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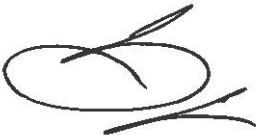
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28 January 2019

To: All Councillors

As a Member or Substitute of the **Planning Committee**, please treat this as your summons to attend a meeting on **Tuesday 5 February 2019** 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 1.35pm 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 – 15 January 2019

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. 18/01333/FUL (Site Visit)	07 – 13
Retain and clad shipping containers and retain caravan onsite for a further period of 12 months at Longway Bank Wood, Longway Bank, Whatstandwell.	
4.2 APPLICATION NO. 18/01371/FUL (Site Visit)	14 – 30
Change of use from cinema (D2 use) with ancillary bar area to mixed use cinema (D2 use), bar (A4 use), delicatessen (A1 use) and café (A3 use) at 13A North End, Wirksworth.	
4.3 APPLICATION NO. 18/01423/FUL (Site Visit)	31 – 40
Retention of part single-storey, part two-storey building as converted for use as a dwellinghouse, including retention of flue serving wood-burning stove at Brackendale, Ashbourne Road, Brassington.	
4.4 APPLICATION NO. 18/01026/FUL (Site visit)	41 – 54
Demolition of two barns and erection of dwelling with attached ancillary living accommodation, barn and bothy at Hillside Lodge Farm, Field Lane, Kirk Ireton.	
4.5 APPLICATION NO. 16/00397/FUL	55 - 86
Residential development of 49 dwellings with associated garages and infrastructure at land at Tansley House Gardens, Tansley.	
4.6 APPLICATION NO. 17/00850/FUL	87 - 116
Erection of 26 dwellings and widening of existing access to serve development and new access to the retained property on site at land off Whitelea Lane, Tansley.	
4.7 APPLICATION NO. 18/01184/FUL	117 - 138
Erection of two commercial buildings comprising of 14 separate units at Haarlem Mill, Derby Road, Wirksworth.	

5. **INFORMATION ON ACTIVE AND CLOSED ENFORCEMENT INVESTIGATIONS** 139 – 158
6. **APPEALS PROGRESS REPORT** 159 - 160

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 **1.35pm prompt** for the following site visits:

	Page No.
1.50pm APPLICATION NO. 18/01333FUL	07 – 13
LONGWAY BANK WOOD, WHATSTANDWELL	
At the request of Officers for Members to assess the need for the development and the impact on the character and appearance of the open countryside.	
2.15pm APPLICATION NO. 18/01371/FUL	14 – 30
13A NORTH END, WIRKSWORTH	
At the request of Officers for Members to assess the site in its context and the potential to harm the amenity of residents in the locality.	
3.00pm APPLICATION NO. 18/01423/FUL	31 - 40
BRACKENDALE, WALLANDS FARM, BRASSINGTON	
At the request of officers for Members to consider the extent of works carried out to the building and the impact of the development on the surrounding area.	
3.30pm APPLICATION NO. 18/01026/FUL	41 – 54
HILLSIDE LODGE FARM, KIRK IRETON	
At the request of Officers for Members to appreciate the proposal in the context of its surroundings.	
5.00pm RETURN TO TOWN HALL, MATLOCK.	

COMMITTEE SITE MEETING PROCEDURE

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

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

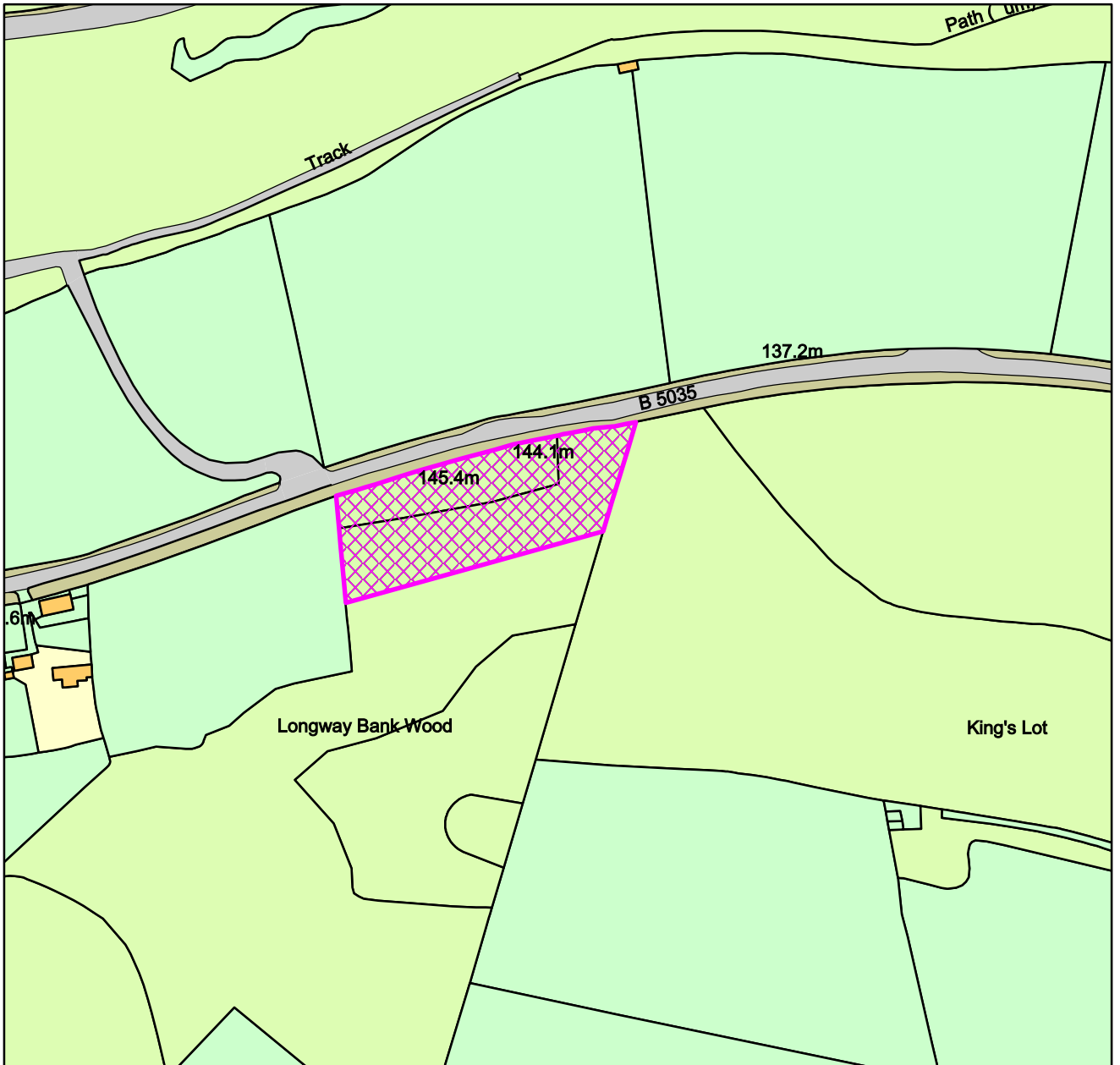
APPLICATION NUMBER		18/01333/FUL	
SITE ADDRESS:		Longway Bank Wood, Longway Bank, Whatstandwell	
DESCRIPTION OF DEVELOPMENT		Retain and clad shipping containers and retain caravan onsite for a further period of 12 months	
CASE OFFICER	Mr. G. A. Griffiths	APPLICANT	Robinson, Garner & Bradshaw
TOWN	Wirksworth	AGENT	Planning & Design Practice Ltd
WARD MEMBERS	Cllr. Mrs. I Ratcliffe Cllr. M. Ratcliffe Cllr. P. Slack	DETERMINATION TARGET	1 st February 2019
REASON FOR DETERMINATION BY COMMITTEE	Requested by Ward Member	REASON FOR SITE VISIT (IF APPLICABLE)	To assess the need for the development and the impact on the character and appearance of the open countryside

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

RECOMMENDATION
Approval

18/01133/FUL

Longway Bank Wood, Longway Bank, Whatstandwell



Derbyshire Dales DC

1:2,500

Date: 28/01/2019

100019785

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

1. THE SITE AND SURROUNDINGS

- 1.1 The site is part of a woodland located in open countryside to the south of the B5035 Longway Bank (Wirksworth to Whatstandwell Road). The woodland extends across land, which rises steeply to the south, onto more level areas occupying the high ground of a prominent spur of land that extends from the west and overlooks the valley of the River Derwent in the north. The valley is characterised by the river itself, the Cromford Canal, the railway and the main A6 road all set within swathes of woodland with some open fields. The slopes that fall away south east and east of the site are characterised by a mixed land use of open fields and further blocks of woodland.
- 1.2 The landscape character is mainly the Enclosed Moors and Heaths landscape type of the Derbyshire Peak Fringe and Lower Derwent landscape character area. However, the site itself is uncharacteristic of this landscape type, which is generally open in nature, having been extensively planted with coniferous plantations. It has far more in common with the Wooded Slopes and Valleys landscape type which surrounds it on its northern, eastern and southern sides where woodland, albeit mainly deciduous, is much more prevalent.
- 1.3 The woodland is mainly coniferous plantation with some deciduous trees concentrated at the edges and occasional under-storey species, most notably holly. It includes Flat Wood, Longway Bank and King's Lot. Mature deciduous trees are a particular feature on the edge of Kings Lot where it runs alongside the B5035. These trees, along with other associated roadside vegetation, provide an effective visual screen of views into the woodland from the road, especially during the months when the trees are in leaf.
- 1.4 One public right of way, the Midshires Way, is routed north/south between Flat Wood and Longway Bank Wood to the south east of the site and another along the eastern edge of Kings Lot. There is also a permissive path which follows the boundaries of the site in the south east.

2. DETAILS OF THE APPLICATION

- 2.1 A temporary planning permission is sought for a period of 12 months in order to retain a mobile home and two steel containers on the site at the north western end of King's Lot Wood; these were first noted on the site in November 2017. The containers are being used for the storage of the equipment necessary for the woodland management. The mobile home is being used as a site office/rest room.
- 2.2 The applicants have submitted a summary of activities for 2017—2018. This has included the thinning of Flat Wood to increase light levels and the planting of 300 trees, largely Hazel, with Oak and Hornbeam. Eight hundred trees have been ordered for winter planting. Trees have also been removed where they have blown over across footpaths. There have been improvements to the appearance of the main entrance to the woodland.
- 2.3 The applicants state that, in partnership with Derwent Wise, they have worked with volunteers to rebuild the wall around the entrance gate ensuring suitable access for badgers. The access to footpath 20 has been restored along its original route further to discussion with the Footpaths Officer in order to make the crossing of the B5035 safer and to reduce the need for walkers to walk up the road itself. Ruts have also been infilled and walking boards laid on parts of the Midshires Way footpath where it comes through Longway Bank Wood where there are boggy patches in order improve access and to prevent ground erosion. The applicants advise that they have forged a good working relationship with Derbyshire Wildlife Trust and are actively engaged in a number of projects with them to improve biodiversity and protect wildlife.
- 2.4 In order to reduce the visual impact of the containers, it is proposed to clad them with timber boards sourced and milled at Longway Bank Wood. It is proposed that the 'site office

caravan' (mobile home) will be retained for 12 months to source and install a suitable alternative structure, subject to the necessary permission. In the meantime, it is proposed to move the caravan deeper into the site and screen it with a high, dead hedge to minimise visual impact on passing traffic.



3. PLANNING POLICY AND LEGISLATIVE FRAMEWORK

- 3.1 Adopted Derbyshire Dales Local Plan (2005)
 - S1 Sustainable Development Principles
 - S3 Development within Defined Settlement Boundaries
 - S4 Development in the Countryside
 - S7 Matlock/Wirksworth/Darley Dale Development Area Strategy
 - PD1 Design and Place Making
 - PD3 Biodiversity and the Natural Environment
 - PD4 Green Infrastructure
 - PD5 Landscape Character
 - PD6 Trees, Hedgerows and Woodlands
 - HC21 Car Parking Standards
 - EC1 New Employment Development
- 2. Supplementary Planning Guidance
Landscape Character and Design Supplementary Planning Document
- 3. National Planning Policy Framework
- 4. National Planning Practice Guidance

4. RELEVANT PLANNING HISTORY

14/00898/OUT	Residential development of up to 5 dwellings (outline) – Refused – Appeal Dismissed
14/00894/FUL	Change of use of woodland with associated infrastructure to holiday lodge park with 30 no. lodges, bistro lodge and reception lodge – Refused
13/00525/AGR	Agricultural Prior Notification - Erection of storage building for forestry plant and equipment – No objection
13/00524/AGR	Agricultural Prior Notification - Erection of storage building for forestry plant and equipment – No objection
13/00489/FUL	Formation of vehicular access – Granted
13/00485/FUL	Change of use of land and associated engineering operations to facilitate holiday lodge park for the siting of 9 no. lodges with associated access and infrastructure – Refused
12/00732/FUL	Change of use of land and associated engineering operations to facilitate holiday lodge park for up to 40 no. lodges and associated access tracks – Refused – Appeal Dismissed

5. CONSULTATION RESPONSES

Town Council

5.1 No Comment.

Local Highway Authority (Derbyshire County Council)

5.2 No record of any highway safety matters and no objection to structures remaining on site for a further 12 months.

Forestry Commission

5.3 No Comment.

6. REPRESENTATIONS RECEIVED

6.1 None.

7. OFFICER APPRAISAL

Planning Principle

7.1 The development are facilities for a forestry based enterprise relating directly to the wider woodland within which the development is set. Policy S4 of the Adopted Local Plan (2017) advises that planning permission will be granted rural based development that support rural based enterprises where they maintain the landscape quality and character of the countryside. It is clear from the applicant's statement that they are managing the woodland and it is considered reasonable to have facilities available on site to allow this to occur.

7.2 Agricultural prior notifications were submitted in 2012 for the erection of metal clad storage sheds storage buildings for forestry plant and equipment at King's Lot and Longway Bank; these were never provided. The facilities now on site bear no semblance to those facilities. Therefore, whilst it is considered there is a reasonable requirement for such facilities for the woodland management, the impact of the 'mobile home' being used for the site office/rest room and the containers need to be assessed.

Impact on the Character and Appearance of the Area

7.3 The mobile home and containers are clearly visual intrusions in the landscape. However, this is recognised by the applicants who are seeking a temporary permission for a period of 12 months to retain the current facilities while the business makes provisions for their replacement with a more appropriate structure which, it would be hoped, would be more of a reflection upon the type of building previously agreed to through the prior notifications in 2012.

7.4 The applicants have advised that the mobile home can be relocated and screened with a 'dead hedge' and the containers can also be screened with timber fencing. These are very temporary solutions and are considered to be unnecessary over the 12 month period. The retention of the mobile home and containers, even if screened, would not be supported as a long term solution to the needs for the woodland management and will be expected to be removed within the 12 month period, if planning permission is to be granted. Such a permission should not be regarded as one that could be extended beyond this period; it is merely to allow the applicants time to focus on the replacement of the existing facilities with a more appropriate structure without impacting on the day to day operations while this is taking place.

Impact on Highway Safety

7.5 The Local Highway Authority has considered the development and has no objection to structures remaining on site for a further 12 months.

Conclusion

7.6 Whilst Officers consider that opportunity should be granted to allow the woodland management business to continue and hopefully develop, it is considered that this should not be at the expense of an intrusive development in the open countryside. It is also considered that the 'camouflaging' of these structures is inappropriate and that any facility should ultimately be one that would be expected to be found in such a rural location. To this end, it is considered that the facilities should be allowed to remain for a period of 12 months only to allow the business to continue to operate effectively but to limit the length of time over which the impact of the development can continue.

8. RECOMMENDATION

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

1. The mobile home and containers shall be removed from the site and the land reinstated to its former appearance, as it was prior to their provision on the site, within 12 months of the date of this permission.

Reason:

The mobile home and containers are visually intrusive in the open countryside and are permitted solely on a temporary basis to enable the applicant to seek the provision of a more appropriate facility for the woodland management in order to comply with Policies S1, S4, S7, PD1 and PD5 of the Adopted Derbyshire Dales Local Plan (2017).

2. The mobile home shall only be used as an office/rest room in association with the woodland management and shall not provide overnight accommodation

Reason:

There is no justification for a dwelling unit in this isolated, open countryside location and to comply with Policies S1, S4 and S7 of the Adopted Derbyshire Dales Local Plan (2017).

3. The containers shall only be use for the storage of equipment associated with the management of the woodland.

Reason:

For the avoidance of doubt and because they would otherwise be unjustified in this location and to comply with Policy S4 of the Adopted Derbyshire Dales Local Plan (2017).

NOTES TO APPLICANT:

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 the application to retain the unauthorised 'site office/rest room' and containers on the site and to seek a way forward for the applicant to continue to manage the woodland while alternative arrangements are considered over the coming twelve month period.

2. This decision notice relates to the following documents:

Drawing Nos. 2252-001, 002A, 003A, 004 and 005 received on 7th December 2018

Planning Statement received on 7th December 2018

Woodland Management Plan received on 7th December 2018

Felling Licence received on 7th December 2018

Summary of Activities received on 7th December 2018

BACK TO AGENDA

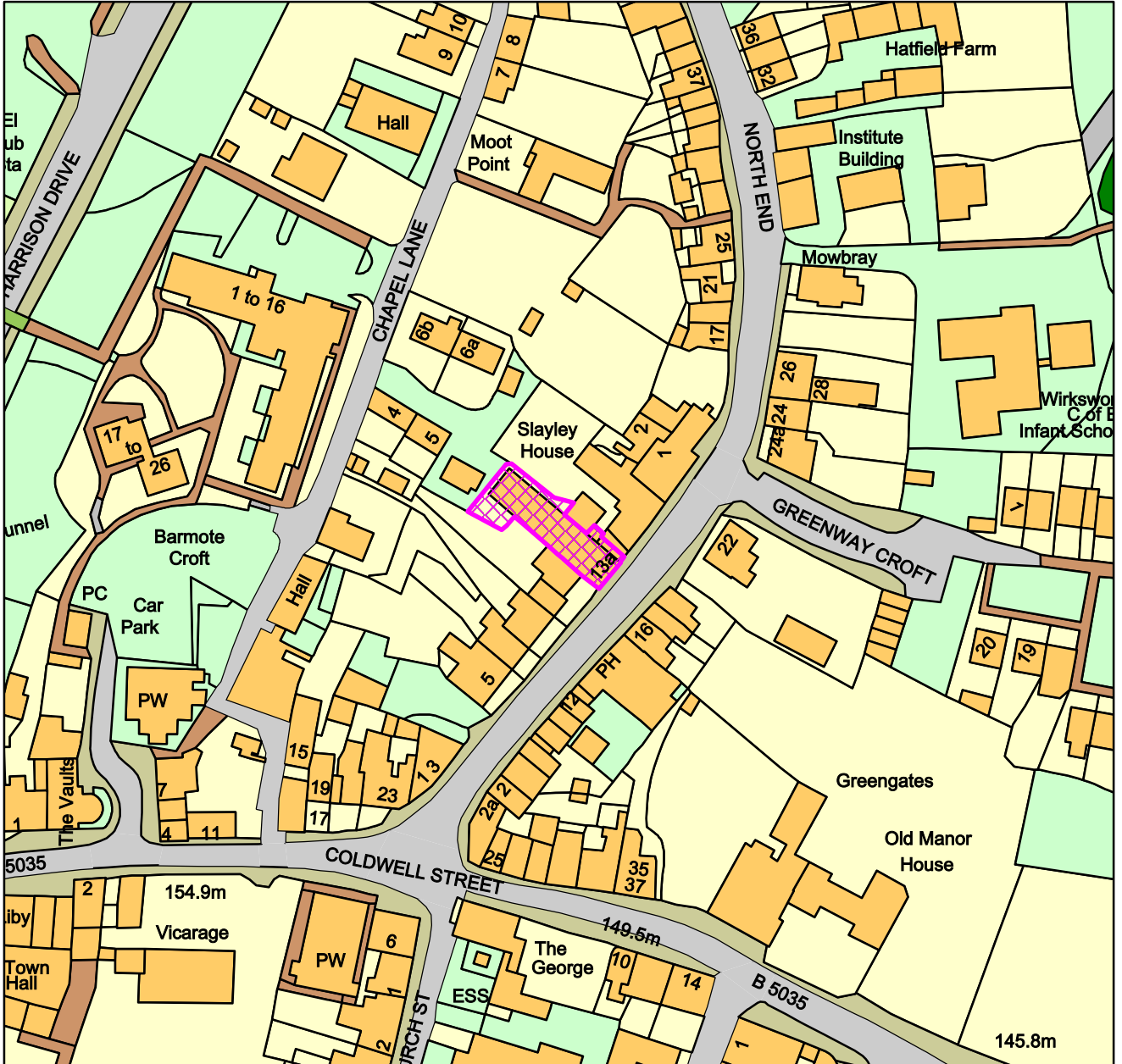
APPLICATION NUMBER		18/01371/FUL	
SITE ADDRESS:		13A North End, Wirksworth	
DESCRIPTION OF DEVELOPMENT		Change of use from cinema (D2 use) with ancillary bar area to mixed use cinema (D2 use), bar (A4 use), delicatessen (A1 use) and cafe (A3 use)	
CASE OFFICER	Mr. G. A. Griffiths	APPLICANT	Mr Paul Carr
TOWN	Wirksworth	AGENT	N/A
WARD MEMBERS	Cllr. Mrs. I Ratcliffe Cllr. M. Ratcliffe Cllr. P. Slack	DETERMINATION TARGET	8 th February 2019
REASON FOR DETERMINATION BY COMMITTEE	Requested by Ward Members and given number of letters of objection	REASON FOR SITE VISIT (IF APPLICABLE)	To assess the site in its context and the potential to harm the amenity of residents in the locality

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

RECOMMENDATION
Approval

18/01371/FUL

13A North End, Wirksworth



Derbyshire Dales DC

1:1,250

Date: 24/01/2019

100019785

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

1. THE SITE AND SURROUNDINGS

- 1.1 The property is a cinema with ancillary bar area (Use Class D2), with a dwelling unit above, set between residential properties on the western side of North End. The building stretches some 28m to the rear from the street frontage.
- 1.2 North End is a mainly residential street punctuated with retail units and offices. The property is within the Wirksworth Conservation Area and is subject to an Article 4 Direction controlling alterations to its external appearance. The street frontage is largely terraced with listed buildings to the south east side of the road and most other buildings in North End are subject to the Article 4 Direction.



2. DETAILS OF THE APPLICATION

- 2.1 Full planning permission is sought to alter the manner in which the premises is operated. It is proposed that the premises will have a mixed use as a cinema (Use Class D2), a bar (Use Class A4), a delicatessen (Use Class A1) and a café (Use Class A4). The bar area would seat 24 people (albeit 35 seats are detailed on the internal layout drawing) with the cinema having seating for 50 people.
- 2.2 It is also proposed to extend the hours of operation. These are currently only whilst the cinema is open. On Monday-Saturday the cinema is open between 10.30-22.30, with films shown between 10.30 and 22.00 and alcohol served between 12.00-22.15. On a Sunday the premises does not open until 13.00 and closes at 22.15.
- 2.3 The applicant proposes to use the premises as follows:

Cinema:

Monday- Friday	12.30-22.45
Saturday	09.30-23.00
Sunday	10.30-22.45

Café

Monday- Friday	08.30-21.00
Saturday	08.30-21.00
Sunday	10.00-21.00

Deli

Monday- Friday	08.30-21.00
Saturday	08.30-21.00
Sunday	10.00-21.00

Bar

Monday- Friday	12.30-23.00
Saturday	09.30-23.00
Sunday	12.00-23.00

- 2.4 The applicant advises that, when the premises opened five years ago, he accepted operational restrictions in order to reassure a small number of local residents who had expressed concerns about the impact the cinema may have on their amenity. The applicant is now applying to make changes in order to secure the sustainability of the business and to replace the management plan attached to the current operation of the cinema. To this end, the deli, café and bar are proposed to be independent of viewing a film, etc. in the auditorium. This is in order to supplement the income from the films but not to replace them. It is therefore proposed that visitors to the premises will not necessarily have to have an on-line, pre-purchased cinema ticket prior to entering the building. Cinema tickets are also now proposed to also be purchasable at the cinema.
- 2.5 The applicant has submitted a revised Management Plan setting out that the primary use will always be as a cinema. It advises that all non-regulated entertainment will be permitted provided it does not incur a loss of amenity to neighbours. This would include live, unamplified/amplified music, workshops, quizzes, training, dancing and other events. Non-film entertainment is to be restricted to no more than two evenings a month to allow jazz and comedy nights to be programmed. The applicant also proposes the live streaming of theatre, ballet and opera productions which often run to just after 10.30. He has provided a list of uses he would like to be held in the auditorium as follows:

- Film
- Live Opera
- Live Streamed Music
- Live Music
- Live Streamed Theatre
- Live Theatre
- Comedy
- Dance
- Spoken Word
- Playstation/Xbox (for children's parties)
- Fashion Shows
- Conferences
- Debates (hustings).

The applicant has advised that he is happy for there to be a condition that prevents the screening of live sporting events.

2.6 In order to prevent public nuisance, the applicant advises the following:

- ensuring any noise emanating from the building does not cause a statutory nuisance to nearby neighbours;
- prominent, legible and clear signage requesting customers to respect the neighbours when leaving the premises;
- a 'Good Neighbour Policy' to be printed on every cinema programme and on the website
- cctv to be provided in the bar area and outside the premises;
- all staff to be trained in the 'Cinema Dispersal Policy';
- no movement of bins or trade waste outside the premises after 9pm;
- any internal or external lighting to be managed so as not to cause a statutory nuisance to nearby neighbours; and
- limiting the hire time for private events from 18.00-22.00 and for a maximum of 52 guests.

2.7 The applicant advises that the additional operating times will allow them to provide more community led programming, family films, world cinema and local amateur films and that this will continue to provide a cultural offer to the town. The proposals are also expected will create an additional full time job and possible additional part time work.

2.8 The applicant advises that he is committed to minimising any loss of amenity to neighbours and will adopt best practice and change working methods to achieve this. He appreciates that there will inevitably be occasions where problems occur and that any problems raised with the District Council are communicated to him, whilst respecting anonymity, in order that he is aware of the issues raised in order to react accordingly.

2.9 To facilitate the proposed increase in numbers of visitors to the premises at any one time, the applicant has detailed the provision of a new fire escape which is proposed to go up on the north east side and north west rear of the building. The fire escape is contained within the applicant's property but means of escape away from the building requires access to private land to the rear which the applicant advises belongs to Slayley House and that he has the permission of the owner of the property to use the neighbour's curtilage if needed to escape onto North End. The exit to the fire escape would have acoustic seals to ensure no noise egress.

2.10 The applicant has noted some of the concerns raised with the application and advises the lobby will be redesigned to make it more likely that the internal door can close before the external door is opening on existing and vice versa when accessing the premises. It is also proposed to install airconditioning to prevent the premises from becoming overly hot and

thus less likely that people will go outside 'to take the air'.

- 2.11 To conclude, the applicant considers that, having been operational for 5 years, and that he has learned a lot, not just about running a cinema, but also working with the Local Authority, reacting to neighbours' concerns and working alongside the town's other vibrant business and organisations.

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
 - S7 Matlock/Wirksworth/Darley Dale Development Area Strategy
 - PD1 Design and Place Making
 - PD2 Protecting the Historic Environment
 - HC19 Accessibility and Transport
 - HC20 Managing Travel Demand
 - HC21 Car Parking Standards
 - EC6 Town and Local Centres
 - EC8 Promoting Peak District Tourism and Culture
- 3.2 Wirksworth Neighbourhood Development Plan (2015-2028)
- 3.3 National Planning Policy Framework
- 3.4 National Planning Practice Guidance

4. RELEVANT PLANNING HISTORY

- 16/00812/FUL Change of use of business premises (first floor) to apartment – Granted
- 15/00382/FUL Ventilation unit, satellite dish, condensing boiler flue, decking and trellis (part retrospective) - Granted
- 13/00083/FUL Change of use of former retail storage space to workshop/office/ showroom (Use Class B1) (retrospective) - Granted
- 12/00678/FUL Change of use to cinema with ancillary bar facilities and associated changes to entrance frontage - Granted
- 04/01/0005 Change of use of first floor to retail showroom – Granted
- 1188/0837 Change of Use of first Floor to Offices - Granted

5. CONSULTATION RESPONSES

Town Council

- 5.1
- no objection and generally supportive of this application
 - however, want to reflect the clear concerns raised by residents regarding the change to A4 use and would want to see safeguards to prevent unnecessary nuisance
 - would therefore like to see a degree of control introduced similar to the existing management plan and operating procedures
 - request that conditions are imposed in any permission to ensure that A4 usage is ancillary to the principle operation as cinema.

Environmental Health (DDDC)

- 5.2
- comment on number of complaints received
 - query meaning of 'non-regulated' entertainment

- concerns regarding amplified music within the café/bar and music breakout which has been a cause of previous concern and does not have effective sound proof benefits like the cinema – recommend that background music only be in this area
- recommend that no drinks outside policy is adopted to discourage customers from congregating outside other than to smoke
- premises have to comply with the Food Safety Act and Health and Safety at Work, etc. Act 1974 and regulations thereunder

Local Highway Authority (DCC)

- 5.3
- have previously raised concern with lack of on-site parking - however, site is close to the town centre and existing public parking facilities
 - no record of vehicle, cycle or pedestrian collisions having occurred in last five years
 - not considered a recommendation of refusal based on lack of parking would be sustainable at appeal.

6. REPRESENTATIONS RECEIVED

6.1 Nine representations have been received objecting to, or raising concern with, the application. A summary of the representations is outlined below:

- the revised management plan would represent a wholesale abandonment of the safeguards incorporated into the current plan which are just as valid today as 5 years ago
- residents have had cause to contact the Council on many occasions and the police licensing officer in connection with the premises and he continues to have problems managing private hire
- the bar was to be ancillary to the cinema and for cinema clients – if the bar is open to passing trade, this will become a second primary use and will be more difficult to convey the ‘good neighbour policy’ to new clientele who are less likely to be receptive to it
- appears to be catering for a bar rather than a cinema and bar could become the primary use
- object to a bar and the opening of a café/deli while films are being shown
- unclear why A4 use is applied for as believe can be catered for under a D2 Use backed up by the proposed management plan
- 60 customers are enough for such a small space
- potential for up to 90 people to be leaving the building at the same time
- proposed management plan is 2 sides of A4 (paper) – existing management plan is 22 sides
- without a suitable management plan, safeguards set in place may be jeopardised which include limiting the sale of alcohol to those with cinema tickets, a ban on passing trade and limiting capacity to 60 people
- risk that premises could be operated solely as a bar and, if sold, the new owner could drop the cinema usage and convert the building into a bar/pub with a big screen
- A4 use, with increased capacity, opens up prospect of later and larger private hire events which have proved problematic in terms of noise nuisance and anti-social behaviour since the cinema opened - this has included smoking and drinking on the pavement outside in a rowdy state, doors being left open letting out noise and minibuses and coaches dropping off and picking up which block the road and residents’ drives
- no reference in the management plan to private hire which is an area of particular concern – people from out of town are less likely to care about cinema’s ‘Good Neighbour Policy’ – should be a ban on private hire in the evenings
- as a bar with passing trade, could attract a different crowd and be part of a town centre pub crawl

- applicant states in the Design and Access Statement that requests to not park on North End have been largely adhered to - this is not the case and can hear people chatting and banging car doors after 10.30 and cannot go to bed until after 10.30 because of being disturbed
- parking on North End has always been a problem – North End is a residential street not suited to businesses with longer opening hours
- enough pubs , cafes and eateries already in Wirksworth
- applicant has been requested to ask customers where they have parked and to move their car if parked on North End - he has refused to do this
- welcome good neighbour policy but it is ignored and local residents have to suffer
- restricting hours to 10.30pm and limiting ancillary uses only to the auditorium
- despite the 'good neighbour policy', there are still occasions when neighbours are disturbed at bedtime by departing cinema goers – later closing will push such disturbances to even more unsociable times
- studying for A levels and could have impact on ability to sleep which could affect performance at school, especially at exam time – happy to continue with the current arrangements but would not wish these to be extended
- non-cinema users are a different clientele which may not be aware of residential disturbance issues
- could use premises as any bar or pub causing noise and disturbance, anti-social behaviour, highway safety issues walking on the street given narrow pavements and increase in traffic generation and parking on the street and surrounding area
- streaming of opera can be achieved by recording it and presenting it at a later date within the currently approved hours
- multiple Saturday screenings can surely be achieved by suitable programming
- Planning Committee required current closing at 10.30 – a significant and valued concession to local residents
- the proper place for performance, etc. is in the auditorium and not the bar
- the front of the building is not secure from breakout noise with entering and leaving involving both doors being open at the same time and these have been intentionally been left open to provide ventilation
- increased activity in the bar can only exacerbate this problem with greater comings and goings and with a greater need for ventilation with increased occupation
- already have a pub on North End
- neighbour's carers have to visit four times per day and have difficulty parking
- feel more vulnerable with more people round outside home who have consumed alcohol who might see carers entering door access code and might gain entry to house when alone
- people being dropped off, with the slamming of car doors, causes a lot of commotion
- applicant closes blinds quite early because of light coming from the cinema but there is light nuisance from the cinema sign
- the new management plan is ambiguous with regard to ancillary events
- advises that event can take place anywhere in the building – does not make it clear how often the bar will be used for non-cinematic use
- concerns regarding use of the bar for music
- use as a café until 9pm would cause noise breakout and street activity during the mid-evening period – suggest this be until 7.30pm (the start time for films) and that the building be closed to any further passing trade
- expanded use could cause inconvenience to pedestrians and obstruction to the visibility for vehicles exiting Greenway Croft
- parking in the area restricts access for HGVs and emergency vehicles
- consultations in place for further double yellow lines along the length of Coldwell Street so increased parking demands
- those living closest to the cinema have found themselves in the eye of a social media storm as the applicant and his wife have posted on line for people to support their

proposal – as a small group of residents cannot possibly hope to match such a PR machine

- other premises in the town could be used for a café
- a way forward could be to convert to a co-operative and allow members of the community to buy shares
- hopefully a compromise can be arrived at which allows the cinema to continue as a most welcome amenity whilst still maintaining the residential character of the street
- have reduced Management Plan from 22 pages to 2 pages and removed a number of items which include cinema viewing hours on a weekly basis, sold out sign to inform public outside, a member of the staff at the door to remind people to be quiet when leaving, a working group to monitor complaints and ensuring that all events take place within the sound proofed cinema and not in the bar which is not sound proofed and does not have an adequate lobby
- if café bar was ancillary to the cinema would not need to change the planning permission
- concern over the management of private hire functions – these have caused very big issues with people drinking, shouting, dancing and singing in the streets, leaning against neighbouring properties and smoking and coaches picking people up with the engines running - if A4 use was granted, these issues would reoccur
- the noise of groups of people talking, occasional shouting, car doors slamming, engines starting, taxis picking up and small coach parties leaving have all become a tapestry of the night time noise which did not exist before the cinema opened and is loud enough to waken neighbours who have retired to bed early
- residents are simply putting up with the issues, they have not gone away
- not aware that a working group ever existed
- claims bar area shows 24 seats despite number shown on the plan being 35 excluding people standing
- would future owners of Slaley House allow people to use their property for means of escape
- neighbour at 16 North End has passed away a few weeks ago and previously objected to the original application on its infringement on their residential amenity within a residential area

6.2 One hundred and thirty eight representations have been received in support of the application. A summary of the representations is outlined below:

- important venue and major asset to the town and benefits other businesses by attracting people to the town
- addresses the challenges to the vibrancy of town centres and a hub of the community
- singled out by The Guardian as one of the 10 best UK independent cinemas in a poll of its readers
- cinema has been crucial career development
- adds greatly to life in Wirksworth and the changes will enhance the service provided
- understand adjustments are essential to future sustainability of the business
- cinema does not appear to attract disorderly individuals
- economic cornerstone bringing visitors to the town
- welcome attraction for holiday makers staying in various cottages and bed and breakfast
- a facility that caters for all ages
- much needed and used leisure facility greatly appreciated by the community, particularly those who do not have access to cars
- as property was previously a retail outlet, extension would incorporate the original operating hours and passing trade will be similar
- cannot imagine the custom, even if increased, being any greater than generated by the public house opposite

- one of the main reasons for some people moving to Wirksworth
- if the cinema was able to live up to its potential Wirksworth could only flourish further and create more jobs
- has enhanced the community experience for those of Wirksworth
- will bring greater community resources and facilities
- cater for hard to reach populations with special screenings
- don't have to go to anonymous multiplex cinemas
- public transport is minimal and cinema gives vital arts/entertainment provision for people who can't or don't want to drive to Derby Chesterfield or Nottingham in the evening
- believe concerns of noise disruption in later hours (after 10pm) must by now have proved to be completely unfounded due to the effective operation of the 'Good Neighbour Policy' especially in comparison to the pub over the road which keeps normal licensing hours and has a relatively noisier leaving period
- if leaving time is later than the film end time, people will leave in smaller groups thus reducing noise
- venue used by local groups and charities to run events
- parking restricted in North End to 1 hour
- to lose the cinema would be a gaping hole in the town
- any additional impact on neighbours will be very little
- owners have demonstrated they are responsible licence holders
- a quiet place to socialise rather than the busy pubs
- a contemporary intimate setting usually associated with inner city venues
- more possibility of choice of food is much needed – there is no deli in Wirksworth and have to drive elsewhere
- clearly constrained by onerous conditions, it appears, to pacify a very local objection – important that these conditions are now properly reviewed to allow this important facility to continue to operate
- hours of proposed use align with other facilities in the immediate vicinity and would not incur any additional noise or disturbance
- important to the prosperity of the town that additional, complimentary uses should be allowed in order to maintain the viability of the business
- current opening hours are limited which means that lucrative lives screening of theatre, ballet and opera , which are popular around the UK, cannot be shown as they often finish a little later
- have lived next door to the cinema for five years and have never experienced any disturbance of any kind
- when people leave there is no more noise than a group of people walking down the street
- audiences leave the cinema quietly and people don't wait around chatting
- North End has always been a place where people come and go
- previous business had deliveries from large lorries, sometimes on a daily basis
- the street has always had commercial premises and that is part of why neighbour enjoys living there
- would make a more attractive programme of entertainment for customers without the need to travel far afield into cities and taking trade from the local community
- as a regular attendee customers do respect the requests of management and leave the premises quietly and park away from North End – see no reason to change this because of a few minutes each evening
- tenants at rental property have never complained about disturbance or parking problems
- live on Greenway Croft and never experienced any disturbance and certainly believe opening hours can be extended to 11.30pm
- believe a family friendly place like this is missing from the town and would work well

- Northern Lights will clearly continue to be different from the Royal Oak that the two can live comfortably without serious competition
- disappointed that visitors to the town cannot pop in to buy a ticket or avail themselves of the excellent food on offer
- unlikely to attract cinema goers from far away so nearly all new customers will come on foot causing no material disturbance
- proposals may help its survival in the future and for it to become self-sustaining
- Wirksworth has lost banks, pubs, shops and the post office and remaining traders are struggling – must support remaining community assets such as the cinema which pull people into the town and encourage additional spend
- tremendous asset to groups like the Wirksworth and District U3A Film and Theatre Interest Group
- current opening hours and licensing conditions put them at a real disadvantage against other competitors

6.3 Two representations have been received commenting on the application. A summary of the representations is outlined below:

- no access granted across neighbours' property (6a and 6b Chapel Lane) from the fire escape
- hopefully a compromise can be reached which allows the cinema to continue as a (most welcome) amenity whilst still maintaining the residential character of the street.

6.4 Wirksworth Civic Society – Comment:

- current opening hours and licensing conditions put them at a real disadvantage against other competitors
- cinema has proved a very valuable addition to the town's cultural and social life
- would meet DDDC Local Plan Policy EC8: Promoting Peak District Tourism and Culture
- owners have shown themselves to be most responsible in the manner the cinema operates
- hopefully original anxieties of some local residents to any nuisance have been allayed
- could time limit the consent to allow objectors opportunity to present evidence of nuisance when a renewal was applied for
- any concern that could be sold to a less considerate body could perhaps be addressed with a personal consent limited to the applicants.

7. OFFICER APPRAISAL

Principle of the development

- 7.1 The cinema is now an established community facility serving the town and also used by persons from further afield and holiday makers. The applicant advises that there have been in excess of 60,000 visits to the cinema and it appears that it has been highly rated in the national press. It is an appropriate use of a building in a town centre location, has become an asset to the town and is largely supported by residents in the immediate locality.
- 7.2 The cinema is supported by many town residents, by people within Derbyshire Dales and by people living much further afield. It is clearly a venue that adds to the local community and economy and plays a part in tourism draw to the town and the District. To this end, the business should be supported for the contribution it makes.
- 7.3 However, complaints have been received by the Local Authority from neighbours who, from time to time, have experienced disturbance as a result of the premises. The issues for consideration are therefore principally the impacts the revised operations and opening times of the premises could have on the amenity of the area.

7.4 Given the above, it is necessary to consider the proposal in the context of Policies S1, S3, PD1, EC6 and EC8 which support business development but also those parts of the above policies which address matters of amenity.

Impact on residential amenity

7.5 Concerns were raised when the initial planning application for the cinema was first submitted that there would be levels of disturbance, noise and anti-social behaviour. This has been realised to some extent given the complaints the Local Authority has received from some local residents.

7.6 The District Council's Environmental Health and Licensing Section has advised of some ten formal complaints received over the five years the premises has been operating and there have been some complaints directed towards the Local Planning Authority. These include

- noise from people inside of the premises in the bar area;
- noise from people outside/leaving the cinema;
- noise from people smoking outside the cinema;
- commotion in the street on arrival to a private event and people outside drinking and shouting;
- parking on the street;
- customers queueing down the steps of the cinema for 15 minutes with both doors open
- light nuisance;
- noise from children attending a party screaming in the street; and
- the premises being open beyond the permitted hours and keeping exterior lighting on until 11:10pm, causing an alleged light nuisance.

It is advised that these complaints were logged by two separate complainants/residents of North End, or via the Police Licensing Team.

7.7 Most of the complaints originated at the time the premises were first brought into use and there appears to have been no complaints within the last 12 months. Nevertheless, as one of the residents has advised, there is a possibility that residents are simply putting up with the issues and they have not necessarily gone away. As such, there is some concern with regard to the nature of the proposals and how this may impact on amenity.

7.8 It is intended to open the premises for a further 30 minutes on Sunday to Friday and for a further hour on Saturday. The principal reason for this is to allow more flexibility in streaming live events. The serving of alcohol would cease at 22.30 during the week and at 23.00 on a Saturday which is within the operating times normally afforded to licenced premises. There are clearly concerns with respect to the manner in which the premises have operated and that more flexibility in the business operation could add to those concerns.

7.9 The Management Plan states that there are/will be measures in place to prevent noise nuisance by undertaking the following:

- ensuring any noise emanating from the building does not cause a statutory nuisance to nearby neighbours;
- all staff trained in the Cinema Dispersal Policy; and
- any internal or external lighting to be managed so as not to cause a statutory nuisance to nearby neighbours.

Clarification on how these points are to be achieved has been requested by the District Council's Environmental Health Section. The applicant has detailed on an amended plan that the lobby is to be altered to seek to limit noise breakout through the two doors being open at any one time. In terms of the Cinema Dispersal Policy, this can be required as a

condition of any planning permission to ensure how this is advertised and staff made aware of it. In terms of internal and external lighting this can be managed as not to cause a statutory nuisance to neighbours.

- 7.10 The Environmental Health Section has advised of concerns regarding non-amplified live music and other entertainment taking place within the bar/café area, as this has a potential to cause noise breakout from the premises. It is advised that this has been the cause of a previous concern and the bar/café area which does not have effective sound proof benefits like the cinema. However, the applicant still requests having non-amplified music in the bar area. He advises that the previous concern raised was deemed to not be a statutory nuisance as it was the sound of a choir at 2:30pm of a Saturday afternoon. The applicant therefore strongly argues that this previous concern does not warrant a restriction to be placed on only background music to be played in the bar area and the restriction of statutory nuisance should be sufficient protection as otherwise, he would contend, he will be discriminated against by a single prejudicial complaint, that was not adjudged a statutory nuisance and which was closed on June 4th 2018. The applicant also refers to the proposals for the introduction of the air cooling system and improved foyer will improve the sound proofing of the bar area.
- 7.11 There is concern by Officers with respect to the applicant's comments in his Design and Access Statement where it is advised that when he opened the cinema he accepted operational restrictions as part of the planning permission in order to reassure a small number of local residents who expressed concerns about the impact of the cinema. However, it was made abundantly clear to the applicant by Officers and the Planning Committee that the permission should not be seen as a starting point to a greater project and the fact that the business may be not financially self-sustaining at present is not as a result of the permission granted but the applicant's choice to implement that permission. There is therefore no obligation on Members to consider the application more favourably merely because of the financial elements of the cinema.
- 7.12 Nevertheless, it is considered that a reasonable balance can be struck in allowing the premises to go forward on a sustainable footing, but to also seek to ensure that the premises does not become essentially a public house. This is clearly restricted by the description of the application but could be open to misinterpretation, particularly if the premises was sold and run moreso as a public house with occasional cinema, etc.. Whilst it is considered that the premises is likely to remain principally as a cinema venue, a condition can be attached that no-one frequenting the bar may enter the auditorium unless in possession of a ticket for the cinema or as part of a pre-booked event in the auditorium, thus limiting the number of people using the premises merely as a bar.
- 7.13 In addition, the streaming of live events in the auditorium should not extend to live sporting events, particularly where this may be unregulated through ticketing and where this is likely to lead to more raucous behaviour by visitors, with a greater possibility of disturbance from inside the premises and on the street when exiting the premises. The applicant has agreed to this and set out that the uses which he proposes which is considered to be acceptable and can be subject to a condition on any grant of planning permission.
- 7.14 It is considered that most visitors to the auditorium will still purchase tickets on-line and there should therefore be few implications for purchasing tickets on the day at the cinema. The numbers would clearly be controlled by the capacity of the venue.

Impact on the Character and Appearance of the Conservation Area

- 7.15 The external alterations to the premises are limited the provision of a fire door and a fire escape to the north side and rear of the premises. These are required given the increase in numbers proposed at any one time at the premises. It is considered that the introduction of the stairwell between the building and boundary walls will have little impact on the

character and appearance of the building although its configuration will need to meet the requirements for Building Regulations.

Highway safety

- 7.16 Whilst there are some concerns with regard to the impact on parking, this is considered an inconvenience to local residents rather than a matter of highway safety. As such, there are no objections to the proposals in terms of highway safety.

Other matters

- 7.17 Concern has been raised with regard to access onto neighbouring property off Chapel Lane to facilitate for the means of emergency escape. The applicant has identified that the land onto which the means of escape would occur belongs to Slayley House and that he has agreement with that neighbour for this to be used at times of emergency. However, such an agreement could be reneged upon in the future and this may raise some concern with securing Building Regulations. This is a matter that is subject to separate legislation and cannot be a reasonable reason for refusal of planning permission. If the applicant cannot meet the requirements of Building Regulations, he will not be able to implement the proposals if planning permission is granted.

Conclusion

- 7.18 The operation of the business on this site is clearly an emotive issue. There are local residents who have found it has caused them disturbance and yet others have advised that they have not been subject to such. The level of complaint to date has not been to the point that the Local Authority has considered the revoking of the licence to operate the premises. There may be further disturbance going forward, if planning permission is granted for the changes proposed to the operation of the premises but, with appropriate management and through the attaching of appropriate conditions to any planning permission, it is considered that this can be minimised. It is clearly in the applicant's interest to avoid causing nuisance to neighbours in order to retain a licence to operate. It also appears that the applicant is open to engaging with local residents with regard to matters of concern raised by them.
- 7.19 Given the above, it is not for the District Council to ensure the viability of the business. The applicant chose to proceed with opening the cinema within the restraints of the original Management Plan and there is no obligation to amend this. However, what does need to be considered is whether the operation of the premises in the different manner proposed is such that this would be likely to significantly harm the amenity of neighbouring residents to the point at which planning permission could justifiably be refused. To this end, it is considered with a condition on the use of the auditorium, a restriction on live streaming of sports events, the proposed alterations to the building, the control of lighting and subject to the applicant implementing his revised management plan, that the alterations to the extended hours of operation and the additional uses will not significantly harm the amenity of neighbours. On this basis, it is recommended that planning permission be granted.

8. RECOMMENDATION

That planning permission be granted subject to the following conditions:

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

Reason:

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

2. The development hereby approved shall be carried out in accordance with the original submitted documents and drawings and the additional information received on 21st, 24th and 25th January 2019 and the amended plan received on 24th January 2019 except insofar as may be otherwise required by other conditions to which this permission is subject.

Reason:

To define the permission for the avoidance of doubt.

3. The auditorium shall only be used for following unless otherwise agreed in writing by the Local Planning Authority:
 - Film
 - Live Opera
 - Live Streamed Music
 - Live Music
 - Live Streamed Theatre
 - Live Theatre
 - Comedy
 - Dance
 - Spoken Word
 - Playstation/Xbox (for children's parties)
 - Fashion Shows
 - Conferences
 - Debates (hustings).

There shall be no streaming of live sporting events on the premises or entertainment provided in the café/bar area unless otherwise agreed in writing by the Local Planning Authority.

Reason:

In order to define the permission and to safeguard the amenity of neighbouring residents to comply with Policies S3 and PD1 of the Adopted Derbyshire Dales Local Plan (2017).

4. No person frequenting the bar/deli/cafe shall enter the auditorium unless in possession of a ticket for the cinema or as part of a pre-booked event in the auditorium, as set out in Condition 3 above.

Reason:

To ensure the auditorium is not used for purposes which may otherwise extend the uses of the bar/café/deli within the premises in the interests of limiting the impact of comings and goings from the premise on the amenity of local residents to comply with Policies S3 and PD1 of the Adopted Derbyshire Dales Local Plan (2017).

5. The premises shall only be operated in accordance with the following:

Cinema:

Monday- Friday	12.30-22.45
Saturday	09.30-23.00
Sunday	10.30-22.45

Café

Monday- Friday	08.30-21.00
Saturday	08.30-21.00
Sunday	10.00-21.00

Deli
Monday- Friday 08.30-21.00
Saturday 08.30-21.00
Sunday 10.00-21.00

Bar
Monday- Friday 12.30-23.00
Saturday 09.30-23.00
Sunday 12.00-23.00

The use of the premises for hire for private events shall be restricted to the hours of 18.00-22.00 and for a maximum of 52 guests.

Reason:

As advised by the applicant, for the avoidance of doubt, and to safeguard the amenity of local residents to comply with Policies S3 and PD1 of the Adopted Derbyshire Dales Local Plan (2017).

6. Before the premises are brought into the approved use, a lighting strategy shall be submitted to and approved in writing by the Local Planning Authority and the lighting of the premises shall thereafter be carried out in full accordance with the approved details.

Reason:

To assist in safeguarding the amenity of local residents to comply with Policies S3 and PD1 of the Adopted Derbyshire Dales Local Plan (2017).

7. Before the premises are brought into the approved use, the lobby shall be altered, and the air conditioning and CCTV installed in accordance with details to be submitted to and approved in writing by the Local Planning Authority. These shall all be provided prior to the approved use of the premises being implemented.

Reason:

To assist in safeguarding the amenity of local residents to comply with Policies S3 and PD1 of the Adopted Derbyshire Dales Local Plan (2017).

8. The premises shall be operated in accordance with the Management Plan unless as restricted by the conditions above.

Reason:

For the avoidance of doubt and to safeguard the amenity of local residents to comply with Policies S3 and PD1 of the Adopted Derbyshire Dales Local Plan (2017).

9. Prior to being installed, details of the design, materials and colour treatment of the fire escape and the fire escape door shall be submitted to and approved in writing by the Local Authority and shall thereafter be provided in accordance with the approved details prior to approved uses, the subject of this permission, being commenced.

Reason:

To ensure the satisfactory appearance of the development to comply with Policies S1, S3, S7, PD1 and PD2 of the Adopted Derbyshire Dales Local Plan (2017).

NOTES TO APPLICANT:

1. The applicant is advised of the following by the District Council's Environmental Health Section(Commercial)
 - i) The premises and operation would have to comply with the Food Safety Act 1990 (as amended) and meet the specific food safety standards and requirements stated in EC Regulation 852/2004 and other associated legislation.
 - ii) The operation of the business would need to comply with the requirements of the Health and Safety at Work etc. Act 1974 and Regulations made thereunder.
2. The Town and Country Planning (Fees for Applications, Deemed Applications and Site Visits) (England) Regulations 2012 as amended stipulate that a fee will henceforth be payable where a written request is received in accordance with Article 27 of the Development Management Procedure Order 2015 for the discharge of conditions attached to any planning permission. Where written confirmation is required that one or more conditions imposed on the same permission have been complied with, the fee chargeable by the Authority is £116 per request. The fee must be paid when the request is made and cannot be required retrospectively.
3. The Local Planning Authority prior to the submission of the application and during its consideration has 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 potential impact of the proposals on the amenity of local residents.
4. This decision notice relates to the following documents:
 - Site Location Plan 1:1250 received on 14th December 2018
 - Design and Access Statement received on 14th December 2018
 - Management Plan received on 14th December 2018
 - Amended proposed internal and external layout plans 1:100 received on 24th January 2019
 - Additional Information received on 21st, 24th and 25th January 2019

BACK TO AGENDA

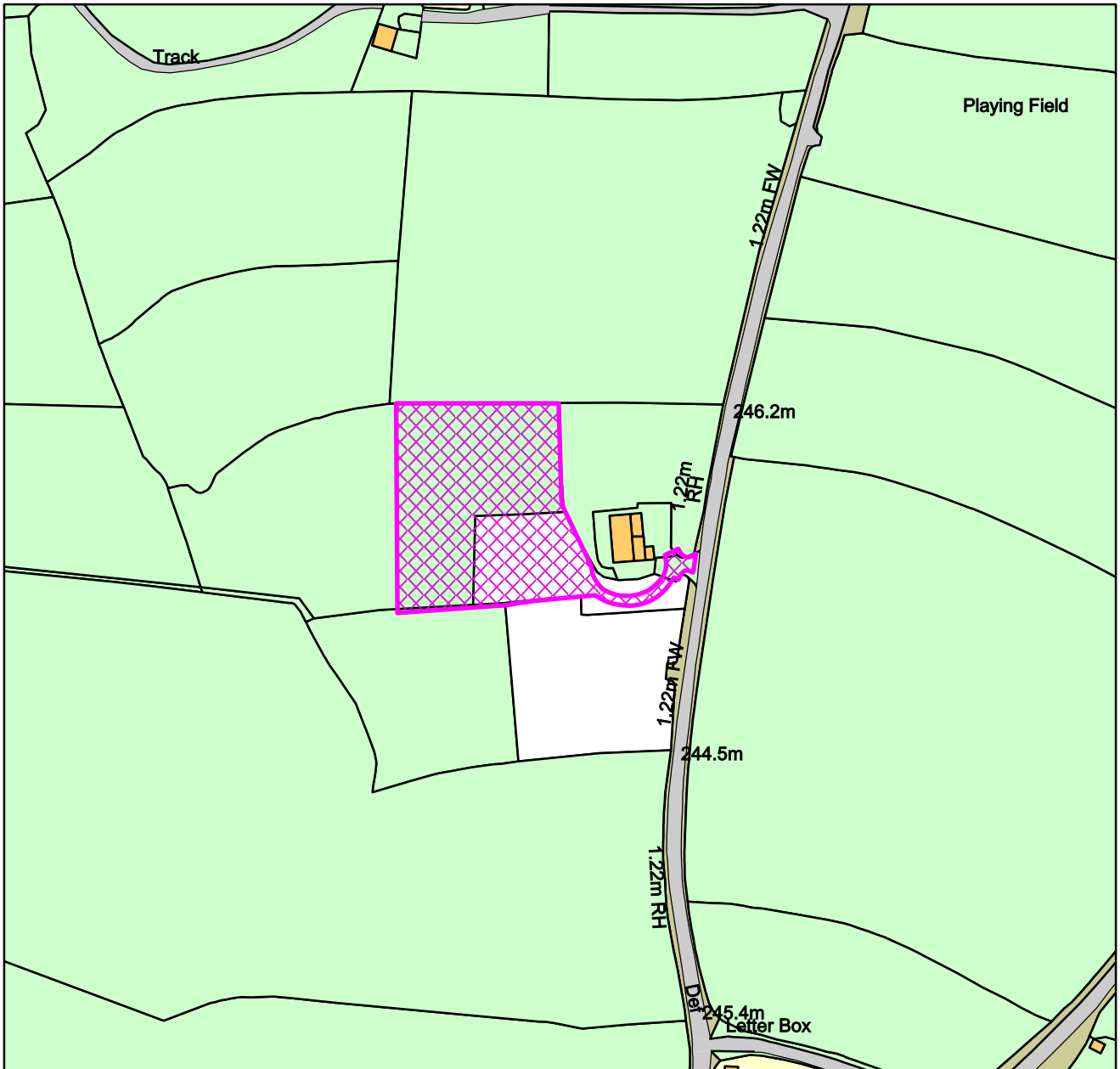
APPLICATION NUMBER		18/01423/FUL	
SITE ADDRESS:		Brackendale, Ashbourne Road, Brassington	
DESCRIPTION OF DEVELOPMENT		Retention of part single-storey, part two-storey building as converted for use as a dwellinghouse, including retention of flue serving wood-burning stove	
CASE OFFICER	Mr Chris Whitmore	APPLICANT	Mr N. Spiteri
PARISH/TOWN	Brassington	AGENT	Mr D Cooney, Planning and Design Practice Ltd
WARD MEMBER(S)	Cllr Lewis Rose	DETERMINATION TARGET	15 th February 2019
REASON FOR DETERMINATION BY COMMITTEE	Requested by the ward member and considered sensitive by the Development Manager	REASON FOR SITE VISIT (IF APPLICABLE)	To consider the extent of works carried out to the building and the impact of the development on the surrounding area.

MATERIAL PLANNING ISSUES
<ul style="list-style-type: none"> • The previous permission to convert the building to a single dwelling under prior notification legislation and policy framework; • Whether the original building has been converted without extensive alteration, rebuilding or extension and constitutes an appropriate form of development in the countryside, and; • The impact of the works on the character and appearance of the building and its surroundings.

RECOMMENDATION
Refusal

18/01423/FUL

Brackendale, Wallands Farm, Brassington



Derbyshire Dales DC

1:2,500

Date: 24/01/2019

100019785

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

1. THE SITE AND SURROUNDINGS

- 1.1 The application concerns a stone built barn, which has been the subject of extensive works to be utilised as a dwellinghouse at Wallands Farm, Brassington (see photograph 1). The barn is orientated side on to and sited approximately 50m to the west of Ashbourne Road, which connects Brassington with the B5035, in open countryside. Access to the barn is shared with a steel portal framed building to the east, which has been converted to and is now occupied as a single dwellinghouse (see photograph 2). To the south of the site is a recently constructed replacement dwelling. The site is surrounded by open countryside and visible within the surrounding landscape from Ashbourne Road and public footpath no. 20 'Brassington' (see photograph 3).
- 1.2 The building is mainly two storeys high, with the exception of a single storey outshot which has been re-clad / faced in vertical timber boarding, finished a mid-brown colour and Sarnafil sheets to the roof with standing seam detail, which projects off the north facing elevation of the building at its western end. The original building, which was of two distinct parts included a subservient section which was mainly faced in render. Evidence of fireplaces within this part of the building suggest that it had historically been used as a dwellinghouse (see photograph 4).



(Photograph 1)



(Photograph 2)



(Photograph 3)



(Photograph 4)

2. DETAILS OF THE APPLICATION

- 2.1 This application follows the grant of prior approval, under Part 3, Class Q of the Town and Country Planning (General Permitted Development) England Order (2015) under application code ref. 15/00866/PDA to convert the building, the subject of this application and the conversion of the steel framed building to the east to 2 no. dwellings on 26th January 2016.

2.2 Having been fully covered in scaffolding and tarpaulin over the period it was being converted, the full extent of works carried out to the building, the subject of this application, were only revealed to the Local Planning Authority when officers visited the site to assess a subsequent application to extend and erect a garage within its curtilage (application code ref. 18/00945/FUL). From a visual inspection of the building it was clear that the following works to the building had been carried out, which differed from the scheme that had been granted prior approval under Part 3, Class Q of the Town and Country Planning (General Permitted Development) England Order (2015):

- A first floor for use as residential accommodation had been introduced in the main stone buildings.
- The upper floor windows throughout had glazed opening casements installed rather than the solid vertical boarded panels as approved.
- The eaves height at the western end of the building had been raised and no horizontal linear junction between what would have been original walling with new stone work above was visible, indicating that this part of the building had been dismantled and newly constructed.
- The laying pattern, character and appearance of the original stonework to the entire north and south elevations of the un-rendered part of the building, which displayed distinctive and characteristic, large, irregular limestone blocks forming the lower third of the building elevation had been newly constructed to a different character and appearance. The scheme approved under planning application code ref. 15/00866/PDA indicated that the original stone walls would be repointed and made good.
- The former relationship of the space between door lintels and window cills had been increased, implying that the walls had been raised in height.
- The entrance door recess to the east elevation of the single storey outshot had been raised.
- A flue pipe to serve a wood burning stove had been introduced to the single storey outshot.
- An 'I pattern' restraining plate with integral tie rods had been relocated at the eastern end of the building.
- The east facing gable end appeared to have been newly constructed for the following reasons:
 - The original quoins were irregular and rudimentary in character and appearance. These had been replaced with finely tooled and regular shaped quoins.
 - The verge detail comprised of a rectangular kneeler, flush to the north and south elevations, with flat stone copings over, below which were staggered sandstone blocks. The kneeler block as constructed were much larger than the original and projected beyond the wall face. The flat coping stone had been replaced in their entirety without the inclusion of the staggered blocks beneath.
 - Two agricultural style vent holes had been incorporated into the walling and a decorative carved stone roundel had been inserted at the apex of the gable.

- The entire roof had been replaced and the original stone coped gable to the west had been newly constructed and appeared as an unusual divisional feature because the roof to the west has been raised to the same height as the main building.
- The former non-rendered part of the south elevation incorporated the following changes to doors and windows:
 - The western doorway lintel had been replaced and stone jamb quoins have been introduced including a projecting threshold cill.
 - The two middle doors had their stone work surrounds entirely replaced with the inclusion of stone threshold cills.
 - At the eastern end a small stone framed window (with brick infill) had been entirely removed and replaced with a doorway with lintel jamb quoins and projecting threshold cill.
 - The western upper floor window had its stonework replaced entirely with the inclusion of a projecting stone cill.
 - The eastern window limestone jamb quoins had been replaced with sandstone jambs and a projecting cill introduced.
 - A new stone framed window had been inserted above a ground floor opening in the north elevation.
 - An original doorway in the north elevation had been obliterated.
 - An existing ground floor window in the north elevation had a new stone lintel added.
 - A small vent hole in the north elevation had been obliterated.

2.3 This application seeks to regularise these changes and to retain the building as constructed for use as a single, four bedrooled dwellinghouse.

3. PLANNING POLICY AND LEGISLATIVE FRAMEWORK

3.1 Adopted Derbyshire Dales Local Plan (2017)

- S1: Sustainable Development Principles
- S4: Development in the Countryside
- S9: Rural Parishes Development Strategy
- PD1: Design and Place Making
- PD3: Biodiversity and the Natural Environment
- PD5: Landscape Character
- HC8: Conversion and Re-Use of Buildings for Residential Accommodation
- HC19: Accessibility and Transport
- HC21: Car Parking Standards

3.2 Other:

- National Planning Policy Framework (2018) (NPPF)
- National Planning Practice Guidance
- The Conversion of Farm Buildings Design Guidance Supplementary Planning Document (2019) – Derbyshire Dales District Council

4. RELEVANT PLANNING HISTORY

18/00945/FUL - Proposed extension of residential curtilage and construction of a garage - Refused

15/00866/PDA - Change of use of agricultural buildings to 2 no. dwelling houses (Use Class C3) and associated building operations - Prior Approval Granted.

5. CONSULTATION RESPONSES

5.1 Brassington Parish Council:

Make the following comments in objecting to the proposed development:-

It is, in the view of Brassington Parish Council relevant to note that the applicant had scaffolding erected all around and over the building. He then had it covered in opaque polythene sheeting. This resulted in nobody being able to see what was going on during the work that was being carried out. Not until the covers were removed did the well documented excesses come to light.

To grant this application would, in the opinion of BPC:-

- Reward Mr Spiteri for breaching the applicable regulations;
- Encourage Mr Spiteri as a developer to repeat such behaviour on other developments in the future;
- Encourage others to build other than in compliance with what is allowed, on the basis that DDDC will do nothing about it.

It is the hope of Brassington Parish Council that this application is refused and that such refusal will send the correct message to developers that such breaches will not be tolerated.

5.2 Local Highway Authority:

Raise no highway safety objections in principle to the building operations proposed.

6. REPRESENTATIONS

6.1 Representations have been received from the occupants of Gorse Barn and Carsington Grange supporting the application, which can be summarised as follows:

- The conversion works undertaken to the building have clearly been undertaken to an extremely high standard.
- I think that as an outstanding example of a quality barn conversion, it contributes enormously to the character of the area and especially this part of Brassington. I would like to see more developments of this nature.
- I have no objection to the flue that is on the roof of the building and I can see no reason why anyone would have a problem with the beautiful house that has been created there.
- It is nice to see the full restoration of a historical barn.
- The developer has done a great job with the boundary stone walls and planting hedgerows. This is of great benefit to the landscape character of the area and wildlife.
- I support what I believe are minor changes to the approved plans.
- The conversion works have been done to a high standard and this whole site has now been tidied up.
- We need to be providing more houses in this country as a whole and converting existing farm buildings is a sensible way to do this.
- Restoring the barn has preserved the history of farmhouses in this area.
- The high quality work should be used as an example for others on how barn conversions should be done.
- The stone walls have been rebuilt and new hedges planted. This type of improvement should be supported and keeps traditional skills alive.

7. OFFICER APPRAISAL

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

- The previous permission to convert the building to a single dwelling under prior notification legislation and policy framework;
- Whether the original building has been converted without extensive alteration, rebuilding or extension and constitutes an appropriate form of development in the countryside, and;
- The impact of the works on the character and appearance of the building and its surroundings.

The Local Highway Authority have not objected to the application on highway safety grounds and the nature of the buildings construction at the time of considering this application is such that its re-use as a dwelling would not / be unlikely to have any implications on biodiversity or protected species.

The previous permission to convert the building to a single dwelling under prior notification legislation

7.2 As set out in the application and relevant history sections of this report, prior notification has been previously given and approved to convert the building that stood on the site to a dwelling under application code ref. 15/00866/PDA. Notwithstanding that this decision was made before the *Hibbitt V SCCLG* [2016] EWHC 2853 judgement, which made a distinction between conversion and rebuilding, paragraph Q.1 of Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 sets out the limitations and restrictions relating to development permitted under this part of the Order. Part b) only allows building operations reasonably necessary to convert the building and sub paragraph (g) of Q.1 states that development is not permitted where it results in the external dimensions of the building extending beyond the external dimensions of the existing building at any given point. The National Planning Practice Guide advises that it is not intention of the permitted development right to include the construction of the new structural elements for the building.

7.3 Having regard to the full extent of works set out at section 2 'details of the application' part of this report, the Local Planning Authority consider that the extent of development that has been carried out falls outside of the scope of that which could be reasonably construed as being permitted development under the General Permitted Development Order and served an Enforcement Notice dated 2nd October 2018, requiring the permanent removal of what the Local Planning Authority considered to be erection of a new two storey building from the land and its reinstatement as grassland.

7.4 The reason for serving the notice was that the development constituted an unjustified and unwarranted form of development in the countryside that was intrinsically harmful to its character and appearance, contrary to Policies S1, S4 and PD1. The applicant lodged an appeal against the serving of the notice and laid out their grounds of appeal in a statement. Contained within this statement the applicant advised that the building had not increased in size or position, that the appointed building control officer who inspected the building during the construction process would testify at public inquiry that the works were associated with conversion and not a new build, that the building operations carried out did not constitute development and that the works to the exterior walls were undertaken by a stonemason who only carried out re-facing work, including the turning and reworking of stone to ensure structural integrity, re-building around windows, sandblasting and re-pointing. The appellant also advised, having regard to the time limits to complete the works set by the General Permitted Development Order that the development would be

completed and the building occupied as a dwelling by 26th January 2019. Photographs of the conversion works, site inspection notes and insurance document were also presented to the Local Planning Authority at subsequent meetings with officers for consideration.

- 7.5 The Enforcement Notice was, without prejudice withdrawn to enable to the applicant opportunity to present the evidence they had to the Local Planning Authority to demonstrate that the building had been converted and not substantially rebuilt as set out in their grounds of appeal.
- 7.6 The case put forward by the applicant as part of this application is that the development has been carried out in accordance with the application for prior approval to convert the granted under application code ref. 15/00866/PDA and that applying the provisions of the development plan, the works that have been undertaken are no greater than those that would normally be associated with any traditional barn conversion. For reasons set out at paragraph 7.3 of this report, officers do not consider that the development that has been carried out can be construed as being permitted development under the provisions contained within the General Permitted Development Order and requires full planning permission.
- 7.7 Section 70(2) of the Town and Country Planning Act 1990 and Section 38(6) of the Planning and Compulsory Purchase Act 2004 state that decisions on such applications must be taken in accordance with the development plan unless there are material considerations that indicate otherwise. The development plan for the purposes of legislation cited above is the Adopted Derbyshire Dales Local Plan (2017). Advice contained within The Conversion of Farm Buildings Design Guidance (2019) Supplementary Planning Document adds further detail to the policies contained within the Adopted Derbyshire Dales Local Plan (2017) and is an important material consideration in this case. The main policies contained within the Adopted Derbyshire Dales Local Plan (2017) which relate to the consideration of this application are Policies S4, PD1 and HC8. Policy S4 sets out the special circumstances where new residential development in the countryside would be supported and includes the conversion and re-use of buildings that accord with Local Plan Policy HC8.
- 7.8 Policy HC8 of the Adopted Derbyshire Dales Local Plan (2017) states that outside defined settlement development limits, the conversion and/or re-use of existing buildings to residential use from other uses will be permitted where all of the following criteria are met:
- a) the building or group of buildings are of permanent and substantial construction;
 - b) the form, bulk and general design of the existing building or group of buildings make a positive contribution to the character and appearance of its surroundings;
 - c) the building or group of buildings can be converted without extensive alteration, rebuilding or extension;
 - d) the conversion does not have a detrimental impact upon the character and appearance of the building or group of buildings and its surroundings.

Whether the original building has been converted without extensive alteration, rebuilding or extension and constitutes an appropriate form of development in the countryside

- 7.9 The extent of works set out at paragraph 2.2 of this report constitute, in officers opinion, extensive alteration of the original building and the re-facing of the walls and roof of the single storey outshot, wholesale replacement of the main roof and the raising of the eaves and works to the original walls amounts to extensive rebuilding / extension. As such, the development does not accord with criteria c) of Policy HC8. Without any compelling evidence to the contrary, officers consider that the development is tantamount to the erection of a new build dwelling in the countryside and maintain that such development is

unwarranted and inherently unsustainable, contrary to the aims of Policies S1, S4 and HC8 of the Adopted Derbyshire Dales Local Plan (2017).

The impact of the works on the character and appearance of the building and its surroundings.

- 7.10 Policy HC8 requires that any works to convert a building do not have a detrimental impact upon its character and appearance and surroundings. These provisions are echoed in Policy PD1 of the Adopted Derbyshire Dales Local Plan. Policy PD1 requires all development to be of high quality design that respects the character, identity and context of the Derbyshire Dales landscapes. As can be seen in photograph 4, the original barn was a rudimentary barn, which incorporated distinctive and characteristic, large, irregular limestone blocks. The extensive work to the original stone walls, newly constructed roof to the main building, which is continuous and incorporates a stone coped gable which now appears as an odd divisional feature and extensive alterations to window and door openings results in a building which appears far more prestigious and precise.
- 7.11 The recently adopted Supplementary Planning Document – ‘The Conversion of Farm Buildings Design Guidance’ (2019) has the objective and aim of advising and guiding the conversion of farm buildings for re-use whilst retaining their inherent and intrinsic character. Where such a building is a historic farm building this is of particular importance as such buildings are a fundamental characteristic of the Derbyshire Dales rural landscape character. Safeguarding their inherent character, appearance, detailing and idiosyncrasies is deemed a primary objective of the adopted Supplementary Planning Document. Having regard to the history of the site and the nature of the agricultural activity on the surrounding controlled farmland, the building as constructed appears as an anomaly within the landscape and does not respect the character, identity and context of this part of the Derbyshire Dales countryside. The impact of the works carried out to the building are contrary to both policies contained within the adopted Derbyshire Dales Local Plan (2017) and advice contained within the recently adopted The Conversion of Farm Buildings Design Guidance (2019).

Summary

- 7.12 In summary, the application seeks retrospective planning permission to retain the building as constructed for use as a dwellinghouse. The extent to which the original building has been altered, extended and rebuilt is such that the development is tantamount, in officer’s opinion, to the construction of a new dwelling on the site and its prestigious and precise appearance is such that it results in significant harm to the character, identity and context of this part of the Derbyshire Dales countryside. It is recommended that the application be refused for these reasons.

8. RECOMMENDATION

8.1 That planning permission be refused for the following reason:

The extent to which the original building has been altered, extended and rebuilt is such that the development is tantamount to the construction of a new dwellinghouse on the site. Its resultant prestigious and precise appearance is such that the original contribution of the building to the countryside has been lost to the detriment of its character, identity and context. The development therefore conflicts with policies PD1, S4 and HC8 of the Adopted Derbyshire Dales Local Plan (2017) and guidance contained within The Conversion of Farm Buildings Design Guidance Supplementary Planning Document (2019) and National Planning Policy Framework (2018).

NOTES TO APPLICANT:

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

This Decision Notice relates to the following documents:

1:1250 Scale Site Location Plan numbered 01007 Revision P2;

1:100 Scale Proposed Elevations Plan numbered 2210-54;

1:100 Scale Proposed Floor Layout Plan numbered 2210-75, and;

Planning, Design and Access Statement by Planning Design dated December 2018 received by the Local Planning Authority on the 21st December 2018.

BACK TO AGENDA

APPLICATION NUMBER		18/01026/FUL	
SITE ADDRESS:		Hillside Lodge Farm, Field Lane, Kirk Ireton DE6 3LN	
DESCRIPTION OF DEVELOPMENT		Demolition of two barns and erection of dwelling with attached ancillary living accommodation, barn and bothy	
CASE OFFICER	Mr. Andrew Stock	APPLICANT	Mr & Mrs Hannay
PARISH/TOWN	Kirk Ireton	AGENT	Stainton Planning Urban & Rural Consultancy
WARD MEMBER(S)	Cllr. R. Bright	DETERMINATION TARGET	9 th December 2018
REASON FOR DETERMINATION BY COMMITTEE	Departure from the development plan	REASON FOR SITE VISIT (IF APPLICABLE)	To appreciate the proposal in the context of its surroundings

MATERIAL PLANNING ISSUES

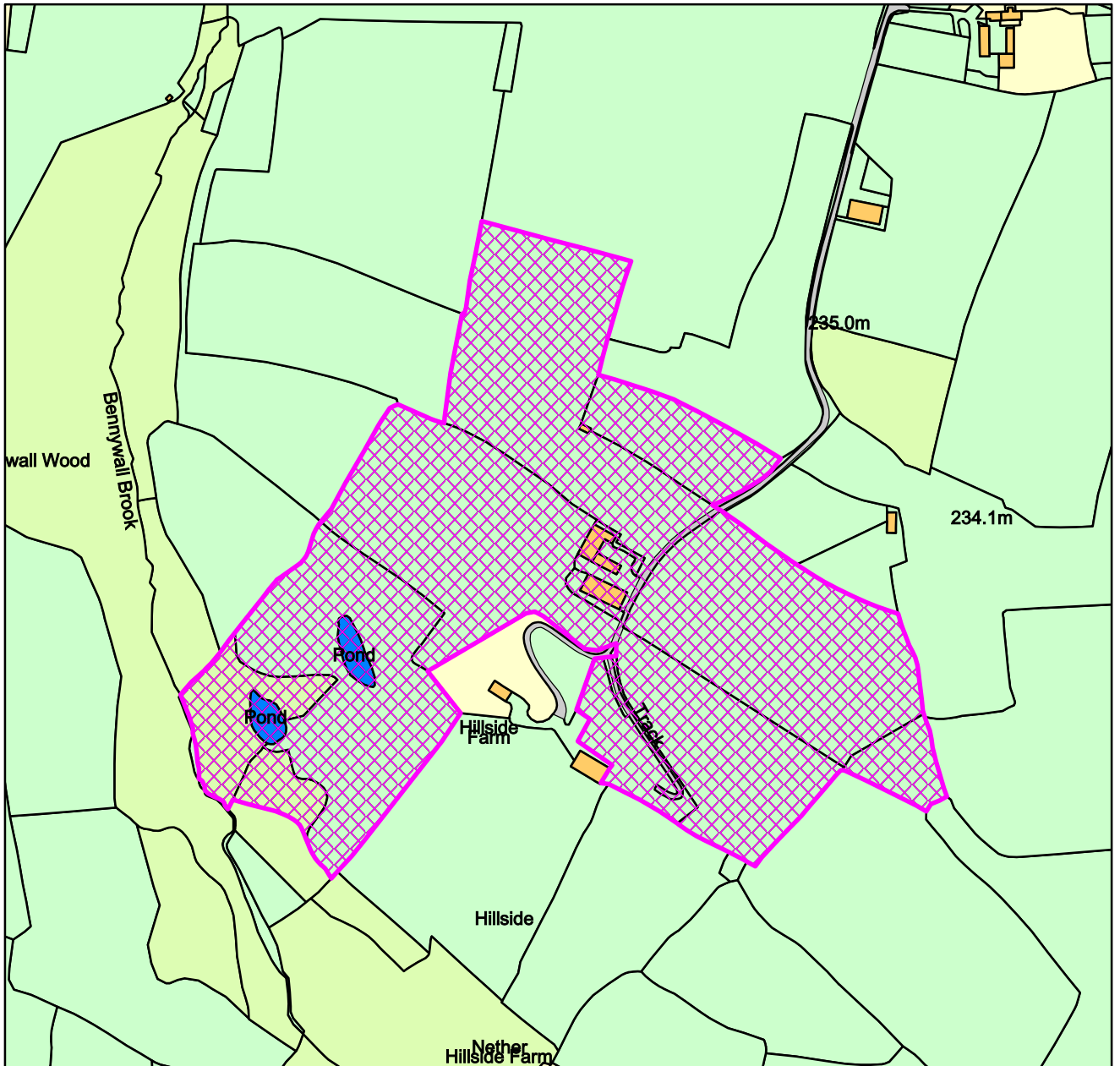
- the principle of the development, having regard to its location;
- is the proposal truly outstanding or innovative, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas;
- would the proposal significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area;
- whether the development would result in a significant loss of amenity for residents of neighbouring properties, and;
- whether there would be any adverse highway safety implications.

RECOMMENDATION

Approval, subject to conditions.

18/01026/FUL

Hillside Lodge Farm, Field Lane, Kirk Ireton



Derbyshire Dales DC

1:3,500

Date: 24/01/2019

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 Hillside Lodge Farm is located in open countryside at the southern end of Field Lane to the south of Kirk Ireton village. The existing farm grouping comprises a complex of modern agricultural buildings and associated yard to the west of Field Lane. The buildings sit on a hillside. The land falls away steeply in a southerly direction. Kirk Ireton Public Footpath no. 18 follows the route of Field Lane to the east.



2. DETAILS OF THE APPLICATION

- 2.1 Full planning permission is sought for the demolition of two barns and erection of a single dwelling with attached ancillary living accommodation, barn and bothy.
- 2.2 The redevelopment of the site will include the retention of the central yard area which would be made good using brushed concrete with a ribbon of differing material around the outer edges. The frontage of the site would be bounded by a mix of new stone boundary walls, existing hedging and a timber five bar gate.
- 2.3 To the north of the site the main dwelling, bothy and garages will be located which comprises of a dual aspect two storey and single storey linear building with a multifaceted roof. The independent living accommodation would be physically connected to the main dwelling by the entrance hall and form a continuation of the multifaceted roof detail. The palette of materials includes standing seam metal roof and wall cladding, pre-cast concrete decorative element, hit & miss timber fins to the first floors and full height glazing used throughout.
- 2.4 In terms of accommodation the main dwelling will comprises a lounge, dining area, family room, kitchen, scullery, hall, 2 x WC, plant room, boot/dogs room, bedroom, bothy and barn on the ground floor and 3 x bedrooms, study, family bathroom, shower room and utility across the first floor. The independent living accommodation will comprise a kitchen/living area, bedroom and bathroom.

- 2.5 To the south west an existing barn is to be retained for agricultural purposes. To the northwest 'the wall' concept which is created to connect different functions of the site, specifically the living and working elements of the small holding running. The wall runs parallel with the main dwelling forming a retaining wall structure to the land behind, measuring approximately 30 metres in overall length.
- 2.6 The landscape proposals include for the reinstatement of old field boundary hedgerows, the provision of new field boundaries, improvements to the Public Right of Way (ProW), a productive garden to the north of the dwelling, a kitchen garden and terrace to the south of the dwelling and an orchard adjacent / south of the retained barn.

3. PLANNING POLICY AND LEGISLATIVE FRAMEWORK

- 3.1 Adopted Derbyshire Dales Local Plan (2017):
- S1 Sustainable Development Principles
 - S2 Settlement Hierarchy
 - S4 Development in the Countryside
 - PD1 Design and Place Making
 - PD3 Biodiversity and the Natural Environment
 - PD5 Landscape Character
 - PD6 Trees, Hedgerows and Woodlands
 - PD7 Climate Change
 - PD8 Flood Risk Management and Water Quality
 - PD9 Pollution Control and Unstable Land
 - HC1 Location of Housing Development
 - HC19 Accessibility and Transport
 - HC21 Car Parking Standards
- 3.2 National Planning Policy Framework (2018)
Chapter 5 - Delivering a sufficient supply of homes
Paragraph 79

4. RELEVANT PLANNING HISTORY

04/08/0738	Erection of Agricultural Livestock Building	GRANTED
16/00458/PDA	Prior Notification – Change of use of agricultural building to dwellinghouse (Use Class C3) and associated building operations	REFUSED
16/00739/PDA	Prior Notification – Change of use of agricultural building to dwellinghouse (Use Class C3) and associated building operations	REFUSED

5. CONSULTATION RESPONSES

- 5.1 Parish Council
Derbyshire Dales District Council has previously refused permission to build on this area of land and it was felt that the proposed development is not of sufficient significance as to overcome previous objections or meet the Local Plan criteria. Councillors expressed their concern that granting such an application would create a precedent for other such applications within the Parish.
- 5.2 Derbyshire County Council (Highways)
No objection, subject to conditions.

5.3 Trees and Landscape Officer

The proposals could potentially significantly negatively impact the landscape character because of the topography of the surroundings and the location of the site within the landscape. The site's relationship with the surrounding agricultural land also gives cause for concern: the proposed development would cause site to become more visually intrusive upon the open countryside that it does in its current use.

I have no concerns regarding the proposed scheme's impact on existing trees and hedgerows assuming that details of appropriate tree / hedgerow protection methods and materials are supplied and approved.

5.4 Environmental Health Officer

No objection raised.

5.5 Derbyshire Wildlife Trust

No objection raised.

5.6 Derbyshire County Council (Lead Local Flood Authority)

As the site is greater than 1 hectare the Local Planning Authority may wish to obtain a site specific Flood Risk Assessment as per the requirements of NPPF Chapter 10 Paragraph 103 (footnote 20).

5.7 Environment Agency

The Environment Agency has no formal comment to make on the submission as there are no environmental constraints associated with the site which fall within our remit.

5.8 Peak & Northern Footpath Society

No objection following the submission of additional information.

5.9 OPUN - Design East Midlands Review Panel

The Panel considers the scheme to be worthy of Paragraph 79 of the NPPF which includes the collaborative approach with the clients forming part of the design team in creating a scheme that is bespoke to their needs; the integrated approach between architecture and landscape resulting in a building that sits well within the landscape; an in-depth understanding of site context with the scheme designed to reference and reinforce the special characteristics of the site and the provision of a contemporary farm typology which is architecturally ambitious whilst referencing the local vernacular. The above demonstrates great skill (both technical and design) in creating a scheme that is strongly rooted within its context, meets the bespoke needs of the clients and criteria of Paragraph 79.

6. REPRESENTATIONS RECEIVED

6.1 Representations include one letter of objection to the application on the grounds that approval would set a precedent for the redevelopment of small agricultural holdings and two letters of support, one of which considers the proposal to be a superb example of design which will improve the environment.

7. OFFICER APPRAISAL

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

- *the principle of the development, having regard to its location;*

- *is the proposal truly outstanding or innovative, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas;*
- *would the proposal significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area;*
- *whether the development would result in a significant loss of amenity for residents of neighbouring properties, and;*
- *whether there would be any adverse highway safety implications.*

The principle of the development, having regards to its location;

- 7.2 The application site is located within the defined open countryside, south of Kirk Ireton. Policy S4 of the Adopted Derbyshire Dales Local Plan (2017) advises that new development proposal within the open countryside should protect and where possible, enhances the landscape's intrinsic character and distinctiveness, including the character, appearance and integrity of the historic and cultural environment and the setting of the Peak District National Park whilst also facilitating sustainable rural community needs, tourism and economic development.
- 7.3 Policy S2 of the Adopted Derbyshire Dales Local Plan (2017) states proposals for new residential development will be directed towards the most sustainable locations in accordance with the settlement hierarchy to ensure that development reduces the need to travel, promoting sustainable communities based on the services and facilities that are available in each settlement. Residential development will be strictly limited to that which has an essential need to be located in the countryside.
- 7.4 As the application site lies within the defined open countryside, away from the built framework of Kirk Ireton, the proposal when assessed against the Adopted Derbyshire Dales Local Plan (2017) would lead to an unsustainable form of residential development within the open countryside where future residents would be reliant on the private car to access day-to-day services, facilities and employment opportunities, contrary to Policies S2 and S4 of the Adopted Derbyshire Dales Local Plan (2017).
- 7.5 However, whilst Local and National policy guidance does not normally support new isolated dwellings within the countryside, there are exceptions to the rules, specifically where a proposal is of exceptional architectural quality, such that it meets the requirements of Paragraph 79 of the National Planning Policy Framework (2018).
- 7.6 A proposal must be able to demonstrate that the design is of exceptional quality in that it is truly outstanding or innovative, reflecting the highest standards in architecture; helps to raise standards of design more generally in rural areas; significantly enhances its immediate setting, and is sensitive to the defining characteristics of the local area.
- 7.7 As such, whilst the proposal is contrary to the Adopted Derbyshire Dales Local Plan (2017), the principle of new building residential development within the open countryside could be considered to be acceptable, subject to according with Paragraph 79 of the National Planning Policy Framework (2018), specifically criterion (e) which states;

(e) the design is of exceptional quality, in that it:

- is truly outstanding or innovative, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and

- would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.

- 7.8 The Local Planning Authority has instructed OPUN to provide independent advice on the application. The role of the OPUN design review panel is to provide support to Local Planning Authorities in terms of assessing the architectural design merits of specific proposals.
- 7.9 OPUN is a review panel of professionals who are separate from the application promoter and decision-maker to protect against conflicts of interest. The panel adheres to the Commission for Architecture and the Built Environments (CABE's) Design Councils ten principles of design review.

Is the proposal truly outstanding or innovative, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas;

- 7.10 The first criteria of Paragraph 79 of the NPPF requires that proposals should be truly outstanding or innovative.
- 7.11 The proposal seeks to optimise energy efficiency through the use of solar gain and water management which are integral parts of the overall design. The use of photovoltaic panels to the barn roof and rainwater capture features encourages a model for sustainable living through appropriate renewable energy usage and the protection of natural resources. These concepts however are not uncommon and therefore not considered to be truly innovative in their own right.
- 7.12 It is acknowledged that it can be difficult to be truly innovative as most things have been done at least once in one form or another. The application has therefore been focused on meeting the 'outstanding' rather than 'innovation' test of Paragraph 79 in the NPPF.
- 7.13 The application is accompanied by a Supporting Planning Statement, Workbook and earlier Design Review Letters from OPUN to demonstrate that the proposal satisfies the requirements of Paragraph 79. The design approach of the proposal is led by the needs of the applicants family and requirement of a smallholding. In-depth analysis of site context is set out in the Workbook stating that an integrated approach between architecture and landscape is a key feature of the proposal formed by detailed contextual assessment of the immediate landscape and locations.
- 7.14 It is considered that the overall redevelopment of the site reflects a contemporary reimaging of a typical farm grouping. To the north of the site the main dwelling, bothy and garages will be located. The building comprises of a dual aspect two storey and single storey linear building with a multifaceted roof. The concept of a Derbyshire Long barn, albeit a modern interpretation, can be seen in shape and form of the building. The independent living accommodation is offset but physically connected to the main dwelling by the entrance hall with the multifaceted roof design continued above.
- 7.15 The multifaceted roof forms part of the overall distinctive design of the scheme which is reflected throughout the development proposal. The introduction of standing seam metal roof and wall cladding, pre-cast concrete, hit & miss timber fins materials are proposed throughout the development which are typical for past and present agricultural buildings thus continuing the agricultural concept.
- 7.16 To be 'truly outstanding' a scheme does not need to be prominent nor does it need to be a showy piece of architectural design. It is important that the scheme as a whole is considered to be outstanding, rather than specific elements of the design which alone would not fulfil the criteria.

- 7.17 OPUN in their independent assessment of the scheme comment that the proposal stands out in its truly holistic approach, through the demonstration of contextual awareness and rigorous analysis, resulting in a response specific to this site and agrees that the buildings form and use of materials are well considered, and the scheme manages to be both formally modest, architecturally ambitious, imaginative and a successful response to the bespoke requirements of the applicants briefs and site context.
- 7.18 Officers agree that the building has no pretensions with its design bespoke to fit comfortably and naturally within its rural context.
- 7.19 OPUN further emphasises the use of form and materials and how these combine, overlap and sit within a broader framework show a very high level of understanding and ability to translate this into a considered scheme of exceptionally quality with a refreshing and well referenced sense of place through a unified approach to the landscape, architecture and context. They conclude the proposal is perceptive and well-conceived resulting in a sensitive and appropriate addition to this setting that taken together the aspects explored above enabling them to describe the proposal to be truly outstanding which reflects the highest standards in architecture which helps to raise standards of design more generally in the rural areas. Officers consider that that the scheme has the potential to meet the rigorous requirements of Paragraph 7, however the execution will need to be exemplary.

Would the proposal significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area;

- 7.20 The application site comprises a complex of modern agricultural buildings varying in size and condition set around a yard area to the west of Field Lane within the open countryside. The existing buildings on site are not of any historical or architectural merit being design for their approved agricultural use.
- 7.21 The buildings sit on the hillside towards the top of the valley with the land falling away steeply in a southerly direction. The immediate area is characterised by the rural landscape, shaped by irregular field patterns, bounded by tree and hedge lined boundaries.
- 7.22 As previously examined the overall development of the site is a contemporary reimagining of a typical farm grouping. At the centre of the development is the main dwelling, bothy and garages which are formed within single linear building of both two and single storeys set under a multifaceted roof. The independent living accommodation is offset but physically connected to the main dwelling by the entrance hall with the multifaceted roof design continued above. Standing seam metal roof and wall cladding, pre-cast concrete decorative element, hit & miss timber fins to the first floors and full height glazing are used throughout the development reflecting the palette of materials typical of past and present agricultural buildings.
- 7.23 OPUN comment that the concept and re-interpretation of the traditional barn grouping allow the new buildings and associated elements to sit in harmony within the rural landscape with the main building read as a modern replacement and the palette of materials / design features complimenting the different components of the building to create a cohesive entity which responds to the defining characteristics of the area in this context.
- 7.24 The accompanying supporting statements have rigorously explored the introduction of new walling within the site. Whilst the Local Planning Authority are not opposed to the use of walling, the relationship between the treatments and its landscape will be sensitive to the defining characteristics of the area which is predominately dominated by hedgerows. Such

new features must be carefully considered to ensure that any new additions respond positively to the prevailing landscape character. The applicant states 'the wall' concept is created to connect different functions of the site, specifically the living and working elements of the small holding running. The wall runs parallel with the main dwelling forming a retaining wall structure to the land behind, measuring approximately 30 metres in overall length. OPUN determine that the robust walls provide a unifying theme in linking the gardens and house.

- 7.25 OPUN conclude that the proposal is a clever, well considered apparently understated yet convincing positive response to context not often seen for new building development which is certainly sensitive to the defining characteristics of the area and they are able to concur with the claim that this dwelling 'significantly enhances its rural setting'.
- 7.26 Officers agree the redevelopment of the site from an established agricultural use to residential purposes does negotiate an appropriate balance of modern architecture which does not appear as a confusing hybrid with competing contemporary elements against traditional design principles. The mass of the linear building, following the line of the contours, broken down by its design and use of materials to the point where it has a degree of affinity with other buildings in this type of environment. It is however essential too this scheme is to work and reach the outstanding standards of Paragraph 79 that the works to the landscape are fully undertaken and subsequently managed to deliver the model for living that the applicant has promoted.

Whether the development would result in a significant loss of amenity for residents of neighbouring properties;

- 7.27 The application site is set over varying gradient levels bounded by agricultural land to the north, east, south and west. The nearest residential property, Hill Side Farm lies approximately 60 metres to the south of the existing farm grouping.
- 7.28 Whilst the application proposes redevelopment of the site to form residential use with associated farming operations, given the isolated location of the site away from residential properties the proposal is unlikely to result in any significant loss of privacy or amenity for the occupants of neighbouring properties.
- 7.29 The Councils Environmental Health Officer raises no objection to the application.

Whether there would be any adverse highway safety implications;

- 7.30 The site would continue to be accessed via the existing agricultural entrance directly off Field Lane. Field Lane is a narrow private lane, part of which forms a section of a Public Right of Way (Kirk Ireton 18).
- 7.31 Following consultation with the Local Highway Authority they have commented that the proposal would not likely generate vehicular activity which would differ significantly from what could occur under the current use class of the existing agricultural buildings. There is ample parking and manoeuvring provision within the site. With this in mind, the Local Highway Authority raised no highway objections, subject to conditions relating to the protection of existing Public Rights of Way, specifically Footpath number 7 [Kirk Ireton].

Other matters;

- 7.32 Derbyshire County Council Lead Local Flood Authority (LLFA) confirm that the site falls within Flood Zone 1. It is commented that as the site area is greater than 1 hectare the Local Planning Authority may wish to obtain a site specific Flood Risk Assessment as per the requirements of NPPF Chapter 10 Paragraph 103 (footnote 20). However, due to the

actual site area to be redeveloped a Flood Risk Assessment is not required in this case. Surface water disposal schemes will need to be approved as part of the building regulations approval process which will ensure that surface water from the site is appropriately disposed of and should prevent future flooding on the site.

- 7.33 The application is accompanied by Ecological Impact Assessment prepared by the applicants ecologist which has been independently assessed by Derbyshire Wildlife Trust who welcome and support all the recommendations within the ecology report for mitigation and ecological enhancements. It is advised that the proposals should result in a net biodiversity gain once implemented. Appropriately worded conditions will be attached to any approval ensuring implantation.
- 7.34 The applicant includes an Arboricultural Impact Assessment prepared by the applicants arboriculturalist. One mature sycamore tree will be removed to facilitate the development proposals with all other existing hedgerows and trees to be retained. No ancient woodland will be directly affected by the proposals. Retention of all but one of the existing trees and all hedgerows on the site and within its boundaries is welcomed. The Councils Trees and Landscape Officer concludes that there are no concerns regarding the proposed scheme's impact on existing trees and hedgerows assuming that details of appropriate tree / hedgerow protection methods and materials are supplied and approved. As such, a site-specific Arboricultural Method Statement (AMS) and Tree Protection Plan (TPP) will be conditioned for approval to ensure adequate protection of existing trees and hedgerows.

Conclusion

- 7.35 The application when assessed against Local Plan Policies would lead to an unsustainable form of residential development within the open countryside where future residents would be reliant on the private car to access day-to-day services, facilities and employment opportunities contrary to Policies S2 and S4 of the Adopted Derbyshire Dales Local Plan (2017).
- 7.36 However, having due consideration to those matters which are material to the planning merits of the scheme, particularly when assessed against Paragraph 79 of the National Planning Policy Framework (2018) it is concluded, as independently assessed, on balance that provided both the building works and landscaping works are carried out in an exemplary manner, that the design of the proposal can be considered to be of exceptional quality in that it is truly outstanding, reflecting the highest standards in architecture which helps to raise standards of design in the rural area, significantly enhance its immediate setting.
- 7.37 Taking the above into consideration the application satisfies the test of Paragraph 79 of the National Planning Policy Framework (2018) and is recommended for approval on that basis.

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. This permission relates solely to the application as amended by the revised plan(s) (Plans & Elevations as proposed plan 478/P02A), date stamped 23rd January 2019.

Reason:

For the avoidance of doubt.

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

Reason:

To ensure the use of appropriate materials and a satisfactory external appearance of the development in accordance with the aims of Policies S4 and PD1 of the Adopted Derbyshire Dales Local Plan (2017).

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

Reason:

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

5. Notwithstanding the submitted plans, prior to installation, details of all external lighting and meter boxes (including location) shall be submitted to and approved in writing by the Local Planning Authority. The approved details relating to each dwelling hereby approved shall be carried out in full prior to first occupation.

Reason:

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

6. Details of the specification and methodology (inc drawings) for the following;
 - a) All rain water goods to include type, material, profile and method of fixing.
 - b) The abutment of the exterior walls with the ground floor.
 - c) Vertical sections through the glazed link and dwelling to indicate glazing details and door details.
 - d) All vents, grills, pipes and flues and there exact locations, types, material and finish.

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

Reason:

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

7. Prior to installation, constructional details of the hit & miss timber fins (inc. design, materials, treatment and/or colour) shall be submitted to and approved in writing by the Local Planning Authority. The fins shall then be installed in accordance with the approved details and so retained.

Reason:

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

8. A scheme of demolition of the existing dwelling shall be submitted to and approved in writing by the Local Planning Authority prior to demolition. The demolition shall be implemented in accordance with the approved details.

Reason:

For the avoidance of doubt.

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

Reason:

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

10. The independent living accommodation hereby permitted shall only be occupied or used in connection with, and ancillary to the occupation of the new dwelling and shall at no time be severed and occupied as a separate independent unit.

Reason:

To prevent the undesirable establishment of a separate independent unit in accordance with Policies S2 and S4 of the Adopted Derbyshire Dales Local Plan (2017)

11. Prior to first occupation of the dwelling hereby approved, a timetable for the delivery of the landscaped areas (inc the yard, kitchen garden, productive garden, orchard and grazing fields), as illustrated on submitted plan 407-ALA-00-XX-RD-L00002 S2 Rev P01, date stamped 14th September 2018 and details of their long term future management shall be submitted to and approved in writing by the Local Planning Authority. The landscaped areas shall thereafter be delivered and managed in perpetuity in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

Reason:

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

12. A site-specific Arboricultural Method Statement (AMS) and Tree Protection Plan (TPP) according to guidelines provided in BS5837:2012 shall be submitted to and

approved in writing by the Local Planning Authority before any pruning or felling of trees on site. All works shall also be carried out in accordance with the approved details prior to the development or in accordance with a programme to be agreed in writing with the Local Planning Authority.

Reason:

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

13. The mitigation measures proposed in Section 5 of the Ecological Impact Assessment (SLR, 2018) shall be implemented in full. A short statement of compliance shall be submitted to the Local Planning Authority upon completion 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).

14. The ecological enhancements as proposed in Section 6 of the Ecological Impact Assessment (SLR, 2018) shall be implemented in full. A short statement of compliance shall be submitted to the Local Planning Authority upon completion 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).

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. Public rights of way (Kirk Ireton 18) runs through the application site. These routes must remain unobstructed on their lawful alignment and the safety of the public must not be prejudiced either during or after the works take place. Details regarding the temporary or permanent diversion of any such routes, if required, should be obtained by contacting the County Council's Footpaths Section at County Hall, Matlock on 01629 533262. Application for the permanent diversion of the public right of way shall be submitted to the District Council on the enclosed application form.

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

4. This decision notice relates to the following documents:
Supporting Planning Statement

Planning Submission Workbook
Design Review 1 Letter prepared by Opun, dated 17th January 2018
Design Review 2 Letter prepared by Opun, dated 14th May 2018
Arboricultural Impact Assessment prepared by Godwins Arboricultural Limited
Ecological Impact Assessment prepared by SLR Consulting
Whole Site Landscape General Arrangement plan, date stamped 14th September 2018
Footpaths Plan, date stamped 14th September 2018
Focussed Landscape General Arrangement, date stamped 14th September 2018
Site Location Plan, date stamped 14th September 2018
Site Plan and Drainage, date stamped 14th September 2018
Plans & Elevations as Existing, date stamped 14th September 2018
Topographical Survey, date stamped 14th September 2018
Plans & Elevations as proposed, date stamped 23rd January 2019

BACK TO AGENDA



Planning Committee 5th February 2019

APPLICATION NUMBER		16/00397/FUL	
SITE ADDRESS:		Land At Tansley House Gardens, Tansley	
DESCRIPTION OF DEVELOPMENT		Residential development of 49 dwellings with associated garages and infrastructure	
CASE OFFICER	H Frith	APPLICANT	Mr Stephen Eaton
PARISH/TOWN	Tansley	AGENT	Mr Anthony Rice
WARD MEMBER(S)	Cllr Flitter, Cllr Stevens, Cllr Botham	DETERMINATION TARGET	10.10.16
REASON FOR DETERMINATION BY COMMITTEE	Due to being major housing development	REASON FOR SITE VISIT (IF APPLICABLE)	

MATERIAL PLANNING ISSUES

Reconsideration of the application following a viability assessment as a result of negotiations on the S106 agreement and considering the following matters;

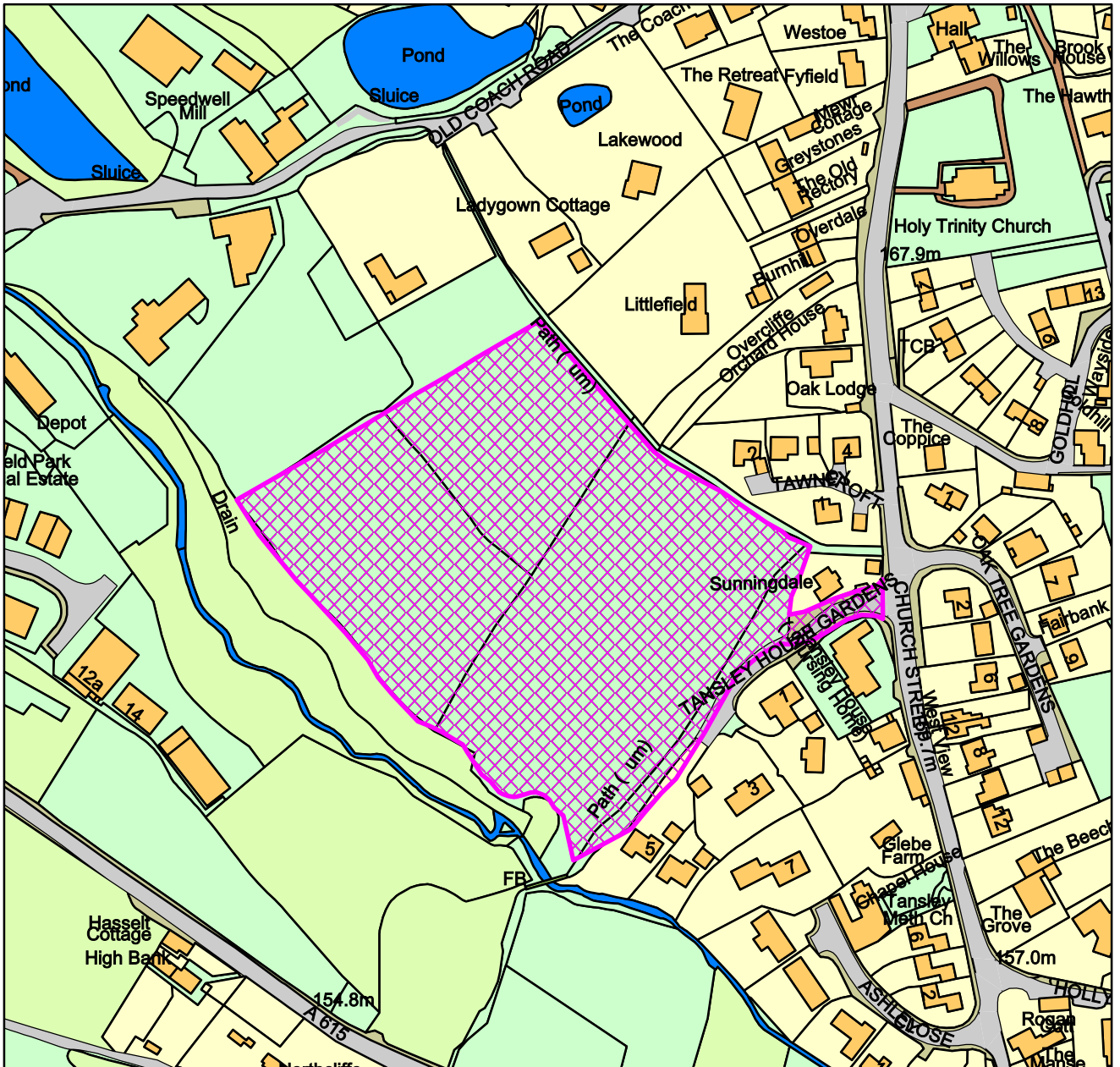
- Affordable housing provision
- Developer contributions
- Housing mix
- Visual impacts – reduction in the use of stone to elevational treatments

RECOMMENDATION

Approval

16/00397/FUL

Land at Tansley House Gardens, Tansley



Derbyshire Dales DC

1:2,500

Date: 24/01/2019

100019785

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

INTRODUCTION

This matter was initially considered by the planning committee on the 13th December 2016 with a resolution to grant planning permission subject to the completion of a Section 106 Planning Obligation Agreement to secure affordable units on-site and off-site to make up provision to the equivalent of 45%, a contribution towards primary school places of £113,990.10 and long term mitigation and management of the grassland and subject to detailed conditions.

Through the process of negotiating on the S106 agreement the matter has been referred to the District Valuer for an assessment on viability grounds. During the time period that has passed since the initial consideration by the committee the local plan has been adopted. The viability report has also assessed a number of matters of which Members of the planning committee now need to give their consideration.

The initial consideration by the committee of 45% provision of affordable housing is no longer in accord with the requirements of policy HC4 of the Local Plan which requires on site provision of 30% affordable housing with 80% of this to be social rented and 20% shared ownership. The viability report has been considered on the basis of 30% affordable housing and found the development to be marginally viable. In order to assist with the viability the issue of facing materials has been reconsidered and whilst the original scheme for consideration was for all elevations of the proposed properties to be of natural local stone, this has been altered to have the principle elevations of the dwellings and some more prominent side elevations as natural stone and the remainder of the elevations to be a stone colour render. Amended plans have been submitted to demonstrate this.

During the assessment of viability the issue of the need for school contributions has altered with an initial contribution of £113,990.10 being required for primary places at the time of the initial report to committee. Following annual updates on demographics from Derbyshire County Council the required contribution initially altered to there being no need for any school contributions and this was the basis on which the viability was assessed.

Subsequently the County Council has most recently advised that no contribution is required for primary provision but with a requirement of £75,236.78 for the provision of 2 secondary places and 1 post 16 place at Highfields School towards the delivery of Project C: Additional teaching and support space. It is considered this relatively minor contribution towards school provision can be met by the developer.

This report is to be reconsidered by Members to address the above changes.

1. THE SITE AND SURROUNDINGS

The application site refers to a number of open agricultural fields with hedgerows to the boundaries. There are two footpaths affected by the development, one to the north eastern border of the site and one to the southern border of the site. The site slopes away to the south east where it meets the brook and the

boundary of the Lumsdale Conservation Area. There is a planted area to the bank of the brook. The site adjoins the village of Tansley with the industrial estate to the south west on the opposite side of the brook.



2. DETAILS OF THE APPLICATION

Full planning permission is sought to erect 49 dwellings on the site with associated access, road network, play area, green space corridor and sustainable drainage features.

The details of the development are as follows:

Affordable Units

- 2 no. one bedroom units within a cluster of L1 and C1 type houses.
- 2 no. two storey two bedroom units attached to L1 cluster noted above.
- 2 no. two storey two bedroom semi-detached units.
- 3 no. two storey two bedroom terraced row.
- 4 no. 2 bed semi-detached bungalows
- 2 no. two storey three bedroom semi-detached units

Market Dwellings

3 no. 2 bedroom bungalows

3 no. 3 bedroom bungalows

6 no. 2 bedroom semi-detached dwellings (three bedroom including the study)

11 no. 3 bedroom detached dwellings (four bedroom including the study)

7 no. 4 bedroom detached dwellings

4 no. 5 bedroom detached dwellings

Three different types of garage are proposed, a three garage block, a double garage block and a single garage, all of which have pitched roof detail.

The dwellings are intended to be of natural stone, with render to the lesser elevations with uPVC windows and doors and tiles to the roof.

A play area is proposed to the beyond the first bungalows close to the entrance to the site which would be well overlooked from neighbouring dwellings.

A buffer zone area is proposed on the steepest part of the site to the south/southwest of the site to provide a clear open area between the developed area of the site and the adjacent Conservation Area.

Swale drainage features are proposed within this buffer area. Sections through the site have been provided to show how the engineering works will be finished for the sustainable drainage features where it is envisaged that excess water will stand in times of severe weather. This shows that the frontage of plots 42 and 49 there will need to be a retaining wall as part of the landscaping works.

The main hedge features of the site would be retained as a result of the development outside of the gardens of the dwellings to ensure these are appropriately maintained.

The following reports have been submitted which are referred to in the assessment below, these reports are:

- Information on sustainable drainage ponds
- Biodiversity Mitigation Strategy and Landscape Management Plan
- Statement in support of the application
- Proposed Drainage Strategy
- Transport Statement
- Preliminary Ecological Site Appraisal
- Heritage Impact Assessment
- Design and Access Statement
- Flood Risk Assessment

3. 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

S5 Strategic Housing Development

S7 Matlock/Wirksworth/Darley Dale Development Area 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
PD8 Flood Risk Management and Water Quality
HC1 Location of Housing Development
HC2 Housing Land Allocations
HC4 Affordable Housing
HC11 Housing Mix and Type
HC14 Open Space, Sports and Recreation Facilities
HC19 Accessibility and Transport
HC21 Car Parking Standards

2. Other:
National Planning Policy Framework
National Planning Practice Guidance

4. RELEVANT PLANNING HISTORY:

14/00097/OUT Residential development (outline) – Refused, allowed on appeal for 27 units.

5. CONSULTATION RESPONSES

Parish / Town Council

5.1 The land is green field outside of the settlement boundary.

The land abuts the Conservation Area.

In the previous appeal decision the Inspector said: the development will retain a significant buffer between the houses and the Conservation Area boundary – there would be a neutral effect upon the setting of the Conservation Area.

The additional houses in this case will not have a neutral effect as the substantial buffer will be eroded. Due to topography the green buffer in this case will have no amenity value.

The plans do not indicate how the Conservation Area will be protected, no indication relating to the maintenance of the land.

Serious concerns with regard to the drainage lagoons, the topography makes it difficult to envisage how these will be constructed, concern about the impact on adjacent properties and safety of children.

The plans indicate an access road adjacent to footpath 4; this is not appropriate and will conflict with the rural nature of the area, no mention of the upgrading of Tinkers Bridge and access to it. The rural openness would be ruined.

There are no mitigation measures from the industrial estate in terms of noise and light.

The Parish Council request assessments related to noise and light to ensure the amenity of future residents.

Concerns regarding the 100 cars accessing the site and the cumulative effect of this and the Whitelea site plus additional homes for Oaktree Gardens. The

majority of traffic will be entering and exiting the village at the Church Street/A615 junction, there is a pinch point prior to this junction only wide enough for a single flow of traffic.

The transport statement is a desk top study, data has not been compiled from the local area and it is not done over consecutive days. The data is out of date and does not reflect the problems in Tansley.

There is no reference to the data related to the junction capacity at Matlock Green and Crown Square, this data impacts upon Tansley and its residents who need to use the A615 to access facilities in Matlock.

The report states that DCC have agreed no junction capacity modelling will be required; a copy of this should be available for the public.

Should residents want to catch the 463 or 163 buses, there are no continuous pavements to the bus stop on the A615 there is no safe crossing. The 150 bus service may be stopped, if this is the case there will be no bus service into the village.

The development is contrary to the NPPF and the emerging plan

Ensuring development takes place in locations readily served by public transport and that essential community facilities are accessible by sustainable means. Tansley residents have to travel 2.5km to access everyday facilities.

We request a viability assessment to ensure the developer is in a secure financial position to be able to secure all required infrastructure, roads, lighting and drainage all to be to adoptable standards and the correct legal agreements in place, along with assurance that development will not commence until this has taken place.

This will cause significant disruption and loss of amenity the entrance being adjacent to an elderly persons residential home and close to residential properties at Tansley House Gardens, some form of mitigation is required in relation to noise and working times. We request a construction methodology statement from the developers.

There is no play area on site, a play area is expected. A financial donation in lieu would not be acceptable; the site has capacity to provide this facility. For the 27 homes the inspector required a play area. At the previous appeal the inspector requested a number of conditions, these have not been recognised in this application – all conditions should transfer with additions being a larger scheme. Robust evidence is required for the removal of any of the inspector's recommendations.

Stone and render is proposed, the use of render is not in keeping with the majority of properties in the vicinity of the development and would be out of character with Tansley.

The parish council has serious concerns related to the development of the whole of the field. The bottom half of the field must be saved and the substantial green buffer to protect the integrity of the Conservation Area must be conserved.

Further responses received which note the following concerns:

Green buffer to protect the Conservation Area is not large enough

The open space will have no amenity value due to overhead cables, balancing ponds an, stream and topography.

Drainage features are a safety concern

Drainage ponds should be replaced with individual SUDs for each dwelling.

Maintenance of green space and balancing ponds is not provided.

No children's play area.

Insufficient space for visitor parking.

No indication as to how the development will improve other facilities in Tansley Transport statement does not address constraints for traffic at pinch point A615/Church Street junction given additional traffic.

Access road to bungalows is too close to footpath 9 – safety of walkers.

Derbyshire County Council (Flood Authority)

- 5.2 The flood risk assessment for this site states that soakaways could be a suitable means of disposing of surface water. However, further investigation is required to confirm this and the FRA states that this has been arranged. Therefore at this stage, the application cannot demonstrate the run-off destination hierarchy as required by building regulations.

It is proposed that surface water is drained by means of road gullies and a piped system under the roads before entering two on site attenuation ponds. From the ponds, surface water will be discharged into the off-site watercourse. Although reference is made to location, there are no details regarding the maintenance, adoption and essential maintenance of the drainage system for the lifetime of the development. The Local Planning Authority should be mindful to obtain information regarding any outfall into the culvert outside of the developable zone to be satisfied that it is designed so that it does not result in a surcharge onto any adjacent land or public highway.

The County Council has received two reports of flooding to the north west of the site. Anecdotal evidence suggests that the source of this flooding was from a blocked or inadequate culvert. There have also been a number of flooding incidents in the wider area to the north and the south of the site.

To overcome the above concerns conditions are recommended.

Derbyshire County Council (Highways)

- 5.3 The submitted transport statement has been passed to the DCC Transportation officer to assess but I do not envisage any significant concerns.

As this is a full application, and the applicant is offering the main access road for adoption, there are some modifications to the layout of the site which the Highway Authority would recommend. Due to the sharp bends a tracking plan is required for refuse vehicles. The access road should extend to plot 19 and have a suitable turning head. Visibility from the private driveways needs to be improved. Visibility at the tight bends needs to be improved.

The applicant is showing control of the section of Tansley House Gardens access road in between this site and Church Street. Therefore, the works required to bring this section of access road up to an adoptable standard are now possible. This new residential road should become the priority road. The road serving the existing properties on Tansley House Gardens to the south should become a junction where it meets the new road.

To address the concerns raised amended plans have been received from the applicant, to which the highway authority have sent a further response:

The site is accessed via an existing un-adopted road known as Tansley House Gardens. Although Tansley House Gardens has adequate carriageway width, footway provision and sufficient emerging visibility onto Church Street, it doesn't benefit from any drainage or street lighting. It's also unknown if the construction depths of Tansley House Gardens are in accordance with current design specifications, so trial holes will need to be carried out to determine what the existing construction depths are. All works required to upgrade this section of Tansley House Gardens, so it can be adopted, should be agreed in writing prior to any works commencing on site.

Internally the layout has now been modified to remove the previous 90° bends in the road. They have been replaced with a speed suppression bend which is in accordance with current design guidance. A carriageway width of 5.5m is being provided along with 2m wide footways on both sides of the section of road to be adopted. An adequate turning head is also being provided within the adopted section of residential road to enable service and delivery vehicles to enter the site, turn and exit in a forward gear at all times.

Each dwelling is being provided with an adequate level of off-street parking provision and emerging visibility onto the residential road from all parking spaces, and shared accesses, is satisfactory. Whilst Plot 7 has less emerging visibility compared with the other accesses (approx. 2.4m x 16m to the west), this is acceptable given the plots location between 2 tight speed suppressing bends.

Footnotes and conditions are recommended.

Derbyshire County Council (Education)

- 5.4 The proposed development falls within, and directly relates to, the normal areas of Tansley Primary School and Highfields School. The proposed development of 49 dwellings (discounting 2 x 1 bedroom) would generate the need to provide for an additional 9 primary, 7 secondary and 3 post 16 pupils.

Tansley Primary School has a net capacity of 88 pupils and has 71 pupils on roll currently. The latest projections show the number of pupils on roll to be 75 during the next 5 years. This and the analysis of the current and future projected number of pupils on roll shows that the normal area primary school would have sufficient capacity to accommodate the 4 primary pupils from the proposed development.

Highfields School has a net capacity of 1,392 pupils and currently has 1,175 pupils on roll. The latest projections are indicating the number of pupils on roll to be 1,263 during the next 5 years. There are a number of recently approved planning applications within the normal area totalling 580 dwellings amounting to an additional 87 secondary and 35 post 16 pupils, this and the analysis of the current and future projected number of pupils on roll shows that the normal area secondary school would have sufficient capacity to accommodate 5 out of the 7 secondary and 2 out of the 3 post16 pupils from the proposed development.

Therefore, the County Council can advise that the normal area secondary school would not have sufficient capacity to accommodate all of the additional pupils generated by the proposed development.

The County Council requests a financial contribution of £75,236.78 for the provision of 2 secondary places and 1 post16 place at Highfields School towards the delivery of Project C: Additional teaching and support space.

I confirm that since April 2010 no obligations have been secured towards Project C at Highfields School and the County Council has currently made no further requests for contributions to pool towards Project C as identified above.

Derbyshire Wildlife Trust

- 5.5 The site to comprises MG4 grassland, which is notable rare along with UK BAP priority habitat hedgerows and trees. A number of 'near threatened' species were recorded with the grassland such as ragged robin. However, great burnet, was not noted within the ecology report/species list, which is unusual when the report concluded the grassland to be MG4. Conversely, the ecology report failed to identify the drain/water course present on the southern boundary and also stated no watercourses were present on site or within 500m although Tansley Knoll Mill Ponds LWS is located c.200m west of the site boundary along with two ponds noted c.140m north of the site (outside the LWS).

Conclusion

The 2016 ecological appraisal along with the proposed layout plan has not addressed the loss of MG4 habitat as well as hedgerows. Furthermore, this application would conclude in a greater loss and negative impact to biodiversity. The previous application, where permission has been granted, along with our previous recommendation is the preferred option.

At present, the ecological appraisal does not address the impacts and the proposed layout lacks suitable retention of features; in all the submitted information provides insufficient information on mitigation and compensation for the negative impacts and loss of biodiversity/habitats.

From an ecological perspective the ideal option for this site would be the original application as illustrated above and to our previous comments (PlanCon335-1). If the applicant is unwilling, the proposed layout should be revised to include more habitat retention along with detailed mitigation and compensation for the site to result in a neutral impact to biodiversity. Worst case scenario, the applicant should provide offsite compensation, details of which will need to be agreed with the LPA.

In response to these comments a further mitigation strategy was submitted and sent to DWT from whom the following response was provided:

We have considered the Biodiversity Mitigation Strategy and Landscape Management Plan document and consider that it provides a reasonable basis for delivering and implementing mitigation for the loss of habitats at the site. Given that the area of grassland to be lost is greater than the area being retained and

no off site compensation is proposed we consider that it is important to secure the implementation of the mitigation plan together with 10 years aftercare to ensure habitats are successfully established and managed.

The methods proposed in the mitigation plan are broadly acceptable in principle, but we would advise that some changes may be needed in terms of methodologies and practice to achieve the biodiversity objectives. The description of tree planting is also rather vague and may conflict with the objective of creating species rich grassland. On-going monitoring is required and a detailed map showing where the mitigation is to be.

Recommendation - Secure further detail via condition and secure mitigation and management via S106 obligation for a 10 year period.

Development Control Archaeologist

- 5.6 The proposal site of 2.5ha is located on a south-facing slope adjacent to the line of the Tansley Brook. This topographical position makes it a favourable location for prehistoric activity, and the applicant should therefore present some information to allow the archaeological significance of the site to be understood (NPPF para 128).

The proposal site is also adjacent to the Lumsdale Conservation Area, and the application should present a statement of significance and impact with regard to the setting of the Conservation Area (NPPF para 128), and should also outline any proposed mitigation measures intended to minimise harms.

In the absence of the heritage information outlined above the application is deficient in terms of NPPF para 128 with regard to the Lumsdale Conservation Area and to below-ground archaeology. To address this omission the applicant should submit a heritage impact assessment by a suitably accredited heritage professional (CIfA/IHBC) comprising geophysical survey of the site, along with an assessment of significance and impact in relation to the setting of the Lumsdale Conservation Area. Once this information has been submitted I should be re-consulted on the application.

Comments following submission of a heritage impact assessment:

The geophysical survey of the site shows some possible archaeological features in addition to rather more widespread medieval ridge and furrow. These require investigation and recording (NPPF para 141) but do not appear sufficiently complex or significant to require pre-determination evaluation. I therefore advise that the possible archaeological features are investigated and recorded as part of a conditioned scheme of archaeological work in line with NPPF para 141, to comprise an initial scheme of trial trenching to characterise possible features and blank areas, and further excavation to record any areas identified as being significant.

With regard to the Lumsdale Conservation Area the Local Planning Authority should be guided by its Conservation Officer.

Design and Conservation Officer (Derbyshire Dales)

- 5.7 The Lumsdale Conservation Area was designated in 1980. At that time the area terminated about half way along the southern boundary of the proposed development site. In 1995 the Conservation Area was extended in a south easterly direction and, therefore, the entire southern boundary of the proposed development site now abuts the Lumsdale Conservation Area.

Just over half of the north eastern part of the site has already received outline planning permission for residential development. The open land between that approved site area and the Conservation Area was to be undeveloped, however, the current application is to extend the approved development south westerly into this part of the site.

The application submission recognises the Lumsdale Conservation Area and a 'green corridor/open space' with settling ponds have been included adjacent to the Conservation Area boundary. The sloping sides of the valley to the water course (a tributary to the Bentley Brook) extend on both sides and also extend into the proposed development site forming a slope down to the water course. Extending built development closer to the Conservation Area has the potential to impact on the setting of the Conservation Area (as a designated heritage asset). The degree of harm, therefore, needs to be considered and assessed. It is considered important that the slope forming the side of the water course is not developed in order that the natural topography of the water course valley remains open and readable within the landscape. The top edge of the slope can be defined and is likely to form a sinuous line that would demark the maximum extent of built development. In considering this 'line' it appears that plots 26 to 29 and plots 40, 41 and 49 have some encroachment onto the commencement of the slope. In this regard the potential landform alteration/modification required to place the dwellings will alter existing character and, therefore, affect the setting of the Conservation Area.

No transverse sections across various parts of the site (particularly south-west/north-east sections) indicating the position of proposed dwellings in relation to existing and proposed landform/levels have been submitted. Such information is considered necessary to fully assess the proposed development in this part of the site.

Proposed built development closest to the Conservation Area will need to be carefully planned in terms of layout, orientation, grouping, scale and density in order to form an acceptable transition of development from this important interface to the main body of development to the north eastern area of the development site. The orientation/juxtaposition of plots 40 and 41 appear out of context and the existing topography is likely to require modification to accommodate them. Such landform alteration of the slope is likely to harm the setting of the Conservation Area.

Plot 22-25 is a 'cluster' building. Whilst the rear elevation is acceptable the disparate contrast between roof pitches produces a built form which appears restless and un-resolved.

The proposals indicate the inclusion of settling ponds (sustainable drainage features) on the slope of the water course. Land form modification works to create/form such elements could lead to over-engineering works to the slope which inherently alter its existing landscape character. In that regard such engineered elements are likely to be harmful to the setting of the Conservation Area in the alteration of the water courses natural landscape character.

Derbyshire Dales Group Of Ramblers

5.8 No objection, footpaths should remain open and unobstructed at all times.

Peak And Northern Footpaths

5.9 No objection, footpaths should remain open and unobstructed at all times. Developers should contribute to the upgrade of the footpaths, the footbridge by footpath no. 9 where it crosses the watercourse should be improved.

Environment Agency

5.10 This proposal falls outside of the scope on which the Environment Agency is a statutory consultee, therefore we have no comment to make.

Environmental Health (Derbyshire Dales)

5.11 No concerns with the application.

Strategic Housing (Derbyshire Dales)

5.12 Concerns regarding the dwelling types put forward as being the affordable units. Concern with regard to layout and provision of parking in terms of being tenure blind on site.

We would like 2 x 1 bed 2 person houses on the scheme, which achieves a better design solution and private outdoor space.

Although the number of affordable homes has reduced to 15, we still require 4 x 2 bed 4 person bungalows on site to Lifetime Homes Standard (now M4(2) in the Building Regulations). The 2 bed bungalows drawings show 2 bed 3 person bungalows and it is not stated whether they meet the Lifetime Homes Standard. The 2 bed houses need to be 2 bed 4 person; the drawings appear to show 2 bed 3 person houses. On the 3 bed house, the third bedroom is very small. It needs to be useable as a bedroom. A furnished layout of the different house types would be helpful, as would having the floor areas in square metres rather than square feet.

To give an indication of the size of homes proposed:

- The 1 bed house is 48 square metres – the nationally described minimum space standard is 58 square metres plus storage
- The 2 bed bungalow is 61 square metres – the nationally described minimum space standard is 70 square metres plus storage for a 2 bed 4 person bungalow
- The 2 bed house is 71 square metres – the national described minimum space standard is 79 square metres plus storage for a 2 bed 4 person house
- The 3 bed house is 81 square metres – the national space standards are 93 square metres plus storage for a 3 bed 5 person house

In addition, can we consider a better design solution for some areas of the outside space – access to 33 is poor from the back, the garden of 37 (a 3 bed house) is small and oddly shaped, the 2 bed bungalows (30 & 31) have significantly larger gardens than the 2 and 3 bed family housing. The family housing needs the larger gardens.

We would also seek to achieve a better design solution on the car parking arrangements for the affordable housing, most of which is in blocks. The 2 x 3 bed houses overlook 8 car parking spaces. Units 34 and 35 (2 bed houses) have car parking removed from their properties. This is in contrast to the open market housing. Blocks of parking can cause management problems and are less desirable to tenants and owners.

Developer's proposal		Housing's requirements	
Type	No.	Type	No.
L 1 bed cluster	2	1 bed 2 person houses	2
M 2 bed cluster	2	-	0
K 2 bed bungalows	2	2 bed 4 person Lifetime Homes Standard (M4(2)) bungalows	4
C 2 bed cottages	7	2 bed houses	7
D 3 bed cottages	2	3 bed houses	2
Affordable	15	Affordable	15

Landscape Officer

- 5.13 There are no objections to the development however there are aspects of the layout as submitted that give cause for concern.

The linear space which comprises the bulk of the buffer zone in the south west is very narrow, its use as a recreational resource for residents is questionable and this is made harder by the proposal to create at least two swales which are likely to either hold water or be waterlogged on a seasonal basis. An alternative SUDs solution should be adopted (infiltration?) that does not create an obstacle to recreational use. A footpath with appropriate connections should be run through the open space to connect the north western and central part so the development with the footpath in the south east.

The earthworks required to create the swales (on steeply sloping ground) will be extensive. The depositing of spoil on the lower slopes is likely to put the long term health of the existing trees at risk. An alternative SUDs scheme should be considered.

The retention of the central hedgerow within private gardens will put them at risk of removal, severe pruning and a variety of maintenance regimes. It is highly

unlikely it will survive in its present state. It should be included within the public domain with long term maintenance.

The footpath corridor on the north eastern boundary is too constricted by development. Though a fence is currently in place along its south western side the prospect is generally open and the path inviting. The development closes off this prospect confining the user within a narrow, closed-in, intimidating corridor.

6. REPRESENTATIONS RECEIVED

6.1 A total of 31 representations have been received. A summary of the representations is outlined below:

Principle

This is a green field outside of the settlement boundary.

The local plan says that development in villages should be small scale, this is not small scale.

Development should happen where the need to travel can be reduced through good access to facilities and services without significant adverse impacts, there will be significant impacts on flora, fauna and traffic.

There is no shop, the bus service is poor and will likely cease by the end of the year.

No benefits for the village

There is no local plan and the draft carries little weight therefore Tansley is suffering from an ad hoc decision making system.

Overdevelopment.

Why are green fields being used when there are brownfield sites.

No justification for the increase in the number of houses.

Strain on local resources.

Tansley cannot absorb the massive increase in housing in the village.

No shop, post office or doctor's surgery.

The emerging local plan states that there will be benefits for the village from development, there are no benefits.

A smaller development would provide a much better scheme with open space for all to enjoy.

Brownfield sites should be developed.

The village does not need these larger homes, existing ones are not sold.

This will destroy an English village.

Conservation Area

The land abuts the Conservation Area.

The green buffer to protect the Conservation Area must be maintained.

Adverse impact upon the special ambiance and historic appreciation of the Conservation Area.

Development so close to the Conservation Area cannot be mitigated against.

The drainage proposal will have a negative impact upon the Conservation Area.

Highway Safety

Additional traffic will cause congestion, disruption and a danger to highway safety.

Danger to pedestrians including school children.
No improvements to footpaths to make access to Tinkers Bridge easier.
No parking at this point in the village, difficult access for emergency vehicles.
Noise and light pollution from industrial estate will impact on new residents.
A detailed highway and transport analysis should be carried out to assess the impact of the development
Traffic on Church Street is not relatively light.
Traffic calming measures have been requested to slow down vehicles using Church Street.
Cars parked slow down traffic on this road, the proposal to impose double yellow lines would mean there was nothing to slow down vehicle speeds.
Double yellow lines would remove resident and visitor parking.
Concerns regarding the capacity and safety of the junction on the A615 and Church Street and Tansley House Gardens and Church Street.
The highway network will not be able to cope with the increase in vehicles.
Other than the junction to the A615 all other routes out of the village are via narrow lanes.
Church Street has been blocked by parked vehicles with the bus unable to gain access.
Increase in cars to the village by a factor of 10.

Landscape Impact

Significant adverse landscape impact.
The site is an integral part of the greenness of the village and can be seen from various vantage points.
Development would destroy a historic landscape and remove a large green buffer.
Adverse impact upon archaeology as the site is within an area of fossilised strip fields and of high historic landscape value.
Historic footpath route to Riber

Amenity

How will noise from the Industrial estate be mitigated against, they run 6 nights per week with noisy vehicle movements from lorries and high performance car engines, noise in the region of 87– 97dBa.
The light and noise from the industrial estate causes nuisance to existing residents.
The amenity impacts could close local businesses
Loss of privacy and outlook, detrimental impacts upon amenity.

Ecology

Adverse impact upon birds such as heron and birds of prey and badgers
Adverse impact on wildlife.
Retain trees and hedgerows.
Ploughing of the land has diminished its environmental value.

Drainage

More housing incorporating more of the green field will lead to further drainage issues.
The slope of the land does not lend itself to development

The ponds will take up a large amount of the green buffer and will have a harmful visual impact.

How will water get out of the ponds to the stream

What will happen to the debris, who will be responsible for maintenance

A fenced off area will result in a harmful visual impact

What will the base of the ponds be

Natural springs on the site

Other

There is no landscape maintenance plan or lighting scheme for the development.

There is no play area.

Are the footpaths to be improved?

No additional or improved services provided.

Faced with a backdrop of housing rather than a green field.

Loss of darkness at night.

The village will lose its uniqueness.

No benefit to the community.

Are the overhead power cables to be moved.

Serious concerns about the location of the lagoons, impact on neighbouring properties, safety of these and suitability given the topography of the site.

The village opposes the development of this site.

7. OFFICER APPRAISAL

Principle of Development

7.1 The principle of development on this site has been established through the allocation of the site in the Adopted Local plan 2017 for the development of 49 units in accordance with policy HC2 (bb). This application is for 49 units in accordance with the allocation. Although allocated and in a sustainable third tier settlement the impacts arising from the development have to be considered in detail.

7.2 Having regard to the policies of the development plan and responses received through the applications process the key issues to consider are:

1. Conservation and Landscape impacts
2. The sustainability of Tansley as a third tier settlement
4. Developer contributions
5. Character and appearance
6. Residential amenity
7. Highway safety
8. Footpaths
9. Land drainage and sewerage capacity
10. Impacts upon ecology
11. Housing mix

Conservation and Landscape Impacts

- 7.3 The Landscape Sensitivity Study carried out by Wardell Armstrong dated August 2015 to support the emerging local plan identified this site as being of low landscape sensitivity. However the study recognised that the development of the whole field to the edge of the Conservation Area boundary would have a direct impact upon the significance of the Conservation Area as a designated heritage asset. The concerns of the Conservation Officer have reiterated this view.
- 7.4 Through the application process the layout has been amended to site the housing further back from the south western edge of the developable area to enable a sufficient and clear buffer between the housing and the boundary of the Conservation Area. The line at which the development ends is the point before the land begins to fall away more dramatically to the brook which gives a natural line finish to the development in accordance with the topography of the site. This will help the development to assimilate into the surroundings whilst also ensuring the protection of the Conservation Area with a landscaped buffer.
- 7.5 It is acknowledged that there will be landscape drainage features within the buffer area and there may be a need for some more severe structural works to the plots close to where the land falls away more steeply (plot 42 and 49) and these may have some adverse visual impact. However, the visual harm from such features can be mitigated through appropriate treatment and landscaping. I also refer to the ecology section of the report below which will require the Conservation Area buffer to be carefully planted to provide mitigation for the loss of the high quality grassland of the development site. Subject to conditions the form, scale and detail of the proposal is considered to be acceptable in terms of the impact upon landscape character and the character and appearance of the adjacent Conservation Area.
- 7.6 There is some potential for archaeology on the site as noted by the Development Control Archaeologist. In order to ensure the appropriate investigation and recording of this potential non-designated heritage asset it is considered necessary to impose a condition as recommended which will satisfy the requirements of the NPPF.
- 7.7 Having considered the impacts upon heritage in this case, there are no adverse impacts and as such the decision maker is required to assess the benefits and disbenefits of the scheme in terms of the three roles of sustainability and only where any harm is significant and demonstrable reject the scheme.

The sustainability of Tansley as a third tier settlement

- 7.8 Through the consideration of the local plan assessment of the sustainability of various settlements throughout the district has been carried out. In this assessment it has been concluded that the most sustainable locations within the district for growth are the market towns. However, these market towns will not be able to absorb all of the required housing development. Therefore the settlement hierarchy work also included an assessment of the smaller settlements as to their

capacity for growth and their sustainability given the existing services and facilities that are provided.

- 7.9 In this case Tansley, as one of the larger villages close to Matlock, has a school, village hall and limited bus service but is within close proximity to the main market town of Matlock and other employment opportunities. Consequently it is one of the more sustainable settlements and as such has been categorised a third tier settlement where growth can be accommodated. In parallel with this application the site has in fact been allocated within the local plan as a site for the development of 49 dwellings (allocation HC2 (bb)). It is also acknowledged that given the growth of housing required across the district this cannot be fully accommodated on brownfield sites and therefore development on green fields will be necessary. Tansley as one of the larger villages is considered to have capacity for growth. Even where this utilises green fields, at an appropriate scale, it can be considered sustainable.
- 7.10 Notwithstanding this, in considering the inherent sustainability of third tier settlements, it is clearly not appropriate to have unrestrained residential expansion which would be unsustainable in terms of heavy reliance on the private car and also lead to unwarranted encroachment into the countryside detrimental to landscape character and appearance and the setting of the settlement. The scale of this scheme for 49 units is considered to be an appropriate balance between meeting housing needs and sustaining local services without resulting in unsustainable expansion of the village.

Developer Contributions

- 7.11 Through the application process the proposal has been altered to provide the appropriate affordable housing contribution on site at 30.6% in full accordance with the detailed requirements of the Council's strategic housing team to provide the following:
- 2 no. one bedroom units
 - 4 no. two storey two bedroom units
 - 3 no. two storey two bedroom
 - 2 no. two storey three bedroom semi-detached units
 - 4 no. 2 bed semi-detached bungalows
- 7.12 The on-site affordable housing provision proposed in this application is at 30.6% of the total number of dwellings. This provision accords with the requirements of policy HC4 of the Adopted Local Plan 2017.
- 7.13 Derbyshire County Council has noted that this proposal will increase the need for school places and has requested a financial contribution towards secondary provision. The applicant has agreed to this and therefore the need to provide developer contributions in this case has been fully met by the applicant. These matters will be subject to inclusion within a S106 agreement.

- 7.14 An area of the site has been designated for a play area to serve the development, details of the provision of the area and equipment and the long term maintenance of this will be required via condition.

Character and Appearance of the Development

- 7.15 The proposed dwellings across the site are to be of stone and render with traditional eaves detail and chimneys and are considered, subject to conditions regarding the materials and window and door details, to be acceptable and in keeping with development in the remainder of the village. It is considered that in terms of character and appearance the proposed development will be a high quality scheme that is acceptable in this village context. In order to maintain the quality of the development it is considered reasonable to restrict some permitted development rights. Conditions requiring full details of boundary treatments, hard and soft landscaping, materials and other details will be required to ensure the high quality of the development.

Residential Amenity

- 7.16 The layout of the development has been carefully considered so as to avoid having any adverse impact upon existing properties surrounding the site in terms of residential amenity. To the south eastern side of the site nearest to existing dwellings on Tansley House Gardens, bungalows are proposed to minimise the immediate impact the development upon these existing properties.

- 7.17 A number of changes to the layout and to individual plots have had to be made to avoid overlooking issues between properties; all of these issues have now been resolved. The properties to the northern tip of the site due to the alterations to the road layout are now tightly packed together, however this is considered to be acceptable given the relationship between properties in this location. Having considered the detailed layout it is considered that the proposal is acceptable in terms of residential amenity both between existing and proposed properties and between the proposed properties.

- 7.18 To ensure that the relationships between properties within the site do not have issues of overlooking in the future it is considered necessary to restrict permitted development across the site. A play area is also to be provided on the site the provision of which in terms of play equipment and long term management will be required via condition.

- 7.19 Concern has been raised that the lighting and noise from the nearby industrial estate will cause issues of amenity for the proposed occupants. The Council's Environmental Health Officer has considered this matter and concluded there are no concerns in this regard.

Highway Safety

- 7.20 Concern has been raised regarding the impacts of the scale of this development upon the existing highway network and that insufficient parking has been provided on the site. The matter has been considered by the Local Highway

Authority and the layout of the scheme altered such that it is now considered to be acceptable. Furthermore it has been confirmed that the layout of the development as now proposed would be appropriate for adoption by the Local Highway Authority and that there will be no requirement for double yellow lines on Church Street as a result of this proposal.

Footpaths

- 7.21 Concern has been raised regarding the footpaths to the south east and north east of the site and the potential to improve these. The applicant's agent has noted that footpath no. 9 is to have a shallow gradient in the region of 1 in 10 and with steps to be incorporated to achieve this. It is considered that a condition will be required to ensure the detail of the proposed works will be appropriate in consultation with footpaths officer at Derbyshire County Council. The proposal will ensure the retention and part upgrading of existing footpaths and therefore is acceptable.

Land Drainage and Sewerage Capacity

- 7.22 Whilst information has been submitted in relation to the overall drainage of the site some concerns regarding the lack of detail have been raised by the Local Flood Authority. However, it is clear from the comments of the Lead Local Flood Authority that these queries are not in principle concerns and can be resolved via condition. Therefore the land drainage of the site is considered to be acceptable subject to those recommended conditions.
- 7.23 Concern has been raised regarding the safety of the drainage ponds. It should be noted that it is anticipated that these ponds will only hold water in rainfall events of the 1 in 1 year event, 1 in 30 year event and 1 in 100 year event with the maximum temporary water level being at the 1 in 100 year event 833mm. For the majority of the time there would be no standing water in these drainage ponds. To ensure safety the developer has suggested the erection of a fence around the swales. However, given that these features will only hold water in severe weather events and are therefore unlikely to pose any risk to safety and that a secure fence would be detrimental to the character and appearance of the open landscaped area it is not considered appropriate to have a safety fence in this case.

Impacts upon Ecology

- 7.24 The application site is considered to be species rich grassland of some importance. Therefore whilst the development of the whole site is considered to be harmful to ecology and biodiversity as was initially raised by Derbyshire Wildlife Trust. In order for such harm to be considered acceptable and development to go ahead, Derbyshire Wildlife Trust have made it clear that mitigation measures will be required for the loss of the grassland. Further information from the applicant's ecologist has been provided for this mitigation however it is missing in some detail as can be seen from the comments of Derbyshire Wildlife Trust.

7.25 In order to ensure the mitigation measures put forward are acceptable detailed conditions are required for this information to be agreed between the development, the Local Planning Authority and Derbyshire Wildlife Trust. To ensure the mitigation is appropriate carried out in the first instance and then the land monitored and appropriately managed it is considered that the agreed mitigation will need to be included in the S106 obligation and managed for a period of 10 years. Subject to the required conditions and the agreed mitigation and management in the S106 legal agreement the harm caused by the proposal will be appropriately mitigated against to satisfy ecological requirements.

Housing Mix

7.26 Policy HC11 of the Adopted Local Plan which requires that the overall housing provision follows the mix of:
15% 1 bed, 40% 2 bed, 40 % 3 bed, 5% 4+ bed.

In this case the overall housing mix is:
4% 1 bed, 41% 2 bed, 33% 3 bed and 22% 4+ bed.

Policy HC11 requires a detailed mix of housing to try to ensure that new development meets the needs of the district as a whole by providing both larger and smaller units. Whilst the proposed mix of affordable units meets exactly the requirements of the strategic housing team the overall mix of housing proposed falls short of the policy requirements. The applicant's agent has attempted to improve this by removing some of the bedrooms from the housing types and inserting a study in place of the bedrooms. This does not alter the fact that fundamentally the scheme is for larger houses and therefore does not meet these emerging policy requirements.

7.27 However, the housing types put forward are considered to be in keeping with the prevailing pattern of development in this part of Tansley which generally has larger housing particularly on the outskirts of the village. In addition the viability of the scheme proposed is marginal based on a higher amount of the larger units, if the housing mix was to comply with policy it is likely, based on the assessment carried out to date, that such a scheme would be less viable and therefore the provision of affordable housing would have to be reconsidered and possibly reduced.

7.28 On this basis it is considered that whilst the housing mix does not meet the policy requirements, the mix proposed is in keeping with the character and appearance of the area and appropriate in terms of ensuring the viability of the scheme to provide the required amount of affordable housing.

Conclusion

7.29 The principle of development on this site has been established by allocation of the site for housing in the local plan. The design of the proposed units is an appropriate reflection on the prevailing character and appearance of dwellings in the locality. The layout of the dwellings through the site is considered acceptable and reflects upon the character of this edge of settlement location. The road

layout is considered appropriate in terms of highway safety and the landscaping as demonstrated is considered generally acceptable subject to conditions. There are no substantial amenity impacts arising from the development. The proposal will result in a policy compliant scheme in respect of affordable housing provision and developer contributions. Whilst the proposed housing mix does not meet the requirements of policy the mix is appropriate in this village setting and will result in the provision of the required amount of affordable housing. As such the proposal is recommended for approval subject to the signing of a S106 agreement and conditions.

8. RECOMMENDATION

8.1 That authority be delegated to the Development Manager to grant planning permission subject to the completion of a Section 106 Planning Obligation Agreement to secure affordable units on-site to make up provision to the equivalent of 30%, the contribution towards secondary and post 16 school places of £75,236.78 long term mitigation and management of the grassland and subject to conditions covering the following matters: -

1. Condition ST02a: Time limit on full
2. Condition ST06: Amended application (revised plans)
 - Proposed site layout 2015-430-P-02.K received 30.11.16
 - House type A floor plan 2015_430_P03.1B received 30.11.16
 - House type A elevations 2015_430_P03.2B received 30.11.16
 - House type B floor plans 2015_430_P04.1A received 26.09.16
 - House type B elevations 2015_430_P04.2A received 26.09.16
 - House type B1 floor plan 2015_430_P04.3A received 26.09.16
 - House type B1 elevations 2015_430_P04.4 received 26.09.16
 - House type C floor plans 2015_430_P05.1a received 26.09.16
 - House type C elevations 2015_430_P05.2a received 26.09.16
 - House type C1 floor plans 2015_430_P05.3 received 26.09.16
 - House type C1 elevations 2015_430_P05.4 received 26.09.16
 - House type D floor plans 2015_430_P06.1A received 26.09.16
 - House type D elevations 2015_430_P06.2A received 26.09.16
 - House type D1 floor plans 2015_430_P06.3 received 26.09.16
 - House type D1 elevations 2015_430_P06.4 received 26.09.16
 - House type F floor plans 2015_430_P08.1a received 26.09.16
 - House type F elevations 2015_430_P08.2B received 26.09.16
 - House type F1 floor plans 2015_430_P08.3a received 26.09.16
 - House type F1 elevations 2015_430_P08.4C received 30.11.16
 - House type G floor plans 2015_430_P09.1B received 30.11.16.
 - House type G elevations 2015_430_P09.2C received 30.11.16
 - House type H floor plans 2015_430_P10.1B received 30.11.16
 - House type H elevations 2015_430_P10.2C received 30.11.16
 - House type J floor plans 2015_430_P11.1A received 26.09.16
 - House type J elevations 2015_430_P11.2A received 26.09.16
 - House type K floor plans 2015_430_P12.1a received 26.09.16
 - House type K elevations 2015_430_P12.2a received 26.09.16
 - House type L and C1 mix floor plans 2015_430_P13.1A received 26.09.16

House type L and C1 mix elevations 2015_430_P13.2A received 26.09.16
Proposed section through ponds MA10327/202 received 15.11.16

3. Prior to works on the footpaths commencing details of any regarding/improvement works and the method of construction which will leave a footpath route open shall be submitted to and agreed in writing by the Local Planning Authority. Works shall be carried out in accordance with the agreed details. Condition on footpath details
4. Prior to works commencing on plots 42 or 49 or the drainage ponds details of the retaining works required to the south west of plots 42 and 49 shall be submitted to and agreed in writing by the Local Planning Authority. Works shall be completed in accordance with the agreed details.
5. No development shall take place until a detailed design and associated management and maintenance plan of surface water drainage for the site, in accordance with Defra Non-statutory technical standards for sustainable drainage systems, has 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.
6. No development shall take place until a detailed assessment has been provided to and approved by the Local Planning Authority to demonstrate that the proposed destination for surface water accords with the hierarchy in the Approved Document Part H of the Building Regulations 2000.
7. Notwithstanding the submitted information and prior to work commencing on the elevations of the dwellings the following details shall be submitted to and agreed in writing by the Local Planning Authority:
 - Details of lighting for the whole site
 - Details of all pipework and guttering
 - Detailed plans of all windows and doors, their finish and reveal
 - Details and samples/sample panel where necessary of all external facing and roofing materials including geological source, construction detail and finish including mullions, jambs, heads, cills, mortar detail and render colour and texture.
 - Details of and finished materials of all chimneys
8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification) no external alterations or additions shall be made to plots 3, 4, 6, 7, 8, 12, 13, 45 and 49 hereby approved and no extensions (other than those expressly authorised by this permission) shall be carried out to these dwellings without the prior written approval of the Local Planning Authority upon an application submitted to it.
9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification) no external alterations or additions

to the front elevations of plots 1, 2, 32, 35, 38, 46, 47 and 48 and the side elevations of plots 41 and 42 shall be made to any dwelling hereby approved shall be carried out within the curtilage of any dwelling without the prior written approval of the Local Planning Authority upon an application submitted to it.

10. No dwelling shall be first occupied until:-
 - a) A scheme for the laying out and equipping of the play area shown on the submitted plan, to include landscaping, boundary treatment and provision for future maintenance and safety checks of the equipment has been submitted to and approved in writing by the Local Planning Authority and;
 - b) The play area has been laid out and equipped in accordance with the approved scheme.

11. No development shall commence on site until a scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority, the details of which shall include :-
 - a) indications of all existing trees, hedgerows and other vegetation on the land;
 - b) all vegetation to be retained including details of the canopy spread of all trees and hedgerows within or overhanging the site, in relation to the proposed buildings, roads, and other works;
 - c) measures for the protection of retained vegetation during the course of development;
 - d) all plant species, planting sizes, planting densities, the number of each species to be planted and plant protection;
 - e) finished site levels and contours;
 - f) all means of enclosure and the relationship with existing landscape features to be demonstrated in detail on the layout plan;
 - g) car park layouts and hard surfacing materials;
 - h) other vehicle and pedestrian access and circulation areas and hard surfacing materials;
 - i) minor artefacts and structures (e.g. furniture, play equipment, refuse and other storage units, signs, lighting etc)
 - j) future management of retained and proposed landscaping

12. Prior to the commencement of development a Landscape and Ecological Mitigation and Management Plan to include: measures to be taken pre and during the construction phase, details of all mitigation, habitat creation, landscaping, details of subsequent management and aftercare legal and funding mechanisms and long term (10 year) implementation with the management body responsible for its delivery shall be submitted to and approved in writing by the Local Planning Authority. Works shall be carried out in full accordance with the agreed plan.

13. No removal of hedgerows, trees, shrubs or brambles shall take place between 1st March and 31st August inclusive, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period, and details of measures to protect the nesting bird interest on the site, have first been submitted to and approved

in writing by the local planning authority and then implemented as approved.

14. Before any other operations are commenced, space shall be provided within the site for storage of plant and materials, site accommodation, loading, unloading and manoeuvring of goods vehicles, parking and manoeuvring of employees and visitors vehicles, laid out and constructed in accordance with detailed designs first submitted to and approved in writing by the Local Planning Authority. Once implemented the facilities shall be retained free from any impediment to their designated use throughout the construction period.
15. 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.
16. No development shall take place until construction details of the residential estate road and footways (including levels, gradients, surfacing and means of surface water drainage) have been submitted to and approved in writing by the Local Planning Authority.
17. The existing and proposed carriageway of the estate road to serve the development shall be laid out in accordance with submitted drawing number 2015-430-P-02.H and constructed in accordance with Condition No 16 above up to and including at least road base level, prior to the commencement of the erection of any dwelling intended to take access from that road. The carriageways and footways shall be constructed up to and including base course to ensure that each dwelling prior to occupation has a properly consolidated and surfaced carriageway and footway, between the dwelling and Church Street. Until final surfacing is completed, the footway base course shall be provided in a manner to avoid any upstands to gullies, covers, kerbs or other such obstructions within or abutting the footway. The carriageways, footways and footpaths in front of each dwelling shall be completed with final surface course within twelve months (or three months in the case of a shared surface road) from the occupation of such dwelling, unless otherwise agreed in writing by the Local Planning Authority.
18. No dwelling shall be occupied until space has been laid out within the site for the parking and manoeuvring of residents vehicles associated with that dwelling in accordance with drawing No 2015-430-P-02.H These facilities shall thereafter be retained for use at all times.
19. All vehicular accesses (apart from access to Plot 7) to the proposed estate street to be adopted shall be 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 25 metres in each direction measured along the nearside carriageway edge. The vehicular access to Plot 7 shall be provided with emerging visibility sightlines of 2.4m x 16m in

both directions 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.

20. No building hereby permitted shall be occupied until surface water drainage works have been implemented in accordance with details that have been submitted to and approved in writing by the Local Planning Authority. Before these details are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles set out in Annex F of PPS25 (or any subsequent version), and the results of the assessment provided to the Local Planning Authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:
 - i. provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
 - ii. include a timetable for its implementation; and
 - iii. provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

21. The garages and car parking spaces to be provided shall be kept available for the parking of motor vehicles at all times. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and/or re-enacting that Order) the garage/car parking spaces hereby permitted shall be retained as such and shall not be used for any purpose other than the garaging of private motor vehicles associated with the residential occupation of the property without the grant of further specific planning permission from the Local Planning Authority.

22. No part of the adopted estate street leading from Church Street to the end of the turning head shall exceed a gradient of 1:20

23. a) 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
- b) No development shall take place other than in accordance with the archaeological Written Scheme of Investigation approved under condition (a).
- c) 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 (a) and the provision to be made for analysis, publication and dissemination of results and archive deposition has been secured.

Reasons

1. Reason ST02a
2. For the avoidance of doubt
3. To ensure the works to the footpaths are undertaken in an acceptable manner in the interests of visual amenity in accordance with policies S1, S3, PD1 and PD5 of the Adopted Derbyshire Dales Local Plan.
4. To ensure any retaining works are undertaken in an acceptable manner in the interests of visual amenity in accordance with policies S1, S3, PD1 and PD5 of the Adopted Derbyshire Dales Local Plan.
5. To ensure that the principles of sustainable drainage are incorporated into this proposal and sufficient detail of the construction. Operation and maintenance of sustainable drainage systems is provided to the Local Planning Authority in advance of full planning consent being granted.
6. To ensure that the 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:
 - a. into the ground (infiltration)
 - b. to a surface water body
 - c. to a surface water sewer, highway drain or another drainage system
 - d. to a combined sewer
7. To ensure an appropriate finished form of development in accordance with Policies S1, S3 and PD1 of the Adopted Derbyshire Dales Local Plan.

- 8-9. In order to preserve amenity and the character and appearance of the development in accordance with Policies S1, S3 and PD1 of the Adopted Derbyshire Dales Local Plan.
- 10. To ensure appropriate provision of play area in accordance with Policy HC14 of the Adopted Derbyshire Dales Local Plan.
- 11. To ensure appropriate landscaping of the site in accordance with Policies S1, S3 and PD1 of the Adopted Derbyshire Dales Local Plan.
- 12. To ensure appropriate mitigation for the loss of the grassland site in the interests of ecological in accordance with Policy PD3 of the Adopted Derbyshire Dales Local Plan.
- 13. To protect nesting birds in accordance with Policy PD3 of the Adopted Derbyshire Dales Local Plan.
- 14-22. In the interests of highway safety in accordance with Policies S3, HC19 and HC21 of the Adopted Derbyshire Dales Local Plan.
- 23. In order to ensure appropriate investigation and recording of the potential underground archaeology in accordance with Policy PD2 of the Adopted Derbyshire Dales Local Plan.

NOTES TO APPLICANT:

- 1. The Local Planning Authority prior to and during the consideration of the application engaged in a positive and proactive dialogue with the applicant which resulted in the submission of a scheme that overcame initial concerns relating to design, layout, archaeology, ecology and highways.
- 2. The Town and Country Planning (Fees for Applications and Deemed Applications, Requests and Site Visits) (England) Regulations 2012 (SI 2012/2920) stipulate that a fee will henceforth be payable where a written request is received in accordance with Article 30 of the Town and Country Planning (Development Management Procedure) Order 2010. Where written confirmation is required that one or more Conditions imposed on the same permission have been complied with, the fee chargeable by the Authority is £116 per request. The fee must be paid when the request is made and cannot be required retrospectively. Further advice in regard to these provisions is contained in DCLG Circular 04/2008.
- 3. Pursuant to Section 38 and the Advance Payments Code of the Highways Act 1980, the proposed new estate roads should be laid out and constructed to adoptable standards and financially secured. Advice regarding the technical, financial, legal and administrative processes involved in achieving adoption of new residential roads may be obtained from the Strategic Director of the Economy, Transport and Communities Department at County Hall, Matlock (tel: 01629 533190). The applicant is advised to allow approximately 12 weeks in any programme of works to obtain a Section 38 Agreement.

4. Highway surface water shall be disposed of via a positive, gravity fed system (ie; not pumped) discharging to an approved point of outfall (eg; existing public sewer, highway drain or watercourse) to be sanctioned by the Water Authority (or their agent), Highway Authority or Environment Agency respectively. The use of soak-aways for highway purposes is generally not sanctioned.
5. Pursuant to Sections 219/220 of the Highways Act 1980, relating to the Advance Payments Code, where development takes place fronting new estate streets the Highway Authority is obliged to serve notice on the developer, under the provisions of the Act, to financially secure the cost of bringing up the estate streets up to adoptable standards at some future date. This takes the form of a cash deposit equal to the calculated construction costs and may be held indefinitely. The developer normally discharges his obligations under this Act by producing a layout suitable for adoption and entering into an Agreement under Section 38 of the Highways Act 1980.
6. 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.
7. The application site is affected by two public Right's of Way, Footpath No's 4 and 9 on the Derbyshire Definitive Map. These routes must remain unobstructed on their legal alignment at all times and the safety of the public using them 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.

8. The County Council do not adopt any private SuDs scheme. As such, it should be confirmed prior to commencement of works which organisation will be responsible for SuDs maintenance once the development is completed.
9. Any work in or nearby to an ordinary watercourse requires consent under the Land Drainage Act (1991) from the County Council (e.g. an outfall that encroaches into the profile of the watercourse etc.) to make an application for any works please contact Flood.Team@derbyshire.gov.uk
10. The applicant should ensure there is sufficient buffer strip in place which will allow for efficient maintenance to take place. We would recommend an easement of approximately 3m if any linear feature is less than 2m in width and 4.5m for linear features over 2m in width. Whilst this is not stipulated in any legal byelaw the County Council would recommend these distances in order to safeguard access for essential maintenance and inspection purposes.
11. The developer should make separate enquiries with broadband providers and ensure that future occupants have access to sustainable communications infrastructure, giving appropriate thought to the choice and availability of providers which can offer high speed data connections. More information on how to incorporate broadband services as part of the design of new development is available following the link below:
<https://www.gov.uk/government/publications/better-connected-a-practical-guide-to-utilities-for-home-builders>
12. NFA8: Section 106 agreements
13. This decision notice relates to the following documents:
Proposed site layout 2015-430-P-02.K received 30.11.16
House type A floor plan 2015_430_P03.1B received 30.11.16
House type A elevations 2015_430_P03.2B received 30.11.16
House type B floor plans 2015_430_P04.1A received 26.09.16
House type B elevations 2015_430_P04.2A received 26.09.16
House type B1 floor plan 2015_430_P04.3A received 26.09.16
House type B1 elevations 2015_430_P04.4 received 26.09.16
House type C floor plans 2015_430_P05.1a received 26.09.16
House type C elevations 2015_430_P05.2a received 26.09.16
House type C1 floor plans 2015_430_P05.3 received 26.09.16
House type C1 elevations 2015_430_P05.4 received 26.09.16
House type D floor plans 2015_430_P06.1A received 26.09.16
House type D elevations 2015_430_P06.2A received 26.09.16
House type D1 floor plans 2015_430_P06.3 received 26.09.16
House type D1 elevations 2015_430_P06.4 received 26.09.16
House type F floor plans 2015_430_P08.1a received 26.09.16
House type F elevations 2015_430_P08.2B received 26.09.16
House type F1 floor plans 2015_430_P08.3a received 26.09.16

House type F1 elevations 2015_430_P08.4C received 30.11.16
House type G floor plans 2015_430_P09.1B received 30.11.16
House type G elevations 2015_430_P09.2C received 30.11.16
House type H floor plans 2015_430_P10.1B received 30.11.16
House type H elevations 2015_430_P10.2C received 30.11.16
House type J floor plans 2015_430_P11.1A received 26.09.16
House type J elevations 2015_430_P11.2A received 26.09.16
House type K floor plans 2015_430_P12.1a received 26.09.16
House type K elevations 2015_430_P12.2a received 26.09.16
House type L and C1 mix floor plans 2015_430_P13.1A received 26.09.16
House type L and C1 mix elevations 2015_430_P13.2A received 26.09.16
Proposed section through ponds MA10327/202 received 15.11.16
Information on sustainable drainage ponds received 15.11.16
Garage types 2015_430_P19 to P22 received 11.07.16
Biodiversity Mitigation Strategy and Landscape Management Plan dated November 2016
Swept path plan MA10327 received 26.11.16
Land survey 1254/1
Received 11.07.16
Statement in support of the application received 12.07.16
Boundary treatments 2015_430_P15 to P18 received 11.07.16
Site access improvements and visibility plan MA10327/600
Proposed drainage strategy MA10327/200 received 07.11.16
Transport statement received 07.11.16
Email from agent dated 23.09.16
Preliminary ecological site appraisal received 26.09.16
Heritage Impact Assessment dated June 2016
Design and access statement received 11.07.16
Site location plan 2015_430_P01 received 11.07.16
Flood risk assessment received 07.07.16
Site location plan MA100327/100 received 07.07.16

BACK TO AGENDA

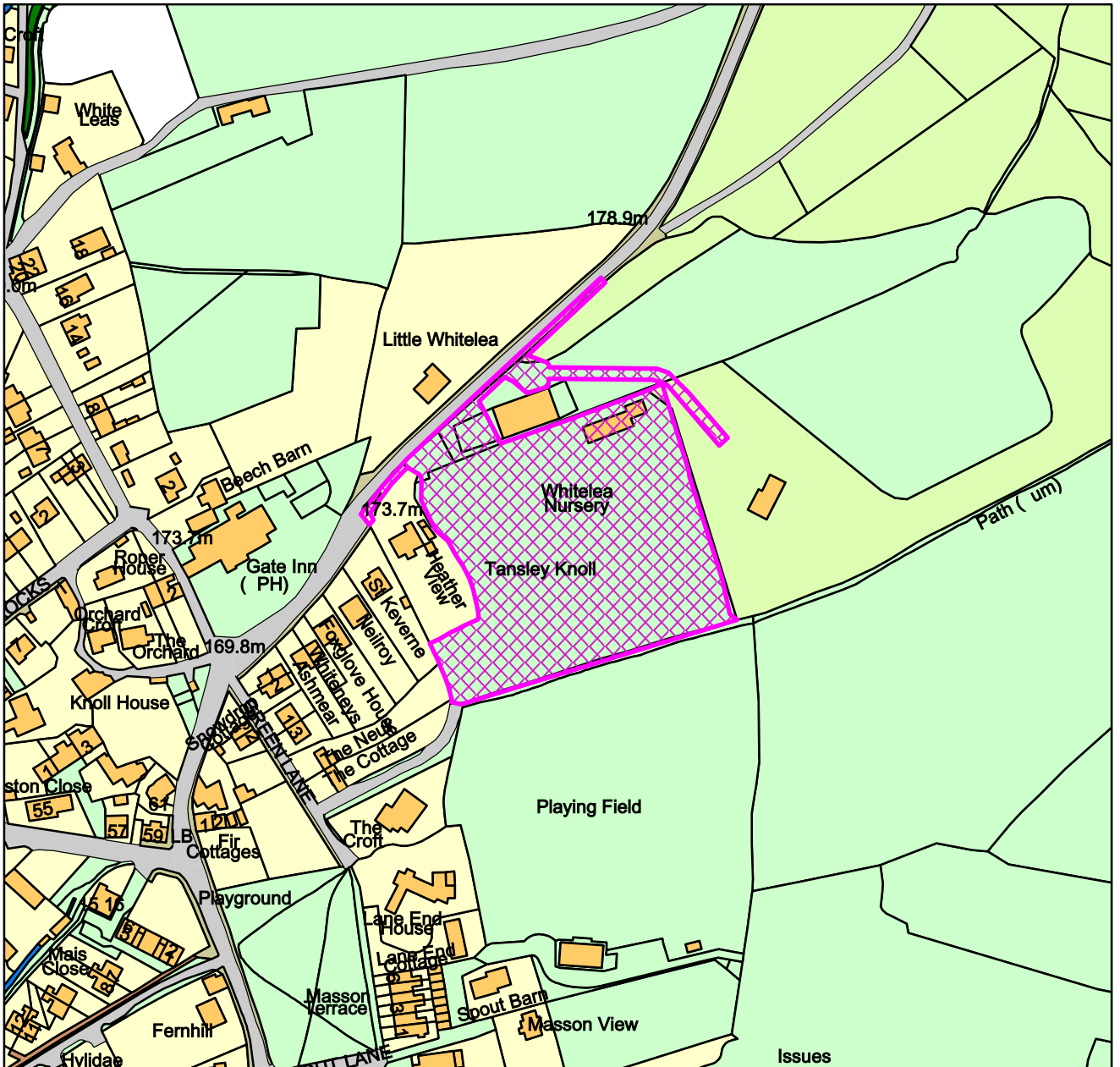
APPLICATION NUMBER		17/00850/FUL	
SITE ADDRESS:		Land Off Whitelea Lane, Tansley	
DESCRIPTION OF DEVELOPMENT		Erection of 26 dwellings and widening of existing access to serve development and new access to the retained property on site	
CASE OFFICER	H Frith	APPLICANT	James Chatterton for William Davis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

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

RECOMMENDATION
Approval subject to conditions

17/00850/FUL

Land Off Whitelea Lane, Tansley



Derbyshire Dales DC

1:2,500

Date: 24/01/2019

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

INTRODUCTION

This matter is being put before the Committee following a deferral of the application at the planning committee meeting of the 23rd October 2018. The matter was deferred for the following reasons:

1. The concerns raised by the Lead Local Flood Authority as set out in the late correspondence need to be addressed prior to determination of this application;
2. There is a need for further liaison with the Applicant to see if any measures can be put in place to lessen the impact of the proposed access on the existing property that would be affected;
3. Further public consultation should be carried out in respect of the issues raised in the late correspondence;
4. There is a need for further liaison with the Applicant on the use of suitable materials to address concerns raised by the Parish Council on the use of render;
5. Clarification is required on the value of the education contribution/school provision.

The above matters are addressed as follows:

1. Since the deferral of the application further discussions have taken place between the applicant and the Lead Local Flood Authority and further information has been provided. The Lead Local Flood Authority have now considered the details of the submitted information and have advised that subject to conditions regarding the detailed design stage they are satisfied with the proposal.
2. There was concern raised at the meeting that the development would adversely affect the amenity of the occupants of the neighbouring property on the opposite side of Whitelea Lane known as Little Whitelea. Since that meeting the applicant has had discussions with the agent acting on behalf of the neighbour and agreement has been reached regarding the mitigation. The mitigation proposed is the partial heightening of the boundary wall to the property. The local planning authority has received confirmation from the agent acting on behalf of the neighbour and the applicant that an agreement is in place and that an application for these works will be submitted for the proposed works to be completed. It is considered that this issue has been addressed with sufficient mitigation to ensure that the amenity impacts arising from the scheme are mitigated as far as possible.
3. Further consultation regarding the application has taken place, the recently amended plans have been posted on the website and all those originally consulted on the application have been given 14 days to give their response to the amended application. Additional responses are noted in the following report.
4. Following the concerns raised regarding the use of render at the site the applicant has reconsidered this matter and now all principle elevations to the dwellings are proposed to be of natural stone with stone coloured render used to the side and rear elevations which have more limited visibility. On plots 1, 3, 4, 12, 18 and 16 stone is proposed to the front and at least one side elevation where the side elevations are more prominent in the street scene. The submitted amendments are considered to have adequately addressed the concerns raised.
5. Following the Committee deferral the Local Planning Authority have sought further clarity from Derbyshire County Council regarding the requests for school contributions. The following response has been received in regard to this matter:

Explanation as to how education calculations are worked out:

The contribution required is requested in accordance with the development Contributions protocol 2018. The analysis of school capacity is based on the pupil projections which are

calculated by looking at five year projection of numbers on roll based on data from the Office of National Statistics. The pupil projections are a snapshot in time. At this stage the projection does not include projected housing growth. The pupil yield from approved applications for planning applications granted within the previous 3 years is then added on to give the projected capacity at the normal area school.

How this relates to anticipated growth:

Whilst the county council works proactively with the local planning authority regarding allocations. School places cannot be 'saved' for allocated sites in advance of being granted planning permission. Pupil projections are based on a 5 year rolling basis. For housing sites to be brought forward later in the plan period no projection data would be available to forecast school capacity.

An updated assessment of the need for contributions in this case has concluded that there is sufficient capacity in the normal area schools to accommodate the pupil growth from this development.

The report below is updated for the consideration of Members of the committee.

1.0 THE SITE AND SURROUNDINGS

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





2.0 DETAILS OF THE APPLICATION

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

2.2 The details of the application are as follows:

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

5 no. 2 bed two storey units
3 no. 3 bed two storey units
– Total 8 no. affordable dwellings which is just above 30% provision.

2.3 The dwellings are proposed to be of a traditional style with stone to the frontage and render to the rear with a slate effect tile to the roof being used as the external facing materials to reflect on the materials within Tansley village.

2.4 To the site frontage one dwelling would be sited at the entrance into the site leaving a large side garden to this property to reduce the density and respect the rural character of the lane. Two larger detached properties with garages are located to the rear of the frontage dwelling fronting the access road with a balancing pond feature located to the south west of the site with a link to the existing footpath. On the opposite side of the access road is a further large dwelling adjacent to the existing agricultural/workshop building located to the frontage of the site. Detached and semi-detached properties then front the main access route and the balancing pond. A cul-de-sac is formed to the southern end of the site looking over onto the recreation ground. The smaller open market and affordable units are intended to the north eastern area of the site set in both short terraces and as semi-detached properties with parking to the frontages separating with small areas of planting. A further small cul-de-sac is formed to the eastern edge of the site with a pair of semi-detached properties and a detached dwelling to the far end. Existing native hedges surrounding the site are to be retained where possible and the existing conifer trees removed from the northern and southern ends of the site. Confirmation has been received that the hedge to the Fete Field which is to the southern end of the site is owned and controlled by the applicant.

2.5 The wall to the neighbouring property to the west of the site will need to be set back to allow for the insertion of a footpath to the frontage linking the development to the village.

2.6 The applicant has submitted a supporting statement regarding the housing mix which sets out the following matters:

The site is for only 26 dwellings and is just of sufficient size to provide affordable housing and a varied mix of housing on site in keeping with the local area. Given the rural location of the site, density is typically lower with detached houses dominant in the village. The development has been designed to be in keeping with the character and appearance of the area. The dwellings proposed seek to address the housing need of the district by providing a higher number of 2 bedroom units.

3.0 PLANNING POLICY AND LEGISLATIVE FRAMEWORK

3.1 Adopted Derbyshire Dales Local Plan (2017)

- S1 Sustainable Development Principles
- S2 Settlement Hierarchy
- S3 Development within Defined Settlement Boundaries
- S5 Strategic Housing Development
- S7 Matlock/Wirksworth/Darley Dale Development Strategy
- S10 Local Infrastructure Provision and Developer Contributions
- PD1 Design and Place Making
- PD3 Biodiversity and the Natural Environment
- PD4 Green Infrastructure
- PD5 Landscape Character
- PD6 Trees, Hedgerows and Woodland
- PD8 Flood Risk Management and Water Quality
- HC1 Location of Housing Development
- HC2 Housing Land Allocations
- HC4 Affordable Housing
- HC11 Housing Mix and Type
- HC14 Open Space, Sports and Recreation Facilities
- HC19 Accessibility and Transport
- HC21 Car Parking Standards

3.2 Other:

- National Planning Policy Framework (2018)
- National Planning Practice Guidance

4.0 RELEVANT PLANNING HISTORY:

None

5.0 CONSULTATION RESPONSES

Parish Council

5.1 The following comments have been received from Tansley Parish Council:

- The submission does not contain an accurate description of Tansley village, the developer should get their facts correct.
- The PC met with William Davis when sites were allocated by DDDC, we raised concern regarding materials and flooding and considered that a play area should be included. Whilst the issue of materials has been addressed they have not addressed the other matters.
- There does not appear to be any evidence for the need of affordable housing in Tansley and the units proposed do not appear to be based on future demographic trends or people with disabilities.
- We consider on-site parking should be increased.
- Assurance should be given that the southern boundary hedge is retained and not damaged, the ancient hedge needs protection.
- There is flooding in the area which does not appear to have been addressed in the application. The proposed balancing pond next to an existing dwelling is of concern.
- Why is there no assessment of the cumulative impacts of development on Church Street and the access to the A615?

- The numbers of houses proposed for the village is not acceptable.
- An offsite commuted sum towards public space should be ring fenced for Tansley, all contributions adhere to the requirements for this set out in the NPPF. This is also the case in respect of policy S11.
- We expect the following contributions:
 - A play area or replacement of existing play equipment.
 - Improvements to the fete field.
 - Funding for additional school places.
 - Funding for broadband
 - Contribution to the CCG for health facilities in Matlock.

Derbyshire County Council (Highways)

- 5.2 Confirmation has been received from the Local Highway Authority that the revised plans and additional information submitted appear to satisfactorily address issues previously raised by the Highway Authority. On this basis the Highway Authority would not be in a position to raise a sustainable objection in principle to the development proposals on highway safety grounds. The following conditions and footnotes are recommended:

Derbyshire County Council (Planning Policy)

5.3 Primary Level

The proposed development falls within and directly relates to the normal area of Tansley Primary School. The proposed development of 26 dwellings would generate the need to provide for an additional 6 primary pupils.

Tansley Primary School has a net capacity for 88 pupils, with 75 pupils currently on roll. The number of pupils on roll is projected to increase during the next five years to 75.

Analysis of the current and future projected number of pupils on roll, together with the impact of approved planning applications shows that the normal area primary school would have sufficient capacity to accommodate the 6 primary pupils arising from the proposed development.

Secondary Level

The proposed development falls within and directly relates to the normal area of Highfields School. The proposed development of 26 dwellings would generate the need to provide for an additional 4 secondary and 2 post 16 pupils.

Highfields School has a net capacity for 1,392 pupils with 1,175 pupils currently on roll. The number of pupils on roll is projected to increase to 1,263 during the next five years.

However there are 87 secondary and 35 post 16 pupils which would be generated from applications granted permission in the last 3 years.

Analysis of the current and future projected number of pupils on roll, together with the impact of approved planning applications shows that the normal area secondary school would have sufficient capacity to accommodate the 4 secondary and 2 post 16 pupils arising from the proposed development.

Mitigation

Current pupil numbers, projections and an analysis of recently approved planning applications indicate the relevant normal area primary and secondary schools would have sufficient capacity within the next five years to accommodate the additional pupils arising from this development; therefore no Education S106 Contribution would be required at this time.

The above is based on current demographics which can change over time and therefore the County Council would wish to be consulted on any amendments to a planning application or further applications for this site.

Derbyshire County Council (Flood Team)

- 5.4 Previously concern had been raised by the Lead Local Flood Authority that the applicant had not as yet satisfied their requirements in respect of flood risk and noted that the following information was required:

To overcome the objection the LLFA require the following further information:

It is noted that an amended plan titled 'Proposed Site Layout Plan' (drawing number: P02 Rev AC, dated 28.06.2017) has been submitted which shows a reduction in size of the pond. However, it is unclear whether the capacity of the pond has changed. Can the proposed discharged rate and volume of attenuation be confirmed?

The LLFA require further information on the proposed outfall for the site as the LLFA are aware of previous flooding issues surrounding the area of the proposed outfall and therefore require further details.

- The LLFA would like a plan which shows the exact location of the sough and its route in relation to the existing properties to the west and south-west of the proposed site boundary.
- The applicant should provide information to demonstrate that the proposed outfall has got wider connectivity and can accommodate flows from the site.
- The LLFA require further details on the condition of the proposed outfall. The LLFA would like a suitable inspection to be carried out to ensure the sough is fit for purpose to accept flows from the proposed site at a reasonable point downstream.
- The LLFA would like further information on the exceedance routes for events up to and in excess of 1 in 100 year rainfall to ensure exceedance routes can be safely managed.
- An assessment of the overland flow routes and details of how they will be managed through the site.

Should the applicant identify an alternative outfall in the interim it would demonstrate that the proposed site has a viable outfall and therefore the investigation of the sough could be undertaken at detailed design.

The applicant has not assessed the risk associated with the unnamed ordinary watercourse situated to the east of the proposed site. The LLFA will need assurance that there is no risk of flooding to the newly proposed properties from this watercourse.

Following discussions between the applicant and the LLFA additional information has been submitted to which the LLFA have provided the following response:

The drainage strategy for the proposed development is to dispose of surface water utilising a balancing pond prior to discharge into a sough/stone channel located to the south west of the site.

Discharge will be restricted to 5.2l/s for all events up to the 1 in 100 year plus climate change event. It has been estimated a surface water storage volume of 274.3m³ will maintain this discharge up to and including the 1 in 100 year plus climate change rainfall event. The Lead Local Flood Authority (LLFA) expect thorough calculations to be provided at the detailed design stage.

The LLFA support the latest guidance in relation to climate change and would ask that at the detailed design stage the applicant includes a 40% allowance for climate change. Additionally, the LLFA support the use of a 10% allowance for urban creep, therefore, the applicant should evidence a 10% increase in impermeable area has been used in calculations to account for this.

The applicant should ensure that appropriate access is provided in order to maintain the drainage features.

Conditions are recommended. To ensure adherence to National Planning Policy Framework, DEFRA's Non-statutory technical standards for sustainable drainage systems

and local guidance, these recommended conditions should not be altered without consulting the County Council Flood Risk Management team.

Derbyshire Wildlife Trust

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

The revised ecology report includes an assessment of impacts of the current proposal and provides adequate mitigation measures. This addresses the previous concerns raised and conditions are recommended.

Natural England

- 5.6 No comments to make on this application. This has been reiterated in the latest comments.

Peak and Northern Footpaths

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

A further consultation response has been received which notes that the proposed footpath to the south western corner of the site should be dedicated as a public footpath.

Derbyshire Dales Group of the Ramblers

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

Landscape Design Officer (Derbyshire Dales)

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

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

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

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

Subsequent to the assessment an appraisal of the sensitivity of the landscape to housing development was undertaken in connection with a number of settlements across the district – including Tansley. The site was assessed as having high sensitivity in this regard. This was considered as a factor in the allocation of sites for residential development to be

included as part of the emerging Local Plan. However, it was considered that the high degree of enclosure and screening afforded by existing vegetation would successfully mitigate the impact of development in this respect.

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

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

Development Control Archaeologist

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

Environmental Health (Derbyshire Dales)

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

Coal Authority

- 5.12 Refer to standing advice.

Clinical Commissioning Group

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

Strategic Housing Team DDDC

- 5.14 Initial comments:

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

We require:

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

The minimum gross internal floor areas required to meet housing association standards are 78 m² for the 2 bedroomed houses and 85 m² for the 3 bedroomed houses. Drawings should show gross internal floor areas and furniture layouts. The affordable homes need to be better integrated on the site, rather than all together at the bottom end of the site. The homes should be positioned to maximise solar gain, with sufficient private outdoor space for a family home.

Further comments received in respect of the amended plans:

The proposal indicates 8 affordable homes as follows: 5 x 2 bedroomed houses and 3 x 3 bedroomed houses

We welcome that the 2 bedroom houses have now been amended to the larger Rye house type, which the developer has stated has a floor area of 789 square feet (73m²). Note that the summary box of the house types on the 'Proposed site layout plan' states Ripon 2 bed house type, rather than Rye. Although I understand from the developer that the Rye and the Ripon are essentially the same 2 bedroomed house type apart from a chimney variation, with the same internal floor areas, it would be helpful to amend in order to avoid confusion. Internal floor areas should be indicated on house type drawings.

The layout of the 1 x three bedroom house the 'Thirsk' is poor with one large and two very small bedrooms. We would ask that this is reconsidered to be more like the other proposed three bedroomed units the 'Dalton'.

Community Development and Wellbeing Officer DDDC

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

5.16 Environment Agency

The EA has no formal objection to this proposal however we wish to make the applicant aware that there is a live abstraction license within the red line boundary. The abstraction license is held by Whitelea Nursery for the purposes of spray irrigation. We wish to highlight this to the applicant to ensure their planned development does not negatively affect the licensed abstraction.

6.0 REPRESENTATIONS RECEIVED

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

Flooding/Drainage:

- There are drainage concerns relating to this very wet site which is prone to surface water run of.
- Concern regarding flooding near Green Lane.
- The brook should divide in the nursery and flow down by Little Whitelea Bungalow, but it has been blocked off causing occasional flooding.
- Why is a pond necessary, where will the water come from?
- Water running down the lane will cause further impacts in entering to and from this site.
- Children will be attracted to a pond.
- The playing fields are often waterlogged.
- The proposed pond will lead to further flooding problems.
- The removal of the hedge would lead to access to the fete field which is used by youngsters, where the pond would be a danger.
- A small river flow through the site into a ditch at the top of the fete field, in periods of heavy rain the ditch at the top of the field floods and overflows then runs down the field, The Ropewalk and into Green Lane causing flooding. Whitelea Lane drainage systems are usually blocked with debris from the farm.

- The drain below Green Lane has collapsed which has been reported to Council workers.
- Surface water flooding does not seem to have been considered.

Highway safety:

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

Ecology:

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

Other:

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

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

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

6.3 The following comments were received in 6 letters as late representations to the Planning Committee on the 23rd October:

- The plans differ greatly from the originals.
- The development must not be allowed to alter the existing hedgerows adjacent to the public areas.
- The houses do not fit in with existing homes in the village.

- The amended plans bear no resemblance to the original application other than the location, a new application should be submitted.
- I care what the village looks like, the Council doesn't care.
- The original plan has re-constituted stone houses with buff brick garages and all trees were retained in the boundary with the fete field.
- The new plan has stone and render properties and proposes to remove all hedges on the southern boundary. I am suspicious of the cul-de-sac overlooking the field.
- It is terrible to destroy ancient hedgerows for profit.
- The developer has been told the Parish want to retain the hedge to ensure the rural aspect of the fete field is not spoiled.
- William Davis have proposed that all changes have been suggested by Derbyshire dales planning, I am disappointed if this is the case.
- New housing development will be in our village which dos not respect the local vernacular.
- Derbyshire Dales is allowing development in the area that does not reflect vernacular for example next to the golf club and on Chesterfield Road where you can see red brick houses.
- Tansley will be getting an inferior development, the Parish finds this difficult to accept bearing in mind the areas with the plan area are subsidising the building of high spec social homes within the Peak Park.
- Tansley Parish Council and Davis homes agreed that properties should be built in stone with buff coloured garages and that re-constituted stone would be acceptable.
- There are 36 amendments in the revised plans, which is not acceptable.
- The application should be withdrawn and resubmitted as it is a different proposal.
- We do not want a repeat of the cheap building by the golf club knowing that Matlock is subsidising high quality properties outside the plan area.
- Davis homes have advised that all changes have been imposed by the planners.
- In Matlock, Davis homes wanted to build in vernacular buff brick and stone but planners insisted on red brick.
- DDDC are not working to their own mission statement.
- The building are not in accordance with the vernacular.
- Is transparency such a difficult word to understand?
- This application should be scrutinised in the same way as all other planning applications.
- Bypassing of public scrutiny sets a precedent for other applications.
- Would these amendments have been supported 'originally'?
- Tonight local views are to be swept aside to meet a local plan proposal.
- Committee need to send that matter back for a full traffic assessment.
- On BBC parliament it is clear that many planning issues are referred to local MP's, I think this is an ideal case for an MP to take up.
- Let this be dealt with by an Inspector as a statesman like way of dealing with the matter.

6.4 At the time of writing this report no further comments have been received in connection with the amended plans following the 23rd October 2018 Planning Committee.

7.0 OFFICER APPRAISAL

The following material planning issues are relevant to this application:

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

Principle of Development and Housing Mix

- 7.1 This site is allocated for development in the Adopted Local Plan under Policy HC2 (aa) for residential development of 27 units. Whilst the allocation outlines the principle of residential development on this site the detail of this scheme for 26 units needs to be considered in accordance with other policy requirements set out in the plan including housing mix.
- 7.2 Policy HC11 of the Adopted Local Plan requires that the mix of dwelling on a site should be 15% one bed units, 40% 2 bed units, 40% 3 bed units and 5% 4+ bed units. The housing mix proposed in this case is: 38% 2 bed units, 38% 3 bed units and 23% 4 bed units.
- 7.3 This mix does not accord with the requirements set out in policy HC11, however this policy advises that proposals which do not provide for the above housing mix will be required to demonstrate how the proposal contributes to meeting the long term housing needs of the district particularly in regards to the housing needs of young people, families and the elderly.
- 7.4 It is considered that based on the character and appearance of the area, the mix of 2 and 3 bedroom dwellings proposed as affordable units and the small scale of the site the housing mix in this case whilst not meeting the exact requirements of planning policy HC11 nevertheless is considered appropriate to the context and provides a substantial number of smaller units and affordable units.
- 7.5 In accordance with this allocation it is necessary to consider the details of the proposed scheme as submitted and other impacts arising from the development.

Residential amenity

- 7.6 Amendments to the development have removed the property closest to the dwelling situated to the west of the site. It is considered that whilst the development will no doubt be a significant change to the locality which will be of concern to residents the siting of the dwellings proposed is not considered to result in substantial amenity impacts in terms of overlooking, loss of light etc.
- 7.7 The property opposite the site known as Little Whitelea whilst not adversely affected by the siting of dwellings will be affected by the development as the only suitable point of access from the site will be directly opposite this property with all the vehicles movements to and from the site and in darker evenings car headlights impacting on the enjoyment of that residence. Following discussions between the occupant of that property and the applicant it has been agreed that the applicant will submit a planning application to increase partially the height of the wall to the frontage of the site in order to mitigate against the impact of headlights caused through use of the proposed access. Written confirmation has been received from the applicant and the occupant's agent advising that agreement has been reached, that an application is to be submitted for the works which the applicant will then carry out.
- 7.8 Whilst alternatives to the point of access have been considered these are not possible due to highway safety concerns, it is therefore inevitable that in order to bring forward the development of this allocated site there will be some impact on the amenity of Little Whitelea. However, the mitigation now proposed is considered sufficient that the impacts arising from the development will not be significant such that planning permission could be refused. In this respect the proposal is considered to accord with policy PD1 of the Adopted Local Plan 2017.

Visual impact

- 7.9 The dwellings proposed are a range of sizes with short terraced rows, semi-detached properties and detached properties. Whilst the house types vary across the development there is a general theme to the house types of a relatively traditional appearance. The buildings have an appropriate ratio of windows to walling with simple gables, an appropriate window hierarchy across all house types and simple porch details. It is therefore considered that in this context with a range of housing types in this part of Tansley, this approach to the design is acceptable and appropriate to this context. The dwellings are intended to be of natural stone (to the most prominent elevations) and render with slate effect tiles to the roof, such materials are in keeping with the use of materials within the village. Subject to conditions the appearance of the units and the layout of the development is considered appropriate reflecting on the prevailing character and appearance of the area.
- 7.10 Whilst it is intended to remove significant areas of planting from the site this is mainly in the form of conifer hedging to the northern and southern boundaries with the native hedges being retained and replanted where possible. Whilst a planting scheme has been submitted and the general proposals in relation to this scheme are acceptable, there are anomalies in the plans in respect to boundary treatments, as such it is considered that additional detail is required in terms of landscaping through detailed conditions.
- 7.11 In terms of visual impact the proposal is considered to comply with the requirements of policies S1, S3, S9, PD1 and HC1 of the Adopted Local Plan 2017.

Highway safety

- 7.12 Significant concerns have been raised regarding the impacts of the development upon traffic movements both at the site and at pinch points for traffic elsewhere in the village including the junction from Church Street onto the A615. The Local Highway Authority have considered the application and initially raised a number of queries regarding the detail of the proposal. However, it is clear from their comments that the scheme in terms of highway safety is considered to be acceptable with conditions recommended. Whilst residents have concerns regarding the impact of traffic arising from the development in terms of the wider area such matters were considered during the local plan process in terms of the capacity of growth within the District and as such the fundamental matter of the extent of growth proposed in Tansley and the traffic impacts arising from this has been addressed through the local plan process resulting in the allocation of this site. It is therefore considered that subject to conditions the highway impacts arising from the development are acceptable in accordance with policies S1, S3 HC19 and HC21 of the Adopted Local Plan 2017.

Ecology

- 7.13 Concerns have been raised by local residents regarding the impact of the development of the site upon the wildlife present on the site. Policy PD3 of the Adopted local Plan 2017 sets out that the District Council will seek to enhance biodiversity and ensure development proposals do not harm biodiversity. A preliminary assessment of the impacts of the development upon ecology was submitted with the application. In response the applicant provided additional information which was then considered by Derbyshire Wildlife Trust. In response the impacts on ecology have been considered to be acceptable subject to conditions, as such the proposal meets the requirements of policy PD3 of the Adopted Local plan 2017.

Drainage

- 7.14 The site is known to have drainage issues and the local area has resulted in flooding as has been identified by a number of local residents. Policy PD8 of the Adopted Local Plan requires

appropriate Sustainable Drainage measures. The Lead Local Flood Authority is aware of the previous flooding issues in the area and has been in dialogue with the applicant as set out in the consultation section of the report above in order to ensure appropriate measures for dealing with run off from the development. Following the submission of additional information including the lead local flood authority have now confirmed that they are satisfied with the proposals subject to further detail being submitted in line with recommended conditions.

Developer Contributions

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

7.16 Affordable Housing:

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

Previously concern was raised by the Council's Housing Team with respect to the size of the units proposed, particularly the 2 bed units which were considered unlikely to be wanted by Housing Associations based on information they have received from a number of Housing Associations in the area. Following discussions amended plans have been received which now show a 2 bed house type of appropriate floor area. The submitted plans do not demonstrate the floor areas of the units and it is therefore considered reasonable to impose a condition to ensure the floor space defined on the plan is what is constructed on site. Concern has also been raised with regard to plot 21 which is a 3 bed unit that is different to the other 3 bed affordable units proposed. This unit is an end of terrace unit which turns the corner at the end of the row to ensure there is an appropriate street scene frontage of the east of the site. Whilst concerns have been raised in regard to the small bedroom sizes of plot 2, given that this relates to only one unit where the development in all other respects provides the requested detail for the affordable units, it is considered a reasonable compromise to accept this 3 bed unit with the smaller two bedrooms as part of the overall scheme.

It is therefore considered that the development meets the requirements of policy HC4 in regard to affordable housing.

7.17 Play space:

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

7.18 Sports/recreation improvements:

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

7.19 School Provision:

Based on the original consultation in respect of this proposed development at 27 units it was confirmed by DCC policy team that there was no need for additional school places as there was sufficient capacity at the schools to accommodate the growth proposed. This view changed following an annual assessment on pupil projections. However, a further assessment has been carried out by DCC who have confirmed that no contribution is now required.

7.20 Clinical Commissioning Group:

There are a number of practices whose boundary covers the proposed housing development. The main practices include: Lime Grove and Imperial Road.

The GP practices require additional capacity to manage increased patient demand from the housing development and population increase, the practices are looking to expand their premises for which the following contribution is requested: £10,347.

Conclusion

7.21 The proposal is the development of an allocated site and is therefore appropriate in terms of locational principles in accordance with policy H2 of the Adopted Local Plan 2017. The layout and design of the units is considered to be appropriate to the prevailing character and appearance of the area subject to conditions relating to the materials and finishes of the development. The housing mix whilst not strictly in accordance with policy HC11 is considered to be an appropriate response to the context in this fringe of village location where the typical development is larger dwellings in lower density surroundings. The developer contributions and affordable housing provision meet with the requirements of adopted policies. Matters of ecology, highway safety and land drainage have been resolved sufficiently to impose appropriate conditions on the permission. On this basis and subject to the conditions specified below the proposal is considered to accord with the requirements of policies set out in the Adopted Local Plan 2017 and is recommended for approval.

8.0 RECOMMENDATION

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

1. Condition ST02a: Time Limit On Full

Reason: ST02a

2. Condition ST06a: amended plans as follows:

Proposed site layout plan P02 Rev AG received 16.01.19

Site location plan P01 Rev F received 03.10.18

Street scenes plan P07

Proposed materials plan P03 Rev P received 16.01.19

Proposed hard landscaping P04 Rev M received 16.01.19

Proposed boundary treatments P05 Rev N received 16.01.19

House types:

12-201 TS(PC)-2 received 16.01.19

12-201 DL-2 received 16.01.19

12-201 DK(PC)-7 received 16.01.19

12-201 RR-2 received 16.01.19

12-201 BM (PC)-1 received 16.01.19

12-201 BM (PC)-2 received 16.01.19

12-201 MD-6 received 16.01.19

12-201 DE-11 received 16.01.19

12-201 DD (PC)-5 received 16.01.19

12-201 RY-2 received 16.01.19

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

All received 11.09.18

Reason: For the avoidance of doubt and to define the permission.

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

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

4. The stone work to the dwellings as shown on plan proposed materials plan P03 Rev P received 16.01.19 and in accordance with condition 4 above, shall be pitched faced Birchover stone to 150mm bed heights with at least three random lengths without quoins, unless otherwise agreed in writing by the Local Planning Authority. Works shall be completed in accordance with the agreed details.

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

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

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

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

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

7. Prior to the any works commencing on the elevations of the dwellings hereby approved, and notwithstanding the submitted details, the following details, and samples where necessary, shall be submitted to and agreed in writing by the Local Planning Authority:
 - 1:20 plan or similar details of the eaves including the finished colour of any soffit or fascia detail.
 - Prior to their installation a 1:20 plan or similar details of all chimneys stacks and pots.
 - Details of the siting, appearance and finished colour of any meter boxes, alarm boxes or external pipes.
 - Details of all external lighting including that to the houses and the public areas of the site.
 - Details, including the pattern, recess, type, finish and colour of all windows and doors, including garage doors, to the dwellings/garages.
 - Details of the verges which shall be given a plain mortared finish without the use of bargeboards.
 - Details of all rainwater goods shall be of a black finish.
 - 1:20 plan or similar of all porch details including the materials and finishes.

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

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

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

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

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

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

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

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

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

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

12. Prior to the commencement of development a scheme of hard and soft landscaping shall be submitted to and approved in writing by the Local Planning Authority, the details of which shall include :-

- a) Notwithstanding the submitted plans, details of all indications of all existing trees, hedgerows and other vegetation on the land including the canopy spread of all trees and hedgerows within or overhanging the site, in relation to the proposed buildings, roads, and other works;
- c) Notwithstanding the submitted plans, details of all measures for the protection of retained vegetation during the course of development;
- d) Notwithstanding the submitted plans, details of all plant species, planting sizes, planting densities, the number of each species to be planted and plant protection;
- e) Finished site levels and contours;
- f) Notwithstanding the detail shown on boundary plan 12-201 P05 Rev N received 16.01.19 details of all means of enclosure which shall correspond with the proposed planting schedule noted under points a) to e) above;
- g) elevational details of all proposed boundary walling including a sample panels of the boundary walling to be inspected on site;

h) Samples of the proposed hard surfacing materials detailed on plan 12-201 P04 Rev M received 16.01.19;

i) Minor artefacts and structures (e.g. furniture, refuse and other storage units, signs, lighting etc);

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

13. 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.

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

A. Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced and submitted in electronic format. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:-

i. a survey of the extent, scale and nature of contamination;

ii. an assessment of the potential risks to:-

- human health;
- property (existing or proposed), including buildings, crops, livestock, pets, woodland and service lines and pipes;
- adjoining land;
- groundwaters and surface waters;
- ecological systems;
- archaeological sites and ancient monuments.

iii. an appraisal of remedial options and proposal of the preferred option(s)

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

B. Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works, site management procedures and proposals for how the remediation works will be verified once

completed. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

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

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

A. Implementation and Validation of Approved Remediation Scheme

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

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

B. Reporting of Unexpected Contamination

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

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

C. Importation of soil to site

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

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

16. Notwithstanding the provisions of the Town and Country Planning General Permitted Development (England) Order 2015 (or any Order revoking or re-enacting that Order with

or without modification), no extensions or alterations to the front elevations (as shown on the submitted plans) of the dwelling on Plot Nos.16, 17 and 18 shall be carried out without the prior written approval of the Local Planning Authority upon an application submitted to it.

Reason: To preserve the character and appearance of the area in accordance with Policies S1, S3 and PD1 of the Adopted Local Plan 2017.

17. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order with or without modification) no external alterations or additions shall be made to plot 1 hereby approved and no buildings, extensions, gates, fences or walls (other than those expressly authorised by this permission) shall be carried out within the curtilage of any dwelling without the prior written approval of the Local Planning Authority upon an application submitted to it.

Reason: To preserve the character and appearance of the original building and its surroundings in accordance with Policies S1, S3 and PD1 of the Adopted Local Plan 2017.

18. No development shall take place including any works of demolition until a construction management plan or construction method statement has been submitted to and been approved in writing by the Local Planning Authority. The approved plan/statement shall be adhered to throughout the construction period. The statement shall provide for:
- a. Parking of vehicles of site operatives and visitors
 - b. Storage of plant, materials and site accommodation
 - c. routes for construction traffic
 - d. hours of operation
 - e. method of prevention of debris being carried onto highway
 - f. pedestrian and cyclist protection
 - g. proposed temporary traffic restrictions
 - h. arrangements for turning vehicles
 - i. Roadside hoarding and construction access arrangements.

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

19. Prior to any works exceeding demolition or site clearance taking place on site the permanent access arrangements and associated highway improvements (frontage footways) shall be laid out in accordance with the application drawings and be provided with a 2.4m x 54m visibility sightline to the north and a 2.4m x 43m visibility splay to the south, the area in advance of the sightlines forming part of the estate street and not part of any adjoining plot or other subdivision of the site. For the avoidance of doubt the Developer will be required to enter into a section 278 Agreement (Highways Act 1980) with the Highway Authority in order to comply with the requirements of this condition.

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

20. The carriageways and footways shall be constructed up to and including binder course surfacing to ensure that each dwelling prior to occupation has a properly consolidated and surfaced carriageway and footway, between the dwelling and the existing highway. Until final surfacing is completed, the footway binder course shall be provided in a manner to avoid any upstands to gullies, covers or other such obstructions within or abutting the footway. The carriageways, footways and footpaths in front of each dwelling shall be completed with final surface course within twelve months (or three months in the case of a

shared surface road) from the occupation of such dwelling, unless otherwise agreed in writing by the Local Planning Authority.

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

21. Internal estate street junctions shall be provided with 2.4m x 25m minimum visibility splays in each direction (2.4m x 17m in the case of shared surface streets), measured to the nearside carriageway edge; the area in advance of the sightlines being laid out as an extended footway, verge or margin, forming part of the estate street and not part of any adjoining plot or other third party land.

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

22. The premises, the subject of the application, shall not be occupied until the estate street has been provided with suitable turning arrangements to enable service and delivery vehicles to turn, all as may be agreed in writing with the Local Planning Authority. In the case where interim turning arrangements are constructed these must remain available until any permanent estate street turning is available, in accordance with the approved estate street designs.

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

23. A continuous pedestrian footway shall be provided fronting plots 12-15 to facilitate safe pedestrian movements within the development and to provide access to the existing public right of way at the southern site boundary.

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

24. No dwelling shall be occupied until space has been provided within the site curtilage / plot for the parking of residents and visitors vehicles associated with that dwelling (including secure cycle storage), all to be laid out in accordance with the approved drawings and constructed as may be agreed 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, for the parking of motor vehicles at all times.

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

25. No part of the development shall be occupied until the following works have been carried out in accordance the details first submitted to and approved by the Local Planning Authority:
 - a. Provision of a pedestrian link to the existing public right of way, which runs along the south eastern site boundary, including surface quality improvements to the existing right of way route.

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

26. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order (or any Order revoking and/or re-enacting that Order) the garages hereby permitted shall be retained as such and shall not be used for any purpose other than the garaging of private motor vehicles associated with the residential occupation of the

property without the grant of further specific planning permission from the Local Planning Authority.

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

27. No gates or other barriers, including any part of their opening arc, shall be permitted to open out over public highway areas. Gates should open inwards only or should be set back an appropriate distance within the site to accommodate their opening requirements.

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

28. The proposed property access drives shall be no steeper than 1 in 10 for the first 5m from the nearside highway boundary and shall be provided with sufficient vertical curvature to prevent the grounding of vehicles when traversing to and from the highway.

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

29. Prior to any works exceeding demolition or site clearance taking place on site 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 plot curtilages onto the adjoining estate street. 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.

30. Prior to any works exceeding demolition or site clearance taking place on site a scheme for the disposal of highway surface water shall be 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 as such thereafter.

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

31. Prior to any works exceeding demolition or site clearance taking place on site details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved by the local planning authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under section 38 of the Highways Act 1980 or a private management and Maintenance Company has been established.

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

32. The private access to the to the north of the site shall be laid out in accordance with the application drawings and be provided with a 2.4m x 54m visibility sightline to the north and a 2.4m x 43m visibility splay to the south, the area in advance of the sightlines remaining free from any obstructions to visibility over 1m high, relative to the nearside carriageway channel level and thereafter so maintained for the life of the development.

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

33. There shall be no gates or other barriers erected within 6m of the public highway in respect of the private access to the north of the site. Gates should open inwards only or should be set back an appropriate distance within the site to accommodate their opening requirements.

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

34. The initial 6m of the private access to the north of the site, from the public highway shall be surfaced in a solid bound material and incorporate appropriate drainage measures to prevent surface water run-off from within the plot running onto the adjoining highway, all in accordance with details submitted to the Local Planning Authority for written approval prior to the access first being taken into use.

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

35. Prior to any demolition or new boundary works taking place to the private access to the north of the site, details of the stonework, construction, treatment and alignment of the dry stone boundary wall to the site frontage incorporating the required visibility splays, shall be submitted to and approved in writing by the Local Planning Authority. Works shall be completed in accordance with the approved plans and prior to the occupation of the tenth unit on the development site.

Reason: In the interests of highway safety and visual amenity in accordance with policies S3, PD1 and HC19 of the Adopted Local Plan 2017.

36. Works shall be undertaken with due regard for badgers, birds, amphibians and reptiles, in accordance with Section 6 of the Extended Phase 1 Habitats Survey (Ramm Sanderson, October 2018). In particular, the Method Statement for site clearance provided in Appendix 4 shall be implemented in full and a short statement of compliance shall be submitted to the LPA upon completion 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).

37. Prior to building works commencing above foundation level, details of ecological enhancement measures shall be submitted to and approved in writing by the LPA. These shall include details of bird and bat boxes (positions/specification/numbers) and hedgehog gaps in boundary fencing (130mm x 130mm). Such approved measures shall be implemented in full and maintained thereafter, with photographs of the measures in situ submitted to the LPA.

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).

38. 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:
- Proposed Residential Development at Whitelea Nursery, Whitelea Lane, Tansley Flood Risk Assessment & Drainage Strategy (WD103/FRA Rev A, June 2016), plus any subsequent version or addendum.
 - 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

39. Prior to the installation of a surface water drainage system, a reasonable assessment should be undertaken of the existing sough/stone channel, identified to be the point of surface water discharge.

Reason: To ensure the proposed surface water runoff can be appropriately discharged from the site.

40. 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.

41. The affordable units shall have a floor space area as set out:
Dalton – 82.4 m²
Rye – 73.3 m²
Thirsk – 80.9 m²

Reason: In order to be considered acceptable as affordable units to meet the requirements of policy HC4 of the Adopted Local Plan 2017.

9.0 NOTES TO APPLICANT:

- 9.1 The Local Planning Authority considered the application as submitted to be acceptable. On this basis, there was no need to engage with the applicant in a positive and proactive manner to resolve any planning problems and permission was granted without negotiation.
- 9.2. The Town and Country Planning (Fees for Applications, Deemed Applications and Site Visits) (England) Regulations 2012 as amended stipulate that a fee will henceforth be payable where a written request is received in accordance with Article 27 of the Development Management Procedure Order 2015 for the discharge of conditions attached to any planning permission. Where written confirmation is required that one or more conditions imposed on the same permission have been complied with, the fee chargeable by the Authority is £34 per householder request and £116 per request in any other case. The fee must be paid when the request is made and cannot be required retrospectively.
- 9.3 This decision notice relates to the following documents:
Proposed site layout plan P02 Rev AG received 16.01.19
Site location plan P01 Rev F received 03.10.18
Street scenes plan P07
Proposed materials plan P03 Rev P received 16.01.19
Proposed hard landscaping P04 Rev M received 16.01.19

Proposed boundary treatments P05 Rev N received 16.01.19

House types:

12-201 TS(PC)-2 received 16.01.19

12-201 DL-2 received 16.01.19

12-201 DK(PC)-7 received 16.01.19

12-201 RR-2 received 16.01.19

12-201 BM (PC)-1 received 16.01.19

12-201 BM (PC)-2 received 16.01.19

12-201 MD-6 received 16.01.19

12-201 DE-11 received 16.01.19

12-201 DD (PC)-5 received 16.01.19

12-201 RY-2 received 16.01.19

Garages types: double side gable, semi side gable, single front gable - all received 11.09.18

Ecology report Rev C received 11.10.18

Housing mix report received 11.09.18

Nicholls Colton ground investigation dated August 2016

Design and access statement received 29.08.17

Planning statement received 01.09.17

Topographical survey received 29.08.17

Transport statement RT98621-01 received 01.09.17

Flood risk and drainage strategy received 01.09.17

Nicholls Colton interpretive report dated august 2016

Archaeological desk based assessment received 01.09.17

Arboricultural survey received 01.09.17

Planting plan 10.17/01 Rev B received 11.09.18

Letter from Bird Wilford and sale Solicitors received 28.11.18

Letter from Armstrong Stokes and Clayton Limited Re: flood risk and drainage and appendices dated 18.01.19

Boundary detail plan no. 10.17/02 received 16.01.19

Planting plan no. 10.17/01 Rev D received 16.01.19

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 Highway Footnotes:

- a. Pursuant to Section 38 and the Advance Payments Code of the Highways Act 1980, the proposed new estate roads should be laid out and constructed to adoptable standards and financially secured. Advice regarding the technical, financial, legal and administrative processes involved in achieving adoption of new residential roads may be obtained from the Strategic Director Economy, Transport and Environment at County Hall, Matlock (telephone: 01629 580000 and ask for the Development Control Implementation Officer - North).
- b. Pursuant to Sections 149 and 151 of the Highways Act 1980, steps shall be taken to ensure that mud or other extraneous material is not carried out of the site and deposited on the public highway. Should such deposits occur, it is the applicant's responsibility to ensure that all reasonable steps (e.g. street sweeping) are taken to maintain the roads in the vicinity of the site to a satisfactory level of cleanliness.
- c. Pursuant to Section 163 of the Highways Act 1980, where the site curtilage slopes down towards the public highway, measures shall be taken to ensure that surface water run-off from within the site is not permitted to discharge across the footway margin. This usually takes the form of a dish channel or gully laid across the access immediately behind the back edge of the highway, discharging to a drain or soakaway within the site.

- d. Pursuant to Sections 219/220 of the Highways Act 1980, relating to the Advance Payments Code, where development takes place fronting new estate streets the Highway Authority is obliged to serve notice on the developer, under the provisions of the Act, to financially secure the cost of bringing up the estate streets up to adoptable standards at some future date. This takes the form of a cash deposit equal to the calculated construction costs and may be held indefinitely. The developer normally discharges his obligations under this Act by producing a layout suitable for adoption and entering into an Agreement under Section 38 of the Highways Act 1980. Where residential construction works commence ahead of any adoption Agreement being in place the Highway Authority will be obliged to pursue the Advance Payments Code sum identified in the notice.
- e. Pursuant to Section 278 of the Highways Act 1980 and the provisions of the Traffic Management Act 2004, no works may commence within the limits of the public highway without the formal written Agreement of the County Council as Highway Authority. It must be ensured that public transport services in the vicinity of the site are not adversely affected by the development works. Advice regarding the technical, legal, administrative and financial processes involved in Section 278 Agreements may be obtained from Mr K Barton in Development Control at County Hall, Matlock (telephone : 01629 538658). The applicant is advised to allow approximately 16 weeks in any programme of works to obtain a Section 278 Agreement.
- f. Pursuant to Section 50 (Schedule 3) of the New Roads and Street-works Act 1991, before any excavation works (for Statutory Undertaker connections etc.) are commenced within the limits of the existing public highway, at least 6 weeks prior notification should be given to the Strategic Director Economy, Transport and Environment at County Hall, Matlock (telephone: 01629 580000 and ask for the New Roads and Street-works Section).
- g. The Highway Authority recommends that the first 6m of the proposed access driveway should not be surfaced with a loose material (i.e. unbound chippings or gravel etc.). In the event that loose material is transferred to the highway and is regarded as a hazard or nuisance to highway users, the Authority reserves the right to take any necessary action against the householder.
- h. Derbyshire County Council strongly promotes Sustainable Drainage Systems (SuDS) to be incorporated within the design of a drainage strategy, applying the SuDS management train. The applicant should also seek to promote betterment or meet green-field runoff rates taking into account the impacts of climate change. For more advice regarding the County Council's requirements please contact flood.team@derbyshire.gov.uk .
- i. Under the provisions of the New Roads and Street Works Act 1991 and the Traffic Management Act 2004, all works that involve breaking up, resurfacing and / or reducing the width of the carriageway require a notice to be submitted to Derbyshire County Council. Works that involve road closures and / or are for a duration of more than 11 days require a three month notice; developers' works will generally fall into this category. Developers and Utility companies (for associated services) should prepare programmes for all works that are required for the development, such that these can be approved through the coordination, noticing and licencing processes. This will require developers and Utility companies to work to agreed programmes and booked slots for each part of the works. Discussions should therefore take place with Derbyshire County Council's Highway Noticing Section, at County Hall, Matlock at the earliest stage possible.

9.6 Lead Local Flood Authority Footnotes:

It should be noted, that the information detailed below (where applicable), will be required as an absolute minimum in order to discharge any of the drainage conditions set by the LPA.

A. 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.

B. 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.

C. 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.

D. 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.

E. 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.

F. 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, if relevant.
- Typical inspection chamber / soakaway / silt trap and SW attenuation details.
- Site ground levels and finished floor levels.

G. 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, also incorporating a sensitivity test to 40% Climate change. In addition an appropriate allowance should be made for urban creep throughout the lifetime of the development (to be agreed with the LLFA).
- 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)

Peak Flow Control

- For greenfield developments, the peak run-off rate from the development to any highway drain, sewer or surface water body for the 1 in 1 year rainfall event and the 1 in 100yr rainfall event, should never exceed the peak greenfield run-off rate for the same event.

Volume Control

- For greenfield developments, the runoff volume from the development to any highway drain, sewer or surface water body in the 1 in 100 year, 6 hour rainfall event must not exceed the greenfield runoff volume for the same event

- 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, may be excluded from the greenfield analysis.

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

I. 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.

The County Council holds a suite of information that can inform site development across Derbyshire. The information within this document has been interpreted and provided by an officer from the Flood Risk Management team.

- Historical data has been collated from a range of sources and is anecdotal. The provision of this data is suggested to act as a guide only.
- Fluvial data has been provided by the Environment Agency however the applicant is advised to contact the Environment Agency for further information should the site lie within the floodplain of a Main River.
- The County Council holds British Geological Survey data under a licenced agreement and therefore are not licenced to reproduce this information into the public domain.
- Further information regarding the Water Framework Directive, ecology and biodiversity should be obtained from the Environment Agency and Natural England.

BACK TO AGENDA

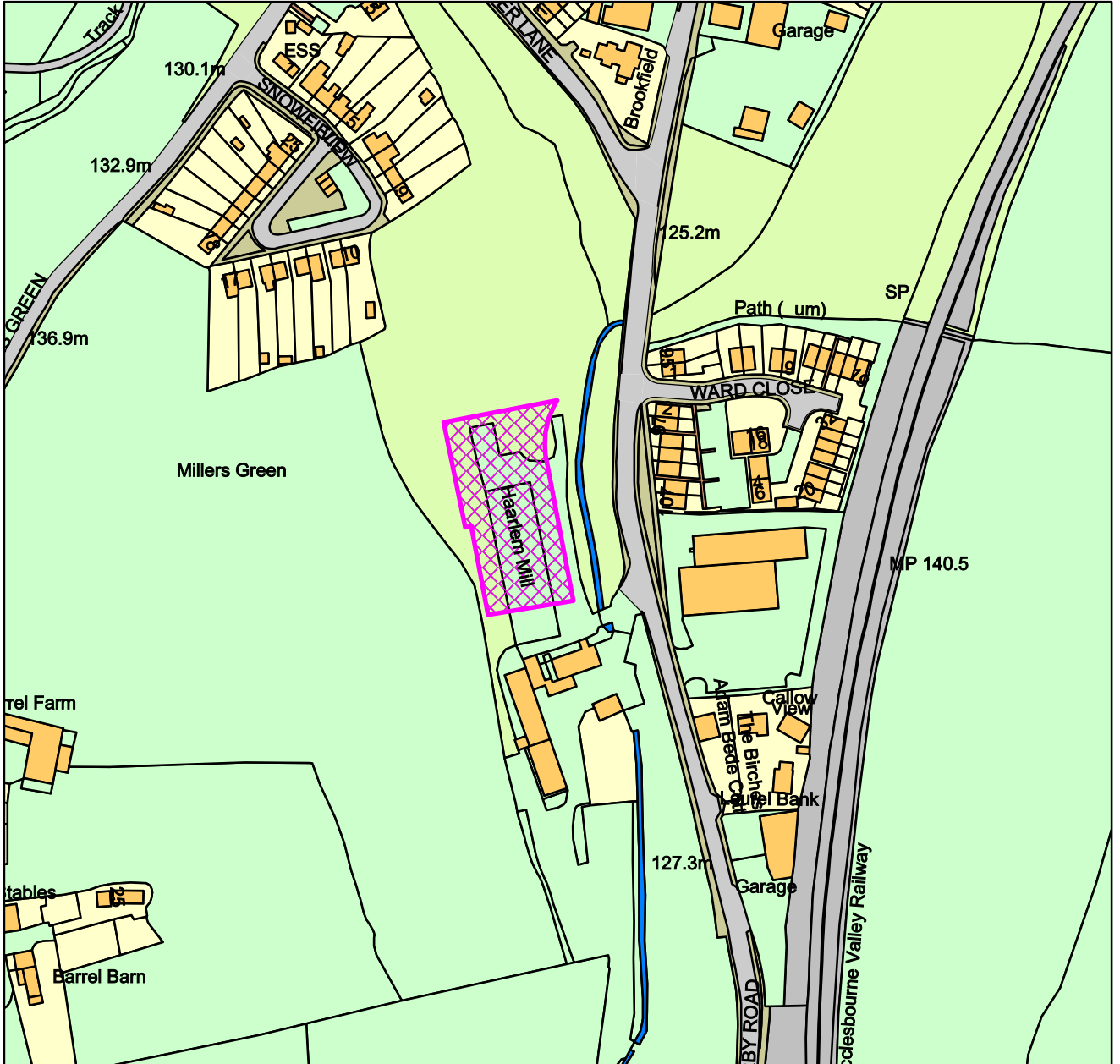
APPLICATION NUMBER		18/01184/FUL	
SITE ADDRESS:		Haarlem Mill, Derby Road, Wirksworth	
DESCRIPTION OF DEVELOPMENT		Erection of two commercial buildings comprising of 14 separate units	
CASE OFFICER	Mr. G. A. Griffiths	APPLICANT	Mr Gordon Wardman
TOWN		AGENT	Mr Stuart Hodgkinson
WARD MEMBERS	Cllr. Mrs. I. Ratcliffe Cllr. Mr. M. Ratcliffe Cllr. Mr. P. Slack	DETERMINATION TARGET	18 th February 2019
REASON FOR DETERMINATION BY COMMITTEE	Requested by Ward Members	REASON FOR SITE VISIT (IF APPLICABLE)	Major application and for Members to appreciate the site and proposed development in its context.

MATERIAL PLANNING ISSUES
<ul style="list-style-type: none"> • Principle of the development • Impact on the character and appearance of the area and the setting of the listed buildings • Accessibility and function • Residential amenity • Highway safety • Impact on trees • Impact on archaeology • Flood risk and drainage • Ecology • Site contamination

RECOMMENDATION
Approval

18/01184/FUL

Haarlem Mill, Wirksworth



Derbyshire Dales DC

1:2,500

Date: 24/01/2019

100019785

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1. THE SITE AND SURROUNDINGS

1.1 The site land adjacent to and forming part of the curtilage of Haarlem Mill. The site is set to the west of Derby Road (B5023) to the south of Wirksworth where the town bounds the open countryside. To the north of the site there is open, overgrown land and to the north west, the wider curtilage abuts the residential development at Snowfield View which overlooks the application site as the relatively level application site becomes embanked.

1.2 The application site forms part of an historic site and its principal significance derives from its associations with Richard Arkwright and George Elliot. The mill to which the site abuts is an early example, if not the earliest example, of a factory designed to house a steam engines to provide the power for cotton spinning. The wider mill site comprises the following building and features:

- Haarlem Mill is a Grade II* listed building dating from the late 18th century which was initially constructed by Richard Arkwright for cotton spinning. It has been extended and modified over time to adapt to steam power and processes were introduced for tape weaving in 1815. It is constructed to four storey height with ashlar and coursed rubble stonework up to first floor cill level, with red brick above and a slate covered roof.
- The warehouse to the west of the Mill building is a Grade II listed building which is currently undergoing repair and restoration to create commercial units (this is not included within the application as no changes are proposed which require formal planning permission).
- The Mill House is a Grade II listed building which is still in residential use (this is not included within the application as no changes are proposed which require formal planning permission).
- Car park – this is set to the front and to the south of the warehouse building.
- The application site, which comprises partially demolished 20th century industrial buildings with associated hardstanding/car parking facilities in front, is set to the north of the historic mill building. These buildings, with the associated land to the north, are the area of the former mill pond which has been infilled and, in part, turned over to hardstanding.
- Other features
Flowing close to the eastern boundary is the Ecclesbourne River watercourse that originally fed the mill pond and which continues in a channel to the south of the mill and its archaeology remains apparent through the length of the site. In terms of other landscape features, there is a belt of mature trees along the eastern boundary (to the north of the vehicle access) which are subject to Tree Preservation Order DCCTPO/023/G6. The land to the south of the access is more open. The length of the eastern boundary with the highway is aligned by a largely continuous drystone wall which is punctuated by the vehicle access and field gates.





2. DETAILS OF THE APPLICATION

- 2.1 Full planning permission is sought to erect 14 commercial units on the site that was granted planning permission in 2015 to be redeveloped for residential properties, as was the area of land immediately beyond this to the north leading up to Snowfield View. Whilst Haarlem Mill has undergone a sensitive conversion and is now used for commercial use across several businesses, the residential development approved to the north has not commenced.
- 2.2 The applicant, who has brought forward economic development in the District, such as at Scholes Mill and that at Haarlem Mill, wishes to continue the commercial development onto part of the residential site. The residential development approved on the application site was for two blocks taking on a commercial appearance to act as a transition of built form between the former mill and the more typical residential development approved at the north end of the site. To this end, the applicant proposes using a similar scale of building but with alterations to the elevations to adapt the design to suit their commercial use.
- 2.3 Each building would measure 32.5m wide by 11m deep and 7.6m high with a flat roof. The buildings would be constructed with red brick, with aluminium framed windows and doors, and the rainwater goods would be grey coloured aluminium. The commercial units would be as follows:
 - Four 561 ft² ground floor units
 - Two 1174 ft² ground floor units
 - Two 1200ft² ground floor units with no first floor
 - Four 543ft² first floor units
 - Two 1173 ft² first floor units

- 2.4 The units would have front and south side courtyard areas for vehicle parking for some 41 vehicles; deliveries would also be to the front of the premises. They would also have rear yard space to include areas for bin and bike stores. The site is proposed to be accessed via a new access, across a new bridge, proposed off Derby Road. This is proposed to be constructed with concrete culverts with the road laid above, having regard to the trees and the flood defence wall.

3. PLANNING POLICY AND LEGISLATIVE FRAMEWORK

- 3.1 Adopted Derbyshire Dales Local Plan (2005)
- S1 Sustainable Development Principles
 - S2 Settlement Hierarchy
 - S3 Development within Defined Settlement Boundaries
 - S7 Matlock/Wirksworth/Darley Dale Development Area Strategy
 - S8 Ashbourne Development Strategy
 - PD1 Design and Place Making
 - PD2 Protecting the Historic Environment
 - PD3 Biodiversity and the Natural Environment
 - PD4 Green Infrastructure
 - PD5 Landscape Character
 - PD6 Trees, Hedgerows and Woodlands
 - PD8 Flood Risk Management and Water Quality
 - PD9 Pollution Control and Unstable Land
 - HC18 Provision of Public Transport Facilities
 - HC19 Accessibility and Transport
 - HC20 Managing Travel Demand
 - HC21 Car Parking Standards
 - EC1 New Employment Development
 - EC3 Existing Employment Land and Premises
3. National Planning Policy Framework
4. National Planning Practice Guidance

4. RELEVANT PLANNING HISTORY

- 17/00754/LBALT Creation of link building between mill and warehouse – Granted
- 17/00753/FUL Creation of link building between mill and warehouse – Granted
- 16/00247/LBALT Internal and external alterations to include lift, terrace, balustrade, fencing, fire escape canopy, air conditioning and signage – Granted
- 16/00246/FUL Change of use of first and second floor to form wedding venue (Use Class D2) to include terrace, access ramp, fire escape, canopy and other associated works – Granted
- 15/00395/FUL Conversion and alterations of mill to office/light industrial use, and erection of 30 dwellings and associated infrastructure and access – Granted
- 15/00394/LBALT Conversion and alteration of mill to office/light industrial use – Granted

5. CONSULTATION RESPONSES

Town Council

- 5.1 - welcome the proposal but raise the following concerns
- no reference to the new development at Ward Close

- an assessment of the potential impact of heavy vehicle access be made to residents at Ward Close
- the footpath be provided to protect pedestrians who access both the Ward Close and Haarlem Mill site
- that a bus shelter be introduced on both sides of road to encourage the use of bus services by workers and residents (and tackle existing issues of public safety)
- that the number of parking spaces be scrutinised to avoid any potential overspilling onto Derby Road
- that the current proposal be reviewed as it does not allow access to the loading area at the Haarlem Mill site
- that access and egress to the site be reviewed in the light of the Ward Close residential development and existing issues with larger vehicles being unable to access the Haarlem Mill site (as evidenced with coaches parking on Derby Road to allow parties to disembark)
- details to be sought from the applicant regarding the proposed flood barrier measures and their impact on the existing, established ecology

Environment Agency

- 5.2 - before removing holding objection, need more information relating to the new flood defence wall to explain what impact this will have on third parties, especially downstream of the development and that the Flood Risk Assessment (FRA) demonstrates that there will be no increase of flood risk to others – this may have been established with the previous planning application but is not clearly demonstrated in the FRA with this application
- FRA should demonstrate the flood defence wall ties in sufficiently to the surroundings so there is no potential compromise to the wall
 - FRA should include details of maintenance and ownership

Local Lead Flood Authority (DCC)

- 5.3 - holding objection as require further information regarding the above and surface water drainage.

Local Highway Authority (Derbyshire County Council)

- 5.4 - verbal comment that proposal would be acceptable subject to similar conditions attached to the previous grant of planning permission for the residential development – to be updated

Development Control Archaeologist (DCC)

- 5.5 - no objection subject to a planning condition requiring the submission of a Written Scheme of Investigation for archaeological work prior to commencement.

Natural England

- 5.6 - no comments.

Derbyshire Wildlife Trust

- 5.7 - sufficient information has been provided to determine the application
- protected species constraints are limited and habitats present are largely of low value
 - the stream and mature trees/hedgerows should be retained and protected
 - the incorporation of enhancement features would achieve a net biodiversity gain
 - bats should be considered when incorporating roosting opportunities and designing the lighting scheme
 - conditions required regarding biodiversity enhancement and a lighting strategy.

Economic Development (DDDC)

- 5.8 - provision of small unit B1c floorspace aligns with evidence compiled by the District Council including the recent Derbyshire Dales Business Survey 2018 and independent market assessments covering the central area of the District
- consideration should be given to scheme phasing and the release of floorspace in line with market demand.
 - application describes the activities to be carried out as craft industries and general light manufacture and storage - proposed yard space to the rear of units is limited and no provision appears to be made for vehicular access (to the rear) to facilitate loading / unloading
 - delivery access is only via steps at the front entrance due to raised levels. Within this context, consideration should also be given to the inclusion of double opening doors to the rear of the larger units
 - scheme would be improved if there is scope to address these issues.

Environmental Health (DDDC)

- 5.9 - no objection.

Conservation and Design Officer (DDDC)

- 5.10 - proposed changes to the elevations of the previously approved scheme has not overtly altered the character and appearance of the buildings in their sensitive location and setting and are considered acceptable
- no external signage, numbering or other means of identification is included and it is assumed none is intended - any required signage will be dealt with separately
 - assume appropriate conditions will be attached relating to materials, construction, etc.

6. REPRESENTATIONS RECEIVED

- 6.1 None.

7. OFFICER APPRAISAL

Principle of Development

- 7.1 Development of the site has previously been approved as recently as 2015 and since that time the site has been included within the Settlement Development Boundary for Wirksworth. Whilst the proposal will mean the loss of 12 residential units, it will provide for employment within the District with a variety of small scale units. To this end, it is considered acceptable, in principle, to replace approved dwellinghouses with commercial units where this accords with Policies S1, S3 and EC1 of the Adopted Local Plan (2017).
- 7.2 The District Council's Economic Development Officer has advised that consideration should be given to a scheme of phasing and the release of floorspace in line with market demand. However, this is a matter for the applicant to consider – if the units can be filled, it is considered no phasing should be necessary.

Impact on the Character and Appearance of the Area and the setting of the Listed Buildings

- 7.3 The proposals amend the previously approved development by increasing its overall depth by 2m and making changes to the openings to facilitate the change from a residential to a commercial use. Otherwise, the materials and the general character and appearance of the development are similar. There are also some alterations around the curtilage, replacing gardens with storage areas. However, in the round, the character and appearance of the development will be retained and sit appropriately in the context of the Mill building which is itself a commercial site. It is also considered that the commercial development will not significantly impact on the setting of the residential development approved to the north of

this site; the wider area of this part of the town has residential developments situated quite comfortably with commercial developments and is a characteristic of the area.

- 7.4 Given that the proposals are for commercial use of the buildings, it is considered a signage strategy for the site needs to be provided to safeguard the character and appearance of the development and its context to the listed Haarlem Mill. This can be required as a condition of any planning permission but may also require advertisement consent.

Accessibility and Function

- 7.5 It is advised by the Economic Development Manager that the proposed yard space to the rear of units is limited and no provision appears to be made for vehicular access (to the rear) to facilitate loading/unloading. It is considered that this can be addressed by the applicant with some minor modification to allow access between the buildings to shared spaces to the rear if this is required by the users of the premises and this can be achieved with minor modification to the layout.
- 7.6 It is noted that access is via steps at the front entrance due to raised levels to accommodate the risk of flooding. Within this context, it is advised that consideration should also be given to the inclusion of double opening doors to the rear of the larger units. This again, if required, could be subject to altering the doorway and panelling without harming the character and appearance of the development.
- 7.7 One area of concern is the means for access to persons with mobility difficulties. To this end, Part M of the Building Regulations advises that a stepped access is acceptable where a level landing is provided at the top and bottom of each flight, the unobstructed length of each landing is not less than 1.2m and hazard warning surface is provided at the top and bottom of the flight of steps. There will be level access to the rear subject to there being no subdivision of the rear storage spaces.

Residential Amenity

- 7.8 Since the previous planning permission was granted for residential development, there has been residential development on the site on the opposite side of Derby Road. However, it is not considered that the change from residential use to small business uses on the site will significantly impact on the amenity of local residents. It should also be noted that part of the original approved scheme, which can still be implemented, is for residential development to the north of the site. To this end, it is considered acceptable to have commercial usage within such a context but also reasonable to restrict such uses to those within Use Class B1 which are those uses that can be carried out without significant harm to the amenity of nearby residential properties.
- 7.9 There may be some impact on amenity with vehicles coming and going from the site directly opposite the residential development at Ward Close. However, the nature of the traffic is not considered to be significantly different to vehicles that would be expected to come and go from the approved residential development of this site. It also has to be appreciated that the site is close to the busy Derby Road. As such, it is considered unreasonable to refuse planning permission on perceived changes in the comings and goings from the site.

Highway Safety

- 7.10 The Local Highway Authority has assessed the proposals there is no objection to the proposals subject to appropriate conditions being attached similar to those attached to the previous residential development. It is also considered that the access to this site could allow access for coaches to the wedding venue at Haarlem Mill and possibly address a concern raised by the Town Council. This may be a greater possibility if this can be organised around the business operations and which would not have been so supported with the residential development of this site. However, this is a matter for the applicant to

consider, to avoid coaches parking on Derby Road, and not one that can be a requirement of considering the merits of this planning application.

Impact on Trees

- 7.11 The trees along the eastern boundary make a significant contribution to the character and appearance of this area and the gateway to the town. The proposals do not alter the development of the site in this respect. All the trees are proposed to be retained except for the ones required to be felled to achieve the new access. This will again require conditions to ensure that the adjacent trees are protected and that methods of construction are used to prevent harm to the roots of the trees. In this respect, a detailed design of the bridge and access will be required as a condition on any grant of planning permission.

Impact on Archaeology

- 7.12 The Development Control Archaeologist has commented on the previous applications. It has been advised that the development along the Ecclesbourne River, the proposed flood works and new access will have no impact on archaeological interests. The proposed buildings will impact the footprint of the historic mill pond, including its western edge. Map sources suggest that this edge was reconfigured during the 19th century and the form and sequence of the relevant retaining structures has potential to inform the understanding of the development and chronology of water power to the site. Scalable archaeological monitoring of primary development works in the relevant areas would enable this archaeological information to be retrieved in line with NPPF para 199.
- 7.13 The proposal to remove the existing concrete bridge may impact upon the stone revetment and paved spillway beneath, and an agreed set of measures will need to be in place during construction to ensure that these elements are carefully conserved and retained. This could be achieved through a planning condition requiring the submission of a method statement before commencement.

Flood Risk and Drainage

- 7.14 The Environment Agency has previously given careful consideration to the proposed development and advised that there were no objections to the proposal but conditions were reasonably required with respect to flood protection, works to flood wall, finished floor levels and culverts under the new access road. At the point of writing this report, the Environment Agency had requested an up to date Flood Risk Assessment to be submitted and this is a matter still to be resolved.
- 7.15 Similar matters have been raised by the Local Lead Flood Authority (LLFA) and matters relating to the surface water drainage of the site. However, whilst the buildings are slightly larger and more hardstanding is detailed, it is not envisaged that the above requirements will result in a reason for refusal and if these matters have not been addressed by the time of the Committee Meeting, Members will be requested to give delegated powers to address these matter prior to the issuing of any planning permission. Details of the conditions attached to the previous planning permission attached are attached at the end of this report which may be subject to amendment prior to any permission being issued subject to planning permission being granted.

Ecology

- 7.16 Derbyshire Wildlife Trust has assessed the proposals and advises that they have no objection to the proposals subject to conditions relating to biodiversity enhancement and the submission of a lighting strategy being conditions on any grant of planning permission.

Site Contamination

- 7.17 As the site is proposed to be used for commercial uses, the previous requirements for site contamination assessment, given the proposed residential use, are no longer relevant as this is now proposed to be for a commercial use. As such, it has been advised by the District

Council's Environmental Health Section that there are no in principle objections to the proposed development.

Conclusion

- 7.18 Whilst the proposals will mean the loss of 12 dwellings from being provided, the proposals will make a beneficial use of the site for commercial development which will seek to underpin the vitality of the town and hopefully provide employment to the local workforce and opportunity for business start up. It is not considered that the scale of the units is such that there would be significant disturbance caused by their operations and the comings and goings of vehicles.
- 7.19 In addition, given the size of the units, it is not expected that there will be any large vehicle use of the site than one might expect with vehicles serving a residential development. A condition can be attached requiring that the units are retained in their detailed sizes to ensure that no merging of units may have potential impacts resulting from the scale of operations from any one unit.
- 7.20 To this end, it is not considered that what is essentially a change of use of the site, from the approved residential development to a commercial use, would lead to significant loss of amenity to existing and potential future residents in the area. In addition, given the proximity of the site to Haarlem Mill, it is also considered unlikely that there would be any amenity issues arising that might affect the operation of the existing commercial premises.
- 7.21 Given the above, the proposals are considered appropriate and beneficial to the town and the District, and it is recommended that planning permission be granted subject to conditions.

8. RECOMMENDATION

That planning permission be granted subject to the following conditions:

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

Reason:

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

2. The development hereby approved shall be carried out in accordance with the original submitted documents and drawings and the additional information received on 24th January 2019 and except insofar as may be otherwise required by other conditions to which this permission is subject.

Reason:

To define the permission for the avoidance of doubt.

3. Before the buildings are faced, samples of all materials to be used in the construction of the external surfaces of the proposed development, and details of the rainwater goods, downpipes and other such fixtures to the exterior of the buildings shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved details.

Reason:

To ensure the satisfactory appearance of the development to comply with Policies S1, PD1 and PD2 of the Adopted Derbyshire Dales Local Plan (2017).

4. Prior to their insertion, details of the materials, treatment and/or colour of the window and door frames shall be submitted to and approved in writing by the Local Planning Authority. The window and door frames shall then be installed in accordance with the approved details and so retained.

Reason:

To ensure the satisfactory appearance of the development to comply with Policies S1, PD1 and PD2 of the Adopted Derbyshire Dales Local Plan (2017).

5. Prior to the foundations to the buildings being laid, a scheme detailing sections of existing and proposed finished land levels shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme unless the Local Planning Authority gives its written consent to any variation.

Reason:

To ensure the satisfactory appearance of the development to comply with Policies S1, PD1 and PD2 of the Adopted Derbyshire Dales Local Plan (2017).

6. Before works commence on the buildings, a scheme of hard and soft landscaping shall be submitted to and approved in writing by the Local Planning Authority, the details of which shall include :-

- indications of all existing trees, hedgerows and other vegetation on the land;
- 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;
- measures for the protection of retained vegetation during the course of development;
- soil preparation, cultivation and improvement;
- all plant species, planting sizes, planting densities, the number of each species to be planted and plant protection;
- grass seed mixes and sowing rates;
- means of enclosure;
- car park layouts;
- other vehicle and pedestrian access and circulation areas;
- hard surfacing materials;
- minor artefacts and structures (e.g. furniture, refuse and other storage units, signs, lighting etc); and
- retained historic landscape features and proposed restoration, where relevant.

Reason:

To ensure the satisfactory appearance of the development to comply Policies S1, PD1 and PD2 of the Adopted Derbyshire Dales Local Plan (2017).

7. 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 buildings 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 the satisfactory appearance of the development to comply with Policies S1, PD1 and PD2 of the Adopted Derbyshire Dales Local Plan (2017).

8. Before the development is first occupied, 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) has been submitted to and approved in writing by the Local Planning Authority. The landscape management plan shall be carried out as approved in accordance with the approved details.

Reason:

To ensure the satisfactory appearance of the development to comply with Policies S1, PD1 and PD2 of the Adopted Derbyshire Dales Local Plan (2017).

9. No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the prior written approval of the Local Planning Authority. Any topping or lopping approved shall be carried out in accordance with British Standard 3998 (Tree Work).

If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species and shall be planted at such time, as may be specified in writing by the Local Planning Authority.

No equipment, machinery or materials shall be brought on to the site for the purpose of the development, until a scheme showing the exact position of protective fencing to enclose all retained trees beyond the outer edge of the overhang of their branches in accordance with British Standard 5837 (2005): Trees in Relation to Construction, has been submitted to and approved in writing by the Local Planning Authority, and; the protective fencing has been erected in accordance with the approved details. This fencing shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the prior written consent of the Local Planning Authority.

In this condition 'retained tree' means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) above shall have effect until the expiration of five years from the first occupation or the completion of the development, whichever is the later.

Reason:

To enable the Local Planning Authority to ensure the retention of trees on the site in the interests of visual amenity development to comply with Policies S1, PD1 and PD2 of the Adopted Derbyshire Dales Local Plan (2017).

10. Prior to the commencement of any site clearance work, a Reptile Method Statement and Mitigation Strategy shall be submitted to and approved in writing by the Local Planning Authority and the works shall be undertaken fully in accordance with the approved Method Statement and Mitigation Strategy.

To safeguard protected species to comply with Policies S1 and PD3 of the Adopted Derbyshire Dales Local Plan (2017).

11. Prior to the first occupation of the buildings, a landscape and ecological management plan (LEMP) shall be submitted to, and be approved in writing by, the Local Planning Authority. The content of the LEMP shall include the following.
- a) Description and evaluation of features to be managed.
 - b) Ecological trends and constraints on site that might influence management.
 - c) Aims and objectives of management.
 - d) Appropriate management options for achieving aims and objectives.
 - e) Prescriptions for management actions.
 - f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
 - g) Details of the body or organization responsible for implementation of the plan.
 - h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery.

The approved plan will be implemented in accordance with the approved details.

Reason:

To safeguard protected species to comply with Policies S1 and PD3 of the Adopted Derbyshire Dales Local Plan (2017).

12. Prior to the first occupation of the buildings, a Biodiversity Enhancement Strategy shall be submitted to and approved in writing by the Local Planning Authority. Such approved measures shall include:

- details of bird and bat boxes, to be clearly detailed on a plan (positions/specifications/numbers);
- hedgehog connectivity measures will be clearly shown on a plan, such as small fencing gaps (130mm by 130mm) or hedgerows
- summary of ecologically beneficial landscaping (full details to be provided in Landscape Plans)

The approved measures shall thereafter be implemented in full and maintained thereafter.

Reason:

To achieve a net gain in biodiversity in accordance with safeguard protected species to comply with Policies S1 and PD3 of the Adopted Derbyshire Dales Local Plan (2017) and the National Planning Policy Framework (2018).

13. Before the buildings are first brought into use, a detailed lighting strategy for the site, to safeguard bats, shall be submitted to and approved in writing by the Local Planning Authority. This should provide details of the type of lighting and any mitigating features such as shields, hoods, timers, etc. and shall include a plan showing the lux levels of lightspill with minimal lighting along the stream. The measures shall be implemented in full prior to the first occupation of the buildings.

Reason:

To safeguard protected species to comply with Policies S1 and PD3 of the Adopted Derbyshire Dales Local Plan (2017).

14. With the exception of the authorised demolition and clearance works, before the development is commenced, a scheme for the flood wall shall be submitted to and approved in writing by the Local Planning Authority. The scheme to be submitted shall

demonstrate the continuity of flood protection up to a 1 in 100 year plus climate change flood level event plus 400mm freeboard allowance or above the 1:1000 year flood level, whichever is the higher. The works shall be carried out in full compliance with the recommendations and details to be submitted and any phasing/timetables embodied within the scheme.

Reason:

In the interests of flood prevention in accordance Policy PD8 of the Adopted Derbyshire Dales Local Plan (2017).

15. Finished ground floor levels for the buildings shall be set a minimum of 300mm above the corresponding 1 in 100 year plus climate change flood level, unless otherwise agreed in writing by the Local Planning Authority in consultation with the Environment Agency.

Reason:

In the interests of flood prevention in accordance Policy PD8 of the Adopted Derbyshire Dales Local Plan (2017).

16. With the exception of the authorised demolition and clearance works, before the development is commenced, a scheme to demonstrate the new culverts can convey the 1 in 100 year plus climate change flood event, and have a soffit a minimum 600mm above the 1 in 100 year plus climate change flood level, shall be submitted for approval in writing by the Local Planning Authority. The works shall be carried out in full compliance with the recommendations and details to be submitted and any phasing/timetable embodied within the scheme.

Reason:

In the interests of flood prevention in accordance Policy PD8 of the Adopted Derbyshire Dales Local Plan (2017).

17. With the exception of the authorised demolition and clearance works, prior to the development commencing a detailed design, and associated management and maintenance plan, of surface water drainage for the site, in accordance with Defra non-statutory technical standards for sustainable drainage systems (March 2015) shall be submitted to and approved in writing by the Local Planning Authority. The approved drainage system shall be implemented in accordance with the approved detail prior to the use of the building commencing.

Reason:

In the interests of flood prevention in accordance Policy PD8 of the Adopted Derbyshire Dales Local Plan (2017).

18. With the exception of the authorised demolition and clearance works, before the development is commenced, a detailed assessment shall be provided to and approved in writing by the Local Planning Authority to demonstrate that the proposed destination for surface water accords with the hierarchy in Approved Document Part H of the Building Regulations 2000.

19. With the exception of the authorised demolition and clearance works, before the development is commenced, a surface water drainage scheme that incorporates an appropriate number of surface water treatment stages to protect the receiving waterbody from adverse impacts from the development has been submitted to and approved in writing by the Local Planning Authority.

Reason:

In the interests of flood prevention in accordance Policy PD8 of the Adopted Derbyshire Dales Local Plan (2017).

20. With the exception of the authorised demolition and clearance works, before the development is first brought into use, details of the means for fencing off the watercourse shall be submitted to and approved in writing by the Local Planning Authority. The approved works shall be carried out in accordance with the approved details prior to the first occupation of the buildings hereby approved.

Reason:

In the interests of public safety and to ensure the satisfactory appearance of the development to comply with Policies S1, PD1 and PD2 of the Adopted Derbyshire Dales Local Plan (2017).

21. Construction work shall only be carried out between the hours of 08.00 and 19.00 on Mondays to Fridays; 08:00 – 13:00 Saturdays on Saturdays and at no time on Sundays and Bank Holidays unless specifically agreed in writing by the Local Planning Authority beforehand.

Reason:

To safeguard the amenity of neighbouring residents and businesses to comply with Policies S1, PD1 and PD2 of the Adopted Derbyshire Dales Local Plan (2017).

22. With the exception of the authorised demolition and clearance works, before the development is commenced, details of the following matters shall be submitted to the Local Planning Authority for approval:
 - i. measures to assist pedestrians crossing Derby Road (B5023) in order to access existing southbound public transport bus stops,
 - ii. provision of a roadside footway, or other alternative pedestrian route, to provide a commodious link for pedestrians to access the northbound bus stop,
 - iii. any excavations / fill within 5m of the public highway, including details of any temporary support to ensure the integrity of the public highway is maintained during and after the works take place,
 - iv. Details of any culverts under proposed carriageways.

The approved details shall be fully implemented in a timescale to be agreed with the Local Planning Authority in advance of works commencing on site.

Reason:

In the interests of highway safety.

23. With the exception of the authorised demolition and clearance works, before the development is commenced, a temporary access for construction purposes shall be provided in accordance with a detailed design first submitted to and approved in writing by the Local Planning Authority; the design providing for appropriate geometry for construction vehicles and 2.4m x 114m visibility splays in each direction (measured to the nearside carriageway edge with no obstructions to visibility over 1m high permitted in advance of the sightlines). The access shall be retained in accordance with the approved scheme throughout the construction period or until such time as the permanent access is constructed, all as may be agreed in writing by the Local Planning Authority.

Reason:

In the interests of highway safety.

24. With the exception of the authorised demolition and clearance works, and excluding construction of the temporary accesses referred to in Condition 23 above, space shall be provided within the site for storage of plant and materials, site accommodation, loading, unloading and manoeuvring of goods 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.

25. With the exception of the authorised demolition and clearance works, before the development is commenced, a construction management plan or construction method statement shall be submitted to and been approved in writing by the Local Planning Authority. The approved plan/statement shall be adhered to throughout the construction period. The statement shall provide for:
- i. method of prevention of debris being carried onto highway,
 - ii. proposed temporary traffic restrictions,
 - iii. arrangements for turning vehicles,
 - iv. details of any roadside hoarding and access control measures at the site entrance(s).

Reason:

In the interests of highway safety.

26. With the exception of the authorised demolition and clearance works, before the development is commenced, construction details of the road and footways (including layout, levels, gradients, surfacing and means of surface water drainage) shall be submitted to and approved in writing by the Local Planning Authority and shall thereafter be provided in accordance with the approved details prior to the first occupation of the buildings hereby approved..

Reason:

In the interests of highway safety.

27. The carriageways, footways or margins of the proposed estate roads shall be constructed in accordance with Condition 26 above up to and including at least binder course level, prior to the first occupation of the building intended to take access from that road, to ensure that each building, prior to occupation, has a properly consolidated and surfaced carriageway and footway, between the dwelling and the existing highway. Until final surfacing is completed, the footway base course shall be provided in a manner to avoid any upstands to gullies, covers, kerbs or other such obstructions within or abutting the footway. The carriageways, footways, margins or footpaths in front of the buildings shall be completed with final surface course within twelve months (or six months in the case of a shared surface road) from the occupation of such dwelling, unless otherwise agreed in writing by the Local Planning Authority.

Reason:

In the interests of highway safety.

28. The Internal road junctions shall be provided with 2.4m x 25m visibility splays in each direction, or other such dimension as may be agreed with the Local Planning Authority, the area in advance of the sightlines being laid out as an extended footway/verge and not included in any plot or other sub-division of the site, to ensure there are no

obstructions to visibility over 1m high (600mm in the case of vegetation), relative to the nearside carriageway channel level for the life of the development.

Reason:

In the interests of highway safety.

29. Prior to occupation of any part of the development, the new permanent access to Derby Road (B5023) shall be laid out in accordance with drawing number 6805 (08) 51 with a minimum width carriageway of 5.5m flanked by 2m wide footways (on both sides of the street) and 10m junction radii. The new access shall be provided with minimum 2.4m x 114m visibility splays in each direction, the area in advance of the sightlines being laid out as an extended footway / verge and not included in any plot or other sub-division of the site, to ensure there are no obstructions to visibility over 1m high (600mm in the case of vegetation), relative to the nearside carriageway channel level for the life of the development.

Reason:

In the interests of highway safety.

30. No part of the buildings shall be occupied until space has been laid out within the respective site curtilages for the parking and manoeuvring of staff and visitors vehicles, in accordance with the application drawings. The car parking spaces shall be kept available for the parking of motor vehicles at all times.

Reason:

In the interests of highway safety and to comply with Policy HC21 of the Adopted Derbyshire Local Plan (2017).

31. Prior to the occupation of any part of the development, the parking and turning arrangements as indicated on the site masterplan (drawing number (08) 51), shall be laid out and constructed as may be agreed with the Local Planning Authority. The parking and turning arrangements being retained thereafter free from any impediment to their designated use for the life of the development.

Reason:

In the interests of highway safety.

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

Reason:

In the interests of highway safety.

33. 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.

34. With the exception of the authorised demolition and clearance works, before the development is commenced, a scheme for the disposal of highway surface water shall be 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 interests of highway safety.

35. No building hereby permitted shall be occupied until surface water drainage works have been implemented in accordance with details that have been submitted to and approved in writing by the Local Planning Authority. Before these details are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles set out in Annex F of PPS25 (or any subsequent version), and the results of the assessment provided to the Local Planning Authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:
- a. provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
 - b. include a timetable for its implementation; and
 - c. provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

Reason:

In the interests of highway safety.

36. No building or use hereby permitted shall be occupied or the use commenced until a Travel Plan comprising immediate, continuing and long-term measures to promote and encourage alternatives to single-occupancy car use has been prepared, submitted to and been approved in writing by the Local Planning Authority. The approved Travel Plan shall then be implemented, monitored and reviewed in accordance with the agreed travel Plan Targets.

Reason:

In the interests of promoting sustainable travel to comply with Policy HCTR2 of the Adopted Derbyshire Dales Local Plan (2005).

37. 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
- i) the programme and methodology of site investigation and recording
 - ii) the programme for post investigation assessment
 - iii) provision to be made for analysis of the site investigation and recording
 - iv) provision to be made for publication and dissemination of the analysis and records of the site investigation
 - v) provision to be made for archive deposition of the analysis and records of the site investigation

- vi) nomination of a competent person or persons/organization to undertake the works set out within the Written Scheme of Investigation"

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

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 (a) and the provision to be made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason:

To safeguard archaeological interests to comply with Policy PD2 of the Adopted Derbyshire Dales Local Plan (2017).

38. Prior to the first occupation of the buildings, details of a signage strategy for the buildings and the site shall be submitted to and approved in writing by the Local Planning Authority. The signage strategy shall thereafter be implemented in accordance with the approved details and any express advertisement consent that may be required.

Reason:

To ensure the satisfactory appearance of the development to comply with Policies S1, PD1 and PD2 of the Adopted Derbyshire Dales Local Plan (2017).

39. The commercial units hereby approved shall remain in their approved sizes and shall only be used for the purposes of uses within Use Class B1 of the Town and Country Planning (Use Classes) Order (2015) (as amended) unless otherwise agreed in writing by the Local Planning Authority subject to the approval of an application to vary this condition.

Reason:

To safeguard the amenity of the occupiers of residential and business properties in the locality to comply with Policies S1 and PD1 of the Adopted Derbyshire Dales Local Plan (2017).

NOTES TO APPLICANT:

1. The following are notes from the Local Highway Authority:
 - a. Pursuant to Section 38 and the Advance Payments Code of the Highways Act 1980, the proposed new estate roads should be laid out and constructed to adoptable standards and financially secured. Advice regarding the technical, financial, legal and administrative processes involved in achieving adoption of new residential roads may be obtained from the Strategic Director of the Economy, Transport and Communities Department at County Hall, Matlock (telephone : 01629 580000). The applicant is advised to allow approximately 16 weeks in any programme of works to obtain a Section 38 Agreement.
 - b. 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 (e.g. street sweeping) are taken to maintain the roads in the vicinity of the site to a satisfactory level of cleanliness.

- c. Pursuant to Section 163 of the Highways Act 1980, where the site curtilage slopes down towards the public highway / new estate street measures shall be taken to ensure that surface water run-off from within the site is not permitted to discharge across the footway margin. This usually takes the form of a dish channel or gully laid across the access immediately behind the back edge of the highway, discharging to a drain or soak-away within the site.
- d. Pursuant to Section 184 of the Highways Act 1980 and Section 86(4) of the New Roads and Streetworks Act 1991 prior notification shall be given to the Department of Economy Transport & Communities at County Hall, Matlock regarding access works within the highway. Information, and relevant application forms, regarding the undertaking of access works within highway limits is available via the County Council's website

http://www.derbyshire.gov.uk/transport_roads/roads_traffic/development_control/vehicular_access/default.asp ,
 email ETENetmanadmin@derbyshire.gov.uk or telephone Call Derbyshire on 01629 533190.
- e. Pursuant to Sections 219/220 of the Highways Act 1980, relating to the Advance Payments Code, where development takes place fronting new estate streets the Highway Authority is obliged to serve notice on the developer, under the provisions of the Act, to financially secure the cost of bringing up the estate streets up to adoptable standards at some future date. This takes the form of a cash deposit equal to the calculated construction costs, which needs to be deposited with the Highway Authority and may be held indefinitely. The developer normally discharges his obligations under this Act by producing a layout suitable for adoption and entering into an Agreement under Section 38 of the Highways Act 1980.
- f. Pursuant to Section 278 of the Highways Act 1980 and the provisions of the Traffic Management Act 2004, no works may commence within the limits of the public highway without the formal written Agreement of the County Council as Highway Authority. It must be ensured that public transport services in the vicinity of the site are not adversely affected by the development works. Advice regarding the technical, legal, administrative and financial processes involved in Section 278 Agreements may be obtained from the Strategic Director of the Economy, Transport and Communities Department at County Hall, Matlock (telephone: 01629 580000). The applicant is advised to allow approximately 16 weeks in any programme of works to obtain a Section 278 Agreement.
- g. Pursuant to Section 50 (Schedule 3) of the New Roads and Street Works Act 1991, before any excavation works are commenced within the limits of the public highway (including public Rights of Way), at least 6 weeks prior notification should be given to the Strategic Director of the Economy, Transport and Communities Department at County Hall, Matlock (telephone: 01629 533190 and ask for the New Roads and Street Works Section).
- h. Construction works are likely to require Traffic Management and advice regarding procedures should be sought from David Bailey, Traffic Management - telephone 01629 538685.
- i. The Highway Authority recommends that the first 5m of the proposed access driveway should not be surfaced with a loose material (i.e. unbound chippings or gravel etc.). In the event that loose material is transferred to the highway and is regarded as a hazard or nuisance to highway users the Authority reserves the right to take any necessary action against the householder.

- j. Under the provisions of the New Roads and Street Works Act 1991 and the Traffic Management Act 2004, all works that involve breaking up, resurfacing and / or reducing the width of the carriageway require a notice to be submitted to Derbyshire County Council. Works that involve road closures and / or are for a duration of more than 11 days require a three month notice; developers works will generally fall into this category. Developers and Utility companies (for associated services) should prepare programmes for all works that are required for the development, such that these can be approved through the coordination, noticing and licencing processes. This will require developers and Utility companies to work to agreed programmes and booked slots for each part of the works. Discussions should therefore take place with Derbyshire County Council's Highway Noticing Section, at County Hall, Matlock at the earliest stage possible.
- k. Derbyshire County Council strongly promotes Sustainable Drainage Systems (SuDS) to be incorporated within the design of a drainage strategy, applying the SuDS management train. The applicant should also seek to promote betterment or meet green-field runoff rates taking into account the impacts of climate change. For more advice regarding the County Council's requirements please contact flood.team@derbyshire.gov.uk .
2. The applicant should note that under the terms of the Wildlife and Countryside Act 1981 and Countryside and Rights of Way Act 2000, it is an offence to disturb nesting birds or roosting bats. You should note that the work hereby granted consent does not override the statutory protection afforded to these species and you are advised to seek expert advice if you suspect that the demolition would disturb any protected species. For further advice, please contact Natural England.
 3. The applicant is advised to contact the Council's Property Gazetteer Officer on 01629 761168 in connection with the formal naming of any new streets/roads and/or the numbering of any new properties hereby approved by this planning permission. Application forms can be downloaded from the Council's website at www.derbyshiredales.gov.uk
 4. Derbyshire County Council do not adopt any private SuDS schemes. As such, it should be confirmed prior to the commencement of works which organisations will be responsible for SuDS maintenance once the development is completed. Any works in or nearby to an ordinary watercourse require consent under the Land Drainage Act (1991) from DCC (e.g. an outfall that encroaches into the profile of the watercourse, etc.). Upon receipt of any application (including the legislative fee) the County Council has an 8 week legislative period in which to make a decision and either consent or object to the proposals. If the applicant wishes to make an application for any works, please contact Flood.Team@derbyshire.gov.uk.
 5. The Town and Country Planning (Fees for Applications, Deemed Applications and Site Visits) (England) Regulations 2012 as amended stipulate that a fee will henceforth be payable where a written request is received in accordance with Article 27 of the Development Management Procedure Order 2015 for the discharge of conditions attached to any planning permission. Where written confirmation is required that one or more conditions imposed on the same permission have been complied with, the fee chargeable by the Authority is £116 per request. The fee must be paid when the request is made and cannot be required retrospectively.
 6. The Local Planning Authority prior to the submission of the application and during its consideration engaged in a positive and proactive dialogue with the applicant relating to the principle of the development, its design and matters of flood risk.

7. This decision notice relates to the following documents:

Drawing Nos. 6803 (02) 01, (08)50, (08)51, (08)55 and (08)56 received on 19th November 2018

Design and Access Statement (with Heritage Impact Statement) received on 19th November 2018

Draft Framework Travel Plan received on 19th November 2018

Flood Risk Assessment received on 19th November 2018

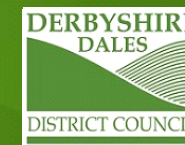
Preliminary Ecological Appraisal received on 19th November 2018.

BACK TO AGENDA

Active Enforcement Investigations

23 January 2019

15:28:16



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/18/00020	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/18/00101	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/18/00194	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	Installation of projecting coffee cup and beans to front window	Costa 14 St John Street Ashbourne Derbyshire DE6 1GH	Pending Consideration

ENF/19/00016	Installation of artificial grass to steps, neon internal signage and spotlights to Grade II Listed Building	5 Church Street Ashbourne Derbyshire DE6 1AE	Pending Consideration
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Ashbourne South

ENF/14/00070	Unauthorised internally illuminated signage above front of restaurant - 25 Dig Street, Ashbourne, DE6 1GF	25 Dig Street Ashbourne Derbyshire DE6 1GF	Pending Consideration
ENF/17/00038	Unauthorised works to listed building	Avanti Jewellers 2 - 4 Church Street Ashbourne Derbyshire DE6 1AE	Pending Consideration
ENF/18/00092	Holiday homes being used as permanent residences	Peak Gateway Leisure Club Osmaston Derbyshire DE6 1NA	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	Land South Of Leys Farm Wyaston Road Ashbourne Derbyshire	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/18/00164	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
ENF/18/00215	Erection of shed(s) on land forward of a principal elevation	7 Weaver Close Ashbourne Derbyshire DE6 1BS	Pending Consideration
ENF/18/00222	Breach of condition 16 of planning permission 16/00519/FUL - by failing to provide obscure glazing in the rear 1st floor east elevation windows of plots 4 and 5.	Former R Silcock Clothing Manufacturers Derby Road Ashbourne Derbyshire DE6 1BE	Notice Issued
ENF/18/00226	Unauthorised change of use of part of the building for residential purposes. 6A Henmore Trading Estate	Mr Wayne Travers 6A Henmore Trading Estate Mayfield Road Ashbourne Derbyshire DE6 1AS	Notice Issued
ENF/19/00007	Removal of Bin on development site (related planning application 14/00722/FUL)	Land Formerly Hillside Farm Wyaston Road Ashbourne Derbyshire DE6 1NB	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
ENF/18/00214	Use of dwelling approved under 17/00847/PDA for commercial business operations	Converted Barn At West Mammerton Farm Sutton Lane Longford Derbyshire DE6 3DE	Pending Consideration

Carsington Water

ENF/16/00034	Unauthorised erection of Dog kennels	Four Lane Ends Farm Gibfield Lane Hulland Ward Derbyshire DE6 3EJ	Pending Consideration
ENF/17/00041	Unauthorised change of use of land for the stationing of a static caravan for the purpose of human habitation	Barn At Arm Lees Farm Ryder Point Road Wirksworth Derbyshire	Notice Issued
ENF/17/00082	Unauthorised erection of raised platform on land within the conservation area and to the rear of Barnwood, Hopton, Wirksworth, Matlock, Derbyshire DE4 4DF	Barnwood Main Street Hopton Derbyshire DE4 4DF	Pending Consideration

ENF/17/00095	Unauthorised building works to create a roof over an existing muck store and unauthorised minor enlargement of approved building, 15/00493/FUL.	Turlow Fields Farm Turlowfields Lane Hognaston Derbyshire DE6 1PW	Pending Consideration
ENF/18/00013	Building not built in accordance with approved plans	Mulino Lodge Agnes Meadow Lane Kniveton Derbyshire DE6 1JR	Pending Consideration
ENF/18/00016	Unauthorised demolition/conversion of barn.	Barn At Arm Lees Farm Ryder Point Road Wirksworth Derbyshire	Pending Consideration
ENF/18/00057	Erection of fence to front of property in excess of 2 metres in height	Barney's Cottage Main Street Hognaston Derbyshire DE6 1PR	Pending Consideration
ENF/18/00105	Alterations not done in accordance with approved planning application 16/00912/LBALT	Brook Cottage Pethills Lane Kniveton Derbyshire DE6 1JN	Pending Consideration
ENF/18/00175	UNAUTHORISED ERECTION OF A NEW TWO STOREY BUILDING AT BARN 2, WALLANDS FARM, ASHBOURNE ROAD, BRASSINGTON, DERBYSHIRE, DE4 4DB	Wallands Farm Brassington Derbyshire DE4 4DB	Pending Consideration
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

Clifton And Bradley

ENF/18/00015	Unauthorised use of land for wood processing facility	Duke Of York Filling Station Mayfield Road Mayfield Ashbourne Derbyshire DE6 2BN	Pending Consideration
ENF/18/00047	Use of agricultural building as a lorry shed and creation of hardstanding	Wyaston House Farm Orchard Lane Wyaston Derbyshire DE6 2DR	Pending Consideration

ENF/18/00055	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
ENF/19/00002	Erection of shed in field	Land Between The A517 And Rear Of Kennels Cottages Yew Tree Lane Bradley Derbyshire	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 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/18/00086	Extension to agricultural building	St Elphins Cottage Blind Lane Hackney Derbyshire DE4 2QE	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
ENF/18/00219	Siting of Caravans and Tents at Ameycroft, Farley Hill	Ameycroft Farm Farley Hill Farley Derbyshire DE4 5LR	Pending Consideration
ENF/18/00224	Erection of sign and possible business activity	Fintry House 18A Old Hackney Lane Hackney Derbyshire DE4 2QL	Pending Consideration
ENF/19/00009	Formation of a equestrian menage and engineering works being carried out to rear of property	Morfu Farley Hill Matlock Derbyshire DE4 5LT	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
ENF/19/00017	Unauthorised commencement of development prior to correctly discharging planning conditions relating to planning permissions 15/00389/OUT - residention development of upto 70 dwellings and 18/00891/REM - Approval of reserved matters for the erection of 62 dwellings- Land East of Bakers Lane, Doveridge	Land To The East Of Bakers Lane 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 outlined and hatched green on the 1:2500 and 1:1000 Scale attached plans, as a dwellinghouse (Use Class C3).	Blackbrook Lodge Farm Intakes Lane Turnditch Derbyshire DE56 2LU	Pending Consideration
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
ENF/19/00001	Storage of wood in yard area and planting of trees	Land To The North West Of Smith Hall Farm Smith Hall Lane Hulland Ward Derbyshire	Pending Consideration

Masson

ENF/13/00108	Unauthorised works to Grade II Listed Building	Corn Mill Cottage Water Lane Cromford Derbyshire DE4 3QH	Notice Issued
ENF/15/00054	Unauthorised alterations to a Grade II Listed Building.	Rita's Fish Bar 182 South Parade Matlock Bath Derbyshire DE4 3NR	Pending Consideration
ENF/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.	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
ENF/18/00210	Erection of terraces to provide seating area	The Tors Cafe Derby Road Cromford Derbyshire DE4 3RP	Pending Consideration
ENF/18/00211	Unauthorised building of 3 bay lambing shed on land at Woodseats Farm, Cromford	Woodseats Farm Willersley Lane Cromford Derbyshire DE4 5JG	Pending Consideration
ENF/19/00012	Breach of condition 6 (opening hours) of planning application 11/00504/FUL	Cromford Hill Hand Car Wash 161 The Hill Cromford Derbyshire DE4 3QU	Pending Consideration
ENF/19/00014	Erection of advertisement hoardings		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
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ENF/18/00042	Unauthorised alteration of shop frontage	Turkish Delight 57 Dale Road Matlock Derbyshire DE4 3LT	Notice Issued
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/18/00183	Shared driveway being used for storage in association with a business	Land Between 23 & 27 Cavendish Road Matlock Derbyshire	Pending Consideration
ENF/18/00223	Boundary Dispute	Wellfield Cottage Rutland Street Matlock Derbyshire DE4 3GN	Pending Consideration
ENF/18/00225	Operation of a brewery	South Barn Wolds Farm 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/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/18/00063	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/18/00097	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/18/00171	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
ENF/18/00213	Erection of front porch	7 The Rocks Tansley Derbyshire DE4 5ES	Pending Consideration
ENF/19/00003	Landscaping works	Land South West Of 116 Church Street Matlock Derbyshire	Pending Consideration
ENF/19/00008	Use of land for the parking of vehicles, unloading and storage of aggregates, unloading and storage of domestic and business waste and as a personal allotment with a greenhouse	Land To The Rear Of Sunnyside Farm Riber Road Riber Matlock Derbyshire DE4 5JU	Pending Consideration
ENF/19/00011	Erection of lighting on premises	Matlock Gurkha Inn Alfreton Road The Cliff Tansley Derbyshire DE4 5FY	Pending Consideration
ENF/19/00015	Formation of access onto a classified road (A615)	The Cottage Alfreton Road The Cliff Matlock Derbyshire DE4 5EZ	Pending Consideration

Norbury

ENF/14/00030	Change of use of land from use for Microlight flying to use for the flying of Biplane aircraft.	Airways Airsports Darley Moor Airfield Darley Moor Ashbourne Derbyshire DE6 2ET	Pending Consideration
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ENF/17/00056	Unauthorised engineering works to facilitate access at Old House Farm, Can Alley, Roston, Derbyshire	Old House Farm Can Alley Roston Derbyshire DE6 2EF	Pending Consideration
ENF/17/00113	Unauthorised engineering works to facilitate what appears to be a hard standing area for the base of a garage.	Old Barn Riggs Lane Marston Montgomery Derbyshire DE6 2FD	Pending Consideration
ENF/17/00137	Change of use of agricultural land for the siting of 2 caravans for human habitation	Shaw Lane Farm Shaw Lane Marston Montgomery Derbyshire DE6 2FJ	Notice Issued
ENF/17/00156	Unauthorised engineering works to create a vehicular access to the holiday lets from the Roston Inn car park	Roston Inn Mill Lane Roston Derbyshire DE6 2EE	Pending Consideration
ENF/18/00089	Siting of a caravan in agricultural field	"Doles" Field Adj. The Elms And Elms Farmhouse Church Lane Cubley Derbyshire	Pending Consideration
ENF/18/00142	Siting of shipping container	Land Off Rodsley Lane Yeaveley Derbyshire	Pending Consideration
ENF/18/00147	Siting of a shipping container		Pending Consideration
ENF/18/00149	Alteration to listed building, enlarged window in gable end to west facing elevation.	Listed Barn At Waldley Manor Waldley Lane Waldley Doveridge Derbyshire	Pending Consideration
ENF/18/00158	Breach of condition 2 and 4 of planning permission 15/00299/FUL - Partial change of use of agricultural storage building to boarding kennels and associated building operations and car parking area	Honeysuckle Farm Shirley Lane Rodsley Derbyshire DE6 3AQ	Pending Consideration
ENF/18/00218	Use of area of hard standing	Marston Brook Farm Barway Marston Montgomery Derbyshire ST14 5BT	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
ENF/19/00018	Creation of soil platform	Land Adjacent Rowsley Bar Farm Chesterfield Road Rowsley Derbyshire	Pending Consideration

Winster And South Darley

ENF/18/00122	Unauthorised erection of garage	Stags House 35 Main Road Darley Bridge Derbyshire DE4 2JY	Pending Consideration
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/17/00153	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	4 New Road Middleton By Wirksworth Derbyshire DE4 4NA	Pending Consideration
ENF/18/00216	Breach of conditions 3 and 4 of planning permission 15/00793/FUL - Conversion and extension of garage to form dependant relative unit.	38 West End Wirksworth Derbyshire DE4 4EG	Pending Consideration
ENF/18/00220	Unauthorised surfacing of car parking areas, provision of car park extension	Haarlem Mill Derby Road Wirksworth Derbyshire	Pending Consideration
ENF/18/00221	Unauthorised Banner Advertisements		Pending Consideration
ENF/18/00227	Alleged unauthorised static caravan on land at The Racecourse, Hardhurst Farm, Ashleyhay, Wirksworth	Gorsey Bank Fields Farm Hey Lane Wirksworth Derbyshire DE4 4AF	Pending Consideration
ENF/19/00004	Installation of hot tub	Stowe Cottage 4 New Road Middleton By Wirksworth Derbyshire DE4 4NA	Pending Consideration
ENF/19/00005	Unfinished Wall	Land Opposite 86 Greenhill Wirksworth Derbyshire	Pending Consideration
ENF/19/00010	Unauthorised replacement window - The Gate House	3 Gate House Gatehouse Drive Wirksworth Derbyshire DE4 4DL	Pending Consideration

Total Open Cases

185

Enforcement Investigations Closed

In the 6 Months Prior to 23/01/2019



Ashbourne North

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	Justification from Officer	12/12/2018
ENF/18/00066	Erection of gazebo style structure being used as a garage	52 St Oswald Crescent Ashbourne Derbyshire DE6 1FS	Complied Voluntarily	18/12/2018
ENF/18/00143	Erection of Flag Pole	Beechcroft 6A North Avenue Ashbourne Derbyshire DE6 1EZ	Complaint Unfounded	03/10/2018
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	Not in the Public interest to pursue	12/12/2018

Ashbourne South

ENF/18/00018	Breach of Condition 1 of Planning Application Reference No. 17/00828/FUL	47 South Street Ashbourne Derbyshire DE6 1DP	Complied Voluntarily	11/12/2018
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/18/00059	Development approved under application code ref. 16/00601/FUL not built in accordance with approved plans	7 Weaver Close Ashbourne Derbyshire DE6 1BS	Complaint Unfounded	30/11/2018
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	Justification from Officer	21/01/2019
ENF/18/00120	Soil Dust from Development site - Breach of Condition 3 of 15/00319/OUT and Condition 7 of 17/00250/REM	Land South Of Leys Farm Wyaston Road Ashbourne Derbyshire	Justification from Officer	21/01/2019
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/18/00150	Vibration caused by construction of development 17/00250/REM	Land South Of Leys Farm Wyaston Road Ashbourne Derbyshire	Justification from Officer	21/01/2019

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

Clifton And Bradley

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	Notice complied with	18/12/2018
ENF/18/00072	Installation of external lighting	Snelston House Sides Lane Snelston Derbyshire DE6 2EN	Not in the Public interest to pursue	06/08/2018
ENF/18/00133	Breach of condition 3 of planning permission 16/00311/FUL (construction materials to match existing building)	3 The Greenacre Clifton Derbyshire DE6 2DW	Not in the Public interest to pursue	25/07/2018

Darley Dale

ENF/17/00142	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/18/00085	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	Justification from Officer	30/11/2018
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

Hulland

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/15/00104	Unauthorised internal works and demolition of external boundary wall.	Mill Managers House Cromford Mill Mill Road Cromford Derbyshire DE4 3RQ	Notice complied with	30/11/2018
ENF/16/00041	Unauthorised installation of plastic windows and door.	2,4,6 North Parade Matlock Bath Derbyshire DE4 3NS	Notice complied with	22/01/2019
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/18/00039	Unauthorised Internal and External Alterations to a Listed Building	21 The Hill Cromford Derbyshire DE4 3RF	Planning Application Received	04/10/2018
ENF/18/00116	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
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Matlock All Saints

ENF/17/00043	Engineering operations to create a raised patio area.	161 Smedley Street Matlock Derbyshire DE4 3JG	Justification from Officer	09/01/2019
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/18/00001	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	Complaint Unfounded	28/11/2018
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	Justification from Officer	14/01/2019
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/18/00084	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/18/00104	Unauthorised erection of an extension and associated retaining works	Formerly 46 Jackson Road Matlock Derbyshire DE4 3JQ	Complied Voluntarily	04/01/2019
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
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Matlock St Giles

ENF/16/00089	Breaches of Planning Control	ALS Scaffolding Services Limited Sunnyside Farm Whitelea Lane Tansley Derbyshire DE4 5FL	Notice complied with	26/11/2018
ENF/18/00044	Breach of condition 7 of planning permission 15/00566/FUL	Hilltops View Garage Courtyard Hazel Grove Matlock Derbyshire	Complied Voluntarily	14/01/2019
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/18/00094	Breach of Condition 5 of planning application 17/00025/REM (Hours of Operation)	Land At Asker Lane Matlock Derbyshire	Complied Voluntarily	22/11/2018
ENF/18/00134	Erection of a Boundary Fence	14 Lumsdale Crescent Matlock Derbyshire DE4 3EX	Complaint Unfounded	25/07/2018
ENF/18/00163	Installation of new shopfront	Costcutters Supermarket Lynholmes Road Matlock Derbyshire DE4 3DW	Planning Application Received	04/12/2018

Norbury

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	Planning Application Received	07/12/2018
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	Justification from Officer	12/12/2018
ENF/18/00170	Roof alterations to Bungalow	The Firs Rodsley Lane Yeaveley 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
ENF/18/00212	Erection of additional stabling, excavation works, installation of a TV aerial to building and site being used for equestrian purposes rather than agricultural purposes	North Park Farm Whitworth Road Darley Dale Derbyshire DE4 2HJ	Complaint Unfounded	10/12/2018

Winster And South Darley

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

ENF/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/17/00140	Unauthorised building works to raise the height of building approved under 16/00536/FUL	5 Cromford Road Wirksworth Derbyshire DE4 4FH	Not in the Public interest to pursue	14/01/2019
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/18/00161	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 **69**

BACK TO AGENDA

NOT CONFIDENTIAL - For public releasePLANNING COMMITTEE – 5th February 2019**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
18/00662/LBALT	Brook Cottage, Pethills Lane, Kniveton	WR	Appeal being processed
18/00696/FUL	Norman House, Painters Lane, Brailsford	WR	Appeal being processed
18/00843/FUL	3 Rectory Gardens, Main Road, Sudbury	HH	Appeal being processed
ENF/15/00024	Land at Blackbrook Lodge Caravan & Camping, Intakes Lane, Turnditch	PI	Appeal being processed
18/00140/FUL	Land to the north west of Smith Hall Farm, Smith Hall Lane, Hulland Ward	WR	Appeal being processed
18/00356/PDP	The Old Flower Warehouse, Station Yard, Watery Lane, Clifton	WR	Appeal being processed
Central			
18/00318/FUL	The Studio, 2 Wirksworth Hall Farm, Wash Green, Wirksworth	WR	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

18/00922/FUL	Matlock Ford, 31-33 Causeway Lane, Matlock	PI	Appeal being processed
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WR - Written Representations

IH - Informal Hearing

PI – Public Inquiry

LI - Local Inquiry

HH - Householder

OFFICER RECOMMENDATION:

That the report be noted.

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