site of Rock House and its environs will inevitably upset the balance of the composition of Rock House itself and its ancillary buildings, gardens and wider landscape.

The existing yew hedge hiding Elmcroft obscures a view through, but is a simple linear feature. To see Elmcroft one has to walk up to where its personal drive starts from that serving Rock House and look away from Rock House. Any development on the tennis court, even single storey, will be more intrusive and because it will be that much higher than Elmcroft due to ground levels and further forward of Rock House trying to hide it will involve higher screening causing the existing 180 degree panorama from The Coach House round to views of the valley to become almost halved and the view of Rock House narrower and meaner.

The application elevations do not show the proposed development in relation to the existing buildings, hedge screening or wider landscaping. No levels are shown.

The application is, as the previous one, hugely lacking in information for such an important site.

The scale of the elevation / plan drawing is said to be 1:100 at A3. Both the garage and carport look very narrow for present day medium sized vehicles, so we would expect that in practice a further revising application would have to be made before construction, showing a larger footprint. The solid stone carport wall including its overhanging eaves is very close to the yew hedge between the site and Elmcroft. The wall and hedge are only shown on the 1:500 plan and appear with about 1m between them (no dimensions given). In practical terms we are not convinced that the building can be built in the location shown without severe damage to the yew hedge – which has an important screening function - or the building footprint being moved.

The proposal is shown with a flat roof, the surface of which will be very visible from the upper floors of many of the surrounding existing dwellings. There is no detail as to what the roofing material will be.

Walls are said (on the application form) to be “gritstone and glass”. There is no further detail. What is the material supporting the glazing – timber? Aluminium? Upvc? Steel? No opening lights are shown –is this the case and if so where are the air handling vents etc. If opening lights the casement frames in the overall framing will read as a thickened feature – not shown.

There are no details for rainwater goods, vents, flues (there appears to be a fireplace). The detailing of all of these can make or break a modern design.

We reiterate our previous objection to development of this site.

Development Control Archaeologist

5.3 The proposals are essentially the same as those previously submitted under 17/0118, although with different documents in relation to archaeological and heritage impacts.

The work carried out under previous applications has identified that there is little or no potential for below-ground archaeology on the site.

The site is c40m from the Grade II Listed Rock House, a key building within the Derwent Valley Mills World Heritage Site because of its status as the home of Richard Arkwright between 1776 and 1792. The attributes identified as contributing to the Outstanding Universal Value of the World Heritage Site include mill owner's houses, parks and gardens.

The setting of Rock House is formed of landscaped gardens and parkland developed during the late 18th and 19th centuries and deliberately kept clear of arable development to create and maintain a 'parkland' setting for both Rock House and Willersley Castle. One of the World Heritage Site monitoring views shows this parkland setting from the east/south-east, with Rock House in the foreground and Willersley Castle behind. Rock House and its setting therefore form a key contributor to the Outstanding Universal Value of the World Heritage Site.

I note and agree with the comments and recommendations of the Derwent Valley Mills World Heritage Site co-ordinator, that the proposals would result in harm to the OUV (and therefore significance) of the World Heritage Site, and that it is hard to see any outweighing public benefit from a purely private development of a single house. I therefore advise that the application does not meet the tests at NPPF paras 194 and 196 (clear and convincing justification for harms, outweighing public benefit).

Design and Conservation Officer (Derbyshire Dales)

- 5.4 The site is within the World Heritage Site (inscribed 2001) and Cromford Conservation Area (designated 1971). The site is also within the grounds/setting of Rock House (grade II), listed 1972 (former home of Sir Richard Arkwright), and other grade II listed buildings.

The area of land in question forms a part of the grounds to Rock House. This area is the result of an alteration to the south-eastern boundary of the grounds in the later 19th century. The land to the south-east of the principal driveway (from the main road) was widened between 1885 and 1896 when a projection was formed into the then existing parkland associated with Rock House. The 1899 OS map clearly shows this alteration and depicts a square shaped recessed/sunk area approx. 100ft (30m) square. Its purpose is not stated on the map but its dimensions appear to coincide with a bowling green or perhaps a croquet lawn (?). Its use as a tennis court has been promulgated but the size of the sunken area – 30m sq. – does not correlate to a traditional lawn tennis court of 23m x 11m.

The Rock House grounds contain the lodge, Rock House, its stable, coach house and other historic ancillary buildings. From the 1960s onwards the house itself was divided into apartments and the ancillary buildings converted to residential use. A parcel of land was sold off on which a bungalow was built (Elmcroft) in the mid-1970s. Further plots of land were sold off in the 1970s/80s resulting the modern houses within the grounds.

The grounds to Rock House, and its parkland to the south-east are a designed setting which was created/formed to enhance the status, presence and visual interest/aspect of the house and its site/setting. Designed settings can be regarded as heritage assets in their own right. Historic England's guidance on setting states that where the significance of a heritage asset (i.e. Rock House and its associated listed/historic buildings) has been compromised in the past by unsympathetic development affecting its setting, consideration still needs to be given to whether additional change will further detract from, or can enhance, the significance of the asset.

It is considered that the later 20th century development has compromised the setting of the heritage assets, however, the areas of undeveloped land are such that the appreciation of the original grounds to Rock House can still be perceived, experienced and understood (i.e. the later 20th century development has not been so intensive as to sever the link between the assets and their original setting). Given that, it is considered that additional change – i.e.

the principle of a detached new dwelling on this site – will further detract from the significance of the assets and seriously depreciate the current and existing setting of the assets.

The value of the heritage assets is deemed to be high based on their historical connections and association with Sir Richard Arkwright. That historical interest and value adds emphatically to the holistic significance of the assets and their settings.

The submitted application for a new detached house on the site in question includes an Archaeological Desktop Assessment (July 2018). This ADA is a, primarily, factual detailed assessment which is important in this regard as it recognises and reinforces the rich archaeological, architectural, cultural, landscape and historic attributes of the immediate area/vicinity. Its brief conclusion is that the application site ‘was once an element of the gardens to Rock House, formed by 1899’ and in response to the proposed new dwelling that ‘any development should take account of the landscape setting of the listed buildings’. The accompanying Design and Access Statement and Heritage Statement (September 2018) cites that the proposed dwelling ‘is in a relatively well hidden location which will have less impact on Rock House’. This statement infers impact, however, Fig 2 of the ADA includes a photograph taken from the application site looking towards Rock House and this clearly shows a strong visual and physical connection which is contradictory to the Design and Access Statement. The Design and Access Statement further cites that ‘there is limited inter-visibility between Rock House itself and the proposed dwelling’ and that it will be ‘discreetly located’. These statements also appear contradictory to the findings and assessment of the ADA. The Design and Access Statement cites that the proposed development will be ‘single-storey to minimise the impact on the setting of Rock House and the Conservation Area’. This again infers potential impact requiring the need for any development to be minimised to both the setting of Rock House and to the Conservation Area. This is an unsuitable starting point. As a final promulgation the Design and Access Statement cites that ‘the information in the council’s conservation area appraisal has been taken into account in preparing a design for the dwelling’. This statement is not explained or qualified in any way and in that regard is vacuous and inapplicable.

It is opined that the principle of a new detached dwelling house in the location will harm the identified and important significance of the heritage assets and their settings as being an intrinsic and integral part of the World Heritage Site and Cromford Conservation Area. It is considered that the proposal would deliver no public benefits, in terms of heritage benefits, in sustaining or enhancing the significance of a heritage asset(s) nor contributing to their setting. (The WHS Conservation and Planning Panel will comment on the potential impact of the proposal on the Outstanding Universal Value of the WHS).

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

- 5.5 On reviewing the new application drawings it appears the proposals are the same as those commented on previously. Comments were provided on two previous occasions; in October 2015 and May 2017. The partnership position on the proposed development remains the same; we object to development of this form in principle on this highly sensitive site. It is considered that the proposed development would result in the destruction of part of the historic parkland, and now setting of, Rock House, a World Heritage Site attribute. In NPPF terms, this would result in a significant level of harm to the WHS and, as the proposed development is for a single private dwelling, it would deliver no to very little public benefit to outweigh this harm.

Conservation Advisory Forum

- 5.6 The Forum scrutinized the current application proposal which was a replica of that previously considered and discussed in May 2017. Whilst membership of the CAF has changed since that time the current members reviewed the comments made in 2017 and deemed them wholly pertinent and applicable to the current application.

Those comments are-

The Forum discussed the World Heritage Site Monitoring View (iconic views) of which one of these is a view from the A6 looking west/northwest towards Rock House. The land in question (for proposed development) lies directly within this monitoring view which was recognised and identified at the time of inscription (2001).

Whilst some later 20th century development has occurred within the grounds of Rock House it was considered that the recognised and identified importance of Rock House, as a key attribute of the World Heritage Site, is reinforced by the monitoring view which confirms that its general status and context have not been irrevocably lost.

It was considered that the grounds of Rock House – its lodge, driveway, open areas of grass, planting/trees and the pre-dominance of the House and its ancillary listed buildings – remained readable and understandable. However, the proposal for, and presence of, a dwelling on the site in question would irrevocably erode and diminish the iconic monitoring view and also in its proximity to Rock House (inc. its associated listed buildings and its grounds) harm its extant and surviving setting.

In conclusion, it was considered that the principle of a dwelling on this site would be harmful to the iconic monitoring view, the listed buildings, the Conservation Area and the World Heritage Site.

In terms of the proposed, current, 'design', the Forum made the following comments, notwithstanding their opinion that the principle of development was objectionable.

Forum considered that the 'design' of the dwelling was poor with no architectural or design innovation/detailing.

Forum could not see how the context of the site had informed this 'design' as it was considered disrespectful to both context and setting of the heritage assets.

Forum considered that this open land is an important part and element of the remaining curtilage/gardens/grounds to Rock House. The Forum also considered that the site was particularly prominent and visible (not hidden) from the adjacent driveway approach to/from Rock House.

Forum considered that the reduced height of the proposed dwelling provided no compromise or mitigation to its harmful impact on the context and setting of the heritage assets.

Forum concluded that the 'design', in its position, location and presence, would be harmful, detrimental and alien to the context and setting of the heritage assets.

Derbyshire County Council (Highways)

- 5.7 The site is 120m from the highway with two parking spaces proposed. Therefore there are no highway objections subject to a condition.

Trees and Landscape Officer (Derbyshire County Council)

- 5.8 Retention of all of the existing trees and hedgerows on the site and within its boundaries is welcome and will contribute significantly to the amenity of the proposed development. No loss or deterioration of ancient woodland or veteran trees will result from the current proposals.

The applicant should provide a site-specific Arboricultural Method Statement (AMS) and Tree Protection Plan (TPP) according to guidelines provided in BS5837:2012 for pre-commencement approval. This document should provide details of how the above-ground and below-ground parts each retained tree and hedgerow on site, and within 15m of its boundaries, will be protected during development and details of any materials and methods to be used if any Root Protection Zone (RPA) encroachment is planned.

Whilst the proposed dwelling is single storey, its presence within the original gardens of, and close to, the listed building Rock House and within a conservation area and a world heritage site, there is clearly potential of it to have a negative visual impact in the landscape. It will also likely be visible from higher ground around the site. I consider that the proposals would potentially further erode the setting of the building.

I have concerns that retained trees would be at risk of potential damage resulting from the proposed construction works within their Root Protection Areas that could negatively impact their stability and vitality. Further details are required, in the form of a site specific Arboricultural Method Statement to allow assessment of these risks and provide details regarding how the retained trees will be protected.

Considering that the location of the site is close to a listed building and within a world heritage site and potentially visible from the surroundings, the proposal's visual impact would be potentially harmful to the location.

Arboriculture Officer (Derbyshire County Council)

- 5.9 The mature trees at this location are protected by a County Council Tree Preservation Order (TPO 123) and trees above 7.5cms diameter are also protected by virtue of being within Cromford Conservation Area.

As you are aware, Rock House and its grounds are of historical significance in the context of the Derwent Valley Mills World Heritage Site. The mature trees within the site are likely to have been planted as part of the original landscaping to the house that was home to Sir Richard Arkwright and an integral part of this historic setting. The trees also contribute significantly to the wider visual amenity of the area particularly when approaching the village from the south on the A6 and from Cromford Canal towpath.

The application is accompanied by a tree survey report for all trees within the immediate vicinity however, this needs updating as it was produced almost 4 years ago. The report was prepared as an initial assessment of nearby trees prior to detailed design for the dwelling and associated services. The report recommends an Arboricultural Impact Assessment (AIA) should be undertaken once these details have been finalised. The AIA should include a draft Tree Protection Plan for all retained trees on site and an Arboricultural Method Statement for the proposed development. I have made these comments on two previous occasions and yet the applicant has still not supplied any additional arboricultural information. I cannot therefore state with any certainty that this development won't have an immediately negative impact on trees during construction.

Longer term impacts also need to be considered in the siting of a dwelling close to mature trees as recommended in BS5837:2012. Seasonal nuisance, perceived threat and light need addressed in the AIA which would inform design and layout. As the trees are tall and positioned to the south of the dwelling, the impact of shade in particular, could be considerable.

Given the lack of additional arboricultural assessments since 2015, the County Council remains opposed to the application in respect of the potential threat to protected trees. To enable the LPA to make an informed decision, an up to date tree survey and Arboricultural Impact Assessment are recommended prior to any planning approvals on this site.

5.10 Derbyshire Wildlife Trust

Based on the submitted information ecological constraints are considered unlikely. The development would be focused on amenity grassland and would not impact any of the mature trees. Records of bat roosts exist in Rock House and therefore any new lighting should be sensitively designed. No Arboricultural Impact Assessment has been undertaken or root protection plan provided, these are required to ensure trees are safeguarded. Conditions are recommended.

6.0 REPRESENTATIONS RECEIVED

6.1 A total of 13 representations have been received. A summary of these representations is outlined below:

Rock House as a property of Sir Richard Arkwright is an important part of our heritage, the house and its setting needs to be preserved for future generations. The proposal is detrimental to the setting of Rock House and contrary to the objectives of the Cromford Conservation Area and the Derwent Valley Mills World Heritage Site.

Reference is made to the 'mediocre architectural quality' of the 20th century housing, this is an erroneous statement. Elmcroft was designed by a chartered architect. The roofing material was approved by Mr Yarwood, who was responsible for planning in Matlock at that time who expressed the roofing material was of superior quality. The site of Elmcroft was enclosed before the turn of the 19th century.

Elmcroft was built in the 'sunken rose garden' about 50 years ago and does not impact in the setting of Rock House.

This is the third application for development on this site.

Stand firm in opposition to this building, whatever the design, which is to be inserted into this untouched area.

The area should be protected and preserved.

The applicant stopped maintaining the land after the last refusal and has planted trees and shrubs to allow the area to become an eyesore, with the planting of a Leylandii hedge to divide the site into two plots.

The applicant has shown a complete lack of sympathy to the iconic nature of this unique historic area.

The only difference to the previous application is a more robust archaeological report. This report is correct in that any development should take account of the landscape setting of Rock House.

The design is more akin to a building on an industrial estate, rather than a dwelling in a parkland setting.

Refusals of planning permission in the area around Rock House have been issued over the years including in; 2017, 2015, 2001, 1989, 1981 and 1979. With successive Derbyshire Dales Planning Officers seeking to protect the setting of Rock House and the Coach House over the years.

The submission of repeated applications with sometimes irrelevant and erroneous statements is an affront to the integrity and intelligence of the planning department and planning committee.

This area is of unique social and historical importance and has been described as 'the Cradle of the Industrial revolution'. It is our duty to protect this area.

The land with its open views of the Derwent Valley is an essential element of this UN Derwent Valley Mills World Heritage Site.

Any further building allowing vehicle access to and from the adjoining A6 is to be resisted.

The proposal will harm the setting of listed buildings, the character and appearance of the conservation area, the World Heritage Site and trees that are subject to protection.

It has already been established that a dwelling in this location is not acceptable in principle.

The site is no longer well maintained.

The design of the dwelling is not in keeping with the area and is wholly unacceptable.

Access to the site does not have good visibility and is narrow.

Sewer connection will involve a lengthy run across the grounds of adjacent properties or along the length of the drive.

If this should be built the view from my window would be of an expanse of featureless flat roofing.

Any contribution to housing supply would be negligible.

The overbearing appearance of the proposed house would be significantly detrimental to the amenity of residents of all neighbouring properties.

The proposal would impact on views which are an essential part of the World Heritage Site.
The proposal would affect the protected trees.
The proposal will adversely impact on wildlife.
This latest application does not address any of the negative impacts raised in respect of the World Heritage Site.
The land is the last remaining unspoilt garden to the front of Rock House.
It is acknowledged that development has in the past caused harm to the setting of Rock House, it would be seen as compounding that error if further development was allowed.
We assume recent planting is to hide the proposed development.

7.0 OFFICER APPRAISAL

The following material planning issues are relevant to this application:

- The principle of the development
- Impact upon heritage assets
- Impact on trees
- Highway safety

7.1 Principle

The application site is located within the settlement framework boundary for Cromford which is a third tier settlement as defined by the Adopted Local Plan 2017. The site is therefore locationally sustainable for further residential development in accordance with Policy S2 of the Adopted Local Plan 2017. The site is in a sensitive location where development has the potential to impact upon designated heritage assets and protected trees. These matters require detailed consideration.

7.2 Impact on Heritage Assets

The impact of the following shall be assessed:

- a. Impact on the setting of the listed building
- b. Impact on the character and appearance of the Conservation Area
- c. Impact upon the Outstanding Universal Value of the World Heritage Site

7.3 The site is within an extremely sensitive location, it is the grounds of the Grade II listed Rock House and therefore will impact upon the setting of that listed building. The site is within the Cromford Conservation Area and will impact upon the character and appearance of the Conservation Area. The site is within the core of the Derwent Valley Mills World Heritage Site and is directly within one of the iconic views of the World Heritage Site (WHS), the development will impact upon the outstanding universal value of the WHS.

7.4 Policy PD2 of the Adopted Local Plan 2017 states that the District Council will conserve heritage assets in a manner appropriate to their significance.

7.5 Paragraph 184 of the National Planning Policy Framework advises that:
Heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance. World Heritage Sites are of the highest significance.

7.6 Paragraph 194 advises that when considering the impacts of development on the significance of an asset, great weight should be given to the assets conservation. The more important the asset the greater the weight should be.

7.7 Paragraph 195 advises that where a proposed development will lead to substantial harm to a designated heritage asset the Local Planning Authority should refuse consent unless it can be demonstrated that the substantial harm is necessary to achieve substantial public benefits that outweigh that harm.

7.8 Paragraph 196 advises that where a proposal leads to less than substantial harm, this harm should be weighed against the public benefits of the proposal.

7.9 a. Setting of the Listed Building

The grounds to Rock House and its parkland to the south east are a designed setting which was formed to enhance the presence and visual interest of the house in its context. This land in terms of its location, character and appearance is clearly associated grounds to the listed building. The erection of a building on this site, notwithstanding previous development in the grounds to the frontage of the listed building, would lead to the further erosion of the grounds and the loss of one of the last remaining lawned areas within the grounds to Rock House. Development of the open lawned area of land historically associated with the listed building on the prominent approach to the building would cause harm to the setting of the listed building contrary to Policies S1, S3, PD1 and PD2 of the Adopted Local Plan 2017 and guidance contained within the NPPF.

7.10 This proposal is to erect a single storey dwelling of modern design with flat roof and large glazed elements and horizontal slot windows. The dwelling would be of an appearance that is considered inappropriate in this context exacerbating the harm caused, detracting from and therefore causing increased harm to, the setting of the grade II listed building. As such the proposal is contrary to Policies S1, S3, PD1 and PD2 of the Adopted Local Plan 2017 and guidance contained within the NPPF.

7.11 b. Impact on the character and appearance of the Conservation Area

The harm explained in part a. above would, due to the harm to the setting of this prominent and iconic listed building, which is integral to the history and character of the area, also harm the character and appearance of the wider Cromford Conservation Area to which the site currently makes a significant positive contribution, contrary to Policies S1, S3, PD1 and PD2 of the Adopted Local Plan 2017 and guidance contained within the NPPF.

7.12 c. Impact upon the Outstanding Universal Value of the World Heritage Site

The application site is within the open area to the frontage of Rock House where there are clear views of Rock House and Willersley Castle beyond from the A6 to the far east of the site. This view is an iconic monitoring view of the World Heritage Site used in the management of the World Heritage Site. The foreground between the A6 and Rock House was deliberately protected from arable use to provide a parkland setting to the house. The site being the remains of this parkland setting is very important along with the wider landscape setting. The modern bungalow adjacent to Rock House mars this view to an extent; however a further building, even one of single storey, would exacerbate the adverse impact on this view. The World Heritage Site is valued for its authenticity and integrity and as such any further harm to the setting of one of the most important buildings within the World Heritage Site would be contrary to the principle aims of the management plan. The development of this site in principle would therefore harm the Outstanding Universal Value of the World Heritage Site contrary to Policies S1, S3, PD1 and PD2 of the Adopted Local Plan 2017 and guidance contained within the NPPF.

7.13 Furthermore, the incongruous design of the proposed dwelling would harm the setting of Rock House and Willersley Castle beyond and therefore the Outstanding Universal Value of the World Heritage Site contrary to Policies S1, S3, PD1 and PD2 of the Adopted Local Plan 2017 and guidance contained within the NPPF.

It should be noted that there are no concerns with regard to the potential for below ground archaeology on the site.

7.14 Trees

The trees here are important in relation to their landscape and historic value within the setting of the World Heritage Site. The comments of the Trees and Landscape Officer at

DDDC and the comments of the Arboricultural Officer at DCC have been taken into consideration when assessing the impact of the development upon these protected trees. Whilst a site specific Arboricultural Method Statement to allow assessment of the risks associated with the development would assist in the assessment of the impact on the trees nevertheless development in such close proximity to the trees will have an adverse impact upon them.

7.11 The siting of the dwelling in close proximity to the trees will cause future conflict and threaten the long term retention of the protected trees that are of significant amenity value. The issues in regard to this are that the trees immediately south of the site will cast excessive shade which will engulf the new building and any amenity garden space. This will have implications for residents' reasonable enjoyment of the land as well as limiting the potential for solar panels and installation of satellite T.V. all of which are increasingly common tree-related complaints. Both the dwelling and the garden space are on the edge of the tree canopy and will be showered with falling leaves, honeydew, dead wood, bird droppings, etc. all of which will lead to pressure on the future of the trees. There is also the perceived and/or actual risk from trees within falling distance of property. At present the risk of harm from these trees is low, however, if permanent high value targets (people and property) are placed within striking distance, the risk of harm is significantly increased and can lead to felling for safety reasons that would otherwise be unnecessary.

7.15 It is therefore considered that the proposed dwelling will lead to future conflict and threat to these trees contrary to the requirements of policy PD6 of the Adopted Local Plan 2017 and guidance contained within paragraph 175 of the National Planning Policy Framework 2018.

7.16 Highway Safety

Concerns have been raised by local residents regarding the intensification of traffic utilising the restricted junction and narrow driveway. The Local Highway Authority considers it unlikely that the public highway would be affected by the proposal and therefore has no objection. The development is therefore considered to be acceptable from a highway safety viewpoint in accordance with policies S3, HC19 and HC21 of the Adopted Local Plan 2017.

7.17 Conclusion

Whilst this location is sustainable for residential development in terms of access to the services and facilities in Cromford, the development of this site in principle would cause harm to the significance of the designated heritage assets namely the setting of the listed building, the character and appearance of the Conservation Area and Outstanding Universal Value of the World Heritage Site. The development will also lead to future conflict and threat to protected trees.

7.18 The National Planning Policy Framework advises that the more important the asset the greater the weight should be given to the assets protection and that as heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.

7.19 The World Heritage Site is of great significance as a heritage asset. As noted above the proposed development will harm the Outstanding Universal Value of the World Heritage Site, it is acknowledged there has already been some harm caused by existing development within the iconic view. Therefore the additional harm caused by this development would be considered less than substantial harm. Paragraph 196 advises that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. In this case the development of a private open market dwelling is not considered to give any perceivable public benefit which would outweigh the harm caused.

7.20 The harm identified caused to the setting of this Grade II listed building is considered to be less than substantial harm. Development has already taken place within the grounds of Rock

House which has eroded the parkland setting of Rock House. However, this development would lead to further erosion of the grounds and loss of the lawned area causing both harm and cumulative harm to the setting. As noted above such harm should only be allowed if the harm is weighed against the public benefits of the proposal. The public benefits of the proposal are limited and do not justify the harm in this case.

7.21 The harm caused to the setting of Rock House which is of such importance to the Conservation Area will harm the wider Cromford Conservation Area; this harm is considered to be less than substantial harm for which there is limited public benefit to outweigh the harm.

7.22 The development will cause harm to 3 separate but interlinked heritage assets. In this instance this harm is not counterbalanced by public benefit and this weighs heavily against the proposal. For these reasons planning permission is recommended for refusal in accordance with policies S1, S3, PD1 and PD2 paragraphs 184, 193 and 196 of the National Planning Policy Framework. The harm identified in respect of the protected trees is not outweighed by any benefit arising from the scheme and as such the development is contrary to Adopted Local Plan policy PD6 and paragraph 175 of the National Planning Policy Framework.

8.0 RECOMMENDATION

8.1 That planning permission be refused for the following reason(s).

8.2 1. The introduction of a dwelling on this site would lead to the loss of the open lawned area to the frontage of Rock House which is intrinsic to its curtilage, setting, authenticity and integrity. Any development on this site will harm the setting of the listed building, the character and appearance of the Cromford Conservation Area in which it is located and the Outstanding Universal Value of the Derwent Valley Mills World Heritage Site. As such the proposal is contrary to Policies S1, S3, PD1 and PD2 of the Adopted Local Plan 2017 and guidance contained within the National Planning Policy Framework.

8.3 2. The proposed dwelling in terms of its design and form would represent incongruous development which would harm the setting of the grade II listed Rock House which is in an intrinsic element of the history of the area. As such the proposal will also as a consequence harm the character and appearance of the Cromford Conservation Area and the Outstanding Universal Value of the Derwent Valley Mills World Heritage Site. As such the proposal is contrary to Policies S1, S3, PD1 and PD2 of the Adopted Local Plan 2017 and guidance contained within the National Planning Policy Framework.

8.4 3. The siting of the proposed dwelling in close proximity to the protected trees to the south east of the site will lead to future conflict and pressure for the removal of the protected trees contrary to policy PD6 of the Adopted Local Plan 2017 and guidance contained within paragraph 175 of the National Planning Policy Framework.

9.0 NOTES TO APPLICANT:

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

9.2 This decision notice relates to the following documents:
Proposed plan received 01.10.18
Location plan received 01.10.18
Block plan received 01.10.18

Arboricultural survey report and method statement dated February 2015 received 01.10.18
Design and access statement and Heritage Statement received 01.10.18
Archaeological desk based assessment dated July 2018 received 01.10.18

BACK TO AGENDA

APPLICATION NUMBER		18/00767/VCOND	
SITE ADDRESS:		Ashbourne Airfield Ashbourne Derbyshire	
DESCRIPTION OF DEVELOPMENT		Variation of Conditions 6 and 7 of Planning Application 14/00074/OUT to allow a start to be made on site prior to the road improvements being completed.	
CASE OFFICER	Jon Bradbury	APPLICANT	Ms. Joanne Harrison
PARISH/TOWN	Osmaston and Yeldersley	AGENT	Planning and Design Practice
WARD MEMBER(S)	Councillor A. Shirley	DETERMINATION TARGET	24 th October 2018
REASON FOR DETERMINATION BY COMMITTEE	Major application	REASON FOR SITE VISIT (IF APPLICABLE)	Not required

MATERIAL PLANNING ISSUES
<ul style="list-style-type: none"> • Principle of development • Economic benefits of allowing some industrial development before new access to A52 formed • Impact on highway safety • Implications for future comprehensive development of site

RECOMMENDATION
Grant permission on completion of Variation of Section 106 Agreement

1. THE SITE AND SURROUNDINGS

- 1.1 The application site replicates that granted under permission 14/00074/OUT and relates to a parcel of land located to the northwest of the junction of the A52 and Ladyhole Lane immediately to the southeast of Ashbourne Airfield Industrial Estate within the parish of Yeldersley. At its western edge the application site extends to meet the existing access road of the industrial estate. Immediately to the north of this is the Vital Earth composting operation and the site boundary is set away from these premises with the exception of a finger of land running up the boundary to allow for provision of screening/landscaping. The site then extends north-eastwards across the former airfield, now agricultural land crossed by former runways.
- 1.2 The land to the northeast at this point is the JCB Training Centre and beyond this is woodland. The site boundary then returns southeast along the boundary of the airfield to meet Ladyhole Lane. The land to the north at this point is open agricultural land. The site boundary then extends down Ladyhole Lane to the southwest with open land and former runway to the east to a point approximately 80m from the line of properties at the west of Ladyhole Lane. The boundary then follows the rear boundaries of these properties and some fronting the A52 to the south before meeting the A52 approximately 160m to the west of the junction opposite a copse of trees. The land to the south of the A52 at this point is open farmland with field boundary hedgerows and hedgerow trees.
- 1.3 The site then extends to the west but with the boundary set behind a narrow strip of land in separate ownership before returning north just to the east of the edge of the existing industrial estate with open land to the west at this point.
- 1.4 The site is generally flat, as you might expect for a former airfield.
- 1.5 The site is located within the Settlement Framework Boundary for Ashbourne with the land immediately to the west allocated for industrial purposes and the land to the north a combined housing and employment allocation.
- 1.6 Bradley Woods, a Derbyshire Wildlife site, lies close to the northern boundary of the site whilst Osmaston Conservation Area is approximately 500m to the south at its closest point.

2. DETAILS OF THE APPLICATION

- 2.1 The application has been amended during the course of consideration and in its modified form seeks to vary both conditions 6 and 7 of permission 14/00074/OUT to read as follows:-

VARIATION OF CONDITION 6

Unless otherwise agreed in writing by the Local Planning Authority, the developer shall within a period of 24 months from the first occupation of any industrial / commercial premises on site or prior to first occupation of any dwelling, have completed a new junction to Derby Road generally in accordance with submitted drawing No.E07 – Signal Control Junction or other detailed designs first submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt the developer will be required to enter into a Highways Act 1980 Agreement (Section 278) with the Highway Authority in order to comply with the requirements of this condition.

VARIATION OF CONDITION 7

No more than 9,291sqm (100,000 sq. ft.) of employment floor space or 2ha of employment land – whichever is the greater – comprising B2 development as the predominant use (with any B1 and B8 uses ancillary) shall be developed off an extension to Blenheim Road OR no more than 75 dwellings be erected and occupied before the road linking Blenheim Road and the A52 has been laid out, constructed to an adoptable standard, drained and lit and is open / available for use by the public, all as may be agreed with the Local Planning Authority.

- 2.2 The application in its modified form is accompanied by a Transport Statement. The purpose of the Statement is to assess the impact of allowing an additional 2 hectares of employment land on the operation of the existing Airfield Industrial Estate access at Derby Road.
- 2.3 The application is also accompanied by a Planning Statement. This explains that the purpose of the application is to allow limited development to take place in advance of major infrastructure works following on from discussions with the Council's Economic Development Team which have identified businesses which need to expand their operation and require new buildings to avoid relocation.

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
S8	Ashbourne Development Strategy
S10	Local Infrastructure Provision and Developer Contributions
PD1	Design and Place Making
PD2	Protecting the Historic Environment
PD3	Biodiversity and the Natural Environment
PD4	Green Infrastructure
PD5	Landscape Character
PD6	Trees, Hedgerows and Woodland
PD7	Climate Change
PD8	Flood Risk Management and Water Quality
PD9	Pollution Control and Unstable Land
HC1	Location of Housing Development
HC2	Housing Land Allocations (c) and (d)
HC3	Self-Build Provision
HC4	Affordable Housing
HC11	Housing Mix and Type
HC12	Elderly Needs Accommodation
HC14	Open Space and Outdoor Recreation Facilities
HC15	Community Facilities and Services
HC17	Promoting Sport, Leisure and Recreation
HC18	Provision of Public Transport Facilities
HC19	Accessibility and Transport
HC20	Managing Travel Demand
HC21	Car Parking Standards
EC1	New and Existing Employment Development
EC2	Employment Land Allocations (a) and (b)
EC11	Protecting and Extending our Cycle Network

- DS1 Land at Ashbourne Airfield (Phase 1), Ashbourne
- DS8 Land at Ashbourne Airfield (Phase 2), Ashbourne

3.2 Other:

National Planning Policy Framework (2018)
Planning Practice Guidance

4. RELEVANT PLANNING HISTORY

14/00074/OUT Residential Development (367 dwellings), Employment Site, Commercial and Community Facilities, Link Road, Access and Landscaping (Outline) – Granted subject to a Legal Agreement March 2017

16/00168/FUL Formation of New Link Road – Granted May 2016

17/01142/FUL Variation of Design to Access Road to Provide Enlarged Drainage Facility and Accommodate Foul Pumping Station – Granted February 2018

5. CONSULTATION RESPONSES

Osmaston and Yeldersley Parish Council:

- 5.1 Do not support any change to the original conditions 6 and 7. There is no masterplan to show layout, scale, massing, siting, design or external appearance for development of the Airfield site.

Infrastructure should be first and not last in the development process.

Surprised that to date there is still no detailed masterplan for development of the site from either the applicant or Council. Therefore, impossible to understand how the site will be developed.

This piecemeal approach is inept and incoherent and a robust plan for development should be in place.

The Council do not support the variation to allow provision of 75 dwellings which are likely to be towards Ladyhole Lane and less likely to be served from Blenheim Road.

Councillors are concerned that to develop that area would require access from Ladyhole Lane. The impact of this would be unsustainable.

Ask that until the main access link road to the whole development is completed and the necessary service infrastructure is in place there should not be any housing development.

Ashbourne Town Council:

- 5.2 Strongly object to the variation being allowed without the infrastructure being in place beforehand. Feel that this will increase the volume of traffic on the Industrial Estate and within the town.

Local Highway Authority:

- 5.3. Raised concerns in relation to initial submission and requested a transport assessment of impact of the proposed development on Blenheim Road junction with Derby Road which already experiences frequent queueing. Two hectares of land for employment purposes could result in a significant number of vehicle and pedestrian trips.

Express concerns that further applications for similar extensions may follow which could potentially undermine the delivery of the required new road infrastructure.

In relation to the revised submission and supporting Transport Assessment the Local Highway Authority make the following comments:-

The applicants have commissioned a Transport Assessment to consider the impact of the operation of the existing highway network as a result of varying the conditions. Trip generation is considered on a developable area of 9291m² for B1 and B2 uses and the methodology is acceptable.

With a predominantly B1 use the Blenheim Road/Derby Road junction is shown to exceed its threshold of satisfactory operation in the PM peak hour, resulting in significant queues and delays. However, where predominantly B2 use is considered traffic generation is generally acceptable for the additional quantum of development, certainly in the interim period until the link road is provided.

The revised working of condition still includes reference to B1 use but on an ancillary basis this is acceptable in the short term, particularly as condition 6 as revised comments to the developer to construct the link road within 24 months.

The Highway Authority would not be in a position to raise or sustain objection to the application subject to the latest working proposal by the applicant.

Development Control Archaeologist:

- 5.4 No objection but archaeological conditions should be repeated.

Environmental Health:

- 5.5 No objection.

Lead Local Flood Authority:

- 5.6 No objection.

Economic Development Manager

- 5.7 From an economic development perspective the application is supported.

The proposed variations to conditions will help facilitate development of an initial phase of industrial floorspace off an extension to Blenheim Road, providing the opportunity for business expansion and retention of local jobs, whilst securing implementation of the proposed link road and new access to the A52 within a defined timeframe.

Should the application be approved the applicant is encouraged to discuss detailed proposals for delivering new floorspace and associated services with the Economic Development team at the earliest opportunity.

6. REPRESENTATIONS RECEIVED

- 6.1 A total of 12 representations received raising the following points:

1. No indication in the revised scheme as to how access will be achieved and assume this is from Ladyhole Lane. This narrow country lane is already suffering from the effects of heavy traffic and this harm will be exacerbated.
2. The increased use of Ladyhole Lane exacerbates use of the dangerous junction with the A52 which is an accident blackspot.

3. Ladyhole Lane is not suitable for heavy vehicles for the delivery of materials and machinery access.
4. The developer should be required to put in the new access link road before other development commences.
5. Ladyhole Lane is used by cyclists, horse riders, joggers and dog walkers and any more traffic would be dangerous.
6. Making a start on the industrial development should only be allowed if serviced from Blenheim Road.
7. The 75 dwellings should not be built until the new access is formed.
8. The applicants gave a commitment in accepting the original conditions to carry out the development in accordance with the requirements of the Local Plan allocation.
9. Ladyhole Lane has already been used for removing topsoil from the site.
10. The increased use of Blenheim Road will exacerbate existing traffic congestion at the junction with Derby Road.
11. Blenheim Road cannot accommodate construction vehicles and any temporary access should be part of the formation of the new access to the A52.
12. The proposed traffic control junction is inadequate and too close to the Osmaston crossroads.
13. The variation should be resisted and the milestones and conditions in the original permission should be enforced.
14. Delaying the new access road and allowing for more industrial development can only serve to increase traffic volumes on Ladyhole Lane.
15. Access to the Airfield from Ladyhole Lane should be removed before construction commences.
16. The junction of Blenheim Road with Derby Road in its current congested state is a major constraint to the expansion of business. The new junction with the A52 should not be delayed.
17. A roundabout is needed and not a signal controlled junction.
18. Increased traffic without road improvements will lead to more accidents.
19. A traffic controlled junction will lead to lengthy traffic queues towards Shirley Hollow and prevent access to Osmaston village and its primary school.
20. All of the delays in this project are of the applicants making and the now urgent desire to accommodate business should not dilute the conditions.
21. The public were led to believe that a large grant was in place to complete the road.
22. A condition should be added to prevent access from Ladyhole Lane.
23. The drainage proposals are inadequate.

24. The new access to the Airfield needs re-siting to the west.

25. The applicant has not had to fully comply with other policies such as affordable housing and no further relaxation should be given.

7. OFFICER APPRAISAL:

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

- The principle of development
- The economic benefit of allowing some industrial development before the new access to the A52 is formed
- The impact on highway safety
- The implications for the future comprehensive development of the site

The principle of development

7.2 The application is submitted under Section 73 of the Town and Country Planning Act 1990. Government guidance on the consideration of such applications makes it clear that the Local Planning Authority must only consider the conditions where variation is sought and consideration of the proposal is not a complete reconsideration of the application. The effect on a Section 73 application if successful is to create a new parallel planning permission which can be implemented as an alternative. If permission is granted it is necessary to repeat the conditions originally applied with variations and it is permissible to attach further conditions provided these conditions do not materially alter the development that was the subject of the original permission and are conditions which could reasonably have been imposed.

Accordingly in this particular instance it would not be appropriate to re-examine all elements of the original decision and its associated legal agreement but it is necessary to consider the planning implications of the proposed revision to conditions 6 and 7. If the revisions are considered unacceptable they could justify rejection of the scheme and conversely if they are considered acceptable but require the imposition of further conditions which do not materially alter the original permission this would also be an acceptable course of action if it is decided to support the variation of the conditions. As a new free standing permission, will result, variation to the legal agreement will also be needed so that the requirements continue to apply.

The economic benefit of allowing some industrial development before the new access to the A52 is formed.

The variation of the conditions sought allows the developer to build out up to 2 hectares of employment land or 9291 m² (B2 general industrial usage) or up to 75 dwellings utilising the existing Blenheim Road access before the new road linking the new access to the A52 and Blenheim Road is completed and operational.

In addition once any industrial floorspace is occupied or a dwelling is occupied the developer has a maximum period of 24 months to create the new access to the A52. The applicant has requested this revision in order that existing businesses within the airfield are allowed to expand or relocate to new premises within the employment allocation without further undue delay. Without some employment land release it is considered that existing successful businesses could either be constrained from expanding or may have to choose to relocate from the airfield to grow. This potential reduction in employment opportunities would be regrettable and could in the short term constrain the sustainable growth of Ashbourne.

There are therefore considered to be short term economic benefits from varying the conditions as recognised in the response from the Councils Economic Development Manager. Notwithstanding this it is important not to lose sight of the overall objective of developing phase I of Ashbourne Airfield under the terms of local plan policies DS1, EC2(a) and HC2(c). The key to this is the earliest practical completion of the new junction to the A52 and its linking with Blenheim Road. This will both free up the whole of the allocated site for development and serve to relieve pressure on the existing road infrastructure.

Although the scheme will release some employment land ahead of the new junction and access road and this will place increased demands on the existing Blenheim Road junction to the detriment of existing businesses it does through the terms of the conditions tie the applicant to both completing a new junction with the A52 within 24 months of first occupation and to a timescale to complete the link road. With these safeguards in place and having due regard to the support expressed by the Councils Economic Development Manager it is considered that the economic benefits in allowing existing businesses to expand outweigh any concerns about the short term potential for increased congestion of the Blenheim Road junction affecting existing businesses and residents. The aims of policies DS1, EC2(a) and HC2(a) are still broadly accorded with.

The impact on highway safety

The application as originally submitted was deficient in analysis of how it would impact on the junction of Blenheim Road and Derby Road. At the request of the Local Highway Authority a Transport Assessment has modelled the traffic impact of the proposed amount of industrial development for different forms of industrial floorspace. This analysis reveals concerns if B1 usage is sanctioned but shows that the junction will still continue to function satisfactorily if the floorspace is B2 general industrial with only ancillary B1 and B8 usage. Based on this analysis and given the commitment to complete the junction with the A52 within 24 months of first occupation of industrial floorspace the Local Highway Authority raise no objection to the submitted scheme.

The public comment on the scheme focuses heavily on the highway implications of the development. However, as explained earlier in the report the consideration of this section 73 application is not an opportunity to fundamentally review the original permission in relation to the positioning and suitability of a new junction onto the A52.

The comment also focusses on the potential for impact on Ladyhole Lane from additional traffic and construction traffic. Whilst this concern is understandable the original permission requires construction access to be either from the A52 or Blenheim Road and full details of the access are required in part of any reserved matters submission. This approach will be repeated for this varied permission. Although a modest incidental use of Ladyhole Lane may result from an increase in the scale of employment provision on the airfield this will be for a limited period of time and is not considered a substantive reason to resist the variation of conditions sought.

Implications for future comprehensive development of the site

The existing outline permission covers a mixed development with the targets for employment and housing tied into local plan policy. The application is principally aimed at allowing some early release of employment land to meet identified demand for expansion and relocation. As the form of that development (predominantly B2 use) and its likely location immediately to the east of Blenheim Road accords with the original concept it will not it is considered jeopardise the successful completion of the whole development.

The conditions variation will also trigger both the formation of a new junction to the A52 and the completion of the link to Blenheim Road albeit after some industrial development has been completed.

It is also important to have regard to the wider development of the second phase of the airfield. Discussions are ongoing between the landowners as to how this will come forward and no permission has been applied for to date. Whilst this creates a degree of uncertainty the limited scale of what is proposed in this application will not jeopardise the successful integration of phases 1 and 2.

The applicants in proceeding with this first phase of development which this application facilitates will need to submit applications to discharge conditions on the outline permission which include a phasing plan for the whole site and therefore the Council will retain full control over how an initial phase will sit with a wider masterplan for the site.

Conclusion

- 7.3 Although the release of land for industrial purposes ahead of the formation of the new link road to the A52 raises understandable concerns the commencement of development in this way allows for the retention and creation of employment opportunities whilst at the same time committing the developer to a timescale to complete the highway infrastructure to serve the whole of phase I. As the scheme remains in general accordance with plan policy, and has the support of the councils Economic Development Manager and has overcome initial concerns from the Local Highway Authority there is no sound planning basis to resist this variation of conditions. It will be necessary to both repeat all previous conditions, bringing them into line with the adopted local plan and guidance as pre-commencement conditions and permission will only be released once a variation to the original legal agreement has been completed.

RECOMMENDATION:

- 8.1 That delegated authority be granted to the Development Manager to grant varied outline planning permission on completion of a variation to the legal agreement subject to the following conditions: -
- 8.2 1. The development hereby permitted must be begun before 30th March 2020.
- Reason:
- This is a statutory period which is specified in Section 91 of the Town and Country Planning Act 1990 and to comply with the original outline permission timeframe.
- 8.3 2. An application for details of the following matters (hereafter referred to as the reserved matters) shall be submitted to and approved in writing by the Local Planning Authority before the commencement of any works:-
- a) the scale of the development;
 - b) the layout of the development;
 - c) the external appearance of the development;
 - d) details of access arrangements;
 - e) the landscaping of the site.

The development shall thereafter be implemented in accordance with the approved details.

Reason:

The application was made for outline planning permission and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990 and Article 5(1) of the Town and Country Planning (Development Management Procedure) Order 2015.

- 8.4 3. No development shall take place, including any works of demolition, until a Construction Management Plan / Construction Method Statement has been submitted to and been approved in writing by the Local Planning Authority. The approved Plan / Statement shall be adhered to throughout the construction period. The Plan / Statement shall provide for:
- a. parking of vehicles of site operatives and visitors;
 - b. storage of plant and materials and site accommodation;
 - c. routes for construction traffic;
 - d. method of prevention of mud / debris being carried onto the public highway;
 - e. proposed temporary traffic restrictions;
 - f. arrangements for loading / unloading and turning vehicles within the site;
 - g. site access arrangements and any hoarding.

Reason:

In the interest of highway safety in accordance with Policy HC19 of the Derbyshire Dales Local Plan 2017.

- 8.5 4. No development shall be commenced until a temporary access for construction purposes has been provided to the public highway (Blenheim Road or A52 Derby Road) in accordance with a detailed design first submitted to and approved in writing by the Local Planning Authority. The access shall be retained in accordance with the approved scheme throughout the construction period, or such other period of time as may be agreed in writing by the Local Planning Authority, free from any impediment to this designated use.

Reason:

In the interest of highway safety in accordance with Policy HC19 of the Derbyshire Dales Local Plan 2017.

- 8.6 5. Before any other operations are commenced on site a detailed phasing programme for the whole site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include detailed timescales for construction activities associated with and the delivery of the residential and commercial elements and provision of the link road, linking Blenheim road and the A52.

Reason:

In the interest of highway safety in accordance with Policy HC19 of the Derbyshire Dales Local Plan 2017.

- 8.7 6. Unless otherwise agreed in writing by the Local Planning Authority, the developer shall within a period of 24 months from the first occupation of any industrial / commercial premises on site or prior to first occupation of any dwelling, have completed a new junction to Derby Road generally in accordance with submitted drawing No. E07 – Signal Control Junction or other detailed designs first submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt the developer will

be required to enter into a Highways Act 1980 Agreement (Section 278) with the Highway Authority in order to comply with the requirements of this condition.

Reason:

In the interest of highway safety in accordance with Policy HC19 of the Derbyshire Dales Local Plan 2017.

- 8.8 7. No more than 9,291 sqm (100,000 sq.ft) of employment floor space or 2ha of employment land – whichever is the greater – comprising B2 development as the predominant use (with any B1 and B8 uses ancillary) shall be developed off an extension to Blenheim Road OR no more than 75 dwellings be erected and occupied before the road linking Blenheim Road and the A52 has been laid out, constructed to an adoptable standard, drained and lit and is open / available for use by the public, all as may be agreed with the Local Planning Authority.

Reason:

In the interest of highway safety in accordance with Policy HC19 of the Derbyshire Dales Local Plan 2017.

- 8.9 8. Notwithstanding the submitted information a subsequent reserved matters or full application shall include designs of the internal layout of the site in accordance with the guidance contained in the 'Manual for Streets' document issued by the Departments for Transport and Communities and Local Government.

Reason:

In the interest of highway safety in accordance with Policy HC19 of the Derbyshire Dales Local Plan 2017.

- 8.10 9. The internal layout for the residential element of the site shall be designed in accordance with the '6C's Design Guide'-[Http://www.leics.gov.uk/htd](http://www.leics.gov.uk/htd) and prior to the first occupation of any dwelling the estate street carriageways and footways between the dwelling and the adopted highway shall be constructed to a minimum binder course level with highway surface water drainage and street lighting in accordance with details to be submitted to and approved in writing with the Local Planning Authority.

Reason:

In the interest of highway safety in accordance with Policy HC19 of the Derbyshire Dales Local Plan 2017.

- 8.11 10. No dwelling shall be occupied until space has been provided within the site curtilage / plot for the parking and manoeuvring of residents and visitors vehicles associated with that dwelling, together with secure cycle parking, all to be laid out, constructed and approved in writing by the Local Planning Authority. The facilities shall be retained throughout the life of the development free from any impediment to their designated use.

Reason:

In the interest of highway safety in accordance with Policy HC19 of the Derbyshire Dales Local Plan 2017.

- 8.12 11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and/or re-enacting that Order) the garage / car parking space(s) hereby permitted shall be retained as such and shall not be used for any purpose other than the garaging of private motor vehicles associated with the residential occupation of the property without the grant of further specific planning permission from the Local Planning Authority.

Reason:

In the interest of highway safety in accordance with Policy HC19 of the Derbyshire Dales Local Plan 2017.

- 8.13 12. No built development shall be commenced in the proposed industrial areas until details of the buildings, uses, commercial vehicle and car parking and manoeuvring space and secure cycle storage facilities have been submitted to and approved in writing by the local Planning Authority. The details shall be implemented and thereafter retained in accordance with the approved scheme.

Reason:

In the interest of highway safety in accordance with Policy HC19 of the Derbyshire Dales Local Plan 2017.

- 8.14 13. The proposed access driveways / parking spaces, to the new estate street, shall be no steeper than 1 in 14 for the first 5m from the nearside highway boundary and 1 in 10 thereafter.

Reason:

In the interest of highway safety in accordance with Policy HC19 of the Derbyshire Dales Local Plan 2017.

- 8.15 14. Internal residential estate street junctions and shared private drives shall be provided with 2.4m x 25m visibility splays in either direction, the visibility splay being measured up to 1m into the carriageway at the extremity of the sightline. The area in advance of the sightlines being levelled, constructed as footway and not being included in any plot or other sub-division of the site.

Reason:

In the interest of highway safety in accordance with Policy HC19 of the Derbyshire Dales Local Plan 2017.

- 8.16 15. Direct access(es) to the internal link road shall be provided with 2.4m x 43m visibility splays in either direction, the visibility splay being measured up to 1m into the carriageway at the extremity of the sightline. The area in advance of the sightlines being levelled, constructed as footway and not being included in any plot or other subdivision of the site.

Reason:

In the interest of highway safety in accordance with Policy HC19 of the Derbyshire Dales Local Plan 2017.

- 8.17 16. The residential estate street layout shall be provided with 25m forward visibility sightlines, as laid out in the County Council's 6C's design guide, the area in advance of the sightline being laid out as an extended footway, forming part of the estate street and not part of any plot or other sub-division of the site.

Reason:

In the interest of highway safety in accordance with Policy HC19 of the Derbyshire Dales Local Plan 2017.

- 8.18 17. The private driveways / parking spaces from individual properties, to the proposed estate street, shall not be taken into use until they have been provided with 2.4m x 25m visibility splays in each direction, the visibility splay being measured up to 1m into the carriageway at the extremity of the sightline. The areas in advance of the sightlines remaining free from any obstructions to visibility over 1m high, relative to the nearside carriageway channel level.

Reason:

In the interest of highway safety in accordance with Policy HC19 of the Derbyshire Dales Local Plan 2017.

- 8.19 18. Individual driveway / parking spaces shall be provided with 2m x 2m x 45 degree pedestrian inter-visibility splays on either side of the accesses at the back of the footway / margin, the splay area being maintained throughout the life of the development clear of any object greater than 0.6m in height relative to the adjoining footway level.

Reason:

In the interest of highway safety in accordance with Policy HC19 of the Derbyshire Dales Local Plan 2017.

- 8.20 19. No building works shall commence on site until a scheme for the disposal of highway surface water has been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details prior to occupation of the dwellings and retained accordingly thereafter.

Reason:

In the interest of highway safety in accordance with Policy HC19 of the Derbyshire Dales Local Plan 2017.

- 8.21 20. The premises, the subject of the application, shall not be occupied until a full Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall set out proposals (including a timetable), to promote travel by sustainable modes which are acceptable to the Local Planning Authority, and shall be implemented in accordance with the timetable set out therein, unless otherwise agreed in writing by the Local Planning Authority. Reports demonstrating progress in promoting sustainable transport measures shall be submitted annually, on each anniversary of the date of the planning consent, to the Local Planning authority for approval for a period of five years from 90% completion of the whole development.

Reason:

In the interest of highway safety in accordance with Policy HC19 of the Derbyshire Dales Local Plan 2017.

- 8.22 21. Prior to the occupation of any dwelling on site full details of on-site affordable housing including its phasing, location, tenure and house types along with mechanisms for transfer to a social landlord and future management shall be submitted to and agreed to in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason:

To ensure appropriate provision of affordable housing in accordance with policy HC4 of the Derbyshire Dales Local Plan 2017.

- 8.23 22. The reserved matters submission shall include full details of on-site provision of playing fields, recreation spaces and play equipment and their future maintenance and management.

Reason:

To ensure adequate provision for children's play and adult recreation in accordance with policy HC14 7 HC17 of the Derbyshire Dales Local Plan 2017.

- 8.24 23. No dwellings shall be located within 300m of the boundary of the Vital Earth premises adjoining the site to the northwest.

Reason:

To safeguard the amenity of future residents of dwellings proposed by the development.

- 8.25 24. 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.

- 8.26 25. 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 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.

8.27 26. a) Before submission of a reserved matters application with details of layout, a programme of archaeological field evaluation and subsequent reporting shall be carried out in line with an archaeological Written Scheme of Investigation to be submitted to and approved in writing by the Local Planning Authority.

b) No development shall take place until a Written Scheme of Investigation for archaeological work has been submitted to and approved by the Local Planning Authority in writing, and until and pre-start element of the approved scheme has been completed to the written satisfaction of the Local Planning Authority. The scheme shall include an assessment of significance and research questions; and

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

c) No development shall take place other than in accordance with the archaeological Written Schemes of Investigation approved under conditions (a) and (b).

d) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the archaeological Written Schemes of Investigation approved under conditions (a) and (b), and until the provision to be made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason:

To ensure any archaeological interest is safeguarded in accordance with Policy PD2 of the Derbyshire Dales Local Plan 2017.

8.28 27. Prior to the commencement of any works which may affect great crested newts and/or their habitat, a detailed mitigation and monitoring strategy, including the need to obtain a NE EPS licence, should be submitted to and approved in writing by the Local Planning Authority. All works should then proceed in accordance with the approved strategy with any amendments agreed in writing.

Reason:

To safeguard this protected species in accordance with Policy PD3 of the Derbyshire Dales Local Plan 2017.

8.29 28. Prior to construction works commencing on site details of measures to safeguard badgers on site during the construction process shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason:

To safeguard this protected species in accordance with Policy PD3 of the Derbyshire Dales Local Plan 2017.

8.30 29. A landscape and Ecological Management Plan (LEMP) for all retained and created habitats on the site including the wildlife area shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The Plan should include details of how the habitats will be enhanced and managed and how management will be implemented and funded.

Reason:

To protect and promote biodiversity.

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

Reason:

To ensure breeding birds are protected from harm.

8.32 31. The reserved matters submission shall include a detailed breakdown of the commercial and industrial floorspace to be provided on site by use class.

Reason:

For the avoidance of doubt and to ensure the delivery of an appropriate use and balance uses on this site.

8.33 32. The laying out of the roads shall incorporate measures to facilitate the delivery of broadband and details of which shall be submitted to and agreed to in writing prior to the consideration of the roadways.

Reason:

To facilitate the delivery of broadband in the interests economic development.

8.34 33. Details of the internal road layout shall incorporate a footpath / cycleway link between Blenheim Road and Ladyhole Lane.

Reason:

To promote walking and cycling in accordance with policy HC20 of the Derbyshire Dales Local Plan 2017

8.35 34. No development shall take place until a surface water drainage scheme for each phase of development on the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The drainage scheme should demonstrate the surface water run-off generated by all rainfall events up to the 100 year plus 30% for residential, 20% for commercial (for climate change) critical rain storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

The scheme shall include:

- Surface water drainage systems to be designed in accordance with the submitted Flood Risk Assessment (FRA) V2.0 dated January 2014 Appendix D, and either the National SUDs Standards, or CIRIA C697 and C687, whichever are in force when the detailed design of the surface water drainage system is undertaken
- Limiting the discharge rate for run-off generated by all rainfall events up to the 100 year plus 30% for residential 20% for commercial (for climate change) critical rain storm so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site.
- Provision of surface water run-off attenuation storage to accommodate the difference between the allowable discharge rate/s and all rainfall events up to the 100 year plus 30% for residential 20% for commercial (for climate change) critical rain storm.
- Detailed design (plans, cross, long sections and calculations) in support of any surface water drainage scheme, including details on any attenuation system, and the outfall arrangements.
- Details of how the on-site surface water drainage systems shall be maintained and managed after completion and for the lifetime of the development, to ensure long term operation to design parameters.

Reason:

To prevent the increased risk of flooding, both on and off site in accordance with policy PD8 of the Derbyshire Dales Local Plan 2017.

8.36 35. This permission relates to revised site plan numbered 905-001 Revision D.

Reason:

For the avoidance of doubt.

BACK TO AGENDA

Planning Committee 4th December 2018

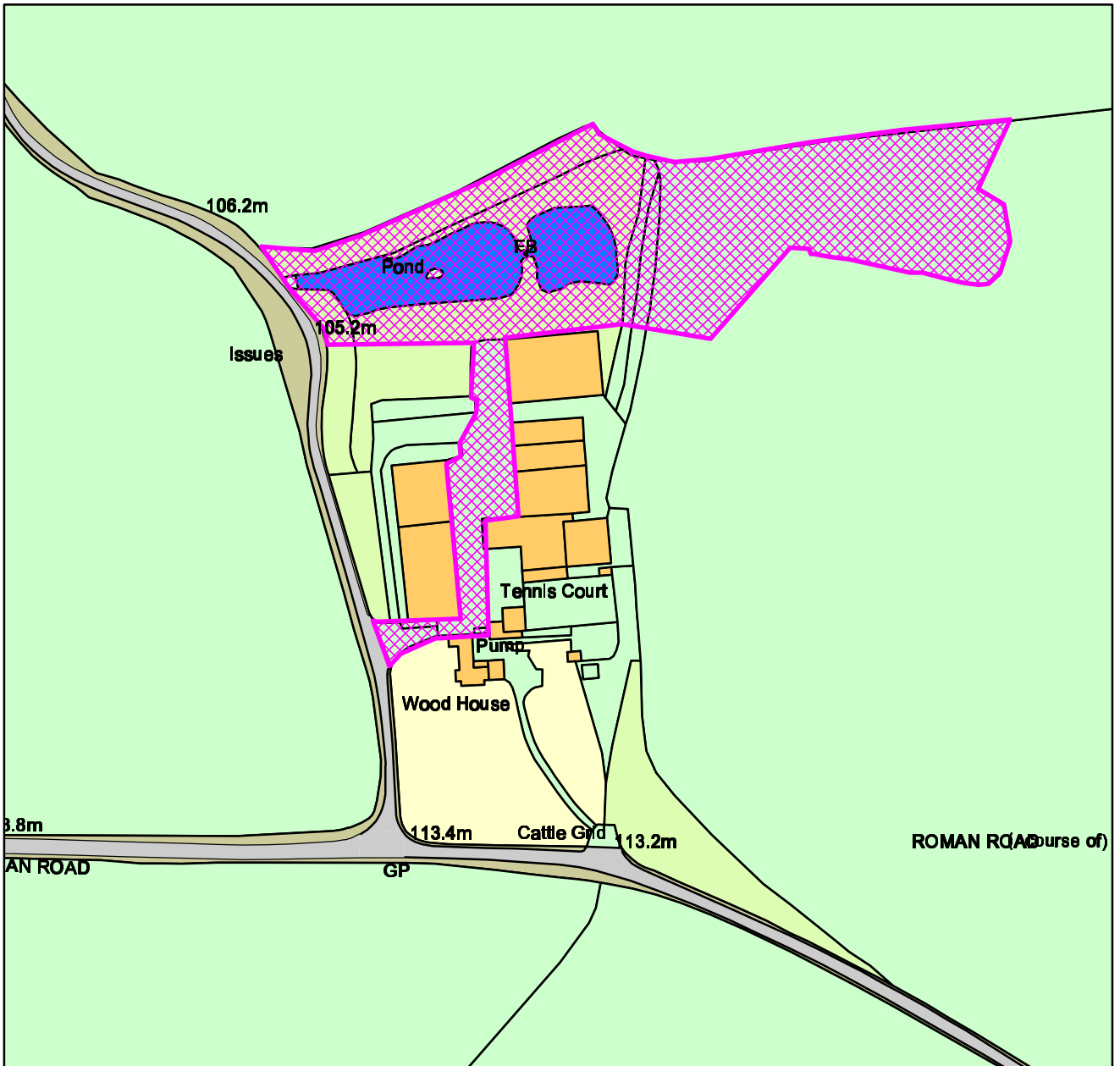
APPLICATION NUMBER		18/00918/FUL	
SITE ADDRESS:		Woodhouse Farm, Long Lane, Longford, Derbyshire	
DESCRIPTION OF DEVELOPMENT		Erection of 2no. B8 (Storage and Distribution) /B1(c) (Business - Industrial Process) units and associated engineering works to raise land level, fill existing ponds and create a new pond.	
CASE OFFICER	Mr Andrew Stock	APPLICANT	Mr Tom Goodall
PARISH/TOWN	Longford	AGENT	Planning Design Practice Ltd
WARD MEMBER(S)	Cllr. A Jenkins	DETERMINATION TARGET	19 th November 2018
REASON FOR DETERMINATION BY COMMITTEE	Major application.	REASON FOR SITE VISIT (IF APPLICABLE)	Not required.

MATERIAL PLANNING ISSUES
<ul style="list-style-type: none"> • Principle of the development; • Impact on character and appearance of this part of the countryside; • Impact on residential amenity; • Impact on archaeology and ecology, and; • Whether there would be any adverse highway safety implications.

RECOMMENDATION
Permission be granted, subject to conditions.

18/00918/FUL

Woodhouse Farm, Long Lane, Longford



Derbyshire Dales DC

1:2,500

Date: 23/11/2018

100019785

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

1. THE SITE AND SURROUNDINGS

- 1.1 Woodhouse Farm is located within the open countryside to the west of Longford village at the junction of Long Lane with Rodsley Lane. The site is accessed directly off Long Lane via an existing metal gated entrance.
- 2.2 The site comprises the host farmhouse and a group farm buildings varying in size, scale and condition. Planning permission was granted (application ref: 00/11/0762) in 2001 for the conversion of two redundant farm buildings to form 4 storage & distribution (B8) units. A further planning permission was granted (application ref: 17/00903/FUL) in 2017 for the erection of a new building for light industry (B1(c)) and storage & distribution (B8) uses.
- 2.3 The application site is well contained and screened by roadside hedgerows and a belt of trees in the west, existing farm, other buildings and surrounding vegetation in the south and east and by trees and other vegetation associated with a large pond to the north.



2. DETAILS OF THE APPLICATION

- 2.1 Planning permission is sought for the erection of 2 no. buildings (Unit 1 & Unit 2) for light industry (B1(c)) and storage & distribution (B8) uses and associated engineering operations.
- 2.2 Unit 1 would measure 23.6m (W) x 39.3m (L) x 6.2m (H), with a lean-to projection measuring 3.5m (W) x 8.7m (L) x 3.2m (H). The building will consist of 10 individual units totalling approximately 927 Sq.m of floor space.
- 2.3 Unit 2 would measure 14.7m (W) x 33.4m (L) x 6.8m (H). The building will consist of 4 individual units totalling approximately 290 Sq.m floor space.
- 2.4 The buildings would be of steel portal frame construction clad with composite cladding (brown), set under a composite panel roof (slate blue) to match existing buildings on site.

- 2.5 The engineering operations associated with the application include levelling of the ground, incorporation of areas of hardstanding, introduction of retaining walls, formation of an internal ramped access, infilling of two existing ponds and creation of two new ponds.

3. PLANNING POLICY AND LEGISLATIVE FRAMEWORK

- 3.1 Adopted Derbyshire Dales Local Plan (2017):
- S1 Sustainable Development Principles
 - S4 Development in the Countryside
 - PD1 Design and Place Making
 - PD5 Landscape Character
 - PD3 Biodiversity and the Natural Environment
 - PD6 Trees, Hedgerows and Woodlands
 - PD8 Flood Risk Management and Water Quality
 - HC19 Accessibility and Transport
 - HC21 Car Parking Standards
 - EC1 New and Existing Employment Development

4. RELEVANT PLANNING HISTORY

17/00903/FUL	Erection of building for light industrial and storage and distribution uses (B1(c) & B8), erection of retaining wall and retention of hardstanding	GRANTED
00/11/0762	Change of use of agricultural shed to storage (Use Class B8)	GRANTED

5. CONSULTATION RESPONSES

- 5.1 Parish Council
No objection raised.

- 5.2 Derbyshire County Council (Highways)

Initial response:

The additional 18 units have the potential to significantly increase the traffic generation, not only associated with the site, but on Rodsley Lane also. As you may be aware, Rodsley Lane between the application site access and Long Lane is very narrow and doesn't enable 2-way traffic. Given the sites location, its envisaged the majority of the traffic associated with the site will enter and exit via Long Lane. To accommodate the additional traffic, the Highway Authority recommends the road is widened at this location to enable 2 vehicles to pass.

Second response:

The applicant is now willing to amend the public highway to accommodate larger vehicles on a regular basis, something the proposal is likely to generate. This includes widening the Rodsley Lane / Long Lane junction with a new 20m kerb radii sweeping into Rodsley Lane. Whilst 2-way traffic for all vehicles larger than a 7.5T van would still be difficult, given the size of the proposed industrial units its unlikely traffic exceeding 7.5T will use the site on a regular basis.

Internally, adequate parking and turning is being provided for the proposed use. The access is being improved by providing 2.4m x 33m emerging visibility sightlines in each direction. Whilst its appreciated this was a planning condition included in a recent consent at this site, it is recommended that it is reiterated for this application in case the previously approved plans are not implemented.

Therefore, if your Authority is minded to permit the application, it's recommended that a number of conditions are included in the interest of highway safety

5.3 Derbyshire Wildlife Trust

Initial response:

Sufficient information has not currently been provided to determine the application. The same Preliminary Ecological Appraisal has been submitted with this application, as was submitted for a previous application at the site (17/00903/FUL). Whilst the report confirms that great crested newts are not present in the on-site pond, there is no impact assessment of the loss of the pond or details of compensatory pond creation.

In principle, the Trust do not support the loss of an established pond to enable development. Whilst the pond supports large fish, it has well established marginal vegetation and is likely to provide an important habitat resource locally. The Trust advise that ponds are classed as a habitat of principal importance under Section 41 of the NERC Act 2006.

To enable a full consideration of impacts, the applicant should provide an ecological assessment of the loss of the pond, a Method Statement for works and creation details of the new pond, including how it will be more suitable for wildlife, in line with claims in the Design and Access Statement.

Second response:

A Construction and Ecological Management Plan (CEMP) prepared by the applicants ecologist has subsequently been submitted for further consideration. Derbyshire Wildlife Trust supports the findings of the CEMP, following further amendments, concluding that the CEMP should be implemented in full.

5.4 Trees & Landscape Officer

Initial response:

I have concerns that trees will be at risk of harm as a result of their root protection areas being compromised by the proposed development works. This could lead to them becoming less stable and developing lower vitality, potentially ultimately leading to their removal. Suggestions are made regarding potential improvements to the tree stock at the site and consideration should be made to applying a Tree Protection Order. The new ponds present an opportunity to enhance the localities biodiversity and landscape.

Second response:

I support the findings of the updated tree report. I like the suggested planting of the new area of woodland and I'm happy with its species mix, planting density, etc. So, from an arboricultural point of view the proposal is considered to be acceptable. I suggest a number of conditions relating to the preserving the landscape.

5.5 Environment Agency

No objection raised.

5.6 Designing Out Crime Officer

No objection raised.

5.7 Development Control Archaeologist

No objection, subject to conditions.

5.8 Lead Local Flood Authority (LLFA)

Initial response:

The flow of water between the existing 400mm culvert on Rodsley Lane and the outfall to the new pond location is noted as 'overland flow' on the Drainage Strategy in Appendix C (drawing no. TG-1336-01-DR-001). The LLFA would expect this to be a defined, open channel watercourse, with suitable access for maintenance.

The LLFA would like clarification on how the current site manages surface water. If this drains into the current ponds then could the applicant identify the location of this entry. If the purpose of the current ponds is not to accommodate the drainage of the current site, the LLFA would like an understanding of the purpose of the ponds.

The repositioned pond would need to be sized accordingly to accommodate the same volume of water as the previous ponds. Both this replacement pond and the new attenuation pond for the site extension would be expected to be built in line with current guidelines, with suitable access strips, side slopes e.t.c. Would the applicant be able to provide suitable calculation of this size and construction details.

Second response:

The LLFA will require a management and maintenance plan at the detailed design stage. This should demonstrate the maintenance requirement for the drainage infrastructure on site, this should detail the party appointed to be responsible to manage and maintain the infrastructure for the lifetime of the development and detail an alternative should the maintenance requirements not be met.

5.9 Environmental Health Officer
No objection raised.

6. REPRESENTATIONS RECEIVED

6.1 One letter of objection has been received from a local resident who objects to the application on the grounds of loss of their amenity, specifically noise pollution and highway safety matters due to the existing road infrastructure.

7. OFFICER APPRAISAL

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

- Principle of the development;
- Impact on character and appearance of this part of the countryside;
- Impact on residential amenity;
- Impact on archaeology and ecology, and;
- Whether there would be any adverse highway safety implications.

Principle of the development;

7.1 The application site is located within the defined open countryside, between Alkmonton and Longford. Policy S4 of the Adopted Derbyshire Dales Local Plan (2017) advises development in the countryside should protect and where possible, enhance the landscape's intrinsic character and distinctiveness, including the character, appearance and integrity of the historic and cultural environment whilst also facilitating sustainable rural community needs, tourism and economic development.

- 7.2 Policy EC1 of the Adopted Derbyshire Dales Local Plan (2017) supports proposals for new or expansion of existing businesses or industrial developments in sustainable locations that contribute towards the creation and retention of a wide range of jobs, an increase in higher value employment opportunities.
- 7.3 Planning permission was granted (application ref: 00/11/0762) in 2001 for the conversion of two redundant farm buildings to form 4 storage & distribution (B8) units. A further planning permission was granted (application ref: 17/00903/FUL) in 2017 for the erection of a new building consisting of 14 units of light industry (B1(c)) and storage & distribution (B8) uses.
- 7.4 Woodhouse Farm therefore benefits from an existing light industry (B1(c)) and storage & distribution (B8) uses through the conversion of existing buildings and the erection of new purpose built buildings. As such, modest expansion of the established light industry (B1(c)) and storage & distribution (B8) uses, though in a relatively remote rural location, is considered to be acceptable, in principle as it is in compliance with Policy EC1 of the Adopted Derbyshire Dales Local Plan (2017).

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

- 7.5 Policy PD1 of the Adopted Derbyshire Dales Local Plan requires development to be of high quality design that respects the character, identity and context of the Derbyshire Dales townscapes and landscapes, development on the edge of settlements to enhance and/or restore landscape character, contribute positively to an area's character, history and identity in terms of scale, height, density, layout, appearance, materials and the relationship to adjacent buildings and landscape features.
- 7.6 Policy PD5 of the Adopted Derbyshire Dales Local Plan seeks to resist development, which would harm or be detrimental to the character of the local and wider landscape.
- 7.7 The site is well contained and screened by roadside hedgerows and a belt of trees in the west, existing farm, other buildings and surrounding vegetation in the south and east and by trees and other vegetation associated with a large pond to the north. The trees and hedgerows surrounding the site provide important screening roles. The trees are protected by condition following the approval of application 17/00903/FUL which requires the Local Planning Authorities approval for the pruning and/or felling of trees over the height of 1.5 metres above ground level.
- 7.8 Notwithstanding the above, the Councils Trees and Landscape Officer has raised concerns that existing trees will be at risk of harm as a result of their root protection areas being compromised by the proposed development works which could lead to them becoming less stable and developing lower vitality, potentially ultimately leading to their removal. Following discussions with the applicants agent an updated Arboricultural Impact Assessment was submitted for further consideration. The Councils Trees and landscape Officer supports the findings of the Arboricultural Impact Assessment concluding, subject to conditions, the proposal is considered to be acceptable from an Arboricultural point of view.
- 7.9 Two new ponds, with a similar total surface area to the existing ones, will be constructed in a field to the east of the buildings on land currently forming part of an agricultural arable field. Surface drainage water from the site will be directed into the ponds and into an existing natural stream. No specific details, apart from the location of the proposed ponds have been submitted with the application. An appropriately worded condition will be attached to any approval requesting constructional and landscaping details to ensure they can be appropriately accommodated into the landscape.

- 7.10 Whilst the application proposes the creation of an additional 1,217 Sq.m of floor space the overall heights of the buildings are modest, extending to a maximum height of 6.8 metres. The low lying buildings would be sited towards the back of the site (north) which is set significantly lower than existing buildings already present on site. Furthermore the buildings would be clad to match existing buildings on site including composite cladding (brown), set under a composite panel roof (slate blue).
- 7.11 The site comprises a mix of differing buildings varying in size, scale and design. The proposed buildings, positioned towards the rear of the site, are well related to existing buildings matching in terms of size, scale, design and materials. The application represents a general continuation of the built form of Woodhouse Farm which is considered not to harm or be detrimental to the character of the local and wider landscape.
- 7.12 The belt of trees to the west and north and existing farm buildings to the south creates a natural boundary of the application site. In context to the existing built development on site further expansion, as proposed, is considered not to result in any significant adverse impact upon the character and appearance of this part of the countryside / local landscape.

Impact on residential amenity;

- 7.13 The application site has an established light industry (B1(c)) and storage & distribution (B8) uses following the approval of applications 17/00903/FUL and 00/11/0762.
- 7.14 The closest residential dwelling, namely Woodhouse Farmhouse, which is occupied by the applicants, lies approximately 80 metres to the north. It is acknowledged that a single letter of objection has been received from the occupants of North Park Lodge which lies approximately 840 metres north of the application site. However, the property is considered to be a sufficient distance away from the application site for the occupants of not to be significantly adversely affected by the development by way of noise nuisance.
- 7.15 As such, given the isolated location of the application site the expansion of light industry (B1(c)) and storage & distribution (B8) uses is considered to be compatible with neighbouring land uses and not to result in a significant loss of privacy or amenity for the occupants of neighbouring properties. The Councils Environmental Health Officer raises no objection to the application.
- 7.16 It is acknowledged the creation of 14 units has the potential to significantly increase the traffic generation within the immediate area. However, it is envisaged the majority of the traffic associated with the site will enter and exit via Long Lane and not via Rodsley Lane. As such, the proposal is considered not to result in any significant inconvenience to existing highway users with the immediate area as a result of the modest expansion.

Impact on archaeology and ecology;

- 7.17 The land to the rear of Woodhouse Farm is within a site on the Derbyshire Historic Environment Record (MDR2619) for the medieval deer park at Longford. The application site is peripheral to the park, although mapping from c1880 suggests that it still retained parkland character and parkland trees at this stage. It is noted that this character has subsequently been eroded, although the hedgerow field boundary to the north of the proposed new pond appears to be of some considerable age and is likely to relate to an early subdivision within the historic parkland. In terms of below-ground archaeology the site is close to the line of the Long Lane Roman road (MDR10648) running from Little Chester towards Rocester and Stoke on Trent. Portable Antiquities Scheme records in the area of Woodhouse Farm include Roman and Anglo-Saxon finds.

- 7.18 The site of the proposed new buildings has undergone significant disturbance in creation of the existing ponds, and consequently retains little or no archaeological potential. The site of the proposed new pond in the field to the east is, however not previously developed, and excavation here may impact upon buried archaeological remains. Following consultation with the Development Control Archaeologist it is advised that a scheme of archaeological monitoring during groundworks is submitted. An appropriately worded condition will be attached to any approval requesting such detail. The Development Control Archaeologist raise no objection to the application, subject to conditions.
- 7.19 The application is accompanied by a Preliminary Ecological Appraisal prepared by the applicants ecologist. The report confirms that great crested newts are not present in the onsite pond however, no impact assessment on the loss of the pond or details of compensatory pond creation has been submitted. Following consultation with Derbyshire Wildlife Trust it was concluded that sufficient information has not been provided to determine the application, in this case.
- 7.20 A Construction and Ecological Management Plan (CEMP) prepared by the applicants ecologist has subsequently been submitted for further consideration. Derbyshire Wildlife Trust supports the findings of the CEMP, following further amendments, concluding the creation of two new ponds presents an opportunity to enhance the immediate areas biodiversity as set out in the CEMP, which should be implemented in full.

Whether there would be any adverse highway safety implications;

- 7.21 The site would continue to be accessed directly off Long Lane via the existing metal gated entrance. The formation of an internal ramped access will be required to gain access to the proposed units.
- 7.22 The additional 14 units have the potential to significantly increase the traffic generation, not only associated with the site, but on Rodsley Lane also. Rodsley Lane between the application site access and Long Lane is very narrow and does not enable 2-way traffic. Given the sites location, it is envisaged the majority of the traffic associated with the site will enter and exit via Long Lane.
- 7.23 To accommodate the additional traffic, the Local Highway Authority recommends the road is widened at this location to enable 2 vehicles to pass. The applicant is willing to amend the public highway to accommodate larger vehicles which the proposal is likely to generate. This includes widening the Rodsley Lane / Long Lane junction with a new 20m kerb radii sweeping into Rodsley Lane. It is acknowledged that whilst 2-way traffic for all vehicles larger than a 7.5T van would still be difficult, given the size of the proposed industrial units its unlikely traffic exceeding 7.5T will use the site on a regular basis. Internally, adequate parking and turning is being provided for the proposed use.
- 7.24 The access is being improved by providing 2.4m x 33m emerging visibility sightlines in each direction as part of a previous permission (application ref: 17/00903/FUL). The Local Highway Authority concludes that, subject to the above being implemented, they do not raise an objection to the application.

Conclusion

- 7.25 Taking the above into consideration the modest expansion of the established light industry (B1(c)) and storage & distribution (B8) uses at Woodhouse Farm, although in a relatively remote rural location, is considered not to result in any significant adverse impact upon the character and appearance of this part of the countryside / local

landscape in compliance with Policies S1, S4, PD1, PD5, EC1, HC19 and HC21 of the Adopted Derbyshire Dales Local Plan (2017) and the guidance contained in the National Planning Policy Framework (2018). Accordingly the application is recommended for approval.

8. RECOMMENDATION

That planning permission be granted subject to the following condition(s):

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

Reason:

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

2. No development shall take place until a detailed design and associated management and maintenance plan of the surface water drainage for the site, in accordance with the principles outlined within:

- a. 'Development at Wood House Farm, Longford, Derbyshire Flood Risk Assessment and Drainage Strategy' (July 2017, Inspire Design & Development) and Drawing No TG-1336-01-DR-001 (20/07/18/, by Inspire Design & Development), Titled 'Drainage Strategy' including any subsequent amendments or updates to those documents as approved by the Flood Risk Management Team.

- b. And DEFRA's Non-statutory technical standards for sustainable drainage systems (March 2015),

have been submitted to and approved in writing by the Local Planning Authority. The approved drainage system shall be implemented in accordance with the approved detailed design, prior to the use of the building commencing.

Reason:

To ensure that the proposed development does not increase flood risk and that the principles of sustainable drainage are incorporated into this proposal, and sufficient detail of the construction, operation and maintenance/management of the sustainable drainage systems are provided to the Local Planning Authority, in advance of full planning consent being granted.

3. No development shall take place until a detailed assessment has been provided to and approved in writing by the Local Planning Authority, to demonstrate that the proposed destination for surface water accords with the drainage hierarchy as set out in paragraph 80 of the planning practice guidance.

Reason:

To ensure that surface water from the development is directed towards the most appropriate waterbody in terms of flood risk and practicality by utilising the highest possible priority destination on the hierarchy of drainage options. The assessment should demonstrate with appropriate evidence that surface water runoff is discharged as high up as reasonably practicable in the following hierarchy:

- I. into the ground (infiltration);
- II. to a surface water body;

III. to a surface water sewer, highway drain, or another drainage system;
IV. to a combined sewer.

4. Prior to commencement of the development, the applicant shall submit for approval to the LPA, details indicating how additional surface water run-off from the site will be avoided during the construction phase. The applicant may be required to provide collection, balancing and/or settlement systems for these flows. The approved system shall be operating to the satisfaction of the LPA, before the commencement of any works, which would lead to increased surface water run-off from site during the construction phase.

Reason:

To ensure surface water is managed appropriately during the construction phase of the development, so as not to increase the flood risk to adjacent land/properties or occupied properties within the development.

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

Reason:

In the interest of highway safety in accordance with Policies S4 and HC19 of the Adopted Derbyshire Dales Local Plan (2017).

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

Reason:

In the interest of highway safety in accordance with Policies S4 and HC19 of the Adopted Derbyshire Dales Local Plan (2017).

7. Prior to the proposed units being taken into use the sites existing vehicular access to Rodsley Lane shall be modified in accordance with drawing ref 2046-006 and provided with visibility sightlines extending from a point 2.4 metres from the carriageway edge, measured along the centreline of the access, for a distance of 33 metres in each direction measured along the nearside carriageway edge. The land in advance of the visibility sightlines shall be retained throughout the life of the development free of any object greater than 1m in height (0.6m in the case of vegetation) relative to adjoining nearside carriageway channel level.

Reason:

In the interest of highway safety in accordance with Policies S4 and HC19 of the Adopted Derbyshire Dales Local Plan (2017).

8. No part of the development shall be occupied until the widening of Rodsley Lane has been carried out in accordance with submitted drawing number F17173/02. For the avoidance of any doubt, these works within the public highway will require the applicant to enter into a Section 278 Agreement with the Highway Authority.

Reason:

In the interest of highway safety in accordance with Policies S4 and HC19 of the Adopted Derbyshire Dales Local Plan (2017).

9. No unit shall be occupied until space has been laid out within the site in accordance with drawing No F17173/01 Rev B for the parking and manoeuvring of visitors vehicles. These facilities shall thereafter be retained for use at all times.

Reason:

In the interest of highway safety in accordance with Policies S4 and HC19 of the Adopted Derbyshire Dales Local Plan (2017).

10. No development shall take place until a Written Scheme of Investigation for archaeological work has been submitted to and approved by the Local Planning Authority in writing, and until any pre-start element of the approved scheme has been completed to the written satisfaction of the Local Planning Authority. The scheme shall include an assessment of significance and research questions; and

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

Reason:

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

11. No development shall take place other than in accordance with the archaeological Written Scheme of Investigation approved under condition (10).

Reason:

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

12. The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Archaeological Written Scheme of Investigation approved under condition (10) and the provision to be made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason:

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

13. Before the first use of the buildings hereby approved, details of the soft landscaping of the proposed ponds shall be submitted to and approved in writing by the Local Planning

Authority. All the soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first use 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.

Reason:

To ensure an appropriate landscaped setting in accordance with Policies S4 and PD5 of the Adopted Derbyshire Dales Local Plan (2017).

14. The development hereby permitted shall be constructed of facing and roofing materials to match in terms of colour, texture, size and material those used in the construction of the existing buildings on site.

Reason:

To ensure the use of appropriate materials in accordance with Policy PD1 of Adopted Derbyshire Dales Local Plan (2017).

15. The Construction and Ecological Management Plan (CEMP) shall be implemented in full, unless otherwise agreed in writing by the Local Planning Authority

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).

NOTES TO APPLICANT:

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

2. The 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.

3. The County Council does not adopt any SuDS schemes at present (although may consider ones which are served by highway drainage only). As such, it should be confirmed prior to commencement of works who will be responsible for SuDS maintenance/management once the development is completed.

4. Any works in or nearby an ordinary watercourse may require consent under the Land Drainage Act (1991) from the County Council. For further advice, or to make an application please contact Flood.Team@derbyshire.gov.uk.

5. No part of the proposed development shall be constructed within 3-8m of an ordinary watercourse and a minimum 3 m for a culverted watercourse (increases with size of culvert). It should be noted that DCC have an anti-culverting policy.

6. The applicant should be mindful to obtain all the relevant information pertaining to proposed discharge in land that is not within their control, which is fundamental to allow the drainage of the proposed development site.

7. The applicant should demonstrate, to the satisfaction of the Local Planning Authority, the appropriate level of treatment stages from the resultant surface water discharge, in line with Table 4.3 of the CIRIA SuDS Manual C753.

8. The County Council would prefer the applicant to utilise existing landform to manage surface water in mini/sub-catchments. The applicant is advised to contact the County Council's Flood Risk Management team should any guidance on the drainage strategy for the proposed development be required.

9. The applicant should provide a flood evacuation plan which outlines:

- The flood warning procedure
- A safe point of extraction
- How users can safely evacuate the site upon receipt of a flood warning
- The areas of responsibility for those participating in the plan
- The procedures for implementing the plan
- How users will be made aware of flood risk
- How users will be made aware of flood resilience
- Who will be responsible for the update of the flood evacuation plan

10. Flood resilience should be duly considered in the design of the new building/s or renovation. Guidance may be found in BRE Digest 532 Parts 1 and 2, 2012 and BRE Good Building Guide 84.

11. Surface water drainage plans should include the following:

- Rainwater pipes, gullies and drainage channels including cover levels.
- Inspection chambers, manholes and silt traps including cover and invert levels.
- Pipe sizes, pipe materials, gradients and flow directions and pipe numbers.
- Soakaways, including size and material.
- Typical inspection chamber / soakaway / silt trap and SW attenuation details.
- Site ground levels and finished floor levels.

12. On Site Surface Water Management;

- The site is required to accommodate rainfall volumes up to 1 in 100 year return period (plus climate change) whilst ensuring no flooding to buildings or adjacent land.
- The applicant will need to provide details and calculations including any below ground storage, overflow paths (flood routes), surface detention and infiltration areas etc, to demonstrate how the 100 year + 30% Climate Change rainfall volumes will be controlled and accommodated. A sensitivity test to 40% Climate change, along with incorporating 10% impermeable area for urban creep should be carried out (refer to BS 8582:2013 Code of Practice for Surface Water Management for Developed Sites).
- Production of a plan showing above ground flood pathways (where relevant) for events in excess of 1 in 100 year rainfall, to ensure exceedance routes can be safely managed

- A plan detailing the impermeable area attributed to each drainage asset (pipes, swales etc)
- If the greenfield run-off for a site is calculated at less than 2 l/s, then a minimum of 2 l/s could be used (subject to approval from the LPA).
- Details of how the on-site surface water drainage systems shall be maintained and managed after completion and for the lifetime of the development to ensure the features remain functional
- Where cellular storage is proposed and is within areas where it may be susceptible to damage by excavation by other utility contractors, warning signage should be provided to inform of its presence. Cellular storage and infiltration systems should not be positioned within highway.
- Guidance on flood pathways can be found in BS EN 752.
- The Greenfield runoff rate which is to be used for assessing the requirements for limiting discharge flow rates and attenuation storage for a site should be calculated for the whole development area (paved and pervious surfaces - houses, gardens, roads, and other open space) that is within the area served by the drainage network whatever size of the site and type of drainage system. Significant green areas such as recreation parks, general public open space etc., which are not served by the drainage system and do not play a part in the runoff management for the site, and which can be assumed to have a runoff response which is similar to that prior to the development taking place, can be excluded from the greenfield analysis.

13. If infiltration systems are to be used for surface water disposal, the following information must be provided:

- Ground percolation tests to BRE 365.
- Ground water levels records. Minimum 1m clearance from maximum seasonal groundwater level to base of infiltration compound. This should include assessment of relevant groundwater borehole records, maps and on-site monitoring in wells.
- Soil / rock descriptions in accordance with BS EN ISO 14688-1:2002 or BS EN ISO 14689-1:2003
- Volume design calculations to 1 in 100 year rainfall + 30% climate change standard. An appropriate factor of safety should be applied to the design in accordance with CIRIA C753 – Table 25.2.
- Location plans indicating position (Soakaways serving more than one property must be located in an accessible position for maintenance). Soakaways should not be used within 5m of buildings or the highway or any other structure.
- Drawing details including sizes and material.
- Details of a sedimentation chamber (silt trap) upstream of the inlet should be included.
- Soakaway detailed design guidance is given in CIRIA Report 753, CIRIA Report 156 and BRE Digest 365.

14. All Micro Drainage calculations and results must be submitted in .MDX format, to the LPA. (Other methods of drainage calculations are acceptable)

15. The applicant should submit a comprehensive management plan detailing how surface water shall be managed on site during the construction phase of the development ensuring there is no increase in flood risk off site or to occupied buildings within the development.

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

17. This decision notice relates to the following documents:

Plan 2046-001A - Site Location Plan - date stamped 20th August 2018

Plan 2046-003D - Site as proposed plan - date stamped 20th August 2018

Plan 2046-004A - Unit 1 plans and elevations as proposed - date stamped 20th August 2018

Plan 2046-005A - Unit 2 plans and elevations as proposed - date stamped 20th August 2018

Plan 2046-007A - Site Section - date stamped 20th August 2018

Plan 2056-006 - Access detail - date stamped 20th August 2018

Planning, Design and Access Statement prepared by Planning Design Practice Ltd

Flood Risk Assessment and Drainage Strategy prepared by Inspire Design & Development

Plan 3871/2415/10 Rev C - date stamped 20th August 2018

Transport Statement prepared by Bancroft Consulting

Arboricultural Impact Assessments prepared by Jon Coe Trees Services Ltd

Preliminary Ecological Appraisal prepared by RammSanderson

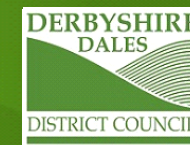
Construction and Ecological Management Plan prepared by RammSanderson

BACK TO AGENDA

Active Enforcement Investigations

21 November 2018

12:44:17



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
ENF/18/00194	Change of use of former toilet block to A2 Use (professional and financial services) at ground floor and apartment at first floor	1 Union Street Ashbourne Derbyshire DE6 1FG	Pending Consideration
ENF/18/00205	Re- painting of shop frontage and installation of projecting signage to front window	Costa 14 St John Street Ashbourne Derbyshire DE6 1GH	Pending Consideration

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
ENF/18/00207	Breach of Condition 13 (Wheel Washing) of Planning Permission 17/01248/REM	Land North East Of Lathkill Drive Ashbourne Derbyshire	Pending Consideration
ENF/18/00208	Incorporation of public open space (as approved under 12/00774/OUT and 14/00356/REM) into residential garden	12 Tutbury Hollow Ashbourne Derbyshire DE6 1TD	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	Notice Issued
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
ENF/18/00185	Erection of sign and car park barrier	Ednaston Park Painters Lane Ednaston Derbyshire DE6 3FA	Pending Consideration
ENF/18/00193	Relocation of boundary fence outside of approved residential curtilage (related planning permission 13/00826/FUL)	Land Off Luke Lane Brailsford Derbyshire	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
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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
ENF/18/00195	Unauthorised engineering works to create a new agricultural vehicular access onto a classified Road from land opposite Carslow Farm, Brassington	Carslow Farm Ashbourne Road Brassington Derbyshire DE4 4DB	Pending Consideration
ENF/18/00196	Works to Holiday Let - Installation of chimney, erection of conservatory and extension to single storey element. Other Works - Caravan hookups, associated timber structure and extension to shower block	New Harboro Farm Manystones Lane Brassington Derbyshire DE4 4HF	Pending Consideration
ENF/18/00202	Breach of Section 106 Obligations - Agreement No. 1093 (Related planning permission 05/00729/FUL)	Bradbourne Mill Bradbourne Derbyshire	Pending Consideration
ENF/18/00203	Erection of retaining wall		Pending Consideration

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

Darley Dale

ENF/12/00034	Unauthorised demolition of a Listed wall and unauthorised access off the A6 at Dale Road North Darley Dale.	Stancliffe Quarry, Darley Dale, Matlock.	Notice Issued
ENF/17/00016	Breach of pre commencement conditions on planning permission 15/00718/FUL Demolition of existing dwelling and barn and erection of replacement dwelling and swimming pool building.	Former Bent Farm Farley Hill Matlock Derbyshire DE4 5LT	Pending Consideration
ENF/17/00100	Alleged - Unauthorised Use of Site and Building for the Holding of Weddings	Peak Village Ltd Darwin Lake Holiday Village Jagers Lane Darley Moor Matlock Derbyshire DE4 5LJ	Pending Consideration
ENF/17/00139	Unauthorised erection of a steel framed building, erection of a concrete retaining wall and unauthorised office building	Bent Farm / Ameycroft Farm Farley Hill Matlock Derbyshire DE4 5LR	Pending Consideration
ENF/17/00158	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	Notice Issued
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	Pending Consideration
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	Notice Issued
ENF/18/00167	Unauthorised siting of temporary site cabin	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	Notice Issued
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/18/00174	Unauthorised change of use of land from agricultural land to storage of builders materials and a large container.	Land East Of Les Ardennes Hulland Ward Derbyshire	Pending Consideration
ENF/18/00181	Unauthorised change of use of holiday cottage to permanent dwelling - Barn to rear of Fairfields, Waterlagg House, Turnditch, Belper, DE56 2LW	Waterlagg House Turnditch Derbyshire DE56 2LW	Pending Consideration

ENF/18/00201	Agricultural storage building and associated access track not being built in accordance with approved planning permission 18/00249/FUL - Alterations to entrance including erection of stone gate piers	Pearl Well Farm Wirksworth Road Kirk Ireton Derbyshire DE6 3JX	Pending Consideration
ENF/18/00206	Unauthorised use of site for wood processing and storage	Poplars Farm Belper Road Hulland Ward Derbyshire DE6 3ED	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/18/00032	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. to	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/18/00119	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/18/00140	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/18/00177	Unauthorised erection of decking in the rear garden of Ranmoor, Waterloo Road, Matlock Bath	Ranmoor Waterloo Road Matlock Bath Derbyshire DE4 3PH	Pending Consideration
ENF/18/00182	Unauthorised painting of a listed building	Rose Cottage 124 - 126 North Parade Matlock Bath Derbyshire DE4 3NS	Pending Consideration
ENF/18/00188	Unauthorised painting on the "Boat Inn" at Cromford	Boat Inn Scarthin Cromford Derbyshire DE4 3QF	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/18/00183	Shared driveway being used for storage in association with a business	Land Between 23 & 27 Cavendish Road Matlock Derbyshire	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, erection of timber posts and the formation of an access	Land And Track Opposite Willersley Lane Plantation Matlock Derbyshire DE4 5JE	Pending Consideration
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	The development is not in accordance with the approved plans.	Land Adjacent To 9 Oak Tree Gardens Tansley Derbyshire	Pending Consideration
ENF/18/00191	Erection of shed structure	Land To The Rear Of White Leas Oaksedge Lane Tansley Derbyshire DE4 5FQ	Pending Consideration

Norbury

ENF/14/00030	Change of use of land from use for Microlight flying to use for the flying of Biplane aircraft.	Airways Airsports Darley Moor Airfield Darley Moor Ashbourne Derbyshire DE6 2ET	Pending Consideration
ENF/17/00056	Unauthorised engineering works to facilitate access at Old House Farm, Can Alley, Roston, Derbyshire	Old House Farm Can Alley Roston Derbyshire DE6 2EF	Pending Consideration
ENF/17/00113	Unauthorised engineering works to 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
ENF/18/00180	Illuminated signage	Unit 10 Unity Complex Dale Road North Darley Dale Derbyshire DE4 2HX	Pending Consideration
ENF/18/00192	Use of barn as dwelling and development of land potentially for equestrian use	Rowsley Barn Chesterfield Road Rowsley Derbyshire DE4 2EG	Pending Consideration

Winster And South Darley

ENF/18/00122	Unauthorised erection of garage	Stags House 35 Main Road Darley Bridge Derbyshire DE4 2JY	Pending Consideration
ENF/18/00189	Unauthorised building works - Failure to discharge pre-commencement conditions relating to 17/01014/FUL	Thorntrees Oker Road Oker Matlock Derbyshire DE4 2JJ	Pending Consideration

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/18/00014	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

ENF/18/00204

Removal of stone wall to facilitate off road parking

Shows Cottage 4 New Road Middleton By Wirksworth
Derbyshire DE4 4NA

Pending Consideration

Total Open Cases

177

Enforcement Investigations Closed

In the 6 Months Prior to 21/11/2018



Ashbourne North

ENF/18/00143	Erection of Flag Pole	Beechcroft 6A North Avenue Ashbourne Derbyshire DE6 1EZ	Complaint Unfounded	03/10/2018
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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
ENF/18/00197	Erection of side and rear extension	2 Booth Drive Ashbourne Derbyshire DE6 1SZ	Complaint Unfounded	16/11/2018

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/17/00141	Tipping of Materials on Land	The Ketch Ashbourne Road Kniveton Derbyshire DE6 1JF	Not in the Public interest to pursue	18/06/2018
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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/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	Appeal Allowed	14/11/2018
ENF/17/00159	Partial change of use of agricultural building for ancillary domestic purposes, on land at St Elphins Cottage, Hackney	St Elphins Cottage Blind Lane Hackney Derbyshire DE4 2QE	Appeal Allowed	14/11/2018
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	Not in the Public interest to pursue	19/10/2018
ENF/18/00043	Breach of conditions 22 and 23 of planning permission 16/00789/FUL	Land South West Of Old Hackney Lane Hackney Derbyshire	Justification from Officer	15/06/2018
ENF/18/00118	Unauthorised Banner Adverts on metal poles	Grounds Of St Elphins Park Darley Dale Derbyshire	Complied Voluntarily	05/07/2018
ENF/18/00127	Parking of various commercial vehicles to the rear of Derwent View. People sleeping in box vans overnight.	14 Derwent View Church Road Churchtown Darley Dale Derbyshire DE4 2LB	Justification from Officer	25/07/2018

Dovedale And Parwich

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

Doveridge And Sudbury

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

ENF/18/00109	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
ENF/18/00173	Land clearance works including removal of trees and hedgerows	Land Adjacent Hulland House Smith Hall Lane Hulland Ward Derbyshire	Justification from Officer	22/10/2018
ENF/18/00200	Developer using Peats Close Car Park as an access to development at The Old Cottage, Kirk Ireton (17/00030/FUL) and associated removal of fence	Land At Peats Close Kirk Ireton Derbyshire	Complaint Unfounded	01/11/2018

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/18/00017	Unauthorised works to a listed building - Insertion of 3no. UPVC window frames	98 North Parade Matlock Bath Derbyshire DE4 3NS	Justification from Officer	18/10/2018
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/18/00117	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	Not in the Public interest to pursue	18/10/2018
ENF/18/00139	Breach Of Condition 2 Of Planning Permission 17/00104/FUL	1 Water Lane Cromford Derbyshire DE4 3QH	Complied Voluntarily	08/11/2018
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	Justification from Officer	06/11/2018
ENF/18/00176	Alleged unauthorised works to roof of property.	142 Dale Road Matlock Derbyshire DE4 3PS	Complaint Unfounded	04/10/2018
ENF/18/00184	Changes in land levels and creation of driveway	Townhead Farmhouse 70 High Street Bonsall Derbyshire DE4 2AR	Justification from Officer	24/10/2018

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/18/00058	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/18/00073	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

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	Not in the Public interest to pursue	22/10/2018
ENF/18/00186	Dwellings not being built in accordance with planning permission 17/00003/FUL	Land North West Of Megdale (Former DDDC Plant Nursery) Matlock Derbyshire DE4 3JZ	Complaint Unfounded	04/10/2018
ENF/18/00187	Felling of trees in connection with approved residential development 17/00003/FUL	Land North West Of Megdale (Former DDDC Plant Nursery) Matlock Derbyshire DE4 3JZ	Complaint Unfounded	05/10/2018
ENF/18/00198	Erection of pagoda style structure to garden terrace	Grasmere Pope Carr Road Matlock Derbyshire DE4 3FF	Complaint Unfounded	26/10/2018

Matlock St Giles

ENF/18/00083	Unauthorised signage to a listed building - Banner sign fixed to building and banner signs in grounds	Tavern At Tansley Nottingham Road Tansley Derbyshire DE4 5FR	Justification from Officer	10/08/2018
ENF/18/00106	Occupation of garage as a dwellinghouse	The Chalet Bungalow Butts Drive Matlock Derbyshire DE4 3DJ	Complaint Unfounded	15/06/2018
ENF/18/00134	Erection of a Boundary Fence	14 Lumsdale Crescent Matlock Derbyshire DE4 3EX	Complaint Unfounded	25/07/2018

Norbury

ENF/16/00068	Alleged breach of condition 9 relating to the slurry pit on land at Four Oaks Farm, Shields Lane, Roston. 10/00580/FUL - condition 9 "The slurry lagoon hereby approved shall only be used for the storage of slurry arising from the keeping of livestock on the site and livestock kept at Pear Tree Farm, Stubwood. It shall not be used for the storage of slurry or any other waste material imported from elsewhere".	Land To The South Of West View Shields Lane Roston Derbyshire	Complaint Unfounded	13/06/2018
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 Yeaaveley Derbyshire DE6 2DT	Justification from Officer	28/09/2018
ENF/18/00190	Alterations to Listed Building	Rose And Crown New Road Boylestone Derbyshire DE6 5AA	Complaint Unfounded	02/11/2018
ENF/18/00199	Use of fishing hut as a retreat/ leisure facility/ holiday home	Fishing Hut Field No. 6692 Finny Plantation Finny Lane Rodsley Derbyshire	Complaint Unfounded	05/11/2018

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/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/18/00010	Camping Pods not erected in the approved location	Mount Cook Adventure Centre Porter Lane Middleton By Wirksworth Derbyshire DE4 4LS	Planning Application Received	21/09/2018
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 68

[BACK TO AGENDA](#)

NOT CONFIDENTIAL - For public releasePLANNING COMMITTEE – 4th December 2018**PLANNING APPEAL – PROGRESS REPORT**Report of the Corporate Director

REFERENCE	SITE/DESCRIPTION	TYPE	DECISION/COMMENT
Southern			
17/00752/FUL	The Manor House, Church Street, Brassington	WR	Appeal being processed
18/00155/CLEUD	Poplars Farm, Hulland Ward	IH	Appeal being processed
18/00117/PDA	Marsh Meadows Forge, Hollington, Ashbourne	WR	Appeal being processed
17/01130/OUT	Spinfield, Ednaston, Brailsford	WR	Appeal dismissed – copy of appeal decision attached
Central			
18/00104/FUL	St. Elphins Cottage, Blind Lane, Hackney	WR	Appeal allowed – copy of appeal decision attached
ENF/17/00142	St. Elphins Cottage, Blind Lane, Hackney	WR	Appeal allowed – copy of appeal decision attached
ENF/17/00158	St. Elphins Cottage, Blind Lane, Hackney	WR	Appeal dismissed – copy of appeal decision attached
ENF/17/00159	St. Elphins Cottage, Blind Lane, Hackney	WR	Appeal allowed – copy of appeal decision attached
18/00318/FUL	The Studio, 2 Wirksworth Hall Farm, Wash Green, Wirksworth	WR	Appeal being processed
18/00751/FUL	9 Mornington Rise, Matlock	HH	Appeal being processed
ENF/17/00117	Land opposite Willersley Lane Plantation, Matlock	WR	Appeal being processed
ENF/18/00067	Land at former Bent Farm, Farley Hill, Matlock	WR	Appeal being processed

18/00586/FUL	74 Eversleigh Rise, Darley Bridge	WR	Appeal being processed
18/00547/REM	North Park Farm, Whitworth Road, Darley Dale	WR	Appeal being processed

WR - Written Representations
 IH - Informal Hearing
 PI – Public Inquiry
 LI - Local Inquiry
 HH - Householder

OFFICER RECOMMENDATION:

That the report be noted.



Appeal Decision

Site visit made on 23 October 2018

by Kevin Savage BA MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 November 2018

Appeal Ref: APP/P1045/W/18/3205064 Spinfield, Derby Lane, Ednaston DE6 3AB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mrs B Bowyer against the decision of Derbyshire Dales District Council.
 - The application Ref 17/01130/OUT, dated 13 November 2017, was refused by notice dated 14 March 2018.
 - The development proposed is 3 dwellings to rear.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. The application was made in outline with all matters reserved. I have therefore dealt with the appeal on this basis, and apart from the red line identifying the extent of the appeal site, I have regarded all elements of the plans as indicative.
3. The revised National Planning Policy Framework (the Framework) was published on 24 July 2018 and replaces the first Framework published in March 2012. This change to national guidance is a material consideration and the main parties have had an opportunity to comment on it. References hereafter in the decision are to the new Framework.

Main Issues

4. The main issues in this case are:
 - Whether the proposal would represent an appropriate location for development, having regard to relevant development plan policies.
 - The effect of the proposal on the character and appearance of the area, including landscape character.
 - The effect of the proposal on the living conditions of neighbouring residents, with particular regard to privacy.

Reasons

Location of development

5. The appeal site lies within the village of Ednaston, which is categorised as a fifth tier 'Infill and Consolidation Village' under Policy S2 of the Adopted

Derbyshire Dales Local Plan (7 December 2017)(the LP). The policy regards these villages as lacking basic facilities to meet day-to-day requirements, but indicates there could be scope for very limited development within the physical confines of the settlement where this is limited to infill and consolidation of the built framework.

6. The appellant indicates several scenarios which are argued can amount to 'limited infilling', including erecting new dwellings in the grounds of existing dwellings in an established residential area. It is not made clear where the appellant has sourced these definitions of 'infilling', however I am not drawn to any such definitions within the development plan policies referred to me or within national guidance. However, a straightforward interpretation of 'infilling' would indicate that the development would occupy a gap between two buildings or developments.
7. The appeal site contains a detached, two storey dwellinghouse within a substantial plot. A public footpath (Brailsford FP40) crosses the site towards the rear. The dwelling is set well back from the road, but still within the front half of the site, such is its depth. The adjacent development to both sides of the road is linear in form, one property deep, with rear gardens adjoining the open countryside beyond. I observed this pattern to prevail through most of the village. I noted some more clustered development to the opposite end of the village, however, this included older buildings which appeared to have undergone conversion. The appellant points to a cul-de-sac development beyond Ednaston House. These properties, however, adjoin the open countryside in the same manner as other properties, and are not accessed behind other properties, so do not, in my view, amount to tandem or backland development. Overall, I find the village to be predominantly linear development on large, spacious plots to either side of the main roads, with gardens connected to open countryside beyond.
8. The proposed development of three dwellings to the rear of the existing dwelling would be at odds with this prevailing settlement pattern, being a form of backland development with access gained to the side of the existing dwelling. The dwellings would be located immediately to the rear of the existing dwelling, and to the rear of neighbouring dwellings to the side of the site. Although the grounds of the appeal site and neighbouring properties are deep, the built form is located within a limited zone to the front of the sites. The majority of the plots are gardens which, given their size, openness and natural character, have a strong sense of connectivity with the open countryside beyond.
9. The appellant points to the Council's Landscape Sensitivity Study (August 2015) which places the site 'within the heart of the village'. Whilst this may appear so on plan, the winding form of the village means that land of natural character permeates into the village, such as at the appeal site. My attention is also drawn by the appellant to the criteria used by the Council to define the settlement boundaries of higher tier villages. However, Ednaston does not have a defined boundary, and my observations on the ground lead me to the view that the location of the proposed dwellings would be behind, and contrary to, the prevailing linear settlement pattern of the village.
10. The placement of three dwellings within the rear garden would not therefore represent infilling of a gap between two developments, but an extension of the

built form behind the prevailing building line and into the natural landscape beyond.

11. Therefore, I find that the proposed development would not be within the physical confines of the settlement and would not be a consolidation of the built framework, contrary to the aims of Policy S2 and the principles of Policy S1. The proposal would consequently conflict with Policies S4 and HC1, which respectively permit residential development in fifth tier villages and on unallocated sites where in accordance with Policy S2. The proposal would not meet any of the other exceptions within Policy S4 where development would be permitted in the countryside. The proposal would not therefore represent an appropriate location in principle for housing.
12. The Council cites Policy S3 in its decision notice, however this relates to development within settlement boundaries, and is not therefore relevant in this case.

Effect on Character and Appearance

13. Whilst all matters are reserved for future consideration, the indicative layout shows three dwellings located to the rear half of the site. This layout is not definitive, but in order for the existing dwelling to retain sufficient garden space, and given the shape and constraints of the site, such as the public footpath, the layout is likely to be relatively similar to that shown on the plans. I note the appellant's reference to the proposal being low density when considered against 'nationally accepted approaches' of 30 to 35 dwellings per hectares. The proposal is not, however, within an urban or suburban location, but a rural village where properties stand on generous plots. Regardless of the measured density per hectare, the proposal would be a significantly denser form of development behind the established built form on two streets, with each of the dwellings having a considerably smaller plot size than surrounding properties. This density, coupled with a suburban style cul-de-sac layout would contrast markedly with the prevailing character of the area.
14. A prominent feature of the site is the public footpath which crosses the site on a diagonal route leading to the open countryside and on to All Saints Church located to the east of the village. Several interested parties also point to its historic importance as a 'coffin path', and to it still being well used today. The rear garden of the appeal site is split by the footpath. The part closest to the dwelling is clearly associated with it and appears domestic in character. The rearmost section, appeared to me as a detached piece of open land and not a contiguous part of the main garden either physically or visually due to the thick hedge along the route of the footpath which separates the two parts.
15. I observed the path of the footpath to be rural in character when crossing the appeal site, with a clear sense of approaching the wider countryside. The proposal would retain the route of the footpath, but would see a large section of the hedgerow removed and the two garden areas amalgamated. As a result, the route of the footpath would no longer be defined by natural features, but by hard landscaping within the development site. Walkers would have to cross the shared access/turning area of the dwellings to reach the open countryside. The loss of openness and natural features as a result of the proposal would inherently alter the rural and tranquil character which pervades along the footpath route. This would demonstrably harm the experience of users of the

footpath, and would significantly detract from the surrounding landscape character.

16. In addition, the placement of dwellings in this backland position would introduce new sources of light, noise and activity within a presently tranquil environment, which would adversely alter its character.
17. The appellant points to areas to the south of the appeal site being developed, namely a tennis court and manège. Both are screened by hedgerows and trees in views from the appeal site and neighbouring properties. Moreover, apart from a lightweight wire fence around the court, neither of these features has any demonstrable massing which has a significant effect on the open, rural character of the area beyond the appeal site. I consider, therefore, that these features do not provide justification for the proposed dwellings.
18. The dwellings would form an uncharacteristic development which would fail to respect the surrounding context, and would result in the erosion of the site's natural qualities which contribute positively to the surrounding rural landscape.
19. Therefore, the proposal would harm the character and appearance of the area, and surrounding landscape character. Accordingly, there would be conflict with Policies PD1 and PD5 of the LP which together require development to contribute positively to an area's character, history and identity in terms of scale, height, density, layout, appearance, materials and the relationship to adjacent buildings and landscape features; and to recognise the intrinsic character, appearance and local distinctiveness of the landscape.

Effect on living conditions

20. The Council argues that the proposal fails to demonstrate the dwellings could be accommodated on site without causing a significant loss of privacy to the occupants of the both existing and the proposed dwellings.
21. I observed the properties at Corner Farm Cottage and Long Meadow to be reasonably distant from the indicative location of the dwellings on the plans, with screening provided by trees and hedges on the side boundaries. I am satisfied that occupants of these dwellings would not suffer harmful levels of overlooking from the proposed dwellings.
22. The dwelling Birch Garth stands to the side of the rear section of the site. The rear garden of this property is relatively shallow. As a result, there are clear views from the first floor windows to the appeal site and vice versa. The indicative proposals show the flank wall of one of the dwellings and the rear wall of a detached garage positioned close to the common boundary. However, there is no indication at this stage that windows would be placed in these elevations which would enable direct overlooking. There would be some oblique views from the rear windows of the Plot 1 dwelling, if so positioned. However, given the intervening distance and tree cover, I am of the view that there would not be invasive views which would result in a demonstrable loss of privacy for neighbouring occupants of Birch Garth.
23. However, the proposed dwellings, in particular their gardens, would be overlooked by Birch Garth and the existing dwelling on the site, Spinfield. This would undermine the quality of accommodation provided by the proposed dwellings. There would also be increased views from the garden to the upper floor windows of Birch Garth, with resulting loss of privacy for occupants of that

property. As a result, the proposal would conflict with Policy PD1 of the LP, which requires that development achieves a satisfactory relationship to adjacent development and does not cause unacceptable effects in terms of, amongst other things, overlooking.

24. The Council raises no other objections in respect of neighbours' living conditions. I have had regard to the submissions of interested parties raising further concerns regarding issues such as loss of light and outlook. However, given the outline nature of the proposal, these are not determinative matters at this stage.

Other Matters

25. The Grade II Listed Ednaston House stands beyond the rear of the site in extensive grounds and I have had due regard to the statutory duty at Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. The Council considered the proposal would adversely affect the openness of the setting of the listed building, the grounds of which include the tennis court adjacent the site. Whilst the grounds of the listed building abut the appeal site, there is a significant distance between the appeal site and the listed building and a substantial tree line on the common boundary, which serves as a physical and visual barrier between the two. Moreover, given the layout of the listed building, it seems to me that its setting is characterised by the expansive open land to either side of the house, rather than features beyond the tree line within the appeal site. Accordingly, I find that the proposed dwellings would not adversely affect the setting of the listed building, and I find no conflict with Policy PD2, which relates to the protection of the historic environment.
26. The appellant argues that the up to 50% of the curtilage of the appeal site could be built upon, and a hardstanding could be constructed, through the exercise of permitted development rights. That may be possible, however, I have no evidence before me that any such proposals are likely to be implemented. Given the permitted development rights cited refer to buildings incidental to the enjoyment of a dwellinghouse and are limited to a single storey in height, and the purpose of an extensive hard surface area in the absence of any dwellings on the site is unclear, I do not regard these as realistic alternatives to the appeal scheme, and I ascribe them little weight.
27. The Council did not oppose the proposal in respect of highway safety. I have had regard to the comments of interested parties regarding risks to pedestrians as there are no footpaths to the village roads, however the scale of the development is not, to my mind, so large as to result in significant increases in traffic which would demonstrably add to the existing risks pedestrians face when walking on the roads. I am not provided with substantive evidence to reach a different conclusion to those of the Highway Authority and the Council in this respect.
28. Interested parties also raise concern over potential conflict between pedestrians and vehicles due to the public footpath crossing the turning head of the proposed development. Whilst I understand these concerns, the submitted layout is indicative, and a means to overcome this issue could be conceived at reserved matters stage when layout would be considered. These concerns are not decisive, therefore, in my considerations.

29. Comments from interested parties refer to potential future diversion or closure of the public footpath, or its temporary closure during building works. I note, however, that the Council's Rights of Way Assistant (Inspector) raised no objection, subject to several conditions. Given what I have seen and read, I have no reason to reach a different conclusion. The retention of the footpath, however, would be a neutral factor neither weighing for nor against the proposal.
30. There would be some economic benefits through the construction process and from subsequent occupation of the dwellings and spending by residents in the local area. However, given the small scale of the development, and the temporary nature of the construction works, such benefits would carry limited weight in favour of the proposal.
31. Given the limited services which exist in the village, and lack of public transport, residents would be heavily reliant on private modes of transport to access services and employment opportunities, despite the availability of public rights of way to nearby Brialsford. Environmentally, this would weigh against the proposal.
32. The Council indicates that it can demonstrate a five year supply of housing sites, which is not challenged by the appellant. Therefore, whilst the additional dwellings would attract limited weight in favour of the proposal, the Council's housing supply position means that its housing policies are not considered to be out of date for the purposes of Paragraph 11 of the Framework, and the presumption in favour of development does not apply in this case.

Conclusion

33. S38(6) of the Planning and Compulsory Purchase Act 2004 indicates that decisions should be made in accordance with the development plan unless material considerations indicate otherwise. The limited benefits identified are, to my mind, insufficient to outweigh the conflicts with the development plan which I have identified in this case, and to which I give significant weight.
34. In coming to a view on the appeal I have also had regard to the other concerns raised by interested parties, including loss of trees, the type of housing proposed, effects on wildlife, strains on local services including schools and doctors. However, given my findings in respect of main issues, it is not necessary for me to explore these matters further, as they would not alter the outcome of the appeal.
35. Representations were made to the effect that rights under Article 1 of the First Protocol, and Article 8 of the European Convention on Human Rights (ECHR), as incorporated by the Human Rights Act 1998 would be violated if the appeal were to be allowed. However, as I have decided to dismiss the appeal my decision would not lead to any violation.
36. Therefore, having regard to all relevant matters before me, the appeal is dismissed.

Kevin Savage

INSPECTOR



Appeal Decisions

Site visit made on 22 August 2018

by Chris Preston BA(Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 06 November 2018

Appeal A Ref: APP/P1045/W/18/3198590

Land at St Elphins Cottage, Blind Lane, Hackney, Derbyshire DE4 2QE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Kevin White against the decision of Derbyshire Dales District Council.
 - The application Ref 18/00104/FUL, dated 23 January 2018, was refused by notice dated 06 March 2018.
 - The development proposed is described on the application form as: Agricultural building (revised scheme to replace permission 13/00387).
-

Appeal B Ref: APP/P1045/C/18/3203270

Land at St Elphins Cottage, Blind Lane, Hackney, Derbyshire DE4 2QE

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Mr Kevin White against an enforcement notice issued by Derbyshire Dales District Council.
 - The enforcement notice was issued on 23 April 2018. The Council's reference number is ENF/17/00142.
 - The breach of planning control as alleged in the notice is: The unauthorised erection of an agricultural building contrary to planning permission 13/00387/FUL – Erection of agricultural livestock/ fodder and equipment building.
 - The requirements of the notice are: (a) Reduce the height of the building to 5.2m in height. (2) Reduce the pitch of the roof to 35 degrees in accordance with the approved drawings. (3) Remove the stonework between the door heads and the eaves in accordance with the approved plans. (4) Remove all rooflights in accordance with the approved drawings. (e) Remove the external door in the east, side elevation and infill with blockwork to be render faced in accordance with the approved drawings. (f) Reinstate the front door to the fodder store on the south elevation of the building in accordance with the approved drawings.
 - The period for compliance with the requirements is six months from the date the notice takes effect.
 - The appeal is proceeding on the grounds set out in section 174(2) (a) and (f) of the Town and Country Planning Act 1990 as amended. Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.
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Appeal C Ref: APP/P1045/C/18/3203340

Land at St Elphins Cottage, Blind Lane, Hackney, Derbyshire DE4 2QE

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Mr Kevin White against an enforcement notice issued by Derbyshire Dales District Council.

- The enforcement notice was issued on 23 April 2018. The Council's reference number is ENF/17/00159.
 - The breach of planning control as alleged in the notice is: The unauthorised partial change of use of an agricultural building to a use for ancillary domestic purposes, contrary to planning permission 13/00387/FUL – Erection of agricultural livestock/ fodder equipment building.
 - The requirements of the notice are: (a) Cease the ancillary domestic use of the building where it is occurring and revert to its approved use as an agricultural livestock/ fodder and equipment building.
 - The period for compliance with the requirements is two months from the date the notice takes effect.
 - The appeal is proceeding on the grounds set out in section 174(2) (b), (c) and (f) of the Town and Country Planning Act 1990 as amended.
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Appeal D Ref: APP/P1045/C/18/3197159

Land at St Elphins Cottage, Blind Lane, Hackney, Derbyshire DE4 2QE

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Mr Kevin White against an enforcement notice issued by Derbyshire Dales District Council.
 - The enforcement notice was issued on 05 February 2018. The Council's reference number is ENF/1700158.
 - The breach of planning control as alleged in the notice is: The change of use of agricultural land, edged red on the enclosed plan, for the storage of domestic and commercial vehicles, building materials and heras fencing.
 - The requirements of the notice are: (a) Cease the use of the land for the purposes detailed above.
 - The period for compliance with the requirements is one month from the date of the notice.
 - The appeal is proceeding on the grounds set out in section 174(2) (c) and (f) of the Town and Country Planning Act 1990 as amended.
-

Decisions

Appeal A

1. The appeal is allowed and planning permission is granted for the erection of an agricultural building with office, shower room and rest area above on land at St Elphins Cottage, Blind Lane, Hackney, Derbyshire DE4 2QE in accordance with the terms of the application, Ref 18/00104/FUL, dated 23 January 2018, and the plans submitted with it.

Appeal B

2. It is directed that the enforcement notice be corrected by the deletion of the words "contrary to planning permission 13/00387/FUL – Erection of agricultural livestock/fodder and equipment building" from the description of the alleged breach in section 3.
3. Subject to that correction the appeal is allowed, the enforcement notice is quashed and planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act as amended for the development already carried out, namely the erection of an agricultural building on land at St Elphin's Cottage, Blind Lane, Hackney, Derbyshire DE4 2QE referred to in the notice, subject to the following condition:

- 1) The building operations hereby permitted shall be demolished to ground level and all materials resulting from the demolition shall be removed within 6 months of the date of failure to meet the requirement set out below:
 - i) Within 6 months of the date of this decision the exposed blockwork walls shall be rendered in accordance with details shown in the application and drawing submitted to the Council in relation to application reference 18/00104/FUL.

Appeal C

4. It is directed that the enforcement notice be corrected by the deletion of the words "contrary to planning permission 13/00387/FUL – Erection of agricultural livestock/fodder and equipment building" from the description of the alleged breach in section 3.
5. Subject to that correction the appeal is allowed and the enforcement notice is quashed.

Appeal D

6. It is directed that the enforcement notice be corrected and varied by:
 - i) The deletion of the words "storage of domestic and commercial vehicles, building materials and heras fencing" from the description of the alleged breach in section 3 and the substitution of the following words "to a use as agricultural land and for the parking of domestic and commercial vehicles and the storage of building materials and heras fencing";
 - ii) The deletion of the requirement at section 5(a) and the insertion of the following requirements:
 - 5(a) Cease the use of the land for the parking of any domestic and commercial vehicles that are not connected with and used in association with the agricultural use of the land; and
 - 5(b) Cease the use of the land for the storage of building materials and heras fencing, except where such storage may be connected with the agricultural use of the land or where the storage of building materials may be in association with operations being undertaken on the land, such that the storage would comply with the terms of Class A, Part 4 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015.

Subject to these corrections and variations the appeal is dismissed and the enforcement notice is upheld.

Application for costs

7. An application for costs was made by Mr Kevin White against the Council in relation to Appeal C. This application is the subject of a separate Decision.

Procedural Matters

8. Four appeals are before me and I have referred to them as Appeals A, B, C and D as set out in the banner heading above. Appeal A is made against the Council's decision to refuse to grant planning permission and Appeals B, C and

D are made against the Council's decision to service enforcement notices in relation to the property.

9. Appeals A, B and C essentially relate to the same building and Appeal D relates to the use of land adjacent to the building. Consequently, there is some overlap between the four appeals and this decision letter covers all four. Nonetheless, there are also important differences between each appeal and, consequently, I have set out my reasoning in relation to each separately in the interests of clarity. I shall start by addressing the planning appeal and then deal with each enforcement appeal in turn.

APPEAL A - Appeal Against the Refusal to Grant Planning Permission

Preliminary Matters

10. The application form described the proposed development as being for the erection of an agricultural building as a revised scheme in relation to an earlier planning permission for the erection of an agricultural store, livestock and fodder building. The Council amended the description of the proposed development in the decision notice which refers to the 'Retention of agricultural building with office and rest area above (retrospective)'.
11. The term 'retention of' does not describe an act of development and I consider that a more accurate description of the development for which permission was sought would be '*the erection of an agricultural building with office, shower room and rest area above*'. That description is more accurate than that given in the application form because it clearly refers to the proposed function of the building which includes an office, rest room and shower facility, as shown on the submitted plans.
12. In addition, the proposal is materially different to the previous planning permission in terms of the size and external appearance of the building and the internal function. Consequently, the proposal is not a revision in the sense of a non-material or minor material amendment to the previous scheme but is a stand alone planning application for a different scheme. The description set out above takes account of those factors and I have used it in my formal decision.

Main Issues

13. Having regard to the stated reasons for refusal in the decision notice and the information before me, the main issues are:
- a) Whether the development would lead to the introduction of a residential unit in the open countryside; and
 - b) The effect of the development on the character and appearance of the area.

Whether the Development Would Result in the Creation of a Residential Unit in the Countryside

14. It appears to me that the Council's concern in this regard may stem from suspicion as to what the building may become in future as opposed to what is actually proposed in the application. The plans depict a farm office, shower room and rest room at first floor level and a lambing shed and fodder store at ground floor level and the application form described the proposal as an

agricultural building. The Council's altered description of the development proposed did not refer to a residential unit.

15. I accept that the building does have a slightly more domesticated appearance when compared to the previous permission on account of the size and profile of the door openings and the insertion of rooflights on the front elevation. However, the lowering of the door heads would be required to enable sufficient headroom at first floor level in order to accommodate the proposed office and the rooflights to give natural light to the upper floor.
16. Consequently, the design of the building alone does not dictate that it would necessarily be used as a residential unit. It is not a case where the form of the building is entirely unsuitable for the use proposed in the application. The ground floor was used as a storage area for fodder at the time of my visit. The delegated report also noted that fodder and animal feed was present at the time of the officer's visit, in addition to a parked car. Photographs showing livestock housed in the building have been provided. Whilst I am alert to the fact that the images could have been provided purely for the purposes of the appeal they do, nonetheless, demonstrate that the building is capable of being used for the purposes stated in the application.
17. If planning permission was granted for the development and the building was put to a materially different purpose it would be open to the Council to consider taking enforcement action. In fact, the issue of how the building has been used is raised in relation to Appeal C but the allegation in that case refers to a use for 'ancillary domestic purposes' and not that a separate residential unit has been created. In fact, the Council has not suggested that a new residential unit has been created in any of the enforcement notices and it would be difficult to make such an allegation because the building is yet to be finished and fitted out. It does not contain any of the facilities required for day to day living in its present state.
18. Therefore, I must determine the appeal on the basis of what is actually proposed. That is an agricultural storage building with an office, rest area and shower facility at first floor level. The principle of having a shower facility and rest room to wash down and/ or rest from the elements without dragging muddy clothing into the adjacent house is not unreasonable and an office to deal with farm affairs would be related to or ancillary to the farming activity at the site. On the specific point raised by the Council, the inclusion of those facilities within the building would not lead to the creation of a new residential unit in the open countryside.

The Effect of the Development on the Character and Appearance of the Area

19. The site occupies a hillside location on the fringes of Hackney, an elevated rural village which sits high up on the south-west facing hillside overlooking the A6 in the valley beyond. Grove Lane rises up from the A6 to meet the settlement and Blind Lane branches traverses the hillside as it runs immediately to the rear of the appeal site. The farmhouse backs onto the road but is set down from it on account of the gradient of the hillside.
20. The buildings within the village are predominantly residential in character and there is an interesting mix of modern and traditional building styles, including some vernacular buildings and converted barns which give a hint of their

agricultural past. The predominant facing material is gritstone and that is evident in the dry stone walls that enclose the lanes and fields. The farmhouse at St Elphin's Cottage is faced in a roughcast render.

21. The appeal building sits next to the farmhouse and also backs onto the road, as do other buildings along this narrow part of the lane. Its scale is subservient to that of the farmhouse and, when viewed from the rear, the simple rectangular form and pitched roof do not appear unusual or out of kilter with the established pattern. The blue slate matches materials used on the farmhouse, as would the proposed rendered finish. The steeper roof pitch, when compared to the previously approved scheme, is more akin to the steeply sloping roof of the adjacent dwelling. As such, when viewed at close quarters from Blind Lane no harm arises to the prevailing character and appearance of the area. The character remains that of a small farmstead set on the edge of the village with open pasture beyond.
22. The main differences in visual terms, when compared to the previously approved scheme, are evident at the front elevation, facing away from Blind Lane. There are very few public views of that side of the building. The closest public footpath is some distance away to the north-west and the A6 and the rear of houses running alongside it are a significant distance away in the valley below. Having walked along the public right of way I could barely discern the building, less still notice the particular design of the door entrances and rooflights.
23. Even if that was not the case, the design is not unduly harmful in my view. The proportion of the openings is more domesticated than the building previously approved but the backdrop is the residential property at the farmhouse and other residential properties to the rear. Consequently, the development does not appear incongruous in that context. All in all, it is a modest structure of appropriate design that respects the character and appearance of the surrounding area.
24. In that respect, it complies with the relevant sections of policies S1, S4, PD1 and PD5 of the Derbyshire Dales Local Plan (2017) (the Local Plan) insofar as those policies require good design that takes account of and maintains the character and appearance of the area and the local landscape. It also accords with the broad aims of the National Planning Policy Framework (the Framework) with regard to design and the protection of the beauty and intrinsic value of the countryside, as set out in chapters 12 and 15 of that document.

Conditions

25. I am not aware that any conditions have been put forward by either party in the event that the appeal is allowed. The standard time limit condition for the commencement of work is unnecessary given the retrospective nature of the development. Any planning permission for the development would be granted for the layout, appearance and use of the building as shown on the submitted plans and detailed in the application form. Planning permission would be required for any future material change of use and there is no need to attach a further condition in respect of the use.

26. In the absence of any other suggestions I can think of no conditions that would be necessary to make the development acceptable in planning terms.

Conclusion

27. The proposal is for a building of modest scale to serve a joint purpose as an agricultural storage unit with office, shower and rest facilities above. The Council has previously approved a building in relation to the needs of the smallholding and I have no reason to doubt that those needs still exist. The additional facilities now proposed at first floor level are not unreasonable and would be related to the function of the unit as a whole. Accordingly, the principle of the development in the countryside is acceptable having regard to the requirements of policy S4(f) of the Local Plan.
28. Moreover, the appearance of the building does not cause harm to the character and appearance of the area or the surrounding landscape and the development accords with the relevant policies of the development plan and the Framework in that regard. For all of those reasons I conclude that the appeal should be allowed and I shall grant planning permission accordingly.

APPEAL B – Against the Enforcement Notice Alleging the Unauthorised Erection of an Agricultural Building

Procedural Matters and Main Issue

Section 173 of the Town and Country Planning Act 1990 (the Act) specifies that an enforcement notice must identify which paragraph of section 171A(1) the alleged breach falls within. Section 171A(1) identifies that breaches of will fall into two categories; (a) carrying out development without the required planning permission; and (b) failing to comply with a condition or limitation subject to which planning permission has been granted.

29. In this case, the enforcement notice describes the breach as:

The unauthorised erection of an agricultural building contrary to planning permission 13/00387/FUL – Erection of agricultural livestock/ fodder and equipment building.

30. The preliminary text at paragraph 1 of the notice identifies that the breach falls under s171A(1)(a) of the Act which relates to operational development as opposed to a breach of condition. In that context, it appears to me that the words “contrary to planning permission 13/00387/FUL – Erection of agricultural livestock/ fodder and equipment building” are superfluous in the description of the breach. What is alleged is not a breach of condition relating to that application but the erection of a materially different form of development.
31. Thus, I have considered the appeal on the basis that the breach amounts to the unauthorised erection of an agricultural building. I have corrected the description of the alleged breach for clarity and am satisfied that no prejudice will arise because the technicality of the description does not alter the substantive points raised by the parties.
32. Where an appeal is brought on ground (a), the scope of the deemed planning application is defined by the description of the alleged breach¹. Whilst the

¹ Section 177(1)(a) of the Town and Country Planning Act 1990

Council has raised concerns about the intended use of the building in relation to the refusal of the planning application in relation to Appeal A and has alleged that there has been a material change of use in relation to Appeal C, the notice in relation to Appeal B clearly describes the alleged breach as the erection of an agricultural building. It does not allege, for example, the erection of a domestic outbuilding or residential building. Thus, in relation to ground (a) the question before me is whether planning permission should be granted for the erection of an agricultural building.

33. Having regard to the stated reason for issuing the enforcement notice the main issue is the effect of the development on the character and appearance of the area and the local landscape.

The Appeal on Ground (a)

34. I have set out my views on the effect of the development on the character and appearance of the surrounding area in relation to Appeal A and, whilst the Council noted some minor discrepancies between the plans submitted in relation to the application and the development as built², I am satisfied that those differences have no material impact upon the external appearance of the building or its effect on the character of the surrounding area.
35. Thus, for the same reasons set out in relation to Appeal A, the development as built is of a design that is suited to its context and no harm has been caused to the character and appearance of the area and the local landscape.
36. There is a subtle difference between Appeals A and B in terms of the consideration of the external appearance of the building. When considering a planning appeal it is necessary to examine the finished impact of development based on what is proposed. In the case of Appeal A it is proposed to render the external blockwork and I am satisfied that would match the adjacent house and be suitable in the context of the character of the surrounding area. Conditions are not usually attached to a planning appeal to require development to be completed in a specific timescale. In an enforcement appeal permission would be granted for the development as built at the time the enforcement notice was served. In this case, the building was faced in stonework on the front elevation and on the corner stones but the render had not been applied, leaving exposed blockwork. Under the ground (a) appeal I am effectively asked to grant planning permission for the building in that condition.
37. Without mitigation the blockwork has a bare and untreated quality that would leave the building with an unsatisfactory appearance, when compared to surrounding stonework and roughcast render. Any harm in that regard could be controlled through the imposition of a condition to secure a rendered finish in line with the plans submitted to the Council in relation to application reference 18/00104/FUL. Without the application of render the external appearance would be unacceptable and any such condition must therefore contain the requirement that the building should be demolished in the event of non compliance within the specified timescale.

² As set out in the delegated report in relation to application 18/00104/FUL

38. Subject to that condition the development would comply with policies S4, PD1 and PD5 of the Local Plan and the relevant sections of the Framework in respect of design and the effect on the intrinsic beauty of the countryside. Accordingly, for the reasons given above I conclude that the appeal on ground (a) should be allowed and I shall grant planning permission subject to the specified condition. No other conditions have been put forward and I am satisfied that none are necessary to make the development acceptable in planning terms.
39. In view of my decision in relation to ground (a), the enforcement notice will be quashed and it is not necessary to consider the appeal on ground (f).

APPEAL C – Alleged Partial Change of Use to a Use for Ancillary Domestic Purposes

Preliminary Matters Relating to the Enforcement Notice and Grounds of Appeal

40. In a similar vein to the notice in relation to Appeal B, the notice in this instance includes the words “*contrary to planning permission 13/00387/FUL – Erection of agricultural livestock/ fodder and equipment building*” after the initial description of the breach which is worded “*The unauthorised partial change of use of an agricultural building, to a use for ancillary domestic purposes*”.
41. A condition was attached to planning permission 13/00387/FUL which stated that the development should be used solely for the purposes of storing fodder and agricultural machinery and equipment and for accommodating sheep and their lambs. Under the condition, pigs and other livestock could not be housed without prior agreement with the Council. However, the notice is served under s171A(1)(a) of the Act and is therefore directed at development carried out without the required planning permission as opposed to a breach of condition.
42. The building is materially different to the building previously approved and, consequently, it falls outside the scope of planning permission 13/00387/FUL. As such, it seems to me that the reference to development being “contrary to planning permission 13/00387/FUL” is unnecessary because what it alleged is the change of use of an unauthorised agricultural building (Appeal B). Accordingly, I shall correct the description of the breach to remove reference to the previous permission and am satisfied that no prejudice will arise having regard to the nature of the respective cases.
43. I can only conclude that the Council’s decision to issue two notices – one in relation to the erection of the building and one alleging the change of use – was deliberate. That implies that the building was erected and used as an agricultural building, as alleged in Appeal B and that a change of use subsequently took place, as alleged in Appeal C. The requirement at section 5(a) of the enforcement notice reinforces that view because it requires the “ancillary domestic use” to cease and that the use should “revert” back to a use for agriculture. In order to revert to an agricultural use, it is reasonable to assume that such a use must have existed in the first instance.
44. If the building had been erected and used for domestic purposes from the outset there would have been no change in use because the structure would have been designed and built for that purpose from day one. However, that is

not what is alleged and I can only determine the appeals on the basis of the breach of control, as alleged, which is on the basis of the alleged change of use.

45. The appeal is made on grounds (b) and (c). An appeal on ground (b) is made on the basis that the matters alleged have not occurred as a matter of fact whilst a ground (c) appeal is made on the basis that the matters do not constitute a breach of planning control. The appellant does accept that a car belonging to the appellant was parked in the building for a short period of time. He also accepts that parts of the building have been boarded out and fitted with a water supply, as alleged by the Council. Consequently, he does not dispute that the matters referred to by the Council have actually occurred but questions whether they amount to a breach of planning control as alleged. As such, I am of the view that the arguments are more appropriately dealt with under ground (c) as opposed to ground (b).

The Appeal on Ground (c)

46. Fundamentally, I have concerns regarding the description of the alleged breach which describes a "partial change of use". In planning terms, development will occur when a *material* (my emphasis) change of use occurs from one use to another. The starting point in assessing whether a material change of use has occurred is the planning unit. If the planning unit has a lawful use of "A" and a change in the nature of that use results in a new use "B" an assessment will be required to determine whether the new use is sufficiently different in terms of its character to amount to a material change of use. If it is then planning permission will be required.
47. In other words, a change of use will either be material or not. I am not familiar with the concept of a "partial" change of use. It is possible for a material change of use to occur in part of a building. For example if the upper floor of a retail unit was converted into an independent residential unit with no connection to the retail use then a material change of use of that part of the building would have occurred. The result would be a building containing two separate planning units. It would not be a partial change of use but the material change of use of part of the building. However, the Council does not allege the change of use of part of the building because its concerns appear to relate to the use of the ground floor and the loft space.
48. Moreover, the phrase "ancillary domestic purposes" also raises the question of whether the alleged use is of sufficient scale to amount to a material change of use. In planning terms a material change of use will not generally occur where a use is introduced that is ancillary to the primary use of the land. If the scale of an ancillary activity is increased to an extent that it is no longer of an ancillary nature then it would become a primary use of the land and a material change of use would occur. By its nature, the description of the alleged breach would suggest that any domestic use was at an ancillary level which would indicate that no material change of use had taken place. In that sense, no breach of planning control would have occurred.
49. Documents submitted in support of the 2013 planning application described the use as a registered small holding and the registration number was provided. It appears to me that the planning unit comprises the land associated with the farming smallholding and the residential use of the associated dwelling. As

- with many farms, there is a clear functional link between the use of the dwelling and the operation of the unit and, in a physical sense, there is no obvious demarcation between the two uses on the ground. On the evidence presented it seems likely that there is a single planning unit that is in a mixed use for agriculture and residential use.
50. Taking that as the starting point the use described would be ancillary to the established use of the unit. The Council refers to the fact that the appellant's car was parked inside the building at the time of an officer's site visit. The appellant maintains that was a temporary occurrence that does not reflect the general way in which the building is used. On many farms there will be a cross over between the residential use and the farming use and the occasional parking of a car in a building more generally used for agricultural storage would not amount to a material change of use, having regard to the established use of the planning unit because it would be ancillary to the primary use of the land.
51. The second element of the Council's concern relates to the way in which the building has been constructed, including the insertion of the first floor, the boarding out of specific areas and the addition of services. The appellant does not disguise the fact that he intends to use the upper floor as an office, rest room and shower room and I have considered those matters in relation to Appeal A. It seems to me that those elements would not amount to a material change of use because they would be ancillary to the farming enterprise.
52. In any event, at the time the notice was served the building was still under construction and the first floor was not complete. Those facilities had not been created or used at the time the notice was served and, at that point in time, the evidence suggests that the building had predominantly been used for the storage of fodder, equipment and agricultural feed; occasional use for parking a car; and the keeping of a desk for administrative tasks. I am satisfied that the use in that manner was directly related to the primary use of the planning unit such that no material change of use had occurred.
53. For all of those reasons I find that the matters alleged did not amount to a breach of planning control and I shall allow the appeal on ground (c). The enforcement notice will be quashed as a result of that decision and the appeal on ground (f) does not fall to be considered.

APPEAL D – Alleged Change of Use of Land for the Storage of Domestic and Commercial Vehicles, Building Materials and Heras Fencing

Preliminary Matters

54. The enforcement notice refers to the "storage" of domestic and commercial vehicles whereas both parties have referred to the "parking" of vehicles within their statements. It seems to me that there is a difference between the two terms in that storage implies that an object, such as a car, is simply stored on land whereas a use for parking implies that vehicles will come and go and be parked when not in use for other purposes. Having read the statements I consider that the "parking" of vehicles would be a more accurate description of the breach and I have corrected the notice accordingly. Given the content of the respective statements I am satisfied that no prejudice will arise.

55. The plan attached to the notice encompasses a number of fields to the north and west of St. Elphin's Cottage. The dwelling itself is outside the boundary identified in the notice. The photographs depicting where parking and storage have taken place only cover part of the land identified on the plan and there is no dispute that the remainder of the land is still in agricultural use. Consequently, for accuracy, it appears to me that the alleged use should also contain reference to the on-going agricultural activity. I have varied the description of the breach within the notice accordingly and am satisfied that neither party will be prejudiced by my decision to do so because the fact that agricultural activity continues on part of the land is not in dispute.

The Appeal on Ground (c)

56. The appellant maintains that building materials, vehicles and equipment were stored/ parked on the land in connection with works to extend the dwellinghouse at St. Elphin's Cottage. He also states that the heras fencing is used in connection with agricultural use of the land for the protection of livestock from foxes during lambing and that some of the stone referred to by the Council is stored in connection with farm boundaries.

57. As set out above, I consider that the planning unit – which is the starting point when assessing whether a material change of use has taken place – is likely to encompass the dwelling and the associated agricultural land given the functional relationship between the two. Limited evidence has been presented by both parties and that makes it difficult to reach a firm conclusion but I must reach my decision on the balance of the evidence before me. The onus rest with an appellant to make his case in relation to a ground (c) appeal on the balance of probability.

58. The Council relies upon three photographs allegedly taken on 14 November 2012, 29 May 2013 and 06 December 2017. The appellant does not dispute the accuracy or date of those images. The photograph from 2012 shows a builder's van, three cars and a trailer on hardstanding adjacent to Blind Lane. The trailer is a typical of the kind used for transporting horses or other animals and could well have been used in connection with the farming activity.

59. It could be that the van was parked in connection with on-going building works but I note that the images taken in 2013 and 2017 also showed vans of the same building contractor parked at the site. The photographs only represent snapshots of specific days but the appellant hasn't satisfactorily explained why the vans would have been in situ over such a prolonged period of time. There is no suggestion that building works have been going on for a five year period. Therefore, the evidence before me leads me to conclude that it is likely that the vans were not simply parked in connection with building works but on a more consistent basis. In other words, that the land was being used for the parking of commercial vehicles, not related to the established use of the planning unit.

60. The heras fencing is only evident on one image in 2017. It could be intended for stock protection but it is a type of fencing more generally used in the building industry than for agricultural purposes. The sheep and lambs shown on the photographs provided by the appellant were enclosed in more typical pens with a different style of fencing. Given the presence of the vans belonging to a building contractor it seems more likely that the heras fencing

was stored in connection with that business than the activity taking place at the farm.

61. Only one of the images shows any building materials on the land; that taken in 2017 when building works relating to the extension of the dwelling were on-going, as is evident from photograph. That leads me to conclude that the materials were on site for a temporary period in connection with on-going work as suggested by the appellant. Such storage would be permitted having regard to the terms of Class A, Part 4 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015.
62. The images taken in 2012 and 2017 show cars parked at different locations on the site. Three cars are visible in each image. It is not clear who they belonged to or why they were parked at the site, for example, if they belonged to the appellant or other members of the household or building contractors. Given that the onus is on the appellant to make his case, no information is before me to verify the appellant's version of why the vehicles were parked at the site. Consequently, I cannot conclude that they were associated with the established use of the planning unit.
63. The parking of vehicles and commercial vehicles not connected with the residential use or farming activity is likely to lead to increased comings and goings and the open parking and storage of fencing has a visual impact that has altered the character and appearance of the land. When viewed against the starting point of the planning unit I conclude that the use of land for the parking of commercial vehicles, the storage of heras fencing and the parking of domestic vehicles of unknown origin has resulted in a material change in the use of the land.
64. Accordingly, the appeal on ground (c) fails.

The Appeal on Ground (f)

65. The appellant contends that the requirements of the notice go further than is required to remedy the breach because they would prevent vehicles being parked on the land in association with the agricultural use of the land. As set out above, my conclusions that a material change of use has occurred are based upon the likelihood that vehicles and materials not connected with the established use of the planning unit have been parked and stored on the land.
66. I agree that a requirement to cease *all* parking of commercial and domestic vehicles and to cease all storage of building materials would be excessive because a literal interpretation of those requirements would be to prevent the parking of vehicles and/ or the storage of materials and fencing associated with the established use of the planning unit. A more appropriate form of wording would be to cease the stated uses other than is required in connection with the use of the agricultural activity that is carried on at the land or in connection with any operations being carried on, in line with permitted development rights. That would have the effect of restricting the unauthorised uses whilst enabling the activity at the farm to continue.
67. The appeal on ground (f) succeeds to that extent and I shall vary the terms of the notice accordingly.

Overall Conclusion

68. For the reasons given, the appeal fails on ground (c) but succeeds under ground (f). Therefore, I shall uphold the enforcement notice, as corrected and varied.

Chris Preston

INSPECTOR

BACKGROUND PAPERS

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

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

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

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

BACK TO AGENDA