

This information is available free of charge in electronic, audio, Braille and large print versions on request.

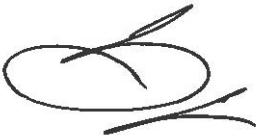
For assistance in understanding or reading this document or specific information about this Agenda or on the "Public Participation" initiative please call the Committee Team on 01629 761133 or email [committee@derbyshiredales.gov.uk](mailto:committee@derbyshiredales.gov.uk)

04 March 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 12 March 2019 at 6.00pm at The Venue, Wyaston Road, Ashbourne DE6 1NB.**

Yours sincerely



Sandra Lamb  
Head of Corporate Services

## **AGENDA**

**SITE VISITS:** The Committee is advised a coach will leave The Venue, Ashbourne at 3.00pm prompt. A schedule detailing the sites to be visited is attached to the Agenda.

### **1. APOLOGIES/SUBSTITUTES**

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

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

Planning Committee – 05 February 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](http://www.derbyshiredales.gov.uk/attendameeting). Alternatively email [committee@derbyshiredales.gov.uk](mailto:committee@derbyshiredales.gov.uk) or telephone 01629 761133.

	<b>Page No.</b>
<b>4.1 APPLICATION NO. 18/01261/REM (Site Visit)</b>	<b>06 - 19</b>
Approval of reserved matters for the erection of one dwelling (outline planning application 15/00276/OUT) at Land to the West of Field House, Starth Lane, Tansley.	
<b>4.2 APPLICATION NO. 18/00859/FUL (Site Visit)</b>	<b>20 - 28</b>
Use of ground floor as an adult gaming centre (Sui Generis use) at 1 Union Street, Ashbourne, DE6 1FG.	
<b>4.3 APPLICATION NO. 18/01346/REM</b>	<b>29 – 41</b>
Approval of reserved matters for the erection of 33 dwellings at Land adjacent to Biggin View, Hulland Ward.	
<b>4.4 APPLICATION NO. 19/00073/REM</b>	<b>42 – 53</b>
Reserved matters application for the approval of layout, appearance and landscaping for re-planned plots 8-16, 40-47 and 51-76 resulting in a reduction of overall plots to 110 (outline permission 15/00319/OUT) at Leys Farm, Wyaston Road, Ashbourne.	
<b>5. INFORMATION ON ACTIVE AND CLOSED ENFORCEMENT INVESTIGATIONS</b>	<b>54 – 73</b>
<b>6. APPEALS PROGRESS REPORT</b>	<b>74 - 99</b>
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 Venue, Wyaston Road, Ashbourne DE6 1NB at **3.00pm prompt** for the following site visits:

	<b>Page No.</b>
<b>3.40pm APPLICATION NO. 18/01261/REM</b>	<b>06 - 19</b>
<b>LAND TO THE WEST OF FIELD HOUSE, STARTH LANE, TANSLEY.</b>	
At the request of Officers to allow Members to consider the appropriateness of the appearance, layout and scale of the proposed dwelling, the site access and associated landscaping and the impact of the development on the local environment.	
<b>4.40pm APPLICATION NO. 18/00859/FUL</b>	<b>20 - 28</b>
<b>1 UNION STREET, ASHBOURNE DE6 1FG.</b>	
At the request of Members at the Planning Committee meeting of 15 <sup>th</sup> January 2019.	
<b>5.00pm RETURN TO THE VENUE, ASHBOURNE</b>	

## **COMMITTEE SITE MEETING PROCEDURE**

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

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

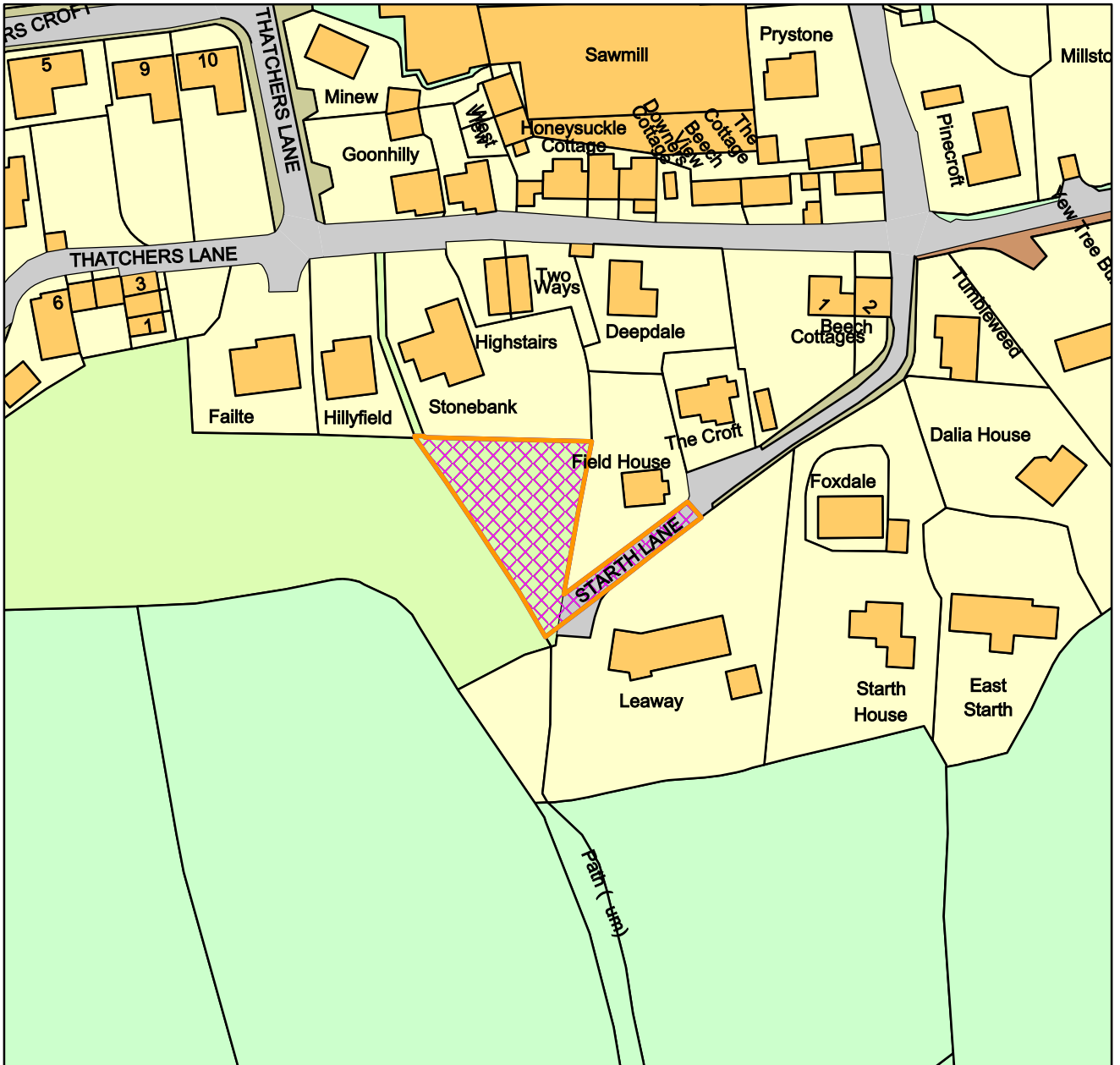
<b>APPLICATION NUMBER</b>		18/01261/REM	
<b>SITE ADDRESS:</b>		Land to the West of Field House, Starth Lane, Tansley	
<b>DESCRIPTION OF DEVELOPMENT</b>		Approval of reserved matters for the erection of one dwelling (outline planning application 15/00276/OUT)	
<b>CASE OFFICER</b>	Mr Chris Whitmore	<b>APPLICANT</b>	Mr John Harrison
<b>PARISH/TOWN</b>	Tansley	<b>AGENT</b>	None
<b>WARD MEMBER(S)</b>	Cllr. S. Flitter Cllr J. Stevens Cllr. D. Botham	<b>DETERMINATION TARGET</b>	1 <sup>st</sup> March 2019
<b>REASON FOR DETERMINATION BY COMMITTEE</b>	Ward member request and more than 5 unresolved objections received.	<b>REASON FOR SITE VISIT (IF APPLICABLE)</b>	To consider the appropriateness of the appearance, layout and scale of the proposed dwelling, the site access and associated landscaping and the impact of the development on the local environment.

<b>MATERIAL PLANNING ISSUES</b>
<ul style="list-style-type: none"> <li>• Background;</li> <li>• The appropriateness of the appearance, layout and scale of the proposed dwelling, the site access and associated landscaping, and;</li> <li>• The impact of the development on the local environment, including the route of adjacent public footpaths, land stability and drainage and the residential amenity of the occupants of nearby dwellings.</li> </ul>

<b>RECOMMENDATION</b>
Approval with conditions.

18/01261/REM

Land to west of Field House, Starth Lane, Tansley



Derbyshire Dales DC

1:1,250

Date: 04/03/2019

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

## 1. THE SITE AND SURROUNDINGS

- 1.1 The application site comprises part of a steeply sloping field, some 0.09ha in area, on the edge of the settlement of Tansley. It is located within the countryside, but directly adjoins the settlement. The site is triangular in shape and bound on two sides by existing residential development, with detached dwellings to the north and east (see photographs 1 and 2). A public footpath (no. 8 Tansley) extends along the south western boundary of the site, beyond which is open countryside. There are long distance views from the site of the surrounding landscape to the north (see photograph 3). Access to the site is through a five bar timber gate off Starth Lane (see photograph 4).



(Photograph 1)



(Photograph 2)



(Photograph 3)



(Photograph 4)

## 2. DETAILS OF THE APPLICATION

- 2.1 This application follows outline application code ref. 15/00276/OUT for the erection of a dwelling (outline) which was allowed at appeal on the 12<sup>th</sup> May 2016. Approval is sought for approval of all matters which were reserved, including access, appearance, landscaping, layout and scale.
- 2.2 It is proposed to construct a two storey dwelling on the site, which will be built into the hillside so that only the northern aspect is a full two storeys high above ground level. The dwelling is shown to be sited at the southern end of the site, beyond a new area of hardstanding and turntable to be formed on the level with the existing access. The proposed dwellinghouse will accommodate approximately 150 square metres of habitable floorspace. The ground floor will accommodate two bedrooms, a study and bathroom. Above this, at first floor will be the main living accommodation, comprising a dining room, living room,



kitchen and a guest bedroom. A basement is to be located underneath the parking area. Following submission of the application, amended plans have been received which have made minor changes to the building form and window positions / designs. Further information on design details and finishes, landscaping, ecological and drainage and ground conditions has also been provided.

- 2.3 The proposed dwelling is of a contemporary design, which incorporates a shallow dual pitched roof, with cut out sections and feature windows. It is proposed to face the ground floor of the building and retaining walls (including a freestanding wall to the north of the dwelling to terrace the garden) in local undressed coursed stone and the first floor in vertical grey stained Larch boards. Timber windows and doors are also proposed. The roof is to be faced in grey metal sheets with a standing seam detail.
- 2.4 The applicant in a supporting Design and Access Statement states the following in respect of the design concept:

*Given the need for a building with a low-pitched roof and generally squat proportions (to protect the outlook and residential amenity of the occupants of neighbouring dwellings), it was realised that a contemporary design would be the most appropriate solution. However, we wanted finishes that would soften with age, and to avoid large slender or unframed areas of glass, particularly to avoid overlooking issues on the north and especially eastern aspects. The recently built "High Edge" at nearby Riber struck us as a good example of what we wished to achieve in terms of finishes and proportions, albeit not with its' fenestration detailing. Instead, we propose to use larch not only as the upper storey cladding but also in the thick section window framing with deep 'fin' mullions. Larch and local undressed, coursed stone seem to complement each other as they weather and would also relate well to the dry stone walls evident around the site and also proposed as a retaining wall to the elevated parking area.*

- 2.5 The landscaping and planting scheme submitted by the applicant shows a new native hedgerow along the south western boundary between the development site and public footpath. New planting is proposed along the northern boundary, comprising White Currant, Penstemon, Acer, Ferns and Erysimum. Some 'screening planting' running west to east beyond garden retaining wall is also proposed. The existing Ferns and Hawthorn along the eastern boundary are shown to be retained. This plan is in conformity with the mitigation measures contained within the preliminary ecological survey by United Environmental Services, which accompanied the original outline application dated 9<sup>th</sup> October 2015. The driveway / parking area is to be surfaced in self binding fine limestone and will accommodate a turntable to facilitate parking and manoeuvring for up to three cars.

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

- 3.1 Adopted Derbyshire Dales Local Plan (2017):

S1	Sustainable Development Principles
S4	Development in the Countryside
PD1	Design and Place Making
PD3	Biodiversity and the Natural Environment
PD5	Landscape Character
PD8	Flood Risk Management and Water Quality
HC1	Location of Housing Development
HC19	Accessibility and Transport
HC21	Car Parking Standards

Other:

National Planning Policy Framework (2019)  
National Planning Practice Guide

#### 4. RELEVANT PLANNING HISTORY

15/00276/OUT          Erection of Dwellinghouse (Outline)          Allowed at Appeal

#### 5. CONSULTATIONS

##### 5.1 Tansley Parish Council:

Unable to reach a decision as the information requested and set out in the conditions at appeal are missing. The Parish Council also raise concerns that the amended documentation submitted with the original outline application was not made publicly available prior to being sent to the Planning Inspectorate.

The Parish Council claim that the site has no direct access onto Starth Lane, and that the ownership of the lane has been retained by the previous applicant. With regard to parking and manoeuvring the Parish Council note that the original application showed manoeuvring to be outside of the application site area on a green field. They also note that the original proposal to maintain a 2 metre wide path appeared to have changed and comment that the work has been carried out which has altered the public right of way.

The use of a metal sheet roof is considered to be totally out of keeping with the area and will not merge into the landscape. The Parish Council also comment that there is no robust drainage plan.

##### 5.2 Derbyshire County Council (Highways):

Commenting on the original application documentation, the Local Highway Authority advised that the proposed level of parking was acceptable in principle, however, requested that the application be held in abeyance until a plan was submitted which demonstrated the parking and manovering of three vehicles within the site.

##### 5.3 Derbyshire Wildlife Trust:

Commenting on the original application documentation, Derbyshire Wildlife Trust advised that a landscape or mitigation plan should be submitted which ensured compliance with condition 6 of the original outline permission, including details of the proposed native hedgerow on the south western boundary and locations and types of bird boxes. The Trust also recommended that compliance with the Reasonable Avoidance Measures contained within the Preliminary Ecological Appraisal be confirmed by the applicant.

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

Initially commented that the application did not appear to comply with the requirements of condition 5 of outline application code ref. 15/00276/OUT, as no ground investigation or drainage strategy had been submitted.

Having reviewed the aforementioned documentation, which was submitted to the Local Planning Authority on the 14<sup>th</sup> February the LLFA make the following observations:

According to the proposals the applicant is proposing to discharge surface water to an existing foul drainage network, which outfalls to an existing combined sewer in Thatchers

Lane. This would go against Document Part H of the Building Regulations 2000.

The applicant should dispose of surface water via a separate drainage network as opposed to draining to a foul sewer.

#### 5.5 Peak and Northern Footpaths Society:

There appears to be no acknowledgement that there would be 2 public footpaths affected: Footpaths 7 and 8 Tansley. I cannot tell from the application documents if the legal lines and widths of these paths have been respected. Will the movement of vehicles and the deposit of stored items in or on the "site turning and storage area" interfere with FP 8? Will there be new fences or hedges across either of these paths? There would be no legal grounds for the installation of gates to allow walkers to continue to use the paths in any such new fences/hedges. The County Council's rights of way officer must be consulted about this application to ensure that the public interest is protected.

### 6. REPRESENTATIONS

6.1 Representations have been received from 7 local residents objecting to the proposed development. Multiple representations have been received from some local residents, based on the original application and further information received / amendments made. Their comments can be summarised as follows:

#### Original scheme

##### *Residential Amenity*

- The position of the proposed dwelling is high up in the plot, which will affect our privacy and amenity.
- The cross section showing Leaway and Stonebank demonstrates that there will be direct overlooking of the lounge, sitting room, bedroom and back garden of this property.
- Our privacy concerns have not been addressed following consultation.
- The elevation drawings show the main lounge window to the upper floor in the north west corner of the building. This will provide intrusive views into our bedroom and bathroom windows.

##### *Highway Matters*

- The dwelling should be moved further down the field so that there is more room for parking and manoeuvring of vehicles.
- We widened the footpath to be able to gain vehicular access to our property and want a guarantee that the route will not be obstructed and a vehicular right of way maintained at all times.
- Thatchers Lane and Alders Lane will not sustain the large vehicles up and down the narrow lanes.
- No mention is made to reinstating the lane after all the increased building traffic to access the site. What can be done? and will Starth Lane need to be adopted as 9 houses will have access off this lane.
- Manoeuvring would be on third party land.

##### *Impact on Public Footpaths*

- The footpath should not be moved and a hedge planted along its full length.
- The applicant has moved the route of the public footpath and has installed two stone steps.
- The proposed plan does not outline maintenance of a 2m wide public right of way.

- The public right of way would be across the proposed driveway for a parked car and small turning circle.

### *Land Drainage and Flooding*

- When the wildlife pond and soakaways are full this will lead to flooding.
- No drawings have been submitted which show the location of the storage tank or indication given of where this will overflow to. My property would be vulnerable to any increase in water flows.
- There is no site plan showing drainage pond and services.
- The foul drainage drawing is not available to view.
- The idea of planting Willow trees to assist with drainage is not practical or viable and will lead to additional problems with surface water flooding.

### *The dwellings design / appearance*

- The proposed building looks like a shed and does not fit into the area at all.
- The original scheme proposed a sedum roof. A grey standing seam metal roof is now proposed, with guttering hidden behind fascias.
- There is very little descriptions of construction details and materials on the drawings.
- The dwelling would not blend in with the existing properties.
- The characteristics of the dwelling are not in-keeping with the rest of the village and the immediate surrounding properties on Starth Lane and Thatchers Lane. The proposed dwelling is situated in a prominent landscape that includes the green corridor which can be seen from a number of viewing points across Tansley and should therefore reflect the characteristics and aesthetics need to be in-keeping with the rest of the village.

### *Other matters*

- No agreement is in place with Field House regarding services and drainage.
- Notice was only recently served on us. We did not know that the block plan was amended in respect of the outline application to include Starth Lane and no notice was served on us. Surely a serious error was made by the District Council in this respect.
- Willow trees are not recommended in an urban environment.

### Comments on the additional information / amended scheme

- We reiterate our concerns that the development will provide intrusive views of our property.
- The applicant has tried to blend in the roof-lines to mitigate some of the negative impact of the construction. Whilst this attempt is welcomed it is not attractive. It demonstrates why the original decision to refuse permission was the correct one.
- The applicant has indicated that it will be OK to take his sewage into Field House. Also Severn Trent may agree to rain water off the road if there is no other way.
- I have been informed that 80-100 cubic metres of excavated material will be put behind my fence. Will I get a landslide as well as flooding when we get a heavy rain storm.
- The building will be faced in 50% stone and 50% cladding.
- The applicant will not be able to access his land without traversing private land that is within the ownership of Leaway.
- There is no room for parking on the single track, and reversing down it would be extremely difficult and dangerous. Living above the proposed site we need to access our property at all times and will not allow any turning or parking within our curtilage.
- Accurate site location and block plans should be submitted.
- After reading the new documents and drawings, Document R1947-001 Peak Engineers after excavating the Trial Pits 750mm down for the stability of the ground and shown on the Topographic Survey 20 July 2018 drawing, but I can't see if a PERK Test was done for

the number 1 & 2 soakaways? In heavy rain will the two soakaways cope with the down pours we seem to be getting now days (this need to be proven before the build).

- From the Berrys plan 2015 drawing No NA19130/01 showing New Native hedge going from the bottom of the plot to the top of the plot 45m, Now 20 July 2018 there is only 25m from the bottom of the plot.
- On the landscaping drawing a retaining wall 1.2m high will be erected, will this area and wall hold the 80 to 100 cubic meters of excavated material back?
- Revised Parking & Manoeuvring area drawing have now changed to a two parking bays, (DCC requested a plan to show tree vehicles parking), were do visitors or delivery's vehicles park as there is no room on Starth Lane and its very limited on Thatchers Lane, also between the stone gate posts it indicates a 4m between them But it's only 3m between on site, and as the Landscaping drawing shows 3m.
- How will Mr Harrison access his land when it's within the ownership of Leaway and Mr A. Lewis?

## 7. OFFICER APPRAISAL

### Background

- 7.1 As set out in section 2.0 of this report outline planning permission has been allowed at appeal to erect a dwellinghouse at the site under application code ref. 15/00276/OUT, with all matters (scale, layout, appearance, access and landscaping) reserved for subsequent approval. This application seeks approval of the aforementioned reserved matters.
- 7.2 Reference is made in the consultations responses and representations received to local residents and the Parish Council not being aware of an amended site location plan, upon which the appeal decision was made. This plan arises from the request of officers during the consideration of outline application 15/00276/FUL for the applicant to include sufficient land within the red edged site area for access to the site from a public highway. Although a public footpath is a public highway, notice was served on the owners of Leaway, who from land registry information claim to have a right of way over the section of highway edged red and permission was granted on the basis that vehicular access to the site could be achieved. The applicant maintains that the field, which the application site forms part, benefits from historical vehicular access from Thatchers Lane (the nearest non-classified public road) and that there is no clear ownership of Starth Lane. There is no registration of land ownership of the lane with Land Registry at the time of writing this report. Notwithstanding that outline planning permission has already been granted on the basis that vehicular access can be achieved the Local Planning Authority has no reason to dispute the applicants claim.
- 7.3 In granting outline planning permission the appointed Inspector imposed a number of conditions, which required information / details to be submitted as part of any future approval of reserved matters application. This information has been submitted by the applicant and will be assessed as part of consideration of the main issues, which having regard to reserved matters for approval, the consultation responses and representations received relevant provisions of the development plan are the appropriateness of the appearance, layout and scale of the proposed dwelling, the site access and associated landscaping and the impact of the development on the local environment, including the route of adjacent public footpaths, land stability and drainage and the residential amenity of the occupants of nearby dwellings.

*The appropriateness of the appearance, layout and scale of the proposed dwelling, the site access and associated landscaping*

- 7.4 Policy S4 of the Adopted Derbyshire Local Plan 2017 deals with development in the countryside and seeks to ensure that new development protects and, where possible, enhances the landscape's intrinsic character and distinctiveness. Policy PD1 requires

development to be of high quality design that respects the character, identity and context of the Derbyshire Dales landscapes and contribute positively to an area's character, history and identity in terms of scale, height, density, appearance and materials. Concern has been raised by local residents that the design of the proposed dwelling would not be in-keeping with its surroundings and would be prominently sited in the landscape.

- 7.5 In justifying the siting, scale, and appearance of the proposed dwelling the applicant points to the mix of house designs and styles in the immediate vicinity of the application site. Whilst the proposed dwelling would be positioned further south than illustrated in the drawings that accompanied outline application 15/00276/REM, it will be built into the hillside and will have a low slung / profile roof. The dwelling has been purposely positioned and designed to not affect the views from Field House and to sit below the cill height of the nearest window of Leaway.
- 7.6 In allowing outline application code ref. 15/00276/OUT the appointed Inspector noted that local views looking towards the appeal site from the tracks and roads within the area and the adjacent public were dominated by the surrounding existing development, particularly dwellings to the south and south east which are significantly elevated above the site. They considered that the visual impact of the development on landscape character would be limited when viewed in the context of the wider area.
- 7.7 It is considered that the siting and scale of the proposed dwelling would not appear unduly prominent in the landscape. The building would have a contemporary, quasi-agricultural form and appearance, which is considered to be appropriate having regard to the sites location on the fringes of the settlement and the transition between existing built development and countryside beyond. The use of natural stone to the ground floor would have some affinity with existing stone dwellings, which border the site. The use of timber would reflect the more ephemeral materials used in the construction of farm buildings and the recently approved contemporary dwellings to the north off Oak Tree Gardens which are of a modern and innovative design with stepped elevations, large windows, zinc roofs and walls faced in timber cladding (at upper floor level) and stone. It is considered that the proposed dwelling would also be of an equally interesting and innovative design that would contribute positively to the sites identity and the character. The applicant has presented drawings detailing the finishes and elevation details following concerns raised by local residents. Such details and finishes will need to be carefully controlled by condition to ensure a satisfactory external appearance of the development.
- 7.8 A landscaping and planting scheme has been submitted with the application, which shows the planting of a new native hedge along the south western boundary between the site and public footpath, screen planting, existing vegetation along the eastern boundary retained and supplemented and new planting introduced along the northern boundary. In allowing application code ref. 15/00276/OUT the appointed Inspector commented that a native species hedgerow along the western boundary would assist in screening the proposal. The extent and nature of landscaping proposed would help filter views of the dwelling, contain the garden area and comply with the recommendations contained with the ecological appraisal dated October 2015 (to satisfy the requirements of condition 6). Although Derbyshire Wildlife Trust have also asked for details of the locations and types of bird boxes, such measures will need to be secured to formally discharge this condition prior to the commencement of works on site.
- 7.9 The Local Highway Authority have previously raised no objections to the dwelling being accessed from Starth Lane utilising the existing access based on vehicle volumes and speeds. The applicant has indicated that parking will be provided for three vehicles on site and the Local Highway Authority has requested a plan showing this and maneuvering within the site to ensure that a vehicle can enter and exit the site in a forward gear. Although the applicant has indicated that an agreement in the deeds allows the use and landscaping of

southern end of the plot for vehicle turning (over the existing track), the applicant proposes to install a turntable to ensure adequate manoeuvring within the application site area. Policy HC21 of the Adopted Derbyshire Dales Local Plan (2017) advises that vehicular parking for new development should be provided having regard to adopted standards, as set out in Appendix 2 of the plan. Two spaces are required for a three bedroomed dwelling in a location such as this. Access to the site and the level of parking and manoeuvring space to be provided is considered sufficient to serve the development and address the relevant provisions of the development plan. A condition to secure the installation and future management of the turntable will be necessary to ensure that sufficient space for parking and manoeuvring remains available in perpetuity. The Local Highway Authority have advised that the revised arrangements for parking and manoeuvring are acceptable from a highway safety perspective and have advised that they will confirm this in writing ahead of the committee meeting.

*The impact of the development on the local environment, including the route of adjacent public footpaths, land stability and drainage and the residential amenity of the occupants of nearby dwellings*

- 7.10 As can be seen from the consultation responses and representations received a number of issues have been raised, linked to the reserved matters for which approval is sought. Although concern has been raised from local residents that public footpath no. 8 Tansley will be encroached upon, the Local Highway Authority (responsible for maintaining public rights of way) raise no objection to the proposed development based on any encroachment of public right of ways. The landscaping and planting scheme submitted with the application demonstrates that a 2m corridor along the route of the right of way along the south western boundary of the site will be maintained. The parking and manoeuvring area to the south of the site will not encroach upon the public footpath.
- 7.11 A concern raised in respect of the original outline application and this application is the stability of the land and the ability to deal appropriately with land drainage to prevent surface water flooding. A ground investigation report to address the requirements of condition 5 of the outline application has been submitted, which concludes that there is no evidence based on the ground conditions that global site slip failure could occur on the site with or without the proposed dwelling being constructed, which will be cut into the hillside. Policy PD8 of the Adopted Derbyshire Dales Local Plan requires that new developments shall incorporate appropriate Sustainable Drainage Measures (SuDs) in accordance with National Standards for Sustainable Drainage Systems. This should be informed by specific catchment and ground characteristics, and will require the early consideration of a wide range of issues relating to the management, long term adoption and maintenance of SuDs. In considering SuDs solutions, the need to protect ground water quality must be taken into account, especially where infiltration techniques are proposed. The applicant has submitted a Infiltration SuDs GeoReport which identifies some opportunities for SUDS and the applicant proposes to install 2 no. soakaways and a rainwater harvesting tank under the driveway, so as to not increase surface water run off or overload the existing drainage network. Such measures will need to be agreed as part of the building regulations process and an overflow facility (relating to the storage tank) introduced to control flows into the combined sewer to ensure compliance with Document Part H.
- 7.12 An important consideration with regard to the siting, scale and appearance of the proposed dwelling is the impact of the development on the residential amenity of the occupants of nearby dwellings. Policy PD1 of the Adopted Derbyshire Dales Local Plan (2017) requires that development achieves a satisfactory relationship to adjacent development and does not cause unacceptable effects by reason of visual intrusion, overlooking, shadowing, overbearing effect, noise, light pollution or other adverse impacts on local character and amenity. Concerns have been raised by local residents that views from windows in the north elevation of the proposed dwelling would result in a loss of privacy. The applicant has,

however, indicated that the feature windows in the north elevation and high level windows in the east elevation will be glazed in obscure glass. The siting of the dwelling and height relative to nearby dwellings is such that the development would not result in any unacceptable overbearing or overshadowing effects. The steeply sloping nature of the site and distance between the proposed dwelling from Leaway and the dwellings to the north is such that there would be no direct overlooking. With the introduction of screen planting and obscure glass to first floor opening in the north and east elevations the development would not result in any unacceptable overlooking effects / loss of privacy.

### *Summary*

7.13 In summary it is considered that, subject to conditions, the appearance, layout and scale of the proposed dwelling, the site access and associated landscaping would be acceptable and that the development would not result in any unacceptable impacts on the local environment. The development is therefore considered to satisfy the relevant provisions of the development plan and a recommendation of approval is put forward on this basis.

## **8. RECOMMENDATION**

That approval of reserved matters application be granted subject to the following conditions:

1. This permission relates solely to the application as amended by the revised elevations, cross section and floor layout and block / parking layout plans received by the by the Local Planning Authority on the 14<sup>th</sup> and 28<sup>th</sup> February 2019.

Reason:

For the avoidance of doubt.

2. Prior to first occupation of the dwelling, the parking area and turntable set out on the 1:100 Scale revised parking and manoeuvring area plan received by the Local Planning Authority on the 14<sup>th</sup> February shall be laid out and be fully operational unless otherwise agreed in writing by the Local Planning Authority. The parking area and turntable shall thereafter be maintained free from any impediment to their designated use / be operational throughout the lifetime of the development.

Reason:

To ensure appropriate parking and manoeuvring space in accordance with the aims of Policy S4 and HC19 of the Adopted Derbyshire Dales Local Plan (2017).

3. Details of the stone origin, laying pattern, bed heights, and proposed surface finish (tooling) for the external surfaces of the proposed development (including the corners of the building) shall be submitted, in sample form, to the Local Planning Authority and approved in writing before works begin on the stonework to the external surfaces. The development shall thereafter be constructed in accordance with the approved details.

Reason:

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

4. Concurrently with the submission of a sample of stone to be used to the exterior walls, a 2 square metre sample panel of those materials and type of pointing (mortar mix and method of application) to be used shall be erected on site for inspection before works commence on



the construction of the exterior walls of the building(s). The development shall thereafter be constructed in accordance with the approved details.

Reason:

To assist in the selection of appropriate materials in the interests of preserving visual amenity in accordance with the aims of Policy PD1 of the Adopted Derbyshire Dales Local Plan (2017).

5. The following details shall be submitted to and approved in writing by the Local Planning Authority prior to work commencing on the parts of the development to which they relate:
- Vertical and horizontal sections of all windows and doors and details of window and door reveal, heads, cills and colours;
  - Details of the roof material, projecting eaves and verges, soffit detail, rainwater disposal (gutters and downpipes);
  - Detail of the cladding material, including finish and junctions with the corners, abutment with the roof and stone plinth and windows and doors;
  - Construction details of the proposed chimney stack, and;
  - Details of the material and depth of the string course.

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

Reason:

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

6. Prior to installation of the windows and doors in the north and east elevations of the building, details of the obscure glazing to be installed to prevent overlooking at first floor shall be submitted to and approved in writing by the Local Planning Authority. The windows and doors shall thereafter be installed in accordance with the approved details and maintained thereafter in perpetuity unless otherwise agreed in writing by the Local Planning Authority.

Reason:

To prevent overlooking in accordance with the aims of Policy PD1 of the Adopted Derbyshire Dales Local Plan (2017).

7. The hard and soft landscaping set out in the 1:200 Scale Landscaping and Planting Scheme drawing received by the Local Planning Authority on the 14<sup>th</sup> February 2019 shall be carried out in full by the first planting and seeding season following occupation of the dwelling or the completion of the development, whichever is the sooner within that particular phase. Trees or plants which within a period of five years, die, are removed, or become seriously damaged or diseased, shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the Local Planning Authority.

Reason:

To ensure a satisfactory standard of landscaping and in the interests of enhancing biodiversity in accordance with the aims of Policies S4, PD1, PD2 and PD5 of the Adopted Derbyshire Dales Local Plan (2017).

8. Prior to first occupation of the dwelling the surface water harvesting tank and soakaways shall be installed ready for use in accordance with the 1:200 Scale Proposed Drainage Plan, unless otherwise agreed in writing by the Local Planning Authority. The drainage shall thereafter be maintained in accordance with the approved details throughout the lifetime of the development.

Reason:

To ensure appropriate surface water drainage is installed in accordance with the aims of Policy PD8 of the Adopted Derbyshire Dales Local Plan (2017).

9. No machinery shall be operated on the site, no process or operations shall be carried out and no deliveries shall be taken at or despatched from the site except between 8:00 and 18:00 hours Monday to Friday and 9:00 and 13:00 on Saturdays or at any time on Sundays and Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.

Reason:

In the interests of preserving the amenities of the occupants of nearby residential properties in accordance with the aims of Policy PD1 of the Adopted Derbyshire Dales Local Plan (2017).

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

Reason:

To preserve the appearance of the proposed dwelling and the character and appearance of its surroundings and the residential amenity of the occupants of nearby dwellings, given the topography of the site in accordance with the aims of Policy PD1 of the Adopted Derbyshire Dales Local Plan (2017).

Footnotes:

1. The Local Planning Authority prior to the submission of the application engaged in a positive and proactive dialogue with the applicant which resulted in the submission of a scheme that overcame initial concerns relating to drainage, landscaping, parking and manoeuvring and the design and form of the proposed dwelling.

This Decision Notice relates to the following documents:

1:1250 Scale Site Location Plan received by the District Council on the 28<sup>th</sup> November 2018;  
Design and Access Statement received by the District Council on the 27<sup>th</sup> and 28<sup>th</sup> November 2018;

1:200 Scale Topographical Survey received by the Local Planning Authority date stamped 9<sup>th</sup>, 27<sup>th</sup> and 28<sup>th</sup> November 2018;

Preliminary Ecological Appraisal by United Environmental Services date stamped 9<sup>th</sup>, 27<sup>th</sup> and 28<sup>th</sup> November 2018;

Infiltration SuDs GeoReport received by the Local Planning Authority on the 18<sup>th</sup> December 2018;  
Ground Investigation Report by Peak Engineers dated 04.02.19 received by the Local Planning Authority on the 7<sup>th</sup> February 2019;

Landscaping and Ecological and Drainage Management Strategy received by the Local Planning Authority on the 7<sup>th</sup> February 2019;  
Perspective drawing received by the District Council on the 14<sup>th</sup> February 2019;  
1:200 Scale Landscaping and Planting Scheme received by the District Council on the 7<sup>th</sup> and 14<sup>th</sup> February 2019;  
1:100 Scale Revised Parking and Maneuvering Area Plan received by the District Council on the 7<sup>th</sup> and 14<sup>th</sup> February 2019;  
1:200 Scale Drainage Plan received by the District Council on the 7<sup>th</sup> and 14<sup>th</sup> February 2019, and;  
1:200, 1:100, 1:50 and 1:10 Scale elevations, cross section, floor layout, north elevation finishes and materials, soffits and verges and block / parking layout plans received by the by the Local Planning Authority on the 7<sup>th</sup>, 14<sup>th</sup> and 28<sup>th</sup> February 2019.

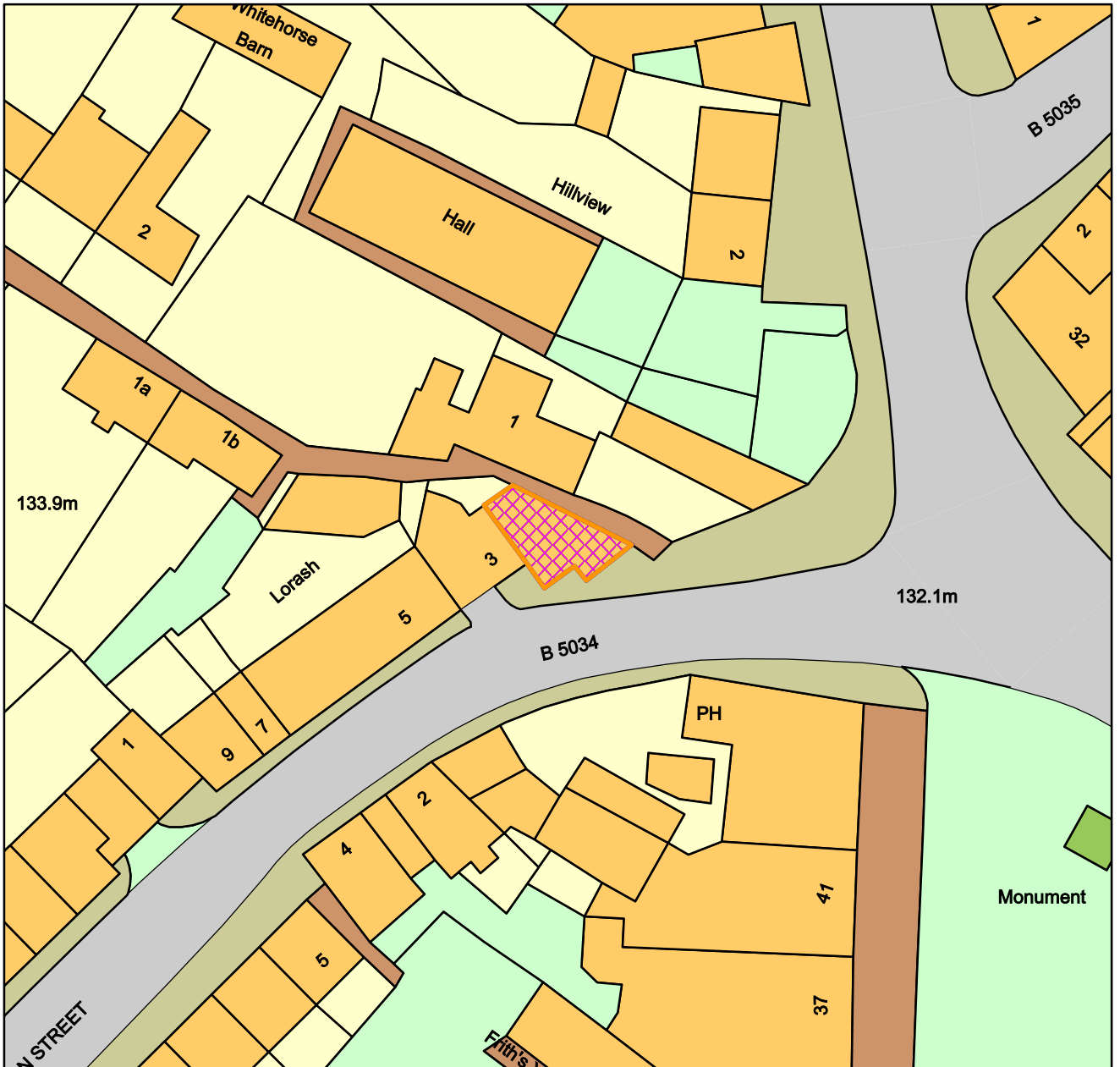
<b>APPLICATION NUMBER</b>		18/00859/FUL	
<b>SITE ADDRESS:</b>		1 Union Street, Ashbourne, DE6 1FG	
<b>DESCRIPTION OF DEVELOPMENT</b>		Use of ground floor as an adult gaming centre (Sui Generis use)	
<b>CASE OFFICER</b>	Mr Andrew Stock	<b>APPLICANT</b>	Mr Majid Morabbi
<b>PARISH/TOWN</b>	Ashbourne	<b>AGENT</b>	n/a
<b>WARD MEMBER(S)</b>	Cllr. S. Bull	<b>DETERMINATION TARGET</b>	22 <sup>nd</sup> November 2018
<b>REASON FOR DETERMINATION BY COMMITTEE</b>	5 or more unresolved objections have been received.	<b>REASON FOR SITE VISIT (IF APPLICABLE)</b>	Requested by Members at Planning Committee meeting of 15 <sup>th</sup> January 2019.

<b>MATERIAL PLANNING ISSUES</b>
<ul style="list-style-type: none"> <li>• the appropriateness of the proposed use of the building, having regard to its location;</li> <li>• impact on the character and appearance of the existing building and its surroundings, specifically Ashbourne Conservation Area;</li> <li>• whether the development would result in a significant loss of amenity for residents of neighbouring properties, and;</li> <li>• whether there would be any adverse highway safety implications;</li> </ul>

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

18/00859/FUL

1 Union Street, Ashbourne



Derbyshire Dales DC

1:500

Date: 04/03/2019

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

At the 15<sup>th</sup> January 2019 planning committee meeting it was resolved that consideration of this application be deferred to enable Members to visit the site to assess whether the development would result in a significant loss of amenity for residents of neighbouring properties.

### 1. THE SITE AND SURROUNDINGS

- 1.1 The application site is located close at the junction of Union Street and Buxton Road, within the centre of Ashbourne, north of the Market Place. Number 1 Union Street is non-listed building within Ashbourne Conservation Area.
- 1.2 The building was a former public conveniences which dated from circa mid-20<sup>th</sup> century. Planning permission was granted (application ref: 14/00640/FUL) for the change of use of the former public toilet to an A2 (Financial and Professional Services) use class on the ground floor and a single residential unit above (Use Class C3).
- 1.3 The ground floor of the building incorporates large windows within the former simple plain brick with a moulded cornice frontage. The new first accommodation incorporates a part flat and part mono-pitch roof constructed from seamed metal.



### 2. THE APPLICATION

- 2.1 Planning permission is sought for the change of use of the ground floor of 1 Union Street from a financial and professional services premises (A2 Use Class) to an adult gaming centre (Sui- Generis Use Class).
- 2.2 No external alterations are proposed as part of this application.

### 3. PLANNING POLICY AND LEGISLATIVE FRAMEWORK

- 3.1 Adopted Derbyshire Dales Local Plan (2017):
- S1 Sustainable Development Principles
  - S3 Development Within Defined Settlement Boundaries
  - S8 Ashbourne Development Strategy
  - PD1 Design and Place Making
  - PD2 Protecting the Historic Environment
  - EC1 New and Existing Employment Development
  - EC6 Town and Local Centres
  - EC7 Primary Shopping Frontages
  - HC19 Accessibility and Transport
  - HC21 Car Parking Standards

### 4. RELEVANT PLANNING HISTORY

- 4.1 14/00640/FUL      Redevelopment of former toilet block to use class      APPROVED  
A2 at ground floor and first floor apartment

### 5. CONSULTATION RESPONSES

- 5.1 Town Council  
No objection raised.
- 5.2 Derbyshire County Council (Highways)  
No objection, subject to conditions.
- 5.3 Conservation Officer  
No objection raised.
- 5.4 Environmental Health Officer  
No objection raised, subject to conditions restricting the hours of operation and no amplified music.
- 5.5 Planning Policy (Derbyshire Dales District Council)  
As the application site falls within the defined town centre of Ashbourne as established on Inset 5 of the Adopted Derbyshire Dales Proposal Maps the requirement for the applicant to demonstrate that the proposal accords with the sequential approach to site selection does not apply in this instance. The proposal for consideration is a town centre use on a site within the defined centre of Ashbourne and therefore would not be considered an edge of centre or out of centre location. Furthermore paragraph 86 of the NPPF clarifies that *“local planning authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan.”* In conclusion as the application site falls with the defined existing centre of Ashbourne and is in accordance with policy EC6 of the Adopted Derbyshire Dales Local Plan there is no requirement for the sequential approach to be undertaken.

### 6. REPRESENTATIONS RECEIVED

- 6.1 A total of 79 representations have been received. Two letters of support with the remaining letters objecting to the application. A summary of the representations are outlined below:

Principle of use:

- o Proximity to school route used by pupils
- o Encourage gambling
- o Effect on young people

- The use does not fit in with the historic town or conservation area
- Inappropriate location for such use
- Does not hold appropriate licenses
- Not a desirable activity

Impact on residential amenity:

- Encourage gambling
- Encourage anti-social behaviour
- Noise pollution
- Increase litter

Highway Safety:

- Increase in vehicular/pedestrian movements
- Lack of parking
- Pedestrian safety concerns

Impact on the character and appearance of the surrounding area:

- Out of keeping for a market town
- Existing conversion not constructed in accordance with approved plans

## 7. OFFICER APPRAISAL

7.1 The main issues to assess in the consideration of this application are;

- the appropriateness of the proposed use of the building, having regard to its location;
- impact on the character and appearance of the existing building and its surroundings, specifically Ashbourne Conservation 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 appropriateness of the proposed use of the building, having regard to its location;***

7.2 The site is located within the defined settlement boundary of Ashbourne. Policy S3 of the Adopted Derbyshire Dales Local Plan (2017) deals specifically with development within defined settlement boundaries and states that planning permission will be granted for development where the proposal is of a scale, density, layout and design that is compatible with the character, appearance and amenity of the part of the settlement in which it would be located, the access would be safe and the highway network can satisfactorily accommodate traffic generated by the development or can be improved as part of the development; it would have a layout, access and parking provision appropriate to the proposed use, site and its surroundings; and it does not conflict with any other relevant policy of this Local Plan.

7.3 Policy S8 of the Adopted Derbyshire Dales Local Plan (2017) sets out the Local Planning Authority's Development Strategy for Ashbourne. It states that in order to promote sustainable growth support should be given to encouraging local employment opportunities and diversification of local businesses which provide improvements to the range and quality of town centre retail and services in Ashbourne.

7.4 Policy EC1 of the Adopted Derbyshire Dales Local Plan (2017) supports proposals for new or expansion of existing business or industrial development in sustainable locations that



contribute towards the creation and retention of a wide range of jobs, an increase in higher value employment opportunities.

- 7.5 Policy EC6 of the Adopted Derbyshire Dales Local Plan (2017) sets out that the District Council will seek to maintain and where possible, enhance the vitality and viability of town centres as defined on the Policies Map in accordance with their function, scale and identified development needs. This will be achieved by creating safe, attractive and accessible town centres, providing a good range of shopping, food and drink uses, services, offices, and entertainment, leisure and cultural facilities, and high quality public spaces.
- 7.6 It is noted that the site lies within close proximity, but outside, the Primary Shopping Frontage, designated by Policy EC7 of the Adopted Derbyshire Dales Local Plan (2017).
- 7.7 A number of objections have been received from local residents raising concerns with the principle use of the building as an adult gaming centre. Concerns relate to issues such as not being a desirable use, encouraging gambling and anti-social behaviour. Amenity concerns are discussed below but the consideration of the planning merits of an application does not extend to covering moral or ethical concerns associated with gambling uses which in any event are subject to separate Licensing arrangements.
- 7.8 As such, the proposed use, albeit sensitive from a moral perspective, is considered to be a viable reuse of the vacant ground floor premises within a defined Principal Town Centre location. The application represents an opportunity to re-use an otherwise empty building within the town centre which would help improve the range of entertainment facilities within the area, adding to the overall viability, vitality and mixed uses within the town centre. As such the change of use of the building, in principle, is considered to be acceptable.

***Impact on the character and appearance of the existing building and its surroundings, specifically Ashbourne Conservation Area;***

- 7.9 Policy PD1 relates to design and place making which requires development proposals to achieve a satisfactory relationship with adjacent development and does not cause unacceptable effects by reason of visual intrusion, overlooking, shadowing, overbearing effect, noise, light pollution or other adverse impacts on local character and amenity.
- 7.10 Policy PD2 deals with protecting the historic environment which states the District Council will conserve heritage assets in a manner appropriate to their significance. This will take into account the desirability of sustaining and enhancing their significance and will ensure that development proposals contribute positively to the character of the built and historic environment.
- 7.11 The proposed ramped access from the public highway has been omitted from the application following comments made by the Local Highway Authority. Therefore no external alterations are proposed as part of this application.
- 7.12 As there are no external alterations proposed the development is considered not to be harmful to the character and appearance of Ashbourne Conservation Area. The display of advertisements would require separate advertisement consent, and the impact of advertisements would be separately assessed as part of any future application.
- 7.13 Whilst concerns have been expressed with the potential harm to the Conservation Area, the, varying commercial uses with a town centre form an integral component of many principal town centre shopping areas and with no physical alterations to the building proposed there is no underlying planning justification for resisting this proposal on heritage grounds.
- 7.14 The Councils Conservation Officer raises no objection to the application.

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

- 7.15 Concerns have been expressed with regards to the close proximity of the proposed use to residential properties within the immediate area, particularly the properties to the north of the application site.
- 7.16 As previously explained 1 Union Street lies within Ashbourne town centre, classified a Principal Town Centre by Policy EC6 of the Adopted Derbyshire Dales Local Plan (2017).
- 7.17 Given the buildings approved use and its town centre location the use of the building as an adult gaming centre is deemed compatible with neighbouring uses. It considered that through appropriately worded conditions with respect to the use of the building, its associated hours of operation and amplified music that the change of use would be achievable without resulting in any significant adverse impact upon the occupants of neighbouring properties.
- 7.18 No objection has been raised by the Councils Environmental Health Officer, subject to conditions.

***Whether there would be any adverse highway safety implications;***

- 7.19 The former public toilets gained consent for change of use to retail on the ground floor with an apartment on the first floor, application reference 14/00640/FUL. The ramped access from the public highway has now been omitted from the application.
- 7.20 Ashbourne Town Centre benefits from a number of existing public car parks, principally the Market Place carpark with lies adjacent to the application site. Following consultation with the Local Highway Authority it is advised that the applicant will need to consult with the relevant refuse collection department to ascertain details of what will be acceptable to them in terms of number and location of bins. Bin storage should be within private curtilage only. Additionally a dwell area for bins should be provided, clear of the public highway, for use on refuse collection days. This would of course also be required for the current authorised use.
- 7.21 The Local Highway Authority has raised no objection in relation to the development, given the former use of the building as A2 use (Financial and Professional Services), subject to conditions.

***Conclusion***

- 7.22 In conclusion, whilst it is appreciated that the application raises ethical and moral concerns they are not material land use planning considerations. Having due consideration to those matters which are material to the planning merits of the scheme the application represents an opportunity to re-use an otherwise empty building with a principal town centre location.
- 7.23 The use of the building would help improve the range of entertainment facilities within the centre of Ashbourne adding to the overall viability, vitality and mixed uses within the town centre through a conversion which preserves the character of the built and historic environment within Ashbourne Conservation Area.
- 7.24 Taking the above into consideration the application satisfies the relevant provision of the Adopted Derbyshire Dales Local Plan (2017). Accordingly the application is recommended for approval.

## 8. RECOMMENDATION

Planning Permission to be granted subject to the following conditions:

1. 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 premises hereby permitted shall not be open for business between the hours of 9pm - 10am Monday to Sunday (including Bank Holidays).

Reason:

To protect the amenities of nearby residential properties in accordance with Policies S3 and EC6 of the Adopted Derbyshire Dales Local Plan (2017).

3. Prior to installation, details of any external CCTV cameras shall be submitted to and approved in writing by the Local Planning Authority. The details shall then be installed in accordance with the approved details and so retained.

Reason:

To ensure a satisfactory external appearance of the development in accordance with Chapter 16 of the National Planning Policy Framework (2018).

4. There shall be no live amplified music from these premises, unless otherwise agreed in writing by the Local Planning Authority.

Reason:

In order to protect residential amenity in accordance with Policies S3 and EC6 of the Adopted Derbyshire Dales Local Plan (2017).

5. For avoidance of doubt there shall be no external ramped access to the building. Any difference in levels shall be accommodated within the building curtilage only.

Reason:

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

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

Reason:

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

## **NOTES TO APPLICANT:**

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

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

3. This decision notice relates to the following documents:  
Submitted plans date stamped 27<sup>th</sup> September 2018.

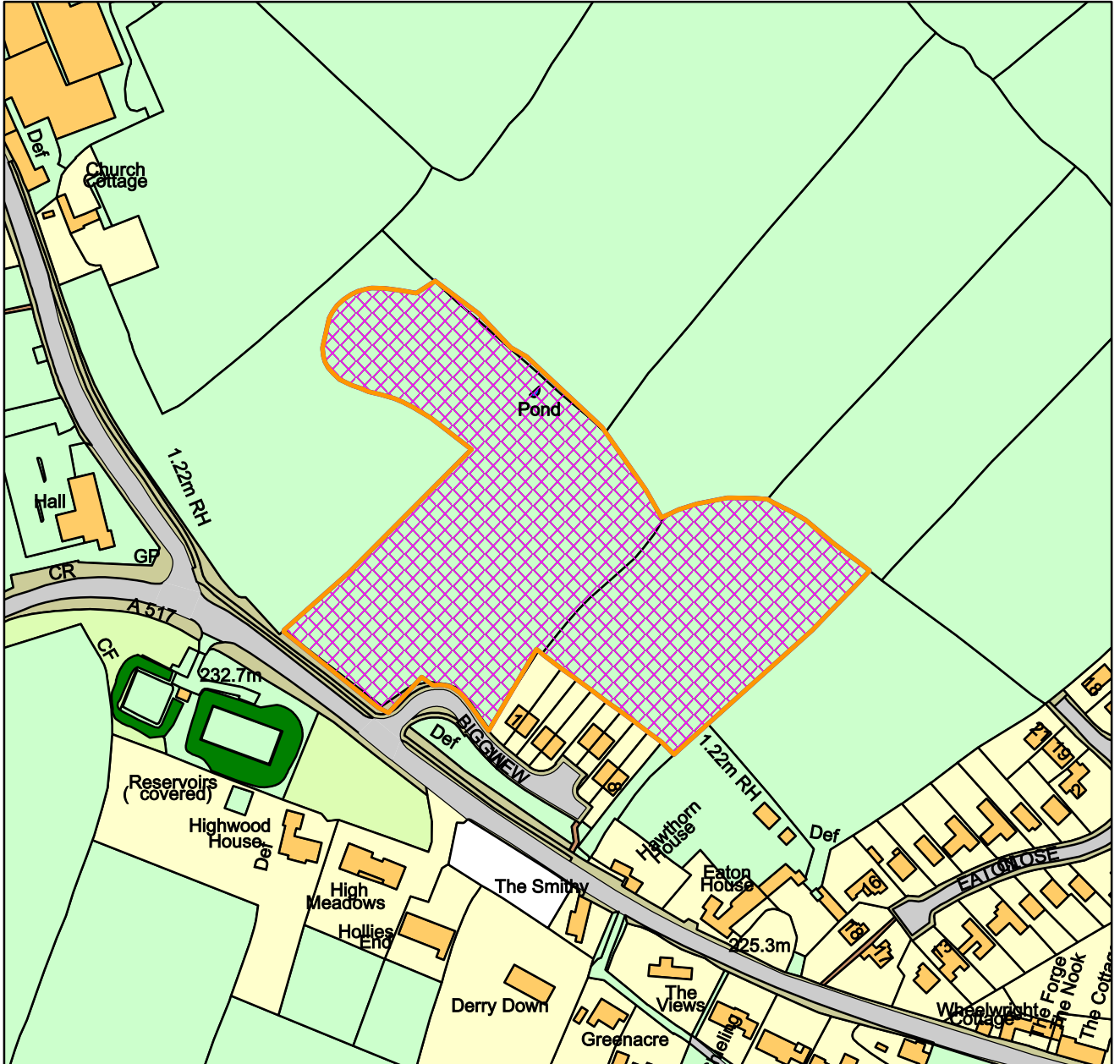
<b>APPLICATION NUMBER</b>		18/01346/REM	
<b>SITE ADDRESS:</b>		Land Adjacent To Biggin View, Hulland Ward	
<b>DESCRIPTION OF DEVELOPMENT</b>		Approval of reserved matters for the erection of 33 dwellings	
<b>CASE OFFICER</b>	Mr. G. A. Griffiths	<b>APPLICANT</b>	Cameron Homes Ltd.
<b>PARISH</b>	Biggin by Hulland	<b>AGENT</b>	N/A
<b>WARD MEMBERS</b>	Cllr. Richard Bright	<b>DETERMINATION TARGET</b>	13 <sup>th</sup> March 2019
<b>REASON FOR DETERMINATION BY COMMITTEE</b>	Major Application	<b>REASON FOR SITE VISIT (IF APPLICABLE)</b>	Not necessary given relatively recent Member site visit

<b>MATERIAL PLANNING ISSUES</b>
<ul style="list-style-type: none"> <li>• Principle of the development</li> <li>• Housing mix</li> <li>• Impact on the character and appearance of the area</li> <li>• Impact on residents' amenity</li> <li>• Highway safety</li> <li>• Open space provision</li> <li>• Landscaping</li> <li>• Ecology matters</li> <li>• Flooding and drainage</li> </ul>

<b>RECOMMENDATION</b>
Approval

18/01346/REM

Land adjacent to Biggin View, Hulland Ward



Derbyshire Dales DC

1:2,500

Date: 04/03/2019

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

## 1. THE SITE AND SURROUNDINGS

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





## 2. DETAILS OF THE APPLICATION

2.1 This is a resubmission of Reserved Matters approval 18/00222/REM. Approval is again sought for all the reserved matters (access, appearance, landscaping, layout and scale) further to the granting of outline planning permission 15/00313/OUT for up to 33 dwellings; this reserved matters application is for 33 dwellings. The reason for this resubmission is to address the balancing pond and drainage details which were not submitted with the previous reserved matters application; these are rather extensive and cannot be addressed by condition or through Building Regulations. The site survey has also revealed some matters where the layout of the site needs to be amended.

2.2 To re-cap, the application proposes the following mix of dwellinghouses:

- one bedroomed dwellinghouses 4
- two bedroomed bungalows 2
- two bedroomed dwellinghouses 5



- three bedroomed dwellinghouses 4
- four bedroomed dwellinghouses 9
- five bedroomed dwellinghouses 9

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

- 2.3 The dwellinghouses are proposed to be constructed principally with brick (Ibstock Leicester Weathered Red) with slate grey coloured, 'gemini' tile roofs. Plots 25, 26, 29, 30 and 33 (The Orchard house type) are proposed to be set on reconstituted stone plinths (Forticrete Anstone Olde Balck Heather) to address the land levels and Plots 27, 28, 31 and 32 (The Brook house type) are proposed to have reconstituted stone plinths which accommodate a lower ground floor.
- 2.4 Cross section details have been submitted to demonstrate how the dwellinghouses will be set on the site and this is shown contextually to the properties currently on Biggin View. This details a 2.4m level drop between the finished floor levels of the existing dwellinghouses at 5 and 6 Biggin View and the garages to Plots 20 and 21, which are the nearest buildings some 13m away. There is a 21m distance between the existing and proposed dwellinghouses, with a floor level of the new development some 2.05m lower.
- 2.5 Access to the site is off Biggin View and it is proposed that the access will give priority to motorists entering and exiting the proposed larger residential development over that of the lesser number of dwellings on Biggin View.
- 2.6 The proposals seek to maintain most of the perimeter trees and hedgerow. A public open space is provided to the north west area of the site and the applicant has submitted details as to how this will be regraded to address this steeply sloping area. A Geogrow Rootlok retaining structure is proposed to provide a flatter level for the play area and the gardens to the plots overlooking it.

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

- 3.1 Adopted Derbyshire Dales Local Plan (2005)
- S1 Sustainable Development Principles
  - S2 Settlement Hierarchy
  - S3 Development within Defined Settlement Boundaries
  - S9 Rural Parishes Development Strategy
  - PD1 Design and Place Making
  - PD2 Protecting the Historic Environment
  - PD3 Biodiversity and the Natural Environment
  - PD5 Landscape Character
  - PD6 Trees, Hedgerows and Woodlands
  - PD7 Climate Change
  - PD8 Flood Risk Management and Water Quality
  - PD9 Pollution Control and Unstable Land
  - HC1 Location of Housing Development
  - HC2(s) Housing Land Allocations (land off A517 and Dog Lane)
  - HC4 Affordable Housing Provision
  - HC11 Housing Mix and Type
  - HC14 Open Space, Sports and Recreation Facilities
  - HC15 Community Facilities and Services
  - HC17 Promoting Sport, Leisure and Recreation
  - HC19 Accessibility and Transport
  - HC20 Managing Travel Demand
  - HC21 Car Parking Standards.

3.2 National Planning Policy Framework

3.3 National Planning Practice Guidance

#### **4. RELEVANT PLANNING HISTORY**

4.1 18/00222/REM Reserved matters for the erection of 33 dwellings - Approved

4.2 15/00313/OUT Residential development of up to 33 dwellings (outline) – Granted.

#### **5. CONSULTATION RESPONSES**

##### Parish Council

5.1 - no comments received.

##### Local Lead Flood Authority

5.2 - no objection subject to a condition requiring a detailed surface water drainage scheme being submitted for approval  
- 300mm boards should be provided above the design level within the pond.

##### Environment Agency

5.3 - no comment

##### Local Highway Authority (Derbyshire County Council)

5.4 - no objection subject to conditions with regard to on site storage and parking provision during development, road construction, surface water drainage and secure cycle parking provision.

##### Derbyshire Wildlife Trust

5.5 - support the introduction of a waterbody and the proposals for native planting elements of the scheme

##### Trees and Landscape Officer (DDDC)

5.6 - no details of how trees will be protected  
- excavation of the slope will result in a significant embankment and large area of steepened ground which will look unnatural in the existing topography – one way to reduce this is to make the excavation shallower and longer or wider  
- may be possible to have two ponds  
- tree planting around the engineered pond is important in successfully incorporating the ground works into the landscape  
- planting of more and larger trees should be encouraged and ground preparation for such will be important.

##### Environmental Health (DDDC)

5.7 - No objection.

#### **6. REPRESENTATIONS RECEIVED**

6.1 A letter of joint representation from the occupiers of 1-8 Biggin View which is summarised as follows:

- Biggin View properties constitute four rented and four part owned dwellinghouses
- site lies within the designated green belt and therefore certain special restrictions and conditions have been made

- waste water from Biggin View is carried by a spur to the eastern end of the cul-de-sac to connect to the public sewer by Hawthorne House
- the tenants are currently charged £500pa for the maintenance of the amenity area
- concern that the waste water from the application site is to be pumped to the main sewer via the sewer serving Biggin View and comment on alternative options
- concerns with regard to the capacity of the existing sewer installed to serve eight dwellings
- concern regarding impact on the amenity space and the boundary hedge if sewer needs to be upgraded.

6.2 A letter of representation from Peak District Rural Housing Association as owner of 1-8 Biggin View which is summarised as follows:

- negative effect the positioning of the garages for Plots 10, 15, 16, 18, 19, 20 and 21 will have on their residents, particularly those living in numbers 1, 2, 3, 5 and 6
- appreciate there is no 'right to a view' but the garages are to be placed almost on the boundary between the properties which seems un-neighbourly.
- the effect on number 5 is particularly bad with the entire garden boundary to be covered by a double garage (albeit serving two properties)
- the negative effects could be somewhat mitigated by the garages being built much closer or attached to the houses as is the case with Plot 22.

## 7. OFFICER APPRAISAL

### Principle of Development

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

### Housing Mix

7.2 Policy HC11 of the Adopted Local Plan requires that an appropriate mix of house types is provided on the site. However, the outline planning permission was granted in principle by Members in March 2016. The permission was not issued until August 2017 but this was due to the need to complete the S106 legal agreement. In this respect, the decision was made, and the decision notice issued, prior to the adoption of the current Local Plan in December 2017. Whilst it is still relevant to consider the housing mix proposed, and the impact of the scale of the dwellings is a reserved matter that contributes to the assimilation of the development into its context, the failure of the scheme to comply with a policy that postdates the outline permission would not form a sound basis for rejecting the scheme. In addition, reserved matters have already been granted on this basis and this application is merely a revision.

7.3 The applicant has detailed eight affordable, one or two bedroomed dwellings, in accordance with the outline planning permission and planning policy at the time of determination, and two of these affordable dwellings would be bungalows. The other open market dwellinghouses comprise a two bedroomed dwellinghouse, some three bedroomed types but are largely 4 and 5 bedroomed (in excess of 50% of the dwellinghouses). Whilst not meeting the mix of housing expected by Policy HC11, and therefore being in conflict with this policy, the mix is considered reasonable for this edge of settlement development.

7.4 Therefore, the principle of the development is established and the reserved matters of access, appearance, landscaping, layout and scale are again considered in the light of the following.

### Impact on the Character and Appearance of the Area

- 7.5 There has been little alteration to the house types and layout other than to address the sloping site and the constraints this creates. Greater detail of the dwellinghouse has been submitted which negates the need for some of the conditions on detailing that were attached to the previous grant of reserved matters which include materials, rainwater goods and the positioning of meter boxes.

### Impact on Residents' Amenity

- 7.6 The impact on the amenity of the existing residents of Biggin View has again been assessed and, with further clarity over the levels, it is deemed the relative distances between the existing houses and the proposed dwellings and garages is acceptable. Whilst the view from these properties may be affected, this is not sufficient or justifiable reason to refuse permission. The key matters for consideration are the impact on outlook, light and privacy.
- 7.7 The site is largely to the north of the dwellinghouses of Biggin View. To this end, it is considered that the development will not have a significant impact on light to the neighbouring properties. In terms of privacy, the proposed dwellinghouses to the rear of Biggin View would be some 21m away from the nearest existing dwellinghouse and this distance is considered reasonable so as to not significantly harm the amenities of the neighbouring residents as the new dwellings will also be set at a lower level. In terms of outlook, the most affected property would be 5 Biggin View, with a garage building proposed to serve Plots 20 and 21 set some 13m away from that dwellinghouse. However, this is considered a reasonable distance for a single storey building, set on a level of some 2.4m lower and the proposals could not be justified for refusal on this basis. It is also considered that the layout of the development is acceptable in terms of the interrelationship of each of the proposed dwellinghouses.

### Highway Safety

- 7.8 The Local Highway Authority has assessed the proposals and raised no objections subject to conditions. Most of these conditions were attached to the grant of outline planning permission and do not require repeating, albeit there are some points of detail which do need to be addressed as further conditions. Secure cycle storage will be provided in garages for Plots 10-33. Plots 1-9 (affordable housing) will have a wall bracket to secure cycles to, or a garden shed if this is the requirement of the chosen Housing Association.

### Open Space Provision

- 7.9 As detailed on the outline planning permission, an area of open space is proposed on the steeply sloping land to the north east part of the site. Nevertheless, this area is proposed to be regraded to create relatively level area which can be enjoyed by the residents and residents of the wider area. The applicant has submitted a drawing (Public Open Space Detailed Landscape Proposals) which details a Locally Equipped Area of Play (LEAP).
- 7.10 A footpath link would be desirable to connect to the adjacent development which has been granted outline planning permission to the north east on land accessed off Wheeldon Way. The applicants have detailed such a footpath to the boundary of their site. In addition, a reserved matters application (ref: 19/00159/REM) has now been submitted for the site off Wheeldon Way and the interconnectivity of the two sites will need to be a matter for future consideration of that application.

### Landscaping

- 7.11 Concerns were raised by Officers with regard to the initial proposals to remove a large tree on the skyline on the north eastern boundary and to build close to another large tree adjacent to it; the applicant has amended the layout for the development. However, it is clear that one of the trees is in a poor condition and will be required to be removed.

7.12 An important element of the proposals will be the maintenance of the boundary planting to ensure that this is managed appropriately going forward and to reduce the risk of the existing hedges being ripped out, or significantly cut back, to improve views from the dwellinghouses as this will harm the setting of the site in views from the open countryside. This was requirement of Condition 25 of the outline planning permission and the applicant's Landscape Management Plan sets out that all perimeter planting will be enhanced as necessary and will be managed by a landscape contractor. It is considered that the recommendations submitted within the Arboricultural Statement will suffice for the reasonable protection of trees and hedgerow shown to be retained during the development of the site.

#### Ecology matters

7.13 Derbyshire Wildlife Trust have assessed the proposals and, having requested further information with respect to the balancing pond, are now satisfied with the proposals.

#### Flooding and Drainage

7.14 The Local Lead Flood Authority have assessed the proposals and, having requested further information with respect to the balancing pond, are now satisfied with the proposals subject to a condition with regard to further details of the balancing pond, flood pathways and how on-site surface water drainage systems will be provided and maintained.

7.15 The residents of Biggin View have raised concern with the connection of the waste water from the development site into the sewer serving their properties which runs along the amenity space. However, the applicant has advised that the rising main connection will no longer track down Biggin View and over any land owned, or controlled, by the Housing Association. The new route is shown on the Drawing 17115 104D, to travel from the site directly onto the A517 at the junction with Biggin View, and is in the process of gaining technical approval.

#### Conclusion

7.16 The principle of residential development of this site has been established with outline planning permission 15/00313/OUT, and reserved matter approved with application ref: 18/00222/REM. The current application is merely to address matters of the balancing pond and associated drainage and provide further clarity on the siting of the dwellings having regard to the site levels and with the provision of information previously reserved as conditions on the previous reserved matters approval relating to such matters as materials, landscaping and the open space provision. There were some concerns with this reserved matters application with regards to the initial design and layout of the development and impact on trees and hedgerows which have now been resolved.

7.17 Those outstanding matters, such as further details on the drainage requested by the Local Lead Flood Authority, and the outstanding highway matters, can be addressed with conditions. Therefore, as the reserved matters scheme aligns with the outline planning permission, in delivering the amount of development envisaged, in a manner that assimilates into its context and broadly accords with the Adopted Local Plan (2017), the application is recommended for approval.

## **7 RECOMMENDATION**

That reserved matters be approved subject to the following conditions:

1. These reserved matters relate solely to the original submitted drawings and specifications except as amended by the following:
  - Amended Drawing Nos. 17115/1901 Rev: C 102 Rev: C and 116 Rev: D received on 25<sup>th</sup> January 2019;

- Amended Drawings of house types Nos. H-2-519, 654, 725 and 813, H-3-832, 868 and 950, H-4-1438, 1514, 1559, 1852 and 1886 and H-5-2070 and 2529 received on 25<sup>th</sup> February 2019;
- Drawings of Garages Nos. 01 Rev: A, 02, 03 Rev: A, 04 Rev: A, 05 Rev: A, 06, 07 Rev: A, 08 Rev: A and 09 received on 25<sup>th</sup> January 2019;
- Drawing of Eaves and Verge details (including rise and fall bracket rainwater goods) received on 25<sup>th</sup> January 2019;
- Amended Drawings Nos. 1492/500 Rev: F, 600 Rev: A, 601 Rev: A and 700 Rev: A received on 25<sup>th</sup> February 2019;
- Amended Landscape Management Plan received on 25<sup>th</sup> January 2019;
- Preliminary Ecological Appraisal received on 25<sup>th</sup> January 2019;
- Arboricultural Impact Assessment and Method Statement and Decay Detection Report received on 25<sup>th</sup> January 2019; and
- Additional information received on 28<sup>th</sup> February 2019

except insofar as may otherwise be required by other conditions to which this reserved matters approval is subject.

Reason:

To define the permission for the avoidance of doubt.

2. The works shall be carried out in accordance with the recommendations of the amended Landscape Management Plan, the Preliminary Ecological Appraisal and the Arboricultural Impact Assessment and Method Statement and Decay Detection Report received on 25<sup>th</sup> January 2019.

Reason:

For the avoidance of doubt.

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

Reason:

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

4. Before being provided, details of the residential estate roads 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.

Reason:

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

5. The carriageways of the proposed estate roads shall be constructed in accordance with Condition 4 above up to and including at least road base level, prior to the commencement of the erection of any dwelling intended to take access from that road. The carriageways and footways shall be constructed up to and including base course surfacing to ensure that each dwelling prior to occupation has a proper consolidated and surfaced carriageway and footway between the dwelling and the existing highway. Until final surfacing is completed, the footway base course shall be provided in a manner to avoid any upstands to gullies, covers, kerbs or other such obstructions within or abutting the footway. The carriageways, footways and footpaths in front of each dwelling shall be completed with a 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 to comply with Policy S2 of the Adopted Derbyshire Dales Local Plan (2017).

6. No dwelling shall be occupied until the secure cycle parking facilities for the occupants of, and visitors to, the development hereby approved have provided and these shall thereafter be retained for use at all times.

Reason:

In the interests of promoting and facilitating for sustainable means travel to comply with Policies S1, S2, HC19 and HC20 of the Adopted Derbyshire Dales Local Plan (2017).

7. The open space shall be provided prior to the occupation of 50% of the dwellinghouses.

Reason:

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

8. The footpath through the area of open space shall run to the eastern boundary of the site to facilitate a potential to link through to the neighbouring residential development site which is subject to outline planning permission 14/00698/OUT.

Reason:

In the interest of enhancing accessibility around the village and to discourage the use of the car to comply with Policies S1, PD1 and HC19 of the Adopted Derbyshire Dales Local Plan (2017).

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

1. Pursuant to Section 38 and the Advance Payment 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 for Economy, Transport and Communities at county Hall, Matlock (tel: 01629 580000 and ask for the Development Control Implementation Officer, Ian Turkington, on extension number 38578).
2. 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 Local Highway Authority. It must be ensured that public transport services in the vicinity of the site are not adversely affected by the development works.
3. Advice regarding the technical, legal, administrative and financial process involved in Section 278 Agreements may be obtained from Mr. K. Barton in Development Control at County Hall, Matlock (tel: 01629 538658). The applicant is advised to allow approximately 12 weeks in any programme of works to obtain a Section 278 Agreement.
4. 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 Local Highway Authority is obliged to serve notice on the developer, under the provisions of the Act, to financially secure the cost of bringing the estate streets up to adoptable standard, 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 their obligations under this Act by producing a layout suitable for adoption and entering into an agreement under Section 38 of the Highway Act 1980.

5. Pursuant to Section 163 of the Highways Act 1980, where the site curtilages slopes down towards the new estate street, measures shall be taken to ensure that surface water run-off from within the site is not permitted to discharge across the footway margin. This usually takes the form of a dish channel or gully laid across the access immediately behind the back edge of the highway, discharging into a drain or soakaway within the site.
6. 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.
7. Highway surface water shall be disposed of via a positive, gravity fed system (i.e. not pumped) discharging to an approved outfall (e.g. existing public sewer, highway drain or watercourse) to be sanctioned by the Water Authority (or their agent), Highway Authority or Environment Agency respectively. The use of soakaways for highway purposes is generally not sanctioned.
8. 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.
9. The Local Planning Authority have prior to and during the consideration of this application engaged in a positive and proactive dialogue with the applicant which has resulted in revised proposals which overcame initial problems with the application relating to amendments to the design of the dwellinghouses and the balancing pond and associated landscaping
10. This decision notice relates to the following documents:
  - Site Location Plan 1:1250 received on 12<sup>th</sup> December 2018
  - Planning Statement received on 12<sup>th</sup> December 2018
  - Drainage Design Report received on 12<sup>th</sup> December 2019
  - Amended Drawing Nos. 17115/1901 Rev: C 102 Rev: C and 116 Rev: D received on 25<sup>th</sup> January 2019
  - Amended Drawings of house types Nos. H-2-519, 654, 725 and 813, H-3-832, 868 and 950, H-4-1438, 1514, 1559, 1852 and 1886 and H-5-2070 and 2529 received on 25<sup>th</sup> February 2019
  - Drawings of Garages Nos. 01 Rev: A, 02, 03 Rev: A, 04 Rev: A, 05 Rev: A, 06, 07 Rev: A, 08 Rev: A and 09 received on 25<sup>th</sup> January 2019
  - Drawing of Eaves and Verge details (including rise and fall bracket rainwater goods) received on 25<sup>th</sup> January 2019
  - Amended Drawings Nos. 1492/500 Rev: F, 600 Rev: A, 601 Rev: A and 700 Rev: A received on 25<sup>th</sup> February 2019
  - Amended Landscape Management Plan received on 25<sup>th</sup> January 2019
  - Preliminary Ecological Appraisal received on 25<sup>th</sup> January 2019



Arboricultural Impact Assessment and Method Statement and Decay Detection Report received on 25<sup>th</sup> January 2019  
Additional information pertaining to external finishes, foul water drainage (Drawing No. 17115 104D) and secure cycle parking received on 28<sup>th</sup> February 2019.

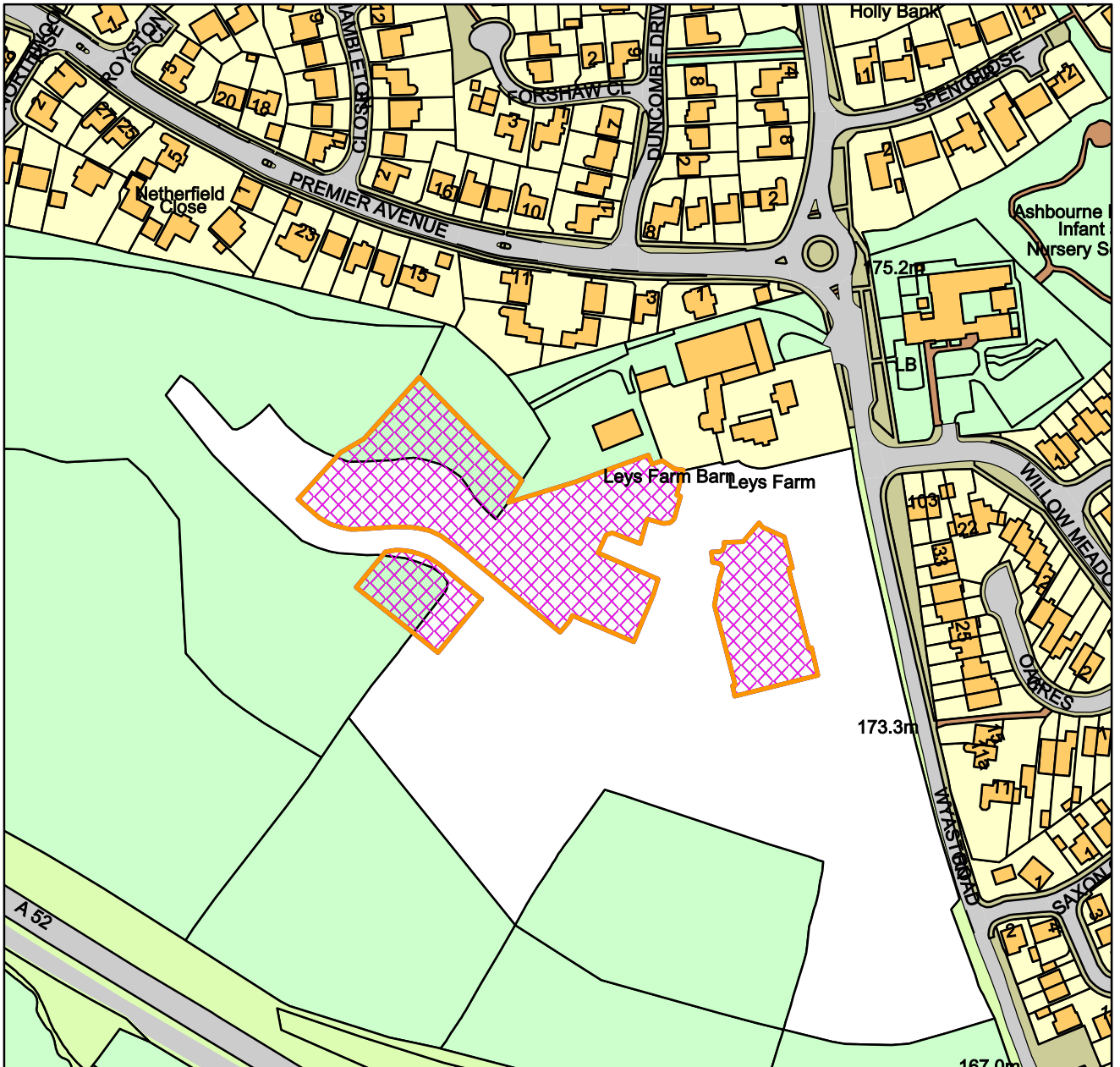
<b>APPLICATION NUMBER</b>		19/00073/REM	
<b>SITE ADDRESS:</b>		Leys Farm, Wyaston Road, Ashbourne	
<b>DESCRIPTION OF DEVELOPMENT</b>		Reserved matters application for the approval of layout, appearance and landscaping for re-planned plots 8-16, 40-47 and 51-76 resulting in a reduction of overall plots to 110 (outline permission 15/00319/OUT)	
<b>CASE OFFICER</b>	Mr Chris Whitmore	<b>APPLICANT</b>	Mr Guy Poyser (Redrow Homes Ltd)
<b>PARISH</b>	Ashbourne	<b>AGENT</b>	None
<b>WARD MEMBER(S)</b>	Cllrs. Donnelly and Murphy	<b>DETERMINATION TARGET</b>	24 <sup>th</sup> April 2019
<b>REASON FOR DETERMINATION BY COMMITTEE</b>	Major application	<b>REASON FOR SITE VISIT (IF APPLICABLE)</b>	Not required.

<b>MATERIAL PLANNING ISSUES</b>
<ul style="list-style-type: none"> <li>• The impact of the development on the character and appearance of the area, the amount of development, housing mix and the relationship of the proposed dwellings to adjacent development, and;</li> <li>• The implications of the changes on affordable housing delivery.</li> </ul>

<b>RECOMMENDATION</b>
<p>That delegated authority be given to the Development Manager to agree an affordable housing scheme that gifts the affordable housing to be delivered on-site to a registered provider in accordance with the terms of the s106 agreement attached to outline permission 15/00319/OUT, to agree with the Head of Housing and developer what this would equate to in terms of on-site provision and where appropriate secure an enhanced off-site financial contribution in lieu of delivery on-site up to 25% (in addition to the 20% already secured).</p> <p>Subject to carrying out the above and ensuring an appropriate legal mechanism and timetable is in place to deliver the affordable dwellings and any enhanced off-site contribution it is recommended that the application be approved with conditions.</p>

19/00073/REM

Leys Farm, Wyaston Road, Ashbourne



Derbyshire Dales DC

Date: 04/03/2019

100019785

1:2,500

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

# 1. THE SITE AND SURROUNDINGS

- 1.1 The application concerns a site being developed for housing at Leys Farm, off Wyaston Road, Ashbourne by Redrow Homes (see photographs 1 – 3). The site is located on the southern urban edge of Ashbourne (see photograph 4). Irregular in shape, the site is bordered by Wyaston Road to the east, housing to the north and west along Premier Avenue and several small cud-de-sacs and open land to the south, which drops down to the A52 Ashbourne by-pass.
- 1.2 Leys Farm buildings border the north-east corner of the site adjacent to Wyaston Road and two groups of trees (Ash and Oak) that are subject to Tree Preservation Order protection are located along the site boundary with Premier Avenue, Netherfield Close and Northwood Rise properties. On the opposite side of Wyaston Road are well established houses at Oak Crescent off Willow Meadow Road and a new housing estate at Saxon Fields.
- 1.3 This application relates specifically to 40 no. house plots centrally positioned within the development site, which border / are located close to the original farm grouping at Leys Farm and either side of a swathe of open space along its northern edge.



(Photograph 1)



(Photograph 2)



(Photograph 3)



(Photograph 4)

## 2. DETAILS OF THE APPLICATION

- 2.1 This application follows the approval of outline planning permission for residential development of up to 115 dwellings with associated public open space, under application code ref. 15/00319/OUT at the site and subsequent approval of reserved matters application code ref. 17/00250/REM (and a separate standalone approval of reserved matters application relating to 20 no. plots under application code ref. 18/00215/REM) to construct a total of 113 dwellings.
- 2.2 The s106 planning obligation agreement that accompanied outline application code ref. 15/00319/OUT secured the on-site provision of up to 25% of the dwellings as affordable dwellings, comprising intermediate and affordable rent properties. The agreement also made provision for an off-site financial contribution equivalent to 20% of the total number of dwellings to be constructed. Twenty 2 no. bedroomed dwellings and 8 no. three bedroomed affordable dwellings were secured on the back of approval of reserved matters applications, equivalent to 24.8% total provision.
- 2.3 Following the grant of the previous reserved matters applications the applicant has approached a number of registered social landlords to take on the affordable units, however, they have not managed to secure any offers, given the current supply of affordable housing in the area at this time. Although there is a mechanism to secure further affordable housing contributions in lieu of the provision of dwellings on site, where no 'reasonably viable interest' has been shown by a registered provider, the applicant has offered up the delivery of 7 no. affordable dwellings at zero cost to a registered provider. This has resulted in the need to re-plan the part of the site which included the affordable dwellings.
- 2.4 The mix of housing that is now being proposed, set against the approved mix is set out in the table below:

### Open Market Dwellings

Approved Mix		Proposed Mix	
No. of bedrooms	Quantity	No. of bedrooms	Quantity
2	0	2	14
3	38	3	43
4	38	4	37
5	9	5	9

### Affordable Dwellings

Approved Mix		Proposed Mix	
No. of bedrooms	Quantity	No. of bedrooms	Quantity
1	0	1	3
2	20	2	4
3	8	3	0

- 2.5 The application also proposes three new house types, the Evesham 2 bedroomed and Broadway 3 bedroomed open market dwellings and the Tavy 2 bedroomed affordable dwelling.
- 2.6 The application has been revised to increase the number of two and three bedroomed dwellings and to make best use of the site. The application in its revised form would result in the net loss of 3, not 5 dwellings as originally proposed. Along the main spine road larger houses set within reasonable plots are proposed to maintain a consistent rhythm / density of development. Development is more compact along the northern edge of the site and off the various cul-de-sacs.

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

#### **3.1 The Development Plan**

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

S1	Sustainable Development Principles
S2	Settlement Hierarchy
S3	Development within Defined Settlement Boundaries
S8	Ashbourne Development Strategy
PD1	Design and Place Making
PD5	Landscape Character
PD6	Trees, Hedgerows and Woodland
PD7	Climate Change
PD8	Flood Risk Management and Water Quality
HC1	Location of Housing Development
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 Material Considerations:**

National Planning Policy Framework (2019)  
National Planning Practice Guidance

### **4. RELEVANT PLANNING HISTORY**

18/00215/REM - Modification to approval of reserved matters application 17/00250/REM to substitute house types on 20 no. plots – Approved

17/00250/REM - Approval of Reserved Matters - Erection of 113 dwellings (Outline permission 15/00319/OUT) - Approved

16/00309/REM - Residential development - reserved matters application for the erection of 103 dwellings (outline permission 15/00319/OUT) - Approved

15/00319/OUT - Residential development of up to 115 dwellings with associated public open space (Outline) – Approved

14/00354/OUT - Residential development of up to 145 dwellings with associated public open space (outline) – Refused

## 5. CONSULTATION RESPONSES:

### 5.1 Ashbourne Town Council:

No objections.

### 5.2 Derbyshire County Council (Highways):

No objections to the proposed dwelling replan of the site, subject to maintaining the approved street layout.

### 5.3 Derbyshire County Council (Land Drainage):

Due to the nature of the proposals and the site parameters the LLFA have not comments to make.

### 5.4 Environment Agency

We have reviewed the submitted documents and there are no environmental constraints associated with the site. The site lies in flood zone 1, on secondary aquifers with no main rivers and proposed foul sewage to the sewer network (as stated in the FRA submitted with planning application 15/00319/OUT composed by Radleigh Group Limited). Therefore the Environment Agency has no formal comment to make on this application.

### 5.5 Natural England:

Do not wish to comment.

### 5.6 Force Designing Out Crime Officer

No objections or comments to make in respect of the amended detail.

### 5.7 Environmental Health (DDDC)

No objections.

### 5.8 Strategic Infrastructure (Derbyshire County Council)

It is noted that the principle of development was granted through the approval of the outline application (15/00319/OUT) on 29/01/2016. A Section 106 agreement has been signed on this outline permission, with contributions towards infant and junior education and off site highways works towards improvements in the town centre. As such officers have no further comment on the above reserved matters application.

The local County Councillor, Councillor Steve Bull has been consulted for his views on the above reserved matters application and has made comment expressing concern regarding the amount of housing coming forwards in Ashbourne and the need for improvements to the highways and schools' infrastructure.

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

Do not wish to comment, however, advise that they have no record of having received a report on the archaeological investigations which were undertaken in 2016 in respect of application code ref. 15/00319/OUT.

## 5.10 Head of Housing (Derbyshire Dales District Council):

The layout of the Henmore Gardens scheme shows 3 x 1 bedroom The Belton house type at 574 sq.ft (53m<sup>2</sup>) and 4 x The Tavy house type at 832 sq.ft (77m<sup>2</sup>). We welcome the developer taking on board our comments concerning floor areas.

Comment that the affordable homes should not to be all squashed together. It is considered that there should be some dispersal of the affordable housing on the scheme and that it should not be possible to differentiate between the open market homes and the affordable homes. Concern is raised with regard to the car parking and gardens serving the affordable dwellings.

## 6. REPRESENTATIONS RECEIVED

6.1 None.

## 7. OFFICER APPRAISAL

7.1 This application seeks to re-plan part of the site and affects 40 approved house plots. It will sit alongside approval of reserved matters application 17/00250/REM, which secures the layout, appearance and scale of the majority of the dwellings on site and all associated access arrangements and landscaping works, including the retention of important trees and a significant amount of new tree and hedge planting along the southern boundary to help contain the new development and create a strong settlement edge. In addition a standalone approval of reserved matters for 20 of the plots is covered by application 18/00215/REM.

7.2 The red edged site location plan defines the extent of the application area. Having regard to the nature, scale and extent of the development proposed as part of this application, the relevant provisions of the development plan and the consultation responses received the main issues to consider are the implications of the changes on the character and appearance of the area, the amount of development, housing mix and the relationship of the proposed dwellings to adjacent development. All drainage, access, landscaping and ecological enhancement and mitigation works on land outside of the application site area (and the plots affected by application code ref. 18/00215/FUL) have been secured on the back of the original outline and approval of reserved matters applications, which have and need to be implemented to carry out the development proposed as part of this application. As the application affects affordable housing plots and the delivery of affordable housing on site this also requires consideration. The protected trees along the northern boundary of the site would not be affected by the re-plan, nor would the trees to be retained within the site, which fall outside of the application site area. The existing hedge along the northern boundary of the site will be retained and fenced to prevent its removal in accordance with previously agreed landscaping works.

*Impact on the character and appearance of the area, the amount of development, housing mix and the relationship of the proposed dwellings to adjacent development*

7.3 Policy PD1 of the Adopted Derbyshire Local Plan 2017 deals with design and place making and requires development to be of high quality design that respects the character, identity and context of the Derbyshire Dales townscapes and contribute positively to an area's character, history and identity in terms of scale, height, density, layout, appearance, materials, and the relationship to adjacent buildings and landscape features.

7.4 Permission has been previously granted to develop the majority of the application site for affordable housing. The site topography is such that it is not as difficult to develop as some of the more prominent and steeply sloping parts of the site. Being located at the northern side / along the northern edge where the land begins to plateau and development will viewed against the backdrop of the Leys Farm<sub>48</sub> and housing development beyond, there is



opportunity for housing to be of higher density. The approved layout includes three pockets of affordable housing, in the form of terraces and semis surrounded by open market dwellings. The affordable dwellings were of a modest size and had small gardens. Recognising that smaller house types have been approved in this location, the applicant proposes to replace 21 no. of the affordable units with 14 no. two bedroomed and 5 no. three bedroomed open market dwellings. The approved development made no provision for two bedroomed open market dwellings. The re-plan has enabled the introduction of an Amberley house type to plot 40 to be positioned to the side of a terrace of 3 one bedroomed affordable dwellings, to address an area of open space. This is considered to be preferable to the original scheme, which proposed a terrace of 6 affordable dwellings orientated gable end on to the central swathe of open space. The re-plan also proposes to introduce the Amberley house type (plot 62) to what was a small area of open space between the main spine road and a cul-de-sac of 12 no. affordable dwellings. This is considered to be a further design improvement, as this house type better addresses the main spine road, creating a more coherent and stronger streetscene and in both instances will improve surveillance to help minimise opportunities for anti-social and criminal behaviour (an objective of policy PD1).

- 7.5 The application proposes four new house types, the Evesham 2 bedroomed and Broadway 3 bedroomed open market dwellings and the Tavy 2 bedroomed and Belton one bedroomed affordable dwellings. The new house types follow the same inter-war / 'arts and crafts' architecture adopted across the site and will be constructed in matching materials. The general layout of housing will be similar to the approved scheme. Houses along the main spine road address / front this main arterial route and are set within reasonable plots. Development will remain more compact along the northern edge of the site and off the various cul-de-sacs. It is considered that the re-plan would maintain and in areas enhance the strong character and identity of the estate.
- 7.6 One of the objectives of policy HC1 of the Adopted Derbyshire Dales Local Plan is to encourage the effective use of land. The application as originally presented resulted in the loss of 5 no. dwellings. Officers have secured changes to the scheme, including the replacement of larger 4 bedroomed Oxford house types to plots 64 and 71 with pairs of semis. In its amended form the development only results in the loss of 3 dwellings. These three dwellings formed part of two terraces of 6, which have been reduced and new open market houses introduced which, as set out above, better address the street and areas of open space. The amount, design and layout of the development is therefore considered to be acceptable, in terms of creating a strong estate identity and making full and effective use of the land.
- 7.7 Although the Housing and Economic Development Needs Assessment which fed into Policy HC11 of the recently Adopted Derbyshire Dales Local Plan is referenced in a footnote attached to the original outline consent, which sets out an aspirational housing mix, no mix was prescribed in the conditions attached to this permission. Notwithstanding the above, officers have secured changes to the scheme, which has resulted in a housing mix which is more in tune with the requirements of Policy HC11, in terms of the number of one bedroomed dwellings to be delivered and maintains a similar number of two bedroomed and three bedroomed dwellings.
- 7.8 Policy PD1 of the Adopted Derbyshire Dales Local Plan (2017) requires that development achieves a satisfactory relationship to adjacent development and does not cause unacceptable effects by reason of visual intrusion, overlooking, shadowing, overbearing effect, noise, light pollution or other adverse impacts on local character and amenity. Development is no closer to the farm buildings at Leys Farm than the already consented scheme. Dwellings have been sited and are of a scale and design that would not cause any overlooking, shadowing, overbearing effects between existing and future residents or result in any additional noise or odour nuisance. No objections have been raised by the Councils Environmental Health section.

### *The implications of the changes on affordable housing delivery*

- 7.9 This application arises from the failure to secure a registered provider to purchase the affordable units to be delivered on site at this time. Whilst there is a mechanism in the s106 agreement accompanying the outline application and a defined formula to secure further affordable housing contributions in lieu of the provision of dwellings on site, where no 'reasonably viable interest' has been shown by a registered provider, the applicant has offered up the delivery of 7 no. affordable dwellings at zero cost to a registered provider as an alternative following discussions with the Head of Housing to enable delivery on site.
- 7.10 Policy HC4 of the Adopted Derbyshire Dales Local Plan advises that all residential developments of 11 dwellings or more or with a combined floorspace of more than 1000 square metres should provide 30% of the net dwellings proposed as affordable housing. The development was, however, implemented in advance of adoption of the 2017 local plan and the terms of the agreement accompanying the outline consent, which secured a split of 25% of the total number of dwellings to be delivered on site as affordable dwellings and 20% off-site in the form of a financial contribution. The agreement, as originally drafted, incorporates sufficient flexibility to be able to agree an affordable housing scheme, which could secure the type and tenure of the affordable homes to be delivered to meet the requirements of a registered provider. Any developer would normally expect to transfer / receive a sales receipt for the delivery of affordable units (albeit at a discounted rate on the open market value). The applicant / developer in this case, however, proposes to construct and gift the units to a registered provider at zero cost. This needs to be factored into the on-site affordable housing calculation to be delivered on site and a financial contribution made where appropriate in lieu of provision up to 25% (in addition to the 20% off-site contribution already secured). It is recommended that authority be delegated to the Development Manager to agree this and ensure an appropriate legal mechanism and timetable is in place to deliver any enhanced off-site affordable housing contribution. This would ensure the delivery of affordable housing on-site and an off-site contribution towards affordable housing elsewhere, to satisfy the terms of the original s106 agreement and development plan policy requirements at the time the original decision was taken.
- 7.11 Whilst concerns have been subsequently raised by the Councils Housing Team relating to the distribution of the units and the parking and garden arrangements, Nottingham Community Housing Association (the provider interested in taking on the units at zero cost) have raised no major issues with the units. The developer has adhered to the Councils request to adopt preferred space standards and are satisfied that the units are suitable in this respect. Given the limited application site area and the desire to create strong coherent streetscenes, it is not considered necessary to insist that the units are pepper potted across the site. This also poses problems from a future management and maintenance perspective. The units offer appropriate parking and amenity space commensurate with the size of the units.

### *Summary*

- 7.12 In conclusion it is considered that the proposed development would be acceptable in terms of its impact on the character and appearance of the area, the amount of housing and mix and relationship to adjacent development. Subject to securing the delivery of the affordable housing on-site, through agreement of an affordable housing scheme (a requirement of the s106 agreement accompanying the original outline permission) or any other legal mechanism at zero cost and the provision of any enhanced off-site affordable housing contribution that may be deemed necessary, the development would satisfy the terms of the original s106 agreement and development plan policy requirements at the time the original

decision was taken in addition to current development plan policy requirements. A recommendation of approval is put forward on this basis.

## **OFFICER RECOMMENDATION:**

That delegated authority be given to the Development Manager to agree an affordable housing scheme that gifts the affordable housing to be delivered on-site to a registered provider in accordance with the terms of the s106 agreement attached to outline permission 15/00319/OUT, to agree with the Head of Housing and developer what this would equate to in terms of on-site provision and where appropriate secure an enhanced off-site financial contribution in lieu of delivery on-site up to 25% (in addition to the 20% already secured).

Subject to carrying out the above and ensuring an appropriate legal mechanism and timetable is in place to deliver the affordable dwellings and any enhanced off-site contribution it is recommended that the application be approved subject to the following conditions:

1. This permission relates solely to the application as amended by the revised site layout plan(s) received by the Local Planning Authority on the 27<sup>th</sup> February 2019 numbered 5736/100-01.2 Rev G.

Reason:

For the avoidance of doubt.

2. The carriageways and footways up to each dwelling hereby approved shall be carried out to at least the binder course surface in accordance with outline application 15/00319/OUT and approval of reserved matters application 17/00250/REM and surface water drainage to serve each dwelling carried out in full prior to first occupation. 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:

For the avoidance of doubt and to ensure that each dwelling has a properly consolidated and surfaced carriageway and footway up to the existing highway and appropriate drainage is put in place to deal with surface water run-off in accordance with the aims of Policies S3, PD8 and HC19 of the Adopted Derbyshire Dales Local Plan (2017).

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

Reason:

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

4. No dwelling shall be occupied until the surface water drainage works have been implemented in accordance with the details approved in respect of Condition 14 of outline

planning application 15/00319/OUT and Condition 18 of approval of reserved matters application 17/00250/REM.

Reason:

To ensure appropriate drainage is in place to serve the development to prevent flooding on site and elsewhere in accordance with the aims of Policy PD8 of the Adopted Derbyshire Dales Local Plan (2017).

5. The development shall be carried out in accordance with the details of the phasing of the development and completion of associated hard and soft landscaping set out on drawings numbered 5736-700-01 and 02 agreed in respect of the discharge of Condition 23 of approval of reserved matters application 17/00250/REM unless otherwise agreed in writing by the Local Planning Authority.

Reason:

For the avoidance of doubt and to ensure a satisfactory standard of landscaping in accordance with the aims of Policies PD1 and PD5 of the Adopted Derbyshire Dales Local Plan (2017).

6. No machinery shall be operated on the site, no process or operations shall be carried out and no deliveries shall be taken at or despatched from the site except between 8:00 and 18:00 hours Monday to Friday and 9:00 and 13:00 on Saturdays or at any time on Sundays and Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.

Reason:

In the interests of protecting the amenities of the occupants of nearby residential properties in accordance with the aims of Policy PD1 and PD9 of the Adopted Derbyshire Dales Local Plan (2017).

7. The development shall be carried out in strict accordance with the terms of the Environmental / Construction Management Plan dated August 2017 approved in respect of Condition 3 of outline planning permission 15/00319/OUT and Condition 7 of approval of reserved matters application 17/00250/REM unless otherwise agreed in writing by the Local Planning Authority.

Reason:

In the interests of highway safety and protecting residential amenity in accordance with the aims of Policies S3, PD1 and HC19 of the Adopted Derbyshire Dales Local Plan (2017).

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

Reason:

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

9. The garage/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) (England) Order 2015 (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.

Reason:

To maintain appropriate parking provision in accordance with the aims of Policy HC21 of the Adopted Derbyshire Dales Local Plan (2017).

10. All window and door frames (including garage doors) shall be recessed in their openings a minimum of 50mm behind the front face of the external walls of the buildings and be of a design set out in the approved house type and garage drawings unless otherwise agreed in writing by the Local Planning Authority.

Reason:

To ensure a satisfactory external appearance of the development in accordance with the aims of Policy PD1 of the Adopted Derbyshire Dales Local Plan (2017).

Footnotes:

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 problems with the application and consent was granted without negotiation.

This Decision Notice relates to the following documents:

1:2500 Scale Site Location Plan referenced Location Plan 01:

1:100 Scale The Amberley, Broadway, Evesham, Tavy, Belton House Type and Associated Garage Elevations and floor layout plans, and;

1:250 Scale Landscape Proposals Drawing numbered GL0568 01J, 02K and 03K received by the District Council on the 28<sup>th</sup> January 2019, and;

Amended 1:500 Scale Proposed Site Layout Plan numbered 5736/100-01.2 Rev G, and;

1:500 Scale Proposed Materials Layout Plan numbered 5736/100-05 Rev M received by the District Council on the 28<sup>th</sup> February 2019.

## 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/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

ENF/19/00028	Replacement fascia and hanging sign and repainting of shop front	Costa 14 St John Street Ashbourne Derbyshire DE6 1GH	Pending Consideration
--------------	--	--	-----------------------

## Ashbourne South

ENF/14/00070	Unauthorised internally illuminated signage above front of restaurant - 25 Dig Street, Ashbourne, DE6 1GF	25 Dig Street Ashbourne Derbyshire DE6 1GF	Pending Consideration
ENF/17/00038	Unauthorised works to listed building	Avanti Jewellers 2 - 4 Church Street Ashbourne Derbyshire DE6 1AE	Pending Consideration
ENF/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 Conditions 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

ENF/19/00040	Breach of Condition 10 (Construction Management Plan) of planning permission 15/00060/OUT	Land Off Lathkill Drive Ashbourne Derbyshire	Pending Consideration
--------------	---	--	-----------------------

## Brailsford

ENF/17/00058	Unauthorised erection of replacement fencing around boundary of South Lodge, Long Lane, Longford, Derbyshire	South Lodge Long Lane Longford Derbyshire DE6 3DS	Pending Consideration
ENF/18/00009	Unauthorised building works to barn at West Mammerton Farm, Sutton Lane, Longford	Buildings At West Mammerton Farm Sutton Lane Longford Derbyshire	Pending Consideration
ENF/18/00114	Breach of Condition 1 of 14/00031/TEMP - Mobile home should have been removed from site by the 19th August 2017 and the land reinstated	Round Oak Farm Slade Lane Mercaston Derbyshire DE6 3DZ	Pending Consideration
ENF/18/00129	Breach of conditions 2 (opening times) and 3 (number of customers) of planning permission 17/00540/FUL	The Spruces Main Road Brailsford Derbyshire DE6 3DA	Pending Consideration
ENF/18/00138	Unauthorised change of use of Agricultural land and the erection of a timber built cabin.	Land North East Of Willow Croft New Road Mercaston Derbyshire	Notice Issued
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
ENF/19/00043	Breach of Condition 7 (Working Hours) of planning permission 18/00711/REM	Land At Luke Lane / Mercaston Lane Brailsford Derbyshire	Pending Consideration

## Carsington Water

ENF/16/00034	Unauthorised erection of Dog kennels	Four Lane Ends Farm Gibfield Lane Hulland Ward Derbyshire DE6 3EJ	Pending Consideration
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
ENF/19/00021	Breach of conditions 3-4 of planning permission 15/00894/FUL, Erection of 4 garages, boundary wall and gates	Home Farm Main Street Hopton Derbyshire	Pending Consideration

ENF/18/00015	Unauthorised use of land for wood processing facility	Duke Of York Filling Station Mayfield Road Mayfield Ashbourne Derbyshire DE6 2BN	Pending Consideration
ENF/18/00047	Use of agricultural building as a lorry shed and creation of hardstanding	Wyaston House Farm Orchard Lane Wyaston Derbyshire DE6 2DR	Pending Consideration
ENF/18/00055	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	Notice Issued
ENF/18/00070	Breach of condition 14 (hard and soft landscaping) of planning permission 10/00069/FUL - Failure of new trees	Land Off Morledge Bakewell Road Matlock Derbyshire	Pending Consideration
ENF/18/00086	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
ENF/19/00031	Garage not being built in accordance with plans (related application 18/00457/CLPUD) and agricultural building with office and rest area above being used as ancillary accommodation (related application 18/00104/FUL)	St Elphins Cottage Blind Lane Hackney Derbyshire DE4 2QE	Pending Consideration

## Dovedale And Parwich

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

## 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 - residential 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	Timber and forestry storage in yard area and planting of trees	Land To The North West Of Smith Hall Farm Smith Hall Lane Hulland Ward Derbyshire	Pending Consideration
ENF/19/00039	Breach of conditions' relating to planning permission 16/00832/OUT - Outline application for residential development and associated access. And 18/01237/REM - Approval of reserved matters for the erection of 22 dwellings (outline application 16/00832/OUT)	Land East Of Les Ardennes Hulland Ward Derbyshire DE6 3EE	Pending Consideration

## Masson

ENF/13/00108	Unauthorised works to Grade II Listed Building	Corn Mill Cottage Water Lane Cromford Derbyshire DE4 3QH	Notice Issued
ENF/15/00054	Unauthorised alterations to a Grade II Listed Building.	Rita's Fish Bar 182 South Parade Matlock Bath Derbyshire DE4 3NR	Pending Consideration
ENF/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/18/00210	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
ENF/19/00019	Unauthorised painting of shop front (Article 4), and erection of external hanging lights	Gifts Galore 40 - 42 North Parade Matlock Bath Derbyshire DE4 3NS	Pending Consideration
ENF/19/00037	Erection of wall to form a structure	21 Castle View Drive Cromford Derbyshire DE4 3RL	Pending Consideration
ENF/19/00038	External re-painting of premises	192 South Parade Matlock Bath Derbyshire DE4 3NR	Pending Consideration

## Matlock All Saints

ENF/16/00101	Unauthorised erection of sheds, chicken enclosures and a "shepherds hut".	High Croft Salters Lane Matlock Derbyshire DE4 2PA	Pending Consideration
ENF/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/18/00225	Operation of a brewery	South Barn Wolds Farm Cavendish Road Matlock Derbyshire	Pending Consideration
ENF/19/00044	Erection of verandah to top of shed	133 Smedley Street Matlock Derbyshire DE4 3JG	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
ENF/19/00025	access	West Yard Thatchers Croft Tansley Derbyshire	Pending Consideration
ENF/19/00026	Increased size of residential curtilage and installation of septic tank (plot 2 of approved planning permission 16/00779/FUL)	High View 13 Oak Tree Gardens Tansley Derbyshire DE4 5WA	Pending Consideration
ENF/19/00027	Tipping of materials additional to soil including rock, concrete and redundant farm machinery	Land At Junction Of Cunnery Lane And Alders Lane Tansley Derbyshire	Pending Consideration
ENF/19/00032	Scraping off top layer of land at West Yard, Tansley and unauthorised creation of another access onto Thatchers Lane.	Land Off Thatchers Croft Thatchers Lane Tansley Derbyshire	Pending Consideration
ENF/19/00033	Engineering works		Pending Consideration
ENF/19/00041	Garage building being used as a dwelling	Three Lane Ends Whitelea Lane Tansley Derbyshire	Pending Consideration
ENF/19/00042	Ground clearance/ engineering works including the felling of trees	Land To The Rear Of 225 Starkholmes Road Matlock Derbyshire	Pending Consideration

## Norbury

ENF/14/00030	Change of use of land from use for Microlight flying to use for the flying of Biplane aircraft.	Airways Airsports Darley Moor Airfield Darley Moor Ashbourne Derbyshire DE6 2ET	Pending Consideration
ENF/17/00056	Unauthorised engineering works to facilitate access at Old House Farm, Can Alley, Roston, Derbyshire	Old House Farm Can Alley Roston Derbyshire DE6 2EF	Pending Consideration
ENF/17/00113	Unauthorised engineering works to facilitate what appears to be a hard standing area for the base of a garage.	Old Barn Riggs Lane Marston Montgomery Derbyshire DE6 2FD	Pending Consideration

ENF/17/00137	Change of use of agricultural land for the siting of 2 caravans for human habitation	Shaw Lane Farm Shaw Lane Marston Montgomery Derbyshire DE6 2FJ	Notice Issued
ENF/17/00156	Unauthorised engineering works to create a vehicular access to the holiday lets from the Roston Inn car park	Roston Inn Mill Lane Roston Derbyshire DE6 2EE	Pending Consideration
ENF/18/00089	Siting of a caravan in agricultural field	"Doles" Field Adj. The Elms And Elms Farmhouse Church Lane Cubley Derbyshire	Pending Consideration
ENF/18/00142	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/18/00218	Use of area of hard standing	Marston Brook Farm Barway Marston Montgomery Derbyshire ST14 5BT	Pending Consideration
ENF/19/00024	Breach of conditions 2 (bat activity surveys) and 3 (mitigation plan) of planning permission 17/01023/FUL	Marston Park Farm Cubley Lane Marston Montgomery Derbyshire DE6 2FG	Pending Consideration
ENF/19/00030	Garage being used for business purposes as a joinery workshop	Doverdale House Audishaw Lane Boylestone Derbyshire DE6 5AE	Pending Consideration
ENF/19/00034	Erection of Building	The Orchard Audishaw Lane Boylestone Derbyshire	Pending Consideration

## Stanton

ENF/18/00075	Engineering work construction of retaining wall within the curtilage of Grade II listed building	Midland Cottages 1 - 2 Dale Road North Rowsley Derbyshire DE4 2EL	Pending Consideration
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/18/00204	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
ENF/19/00020	Alterations to balcony	Farthing House Greenhill Wirksworth Derbyshire DE4 4EN	Pending Consideration
ENF/19/00029	Internal works to listed building	4 St John Street Wirksworth Derbyshire DE4 4DR	Pending Consideration
ENF/19/00035	Erection of fence between driveways	4 Willows Terrace Cromford Road Wirksworth Derbyshire DE4 4JF	Pending Consideration
ENF/19/00036	Formation of raised deck and incorporation of land into domestic curtilage	14 Water Lane Middleton By Wirksworth Derbyshire DE4 4LY	Pending Consideration

**Total Open Cases**

**204**

# Enforcement Investigations Closed

In the 6 Months Prior to 28/02/2019



## 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
ENF/18/00205	Installation of projecting coffee cup and beans to front window	Costa 14 St John Street Ashbourne Derbyshire DE6 1GH	Complied Voluntarily	11/02/2019

## 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/18/00059	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

## 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
--------------	--	--	----------------------	------------

## 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

## 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/18/00117	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
ENF/18/00188	Unauthorised painting on the "Boat Inn" at Cromford	Boat Inn Scarthin Cromford Derbyshire DE4 3QF	Complied Voluntarily	31/01/2019

## 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/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/18/00104	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
ENF/18/00223	Boundary Dispute	Wellfield Cottage Rutland Street Matlock Derbyshire DE4 3GN	Justification from Officer	15/02/2019
ENF/19/00022	Alleged unauthorised building works to rear of 13 Jackson Road	Gaymer Cottage 13 Jackson Road Matlock Derbyshire DE4 3JQ	Complaint Unfounded	28/01/2019

## 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/18/00094	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/18/00163	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/18/00158	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	Complied Voluntarily	20/02/2019
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

## 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/18/00157	Erection of decking area	Flats At Mountain View The Croft Greenhill Wirksworth Derbyshire DE4 4EN	Complied Voluntarily	24/01/2019
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
ENF/19/00023	Alleged change of use of dwelling to commercial scaffolding store.	The Old Police Station Oat Hill Wirksworth Derbyshire DE4 3AQ	Complaint Unfounded	31/01/2019

**Total Closed Cases** **59**

**NOT CONFIDENTIAL** - For public release

PLANNING COMMITTEE – 12<sup>th</sup> March 2019

**PLANNING APPEAL – PROGRESS REPORT**

REFERENCE	SITE/DESCRIPTION	TYPE	DECISION/COMMENT
Southern			
17/00752/FUL	The Manor House, Church Street, Brassington	WR	Appeal being processed
18/00155/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 dismissed - copy of appeal decision attached
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
18/00286/FUL	Land to the rear of "Whiteleas", Oaksedge Road, Tansley	WR	Appeal being processed
18/00584/FUL	Myddleton House, North Avenue, Ashbourne	HH	Appeal being processed
18/00883/FUL	Keepers Field, Bullhill Lane, Hillcliff Lane, Turnditch	IF	Appeal being processed
18/01015/FUL	3 Miners Arms Cottages, School Lane, Carsington	HH	Appeal being processed

Central			
18/00318/FUL	The Studio, 2 Wirksworth Hall Farm, Wash Green, Wirksworth	WR	Appeal dismissed - copy of appeal decision attached
ENF/17/00117	Land opposite Willersley Lane Plantation, Matlock	WR	Appeal allowed – copy appeal decision attached
ENF/18/00067	Land at former Bent Farm, Farley Hill, Matlock	WR	Appeal dismissed - copy of appeal decision attached
18/00586/FUL	74 Eversleigh Rise, Darley Bridge	WR	Appeal dismissed - copy of appeal decision attached
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

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

**OFFICER RECOMMENDATION:**

That the report be noted.

---

## Appeal Decision

Site visit made on 9 January 2019

**by F Rafiq BSc (Hons), MCD, MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 30 January 2019**

---

**Appeal Ref: APP/P1045/D/18/3215676**

**3 Rectory Gardens, Main Road, Sudbury, Derbyshire, DE6 5HS**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr's Robert & Paul Ratcliffe against the decision of Derbyshire Dales District Council.
  - The application Ref 18/00843/FUL dated 30 July 2018 was refused by notice dated 28 September 2018.
  - The development proposed is a first floor extension to existing bungalow.
- 

### Decision

1. The appeal is dismissed.

### Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the host property and whether it would preserve or enhance the character and appearance of the Conservation Area.

### Reasons

3. The appeal property is a detached bungalow, situated on a small cul-de-sac comprising of three dwellings within the Sudbury Conservation Area. It is located to the rear of, and within the former grounds of the old rectory. Properties in the area are defined by uniformity in building materials, that comprises predominantly of red brick. This, alongside, the presence of features such as chimney stacks on many of the buildings, reinforces the traditional character and historic built form of the village. Sudbury is a compact village, with views afforded of the surrounding open land from various vantage points that gives it an attractive, rural character.
  4. The appeal property, along with the small cluster of dwellings on this cul-de-sac are modern properties. Their single storey form, albeit, with some having accommodation in the roofspace, gives them a subservient appearance in comparison to the predominantly two storey, and in some cases, the three storey height of the traditional properties in the village. The proposal would result in an increase in the height of the bungalow to form a two storey dwelling. Whilst I recognise that the proposal may have been designed to keep the roof pitch and ceiling height to a minimum, it would nevertheless result in a dwelling which would be out of scale with the group of dwellings on Rectory
-

Gardens and not respect the subservient relationship it currently has with the old rectory.

5. As such, I conclude that the proposal would have an adverse effect on the character and appearance of the host property and would fail to preserve or enhance the character or appearance of the Conservation Area. It would therefore be contrary to Policies PD1, PD2 and HC10 of the Derbyshire Dales Local Plan, which require, amongst other matters, the height and scale of the extension to be in keeping with the scale and character of the original dwelling and the wider setting. It would also be contrary to Section 16 of the National Planning Policy Framework.

### **Other Matters**

6. I acknowledge the proposal seeks to provide additional living space, and that a representation seeks to support the proposal, which would enable a family to move back to Sudbury and engage in village life. Whilst these matters weigh in favour of the proposal, they would not outweigh the harm that would be caused to the character and appearance of the host property or the Conservation Area.
7. The proposal would not have an adverse effect on the living conditions of surrounding occupiers. This is however a neutral consideration and not a matter which weighs in its favour.

### **Conclusion**

8. For the reasons given above and having considered all other matters raised, I conclude that the appeal should be dismissed.

*F Rafiq*

INSPECTOR



---

## Appeal Decision

Site visit made on 11 December 2018

by **Kate Mansell BA(Hons) MPhil MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 18 February 2019

---

**Appeal Ref: APP/P1045/W/18/3210166**

**2-Wirksworth Hall Farm, The Studio, Wash Green, Wirksworth DE4 4FD**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr R Palin against the decision of Derbyshire Dales District Council.
  - The application Ref 18/00318/FUL, dated 20 March 2018, was refused by notice dated 18 May 2018.
  - The development proposed is described as 'conversion of one dwelling to two (reversion to original approved arrangement)'.
- 

### Decision

1. The appeal is dismissed.

### Main issue

2. The main issue is the effect of the proposal on highway safety.

### Reasons

3. Wash Green (the B5035) is a narrow two-carriageway classified road. As it climbs out of Wirksworth the road is lined on either side by mainly traditional stone houses. Some are positioned on the back edge of the footway whilst others are set further back with stone boundary walls to the pavement edge. The footway is restricted in width and variable in its provision, either present on both sides, on alternating sides or, for small sections, not at all. Some on-street parking was also evident. In the course of my site visit, undertaken during the day, I noted that the traffic on Wash Green was reasonably busy although there were observable breaks. I appreciate that my site visit represents a 'snapshot' of prevailing highway conditions. Nonetheless, it is reasonable to assume that traffic levels would increase at peak times of the day.
4. The appeal property is situated at the end of a long private drive to the south of Wash Green. It currently serves a farm/commercial operation, a commercial studio and a group of farm buildings that presently form two houses. Planning permission to convert the farm buildings into two dwellings was granted in 1996. A further dwelling was granted in 1997, resulting in approval on site for three dwellings overall. At some time in the past, two of the dwellings were converted into one (the appeal property), with 4 bedrooms and a bedsit room (5 bedrooms).

5. The appellant has suggested that the lawful use of the property may still be as two dwellings. However, I have no Lawful Development Certificate to this effect and the lawful status of the property is not a matter for me to determine in the context of an appeal made under section 78 of the above Act 1990. I have therefore applied limited weight to this suggestion and have determined the appeal on the basis in which it was made, which is against the decision of the Council to refuse planning permission to convert the dwelling into two, three-bedroom houses. This would result in an additional unit to the two dwellings presently on site to a total of three.
6. The drive serving the site connects with Wash Green as it rises fairly steeply uphill out of Wirksworth. The drive is narrow but widens slightly as it meets the road. Within the Council's evidence, a visibility splay of 2.4m x 47m at the site entrance is recommended, in accordance with Manual for Streets (MfS) and Manual for Streets 2 (MfS2). No evidence has been provided to demonstrate that this could be achieved.
7. Looking right from the access, a low stone boundary wall extends at an angle up to the boundary with the adjoining house at No 36 Wash Green. In front of the wall is a triangular pavement area and a bench. Beyond this point, visibility is restricted by a large evergreen hedge, the flank elevation of the adjoining building fronting Wash Green and the curved alignment of the road.
8. Consequently, vehicles or other road users, including motorbikes and cyclists, travelling down the hill towards Wirksworth would be unlikely to see a car exiting the drive of the appeal site until they were close to this adjoining property. Whilst there are multiple access points along the highway it would, in my view, be highly undesirable to assume that all drivers would have an awareness of the limited emerging visibility and it is severely restricted. Furthermore, I have no evidence, such as speed survey data, which would serve to justify a reduced visibility splay in this location. The situation is compounded, in my view, by the lack or limited extent of the footways, which could force vulnerable pedestrians into the carriageway and in potential conflict with vehicles.
9. To the left of the site entrance, a low stone boundary wall is positioned adjacent to a narrow footway, within which a school sign and street light have been installed. From this point, looking down the hill towards Wirksworth as road users' travel uphill, the visibility appeared more generous.
10. I have noted the appellant's argument that the current use of the appeal property, including the personal business use of the outbuilding, would generate similar levels of traffic to that proposed. However, I have not been provided with any specific traffic generation data pursuant to either the existing or proposed use to assist in my assessment of this matter. In the absence of such evidence, I consider it likely that the traffic generation of two, three bedroom dwellings would be materially greater than that of one larger dwelling with ancillary accommodation for the appellant's daughter.
11. I also understand the appellant's contention that three dwellings from the same access were found acceptable in 1997. Nonetheless, that was a decision made by the Council more than twenty years ago. Even if highway policy and guidance has not materially changed since that time, I must determine the appeal on its individual merits and on the basis of the evidence before me, including my own observations. In this regard, I consider the visibility to be so

severely restricted that the intensified use arising from the appeal proposal would lead to an unacceptable danger and inconvenience to highway users.

12. I acknowledge the appellant's submission that the use of the access has not resulted in an increase in reported accidents. However, I have no evidence to this effect, such as personal injury collision data, thereby limiting the weight I am able to give to this assertion.
13. I therefore conclude that the proposal would result in unacceptable harm to highway safety contrary to Policies HC9 and HC19 of the Adopted Derbyshire Dales Local Plan (2017). These policies seek, amongst other matters, to ensure that developments can be safely accessed.

### **Other Matters**

14. The site is within the Wirksworth Conservation Area (CA). In accordance with the statutory duty set out in Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, I have therefore paid special attention to the desirability of preserving or enhancing the character or appearance of the CA. However, the proposal would not involve any external alterations and on this basis, it would have no perceivable effect upon the character or appearance of the CA, which would therefore be preserved.

### **Conclusion**

15. I acknowledge that the Council consider the site to occupy a reasonably sustainable location within walking distance of the services and facilities provided in the centre of Wirksworth, and I find no reason to disagree. Nevertheless, for the reasons I have explained, the proposal would result in unacceptable harm to highway safety. I therefore conclude that the appeal should be dismissed.

*Kate Mansell*

INSPECTOR





# Appeal Decision

Site visit made on 17 January 2019

by **J A Murray LLB (Hons), Dip. Plan Env, DMS, Solicitor**

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

Decision date: 5 February 2019

## Appeal Ref: APP/P1045/C/18/3200298

### Land and track opposite Willersley Lane Plantation, Matlock, Derbyshire, DE4 5JE

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Mrs Deanna Elliott against an enforcement notice issued by Derbyshire Dales District Council.
- The enforcement notice, numbered ENF/17/001117, was issued on 28 February 2018.
- The breach of planning control as alleged in the notice is unauthorised engineering works, erection of timber posts and formation of an access.
- The requirements of the notice are to remove all the timber posts, reinstate the excavated/made up land to its former topography, reinstate the vegetation to reflect that present on the land within the Wildlife Site and remove the access.
- The periods for compliance with the requirements are set out in section 5 of the notice as follows:
  - (i) Within 30 days from the date this notice takes effect, remove all the timber posts, with the exception of the gate posts.
  - (ii) Within five months from the date this notice takes effect, restore the landform to its former condition, using existing site material and cut and fill techniques, to ensure that the restored areas of the site marry with the existing levels at the edges in order to produce a consistent and even gradient to match the existing between points A and A1 on the attached<sup>1</sup> indicative drawing.
  - (iii) With effect from 30th September 2018, restore the vegetation to match the existing in the immediate surroundings of the works as set out in the table below:

Woodland trees: All trees 400 – 600mm forestry transplants; planted in 5 no. mixed species groups of 20 no. trees per group @ 2 metre centres; tree groups to be evenly spread across the area of restoration; each tree to be planted in a pit sufficiently large to accommodate roots without restriction; each pit to be backfilled with a mix of topsoil and Enmag slow release fertiliser to manufacturers instruction; each tree to be firmed in, thoroughly watered and fitted with a spiral rabbit guard and supporting cane; planted areas to be kept weed free for a period of 2 years following planting.		
Item	Species	Quantity
1	Quercus robur (pendunculate oak)	20 no.
2	Betula pendula (silver birch)	20 no.
3	Acer campestre (field maple)	20 no.
4	Populus tremula (aspen)	20 no.
5	Sorbus aucuparia (rowan)	20 no.

<sup>1</sup> Namely the drawing attached to the notice.

and complete the landscaping scheme by no later than 1st December 2018.

(iv) Within one month of completion of the landscaping, as required by (iii) above, remove the gates and timber posts and reinstate the boundary verge onto Willersley Lane to its previous condition.

- The appeal is proceeding on the grounds set out in section 174(2)(a), (b), (c) and (f) of the Town and Country Planning Act 1990 as amended.
- 

### **Decision**

1. It is directed that the enforcement notice be corrected: by the deletion of the allegation in section 3 and the substitution of: "Unauthorised engineering works comprising the formation of an access, track, embankments and large levelled area and the erection of timber posts."
2. Subject to this correction the appeal is allowed and the enforcement notice is quashed. Planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act as amended, for the development already carried out, namely engineering works comprising the formation of an access, track, embankments and large levelled area and the erection of timber posts on the land opposite Willersley Lane Plantation, Matlock, Derbyshire, DE4 5JE shown edged red on the plan annexed to this decision, subject to the conditions set out in the schedule to this decision.

### **Preliminary matter**

3. The enforcement notice is signed, but not dated. As required by section 173(8) of the 1990 Act, the notice does state when it was to take effect, namely on 16 April 2018. Having regard to the covering letter, it appears that the notice was served on 28 February 2018. Accordingly, the date for it to come into effect complies with section 172(3)(b). Neither the Act nor the Regulations made under it specifically requires that the notice should state its date of issue. However, section 172(3)(a) provides that the notice must be served within 28 days being issued and so I asked the Council to confirm the date of issue.
4. The Council indicated that the notice was issued on the date of service. The appellant does not dispute this and I am satisfied that section 172(3) has been complied with.

### **Ground (b)**

5. The appellant accepts that engineering operations have been undertaken save that she maintains there was already an access. To succeed on this ground, the appellant must prove on the balance of probability that an access has not been formed.
6. I have a letter from the previous occupier of the appeal site, who says he owned it from 1983 to 2017. He states that an access from Willersley Lane has existed and been used by vehicles for over 40 years. When the old 5 bar gate deteriorated, it was removed about 5 years ago and was not replaced. Thereafter, failing health prevented maintenance of the roadside hedge and vegetation and the site entrance became overgrown with grass and wild flowers in the spring and summer. A 1980 planning application for the erection of a dwelling on the appeal site proposed the alteration of an existing access to the highway. This corroborates the previous owner's evidence.

7. Against this, the Council relies on a Google Street View image from June 2015. That image shows no roadside boundary wall, fence or substantial hedge, but neither does it show any formal, hard surfaced access of the type that now exists; there appears to have been just an overgrown verge and this is consistent with the previous owner's evidence regarding the state of affairs in recent years.
8. The evidence satisfies me on the balance of probability that, for many years, it had been possible to enter the site via an opening and over the grass verge from Willersley Lane. However, as a matter of fact and degree, a means of access has now been formed or laid out as part of the creation of an access track and overall engineering operations. The appeal on ground (b) must therefore fail.
9. The allegation of "unauthorised engineering works, erection of timber posts and formation of an access" is a little vague, but the reasons for issuing the notice say the engineering works include "the formation of an access, track, embankments, large levelled area and the erection of timber posts..." When read together with the requirements in section 5(a) and 5(i), (ii) and (iv) of the notice, this makes the allegation sufficiently clear.
10. However, it is the allegation which defines the scope of the deemed application for planning permission and it should be corrected to identify all the elements of the engineering works referred to elsewhere in the notice. It should read: "Unauthorised engineering works comprising the formation of an access, track, embankments and large levelled area and the erection of timber posts." I am satisfied that this correction can be made without causing injustice.

### **Ground (c)**

11. To succeed on this ground, the appellant must prove on the balance of probability that the matters alleged in the notice do not constitute a breach of planning control.
12. This ground is relied upon in relation to the fence posts and gates only, which the appellant contends are permitted development (PD). Class A of Part 2 of Schedule 2 of the Town and Country Planning (General Permitted Development)(England) Order 2015 (the GPDO) provides that the erection, of a fence, wall or other means of enclosure will be PD. In the circumstances relevant to this case, this is subject to the proviso that the height of the gate, fence, wall or means of enclosure would not exceed 2 metres above ground level.
13. The appellant does not dispute that, when the notice was issued, the gates measured 2.55m in height above ground level and the gate posts were 3.15m and 3.2m high. Assuming the posts along the access track, which the appellant says were intended to support fence panels, could be regarded as constituting a means of enclosure, they were more than 3m high.
14. Although the gates and posts have all now been reduced in height to less than 2m, the development addressed by the notice, i.e. as it existed at the time of issue of the notice, is not within Class A. To put it another way, the development alleged in the notice was carried out without the benefit of planning permission granted by the GPDO, or otherwise, and it therefore constitutes a breach of planning control and ground (c) must fail.

## **Ground (a)/the deemed application for planning permission**

### ***Main Issues***

15. The main issues are the effect of the development on:

- the character and appearance of the area, which lies within the Buffer Zone to the Derwent Valley Mills World Heritage Site; and
- the ecology of the site, which lies within the Starkholmes Complex Local Wildlife Site.

### ***Reasons***

#### *Character and appearance*

16. The site lies in a rural location on rising land to the east of Willersley Lane. Immediately to the west of that road, the land falls away and is heavily wooded. The area to the north of the appeal site is also quite densely wooded, but the land immediately to the south is a predominantly open field, with limited tree cover, except at its roadside boundary. An aerial photograph submitted by the appellant indicates that, before this development was carried out, there were more trees on the site, but its cover was less dense than that on land to the north. In this regard, the site effected a transition between the areas immediately to the north and south.
17. I note that, since the notice was issued, the timber posts have been cut down from a height of more than 3m to less than 2m. Although the notice does not refer to the gate, the Council also indicates that the overall height of the gates was some 2.55m, whereas traditional five-bar gates of significantly less than 2m have been installed between the reduced posts, since the notice was issued.
18. The parties differ over whether the engineering works to create the access track, embankments and levelled area can be described as significant. However, in any event, the appellant suggests that the site has naturally regenerated since the work was completed. Indeed, I note the Derbyshire Wildlife Trust's view that the land may naturally regenerate if left alone. It seems likely that, when the engineering works were first undertaken, they may have appeared as a somewhat raw wound in the landscape and their obtrusiveness would have been accentuated by the higher timber posts and gates than those which now exist on the site.
19. The works undertaken at the site have altered its appearance, including reducing tree cover and introducing a more formal access. However, the track winds through the site to the elevated level area. Several trees remain within the site and its character and appearance are still essentially rural. I am satisfied that, with appropriate additional planting and controls on fences, gates and surfaces, the development can be successfully assimilated into the rural landscape.
20. Subject to necessary conditions, I conclude that the development does not harm the character and appearance of the area. It therefore protects the landscape's intrinsic character, identity and context and constitutes high quality design in accordance with Policies S4, PD4, PD5 and DP1 of the Derbyshire

Dales Local Plan (LP), adopted 2017. Appropriate planting will ensure compliance with LP Policy PD6.

21. The site lies within the Buffer Zone of The Derwent Valley Mills World Heritage Site, the Management Plan for which says its setting is of importance, "because of the critical significance to the Property's OUV<sup>2</sup> of the location of the mills and their associated settlements, within a rural landscape, arrested in time." Subject to appropriate conditions, the site will not undermine or detract from the rural setting of the World Heritage Site and will sustain its significance in accordance with LP Policy PD2.

### *Ecology*

22. The appeal site is located within the Starkholmes Complex Local Wildlife Site. This is a non-statutory designation and the Council acknowledges that normal land management is not necessarily prevented. Nevertheless, LP Policy PD3 seeks to protect, manage and where possible enhance the biodiversity resources of the Plan Area and says that locally designated sites will be conserved and enhanced.
23. The Derbyshire Wildlife Trust (DWT) advised that the works could have affected badgers, bats, reptiles and nesting birds, depending on the timing of the clearance and the characteristics of the trees cleared. However, the land affected by the works had not been visited by the DWT and I have no evidence of what species were present, or even the timing of the works, except that they were brought to the Council's attention in October 2017. The DWT advised that it would be difficult to "retrofit" appropriate measures, but if the Council were minded to request reinstatement, the DWT recommended planting trees of the species now referred to in the notice.
24. Although no expert ecology evidence has been provided, the appellant states that two potential badger setts were noted on site when works were undertaken to reduce the height of the gates and timber posts on the site. During the site visit, I was shown what could have been badger tracks; I put it no higher than that.
25. The impact of the works on the ecology of the site is uncertain. I cannot therefore conclude that they constitute a probable breach of LP Policy PD3. However, if those works did have a detrimental effect, it is possible that reinstatement works could be similarly harmful. In those circumstances, and given my findings on the first main issue, I conclude that the interests of ecology would be better served by simply requiring additional planting, rather than demanding reinstatement, which would involve disruptive engineering works.

### ***Conclusion on ground (a)/the deemed application for planning permission***

26. I conclude that, subject to appropriate conditions, the development will not harm the character and appearance of the area or the ecology of the site. It complies with the development plan and the appeal should be allowed.

---

<sup>2</sup> Outstanding Universal Value.

### **Conditions**

27. The Council suggests conditions requiring the submission of schemes regarding landscaping and the surfacing of the access track.
28. For the reasons already given, a landscaping condition is necessary to safeguard the character and appearance of the area and in the interests of ecology.
29. I understand that the purpose of the timber posts within the site is to support fencing along the access track. Notwithstanding permitted development rights, inappropriate gates or fencing could also have an impact on character and appearance within the Buffer Zone of World Heritage Site. Therefore, no fencing should be erected in addition to the existing timber posts and no replacement gates should be installed unless details have first been submitted to and approved in writing by the local planning authority.
30. The existing surfacing of the track and the level area does respect the rural character and appearance of the area and would be appropriate for agricultural use, as proposed by the appellant. However, the Council suggests that details of the track should be submitted and approved in the interests of highway safety. I have not heard from the highway authority, but concerns could arise regarding the tracking of mud etc onto the highway. It is therefore reasonable and necessary to require the submission of details in connection with the access at the junction with the Willersley Lane carriageway.
31. The Council's suggested landscaping condition requires the submission of details for approval and then implementation of the approved details. However, it does not address the eventuality that the details are not approved. The suggested condition concerning surfacing of the access and track provides that the site should not be brought into use until approved details have been implemented. However, given that the permission concerns engineering works, it is not entirely clear what "brought into use" might mean in practise.
32. As is usual in enforcement cases of this nature, it will be better to require the land to be restored if details are not approved, having regard to the right to appeal, or if they are subsequently not implemented. I will amend the suggested conditions accordingly. Although the resulting conditions appear complex, this amendment is necessary in the interests of precision and enforceability.
33. The required restoration works and periods for compliance are informed by the requirements of the enforcement notice, save that I will make no specific reference to the gates or posts. This is because the gates are not referred to in the allegation, as initially drafted, or as corrected and, in suggesting conditions, the Council said it would make no further comment on these, as the posts have been cut down to less than 2m in height and the gates replaced.

### **Ground (f)**

34. This ground is that the requirements of the notice are excessive. However, it does not fall to be considered as the notice will be quashed because of my decision on ground (a).

## Schedule of Conditions

- 1) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no fences, gates, walls or other means of enclosure, other than the existing timber posts and gates, shall be erected on the land unless the details have first been submitted to and approved in writing by the local planning authority.
- 2) (a) Within five months of the date of failure to meet any one of the requirements set out in i) to iv) of this condition 2), the land shall be restored to its former condition, using existing site material and cut and fill techniques, to ensure that the restored areas of the site marry with the existing levels at the edges in order to produce a consistent and even gradient.  
 (b) Within 7 months of the date of failure to meet any one of the requirements set out in i) to iv) of this condition 2), restoration of vegetation shall be commenced on site to match the existing in the immediate surroundings of the works, as set out in the table below:

Woodland trees: All trees 400 – 600mm forestry transplants; planted in 5 no. mixed species groups of 20 no. trees per group @ 2 metre centres; tree groups to be evenly spread across the area of restoration; each tree to be planted in a pit sufficiently large to accommodate roots without restriction; each pit to be backfilled with a mix of topsoil and Enmag slow release fertiliser to manufacturers instruction; each tree to be firmed in, thoroughly watered and fitted with a spiral rabbit guard and supporting cane; planted areas to be kept weed free for a period of 2 years following planting.

Item	Species	Quantity
1	Quercus robur (pendunculate oak)	20 no.
2	Betula pendula (silver birch)	20 no.
3	Acer campestre (field maple)	20 no.
4	Populus tremula (aspen)	20 no.
5	Sorbus aucuparia (rowan)	20 no.

and this landscaping shall be completed within 9 months of the date of failure to meet any one of the requirements set out in i) to iv) of this condition 2).

(c) Within 10 months of the date of failure to meet any one of the requirements set out in i) to iv) of this condition 2), the boundary verge onto Willersley Lane shall be restored to its previous condition.

- i) Within 6 weeks of the date of this decision a scheme for the soft landscaping of the site and the hard surfacing of the access at the junction with Willersley Lane shall have been submitted for the written approval of the local planning authority and the scheme shall include a timetable for its implementation.
- ii) If within 10 months of the date of this decision the local planning authority refuse to approve the scheme or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State.

- iii) If an appeal is made in pursuance of ii) above, that appeal shall have been finally determined and the submitted scheme shall have been approved by the Secretary of State.
- iv) The approved scheme shall have been carried out and completed in accordance with the approved timetable.

Upon implementation of the approved scheme specified in this condition, that scheme shall thereafter retained, in so far as it relates to the site access.

In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.

- 3) Any trees or plants planted in accordance with the landscaping scheme approved under condition 2(i) hereof, which within a period of 5 years from the date of first planting die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

*J A Murray*

INSPECTOR





# Plan

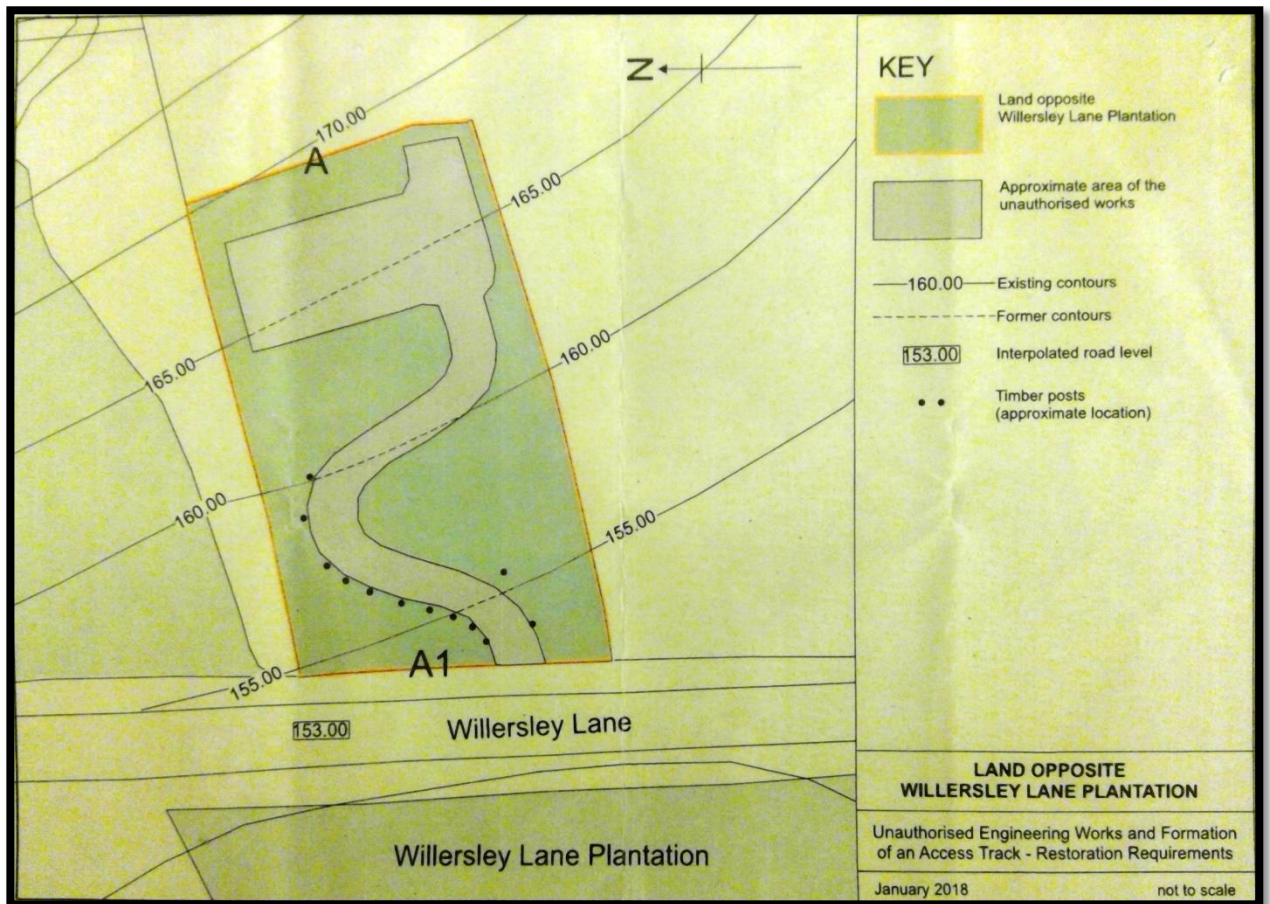
This is the plan referred to in my decision dated:

**by J A Murray LLB (Hons), Dip. Plan Env, DMS, Solicitor**

**Land and track opposite Willersley Lane Plantation, Matlock, Derbyshire, DE4 5JE**

**Reference: APP/P1045/C/18/3200298**

Scale: DO NOT SCALE





---

## Appeal Decision

Site visit made on 17 January 2019

**by J A Murray LLB (Hons), Dip.Plan Env, DMS, Solicitor**

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

**Decision date: 1 February 2019**

---

**Appeal Ref: APP/P1045/C/18/3206920**

**Land at former Bent Farm, Farley Hill, Matlock, Derbyshire, DE4 5LT**

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
  - The appeal is made by Mr Matthew Slack against an enforcement notice issued by Derbyshire Dales District Council.
  - The enforcement notice, numbered ENF/18/00067, was issued on 14 June 2018.
  - The breach of planning control as alleged in the notice is works comprising the formation of a widened access and works to provide water supply and electricity hook-up points.
  - The requirements of the notice are:
    - (a) Remove the hook-up points and reinstate the grassland;
    - (b) Remove the material that has been introduced onto the land to create the 7.5 meter wide track (approximate width for its length), reduce the track to 4m in width, and reinstate the grassland to its north (Area 1) on the attached plan<sup>1</sup>;
    - (c) Narrow the access point to Farley Hill to 4.5 metres in width measured in a southerly direction from point (B) on the attached plan and realign and rebuild the drystone boundary wall between points (A) and (B); and
    - (d) Reinstate the roadside verge (Area 2).
  - The period for compliance with the requirements is 3 months after the notice takes effect.
  - The appeal was made on the grounds set out in section 174(2)(a), (c), (f) and (g) of the Town and Country Planning Act 1990 as amended. However, since the prescribed fees have not been paid within the specified period, the appeal on ground (a) and the application for planning permission deemed to have been made under section 177(5) of the Act as amended have lapsed.
- 

### Decision

1. It is directed that the enforcement notice be:
  - (a) Corrected by:
    - (i) deleting all the plans attached to the notice and substituting the attached plans marked A, B and C;
    - (ii) inserting "A" after the words "attached plan" in section 2; and
  - (b) varied by:
    - (i) deleting the word "plan" in requirement 5(b) and substituting "plans B and C";

---

<sup>1</sup> In this heading, "the attached plan" means the plan attached to the notice.

- (ii) inserting "B" after the words "attached plan" in requirement 5(c);
- (iii) inserting in requirement 5(d) the words "as shown on the attached plan B" after the words "verge (Area 2)"; and
- (iv) substituting 6 months as the time for compliance in section 5.

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

### **The notice and grounds of appeal**

2. The appellant raises some points regarding the drafting of the notice, though he does not specifically contend that it is incapable of correction.
3. First, he notes that, whilst the requirements in section 5 include the removal of the material used to widen the track, the widening of the access track is not identified as a breach in section 3, which only refers to "the formation of a widened access track." This is a distinction without a difference and this point does not undermine the validity of the notice. There is no need for any correction in this regard.
4. Although the 4 plans attached to the notice are not numbered, the references in the requirements are easy to relate to the annotations and shading on the relevant plans. Any recipient of the notice can ascertain from the notice and plans what is alleged and what is required, so the notice is valid. However, to improve the clarity of the notice, I will substitute numbered versions of the plans and make consequential corrections to the allegation and requirements. I am satisfied that this can be done without causing injustice.
5. One of the plans attached to the notice appears to show 12 "hook-up points" and indicates their approximate location. At the time of my site inspection there were only 9 such points. However, the allegation in section 3 of the notice just refers to "works to provide water supply and electricity hook-up points" and it does not specify a number. Furthermore, the plan in question is not referred to in the notice. I am satisfied that this plan can simply be deleted without causing any injustice.
6. Finally, whilst this is repeated in the appeal on ground (f), the appellant contends that the requirement to reinstate the roadside verge requires works within the highway on land which is not within his ownership or control. The Council did not address this point in its statement, but it seemed to me that the appellant's representations revealed a hidden ground (e). I address this below.

### **Ground (e)**

7. Ground (e) is that copies of the notice have not been served as required by section 172 of the 1990 Act. Section 172(2)(b) requires that, in addition to service on the owner and occupier, the notice must be served on the "any other person having an interest in the land, being an interest which, in the opinion of the authority, is materially affected by the notice." I sought the Council's view on whether this has been complied with, given the appellant's reference to the interest of the Highway Authority (HA) and the implications of this. I then gave the appellant an opportunity to comment on the Council's representations and I have taken all these submissions into account.

8. The Council appreciated that the HA has an interest in the land, as part of the access is across the highway verge. This may not be a definitive view but, on the evidence before me, the HA probably does have an interest in part of the land covered by the notice. As the notice requires removal of works within the highway, it could be said that the HA's interests are materially affected by it. On the face of things then, the notice has not been served as required by section 172. However, section 176(5) provides that I may disregard a failure to serve a person if neither the appellant nor that person has been substantially prejudiced by that failure.
9. The HA has not had an opportunity to consider whether it should appeal, for example on ground (a), or indeed comment on the appeal. Although it is not inconceivable that the HA might have wished to pursue ground (a), the appellant says he maintained dialogue with the HA during the implementation of the works to ensure it was satisfied with his efforts to maintain and improve the public footpath. That may be the case, and the HA may have had no objection to the works undertaken by the appellant within the verge to alter the access to the highway.
10. However, the appellant provided no evidence to indicate that the HA positively desired those works and there is nothing to persuade me that it would have been likely to pursue ground (a) to retain them. In this regard, Farley Hill appears to be lightly trafficked and visibility is reasonably good at the site access. Furthermore, the appellant did not contradict evidence from a neighbour and an email from the Camping and Caravanning Club dated 5 December 2018 indicating that the land is not yet certified as a camp site. In all of these circumstances, conflict between vehicles towing caravans and other would not be an immediate and serious concern. There is nothing to suggest the HA has been substantially prejudiced in that regard.
11. Given my conclusions on grounds (c) and (f), the effect of the notice will simply be to ensure that the land, including the verge, is restored to its condition prior to the breach. This will give rise to no substantial prejudice.
12. In all the circumstances, the appeal fails on ground (e).

### **Ground (c)**

13. The appellant advances this ground in relation to the widening of the access only and not the provision of the hook-up points. To succeed, the appellant must prove on the balance of probability that the formation of a widened access track does not constitute a breach of planning control.
14. The appellant contends that these works constitute permitted development (PD) under Class B(d) of Part 6 of Schedule 2 of the Town and Country Planning (General Permitted Development)(England) Order 2015 (the GPDO). Together with Article 3(1), this grants planning permission for the carrying out on agricultural land comprised in an agricultural unit, of not less than 0.4 but less than 5 hectares in area, of development consisting of "the provision, rearrangement or replacement of a private way...where the development is reasonably necessary for the purposes of agriculture within the unit."
15. The Council contends that the widened access cannot be PD because the development is not reasonably necessary for the purposes of agriculture within the unit. The appellant maintains that the track is shared by a well-used public

- path and the increased width will facilitate its use by agricultural machinery, without compromising the safety of pedestrians. He also mentions cars towing caravans.
16. A public footpath runs along grass at the south western boundary of the appeal site and this is now separated from the appellant's access track by a post and rail fence. Part of the footpath surface has collapsed into the adjacent ditch and is obstructed at this point by posts laid across the path and the top fence rail.
17. The appellant says the path had become almost impassable in wet weather, partly due to poor drainage and partly because of use by farm machinery. This is disputed by several long-standing local residents who also say:
- no previous track was ever used by farm vehicles;
  - although the pre-existing standard farm gate next to the footpath entrance provided adequately for vehicle access to the field, this was rarely used because direct access to the land was already available from the yard beside the former farm house;
  - access is still available from the yard above the new house;
  - there was never a need to separate walkers from agricultural vehicles;
  - the footpath was previously separated from the field by a post and wire fence, some 5 feet into the field, to prevent conflict between walkers and grazing horses; and
  - the full 7.5m width of new road is separated from the footpath by the fence.
18. The new hard surfaced track, which appears to consist of road 'scalpings', provides vehicular access to the rectangular area, which has been laid out as a caravan/camp site with 9 'hook-up' points. Although a gap in the fence at the south-eastern end of the track allows access from the track to the land to the north, this is just a grass field.
19. Having regard to the history set out by neighbouring residents and the limited information provided by the appellant, I am not persuaded on the balance of probability that the 7.5m wide hard surfaced track and the wider bell-mouth connection to the highway is reasonably necessary for the purposes of agriculture within the unit. On the evidence before me and having regard to the nature of the track, it has probably been constructed with a view to providing convenient access for vehicles towing caravans to and from the appellant's land. Furthermore, there is no evidence of historic conflict between agricultural vehicles and users of the footpath and, in any event, the enforcement notice allows for a 4m wide track to be retained.
20. Accordingly, whether or not the development would comply with the remaining provisions of Class B(d), that Class does not provide planning permission for it. No other evidence of lawfulness has been advanced and I therefore conclude on this issue that the appellant has not proved on the balance of probability that the formation of a widened access track does not constitute a breach of planning control. The appeal on ground (c) therefore fails.

**Ground (f)**

21. This ground is that the notice requirements are excessive. Depending on the purpose of the notice, this can be assessed against the question of whether the requirements exceed what is necessary to remedy (1) the breach of planning control; or, (2) any injury to amenity.
22. However, the appellant's case is that reducing the width of the track would prevent the footpath being separated from agricultural traffic and cars towing caravans, such that vehicles may have to reverse. Given my conclusion regarding the need for this under ground (c), this argument does not demonstrate that the requirements exceed what is necessary to remedy the breach, or remedy injury to amenity. The appellant's contentions relate to the broad merits of the development but, in the absence of an appeal on ground (a) and a deemed application for planning permission, they do not fall to be considered.
23. The same is true of the appellant's argument that requirement (d) should allow for a "bell mouth" to enable vehicles to turn into the site without straying into the opposite lane, or to pass if meeting at the access.
24. Ground (f) cannot therefore succeed.

**Ground (g)**

25. This ground is that 3 months is not a reasonable period for compliance and the appellant request 6 months. The Council issued the notice in June 2018 and says the 3 month compliance period would have enabled the excavation and reinstatement work to be undertaken during the summer and autumn months.
26. Poor weather could prevail throughout the early months of this year and therefore a period of 6 months would be appropriate. The appeal succeeds on this basis and I will vary the notice accordingly.

*J A Murray*

INSPECTOR



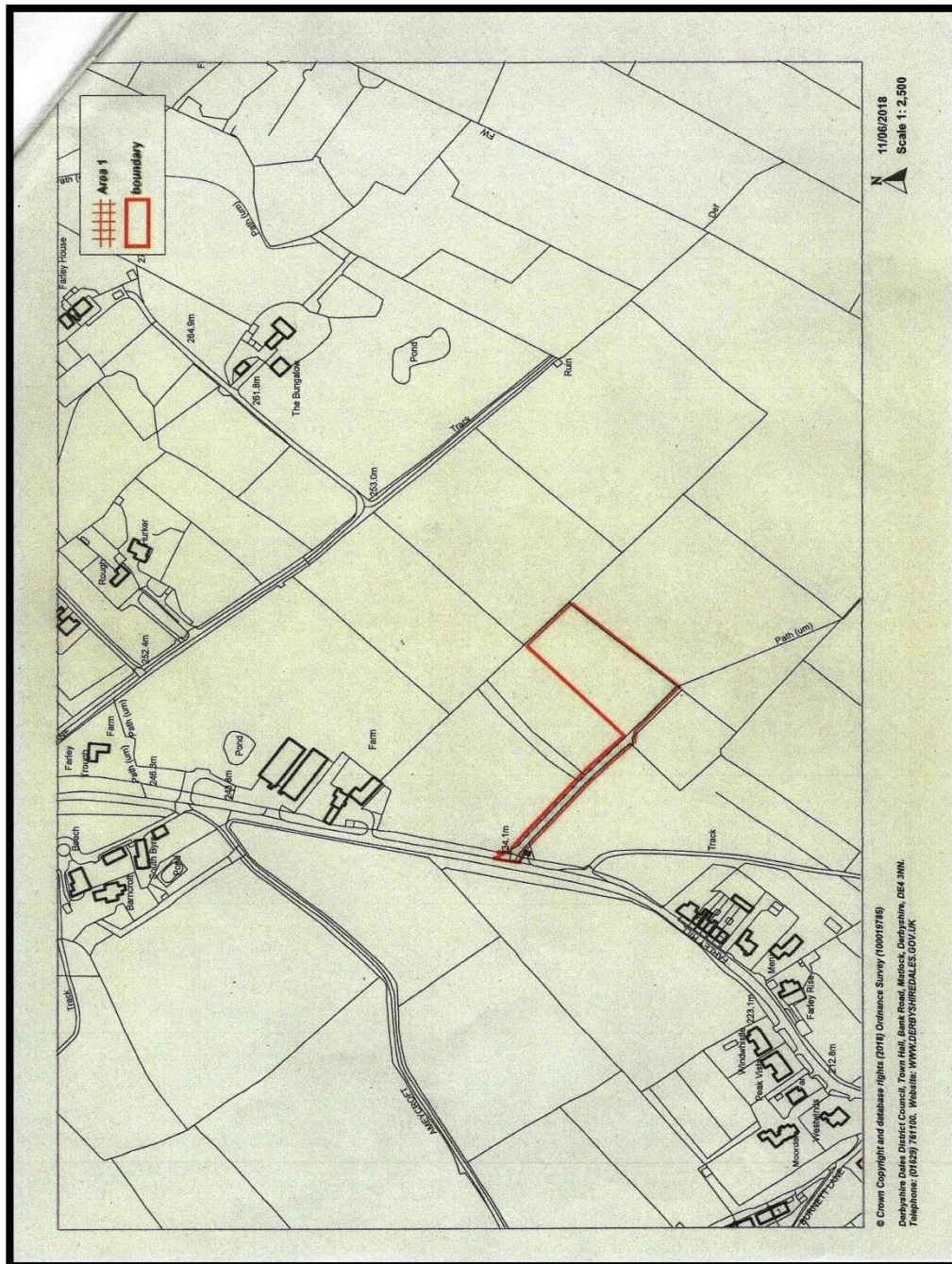
# Plan

This is the plan 'A' referred to in my decision dated:

**by J A Murray LLB (Hons), Dip.Plan Env, DMS, Solicitor**

**Land at: former Bent Farm, Farley Hill, Matlock, Derbyshire, DE4 5LT Reference: APP/P1045/C/18/3206920**

Scale: DO NOT SCALE





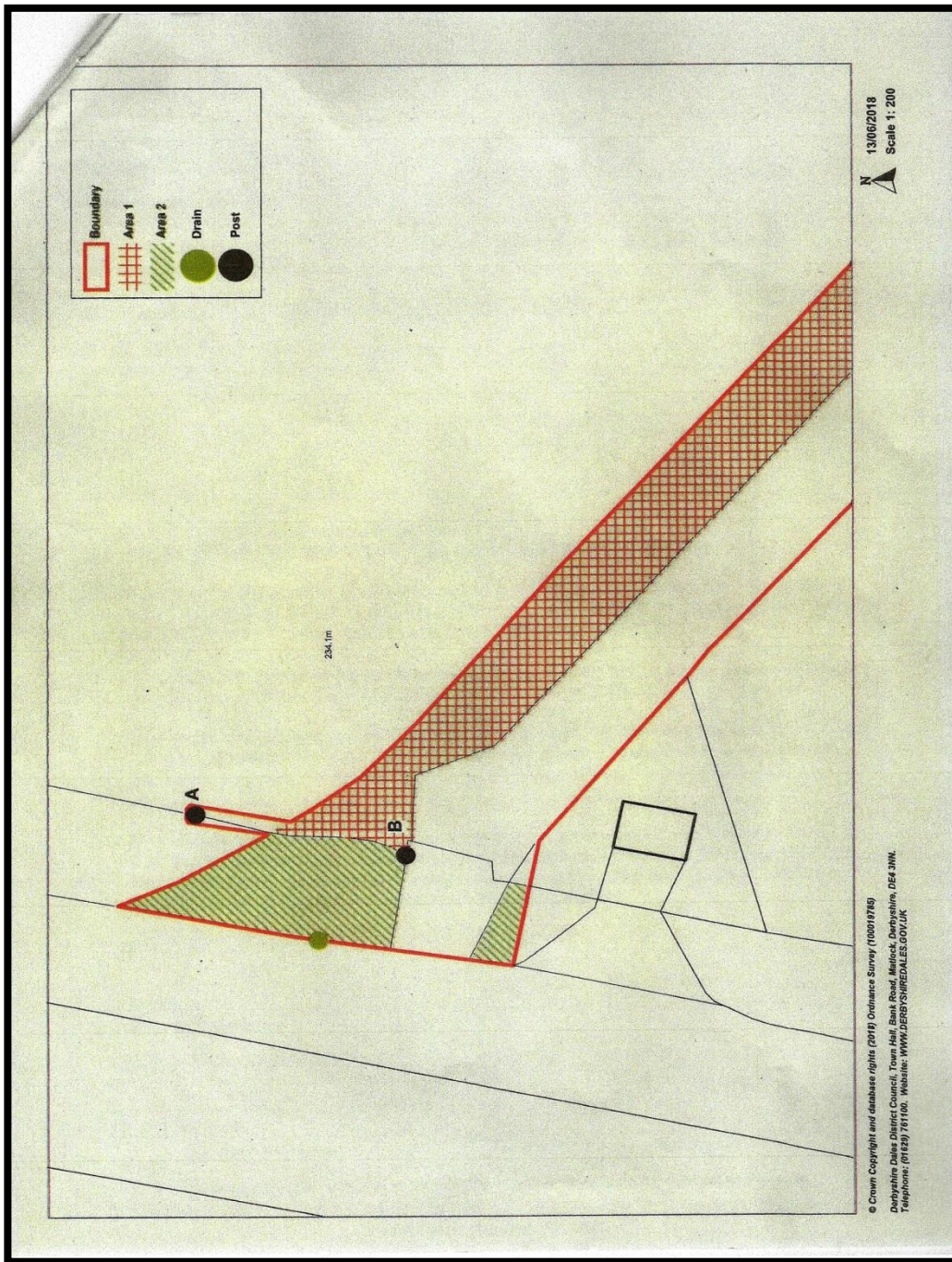
# Plan

This is the plan 'B' referred to in my decision dated:

**by J A Murray LLB (Hons), Dip.Plan Env, DMS, Solicitor**

**Land at: former Bent Farm, Farley Hill, Matlock, Derbyshire, DE4 5LT Reference: APP/P1045/C/18/3206920**

Scale: DO NOT SCALE







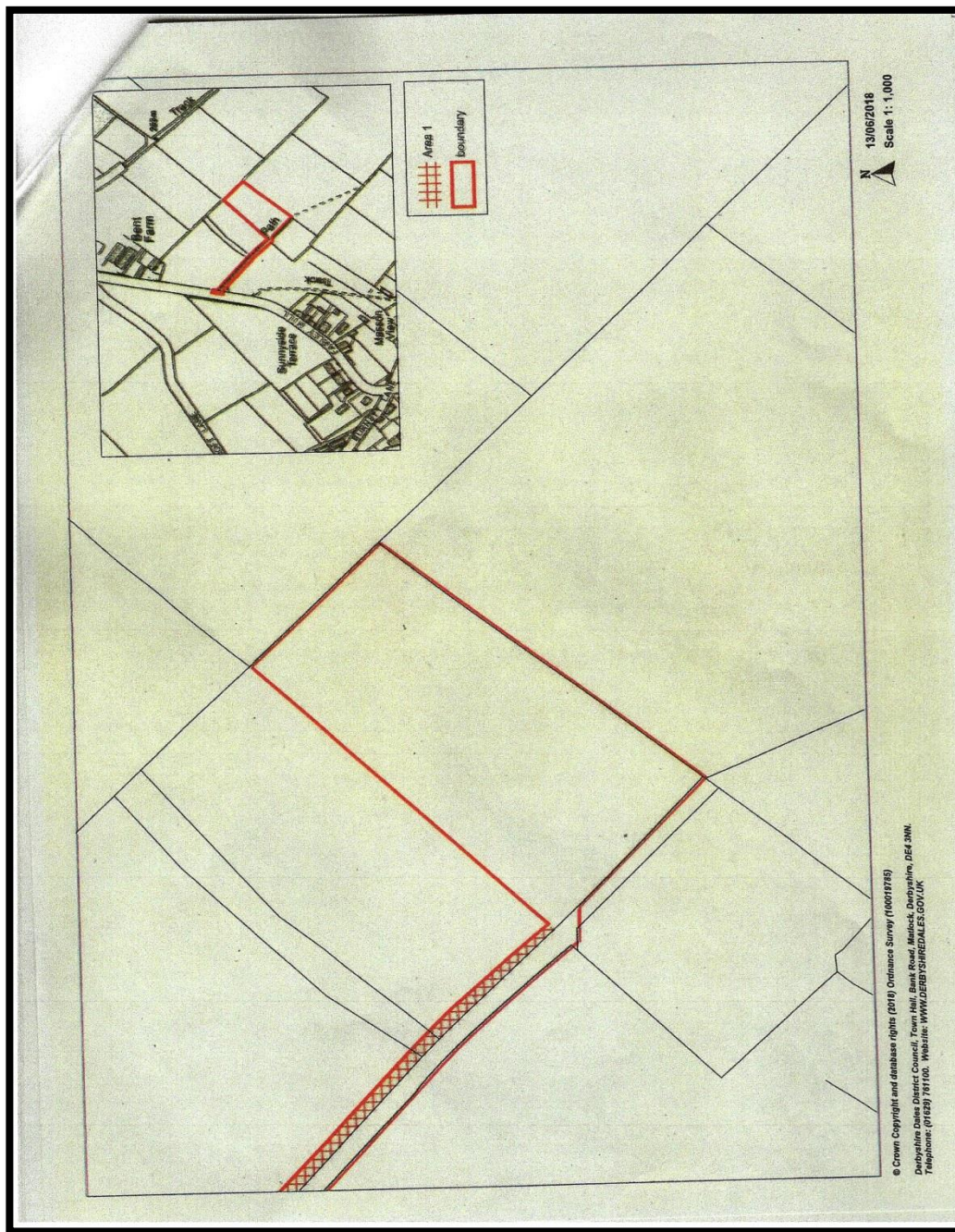
## Plan

This is the plan 'C' referred to in my decision dated:

**by J A Murray LLB (Hons), Dip.Plan Env, DMS, Solicitor**

**Land at: former Bent Farm, Farley Hill, Matlock, Derbyshire, DE4 5LT Reference:  
APP/P1045/C/18/3206920**

Scale: DO NOT SCALE





---

## Appeal Decision

Site visit made on 8 February 2019

by **Gary Deane BSc (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 27<sup>th</sup> February 2019

---

### **Appeal Ref: APP/P1045/W/18/3212566**

### **74 Eversleigh Rise, Darley Bridge DE4 2JW**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr Alan Cocker against the decision of Derbyshire Dales District Council.
  - The application Ref 18/00586/FUL, dated 30 May 2018, was refused by notice dated 9 July 2018.
  - The development proposed is a change of use from a detached garage and store to ancillary accommodation and holiday let
- 

### **Decision**

1. The appeal is dismissed.

### **Main issue**

2. The main issue is the effect of the proposal on highway safety for users of Eversleigh Rise.

### **Reasons**

3. The proposal is to alter and convert the detached garage and store to one side of the appeal property, which is a semi-detached house, to provide accommodation for those on holiday and also for family and friends. Vehicular access to the converted building would be from Eversleigh Rise, which is a classified road, using the existing gated access to No 74. A footway separates this access from the main carriageway.
4. For drivers exiting the site, I saw that a hedgerow, which marks the highway frontage of the adjacent property, obscures the visibility of road users approaching from the southwest. According to the County Highway Authority (CHA), about 10m of clear visibility can be achieved in a southwest direction from a position set back into the site by 2.4m from the nearside of the carriageway. This arrangement would fall short of the recommended level of visibility of 64m, which the CHA considers would be appropriate given its estimates of the speed of vehicles passing the site (about 35mph) and the gradient of the road. Even applying some flexibility to the CHA's approach to acknowledge that most road users would tend to adhere to the speed limit of 30mph and that the main carriageway might be less steep than assumed, this shortfall is still significant.
5. Given the restricted visibility, motorists emerging from the site and turning out onto Eversleigh Rise in either direction would need to edge forward across the

footway and into the main carriageway to improve their view of oncoming road users. In doing so, the emerging vehicles would obstruct other road and footway users. In those circumstances, any additional vehicle movements using this access, even at the modest level anticipated, would pose a significant risk to highway safety.

6. I acknowledge that the appellant has no personal recollection of any accidents or safety problems involving vehicles using the access to No 74, which has been in place for some considerable time. However, that does not necessarily mean that the proposed access arrangement is therefore safe. I also saw that forward visibility along Eversleigh Rise is reasonably good. However, the inter-visibility between drivers using this road and the access would be inadequate.
7. The appellant states that up until recently at least 6 cars regularly used the access to No 74 by family members. However, if planning permission were to be granted the proposal would lead to additional vehicle movements over and above those associated with the single dwelling. Applying typical occupation rates for the proposed holiday let would indicate a modest increase in car movements compared to the current use of the access. The appellant also states that the terms of occupation for the holiday let would stipulate that only one car is permitted. However, it is the movement of those additional vehicles primarily out of the site that is at issue.
8. I accept that there is sufficient space within the site for several cars to park and turn so that they can exit in forward gear. I also note that permission was sought and received from the landowner north of the access to cut boundary hedges to improve sight lines. However, few details have been provided of this arrangement and it is visibility to the southwest of the appeal property rather than to the north that is substandard.
9. On the main issue, I conclude that the proposal would cause significant harm to the highway safety of users of Eversleigh Rise. It would, therefore, conflict with Policies S3 and EC8 of the Derbyshire Dales Local Plan. These policies aim to ensure, amongst other things, that access to serve new development is safe and that increased numbers of visitors can be accommodated without detriment to road safety.
10. The Council raises no objection to the submitted design, which I, too, find acceptable. The appeal scheme reuses an existing building and makes efficient use of the site. Once complete, the converted building would add to the stock of holiday accommodation that in turn would support the local tourist economy, which is encouraged by planning policies. Furthermore, there is ease of access to the National Park, with a bus stopping place and footpaths nearby. However, these matters do not outweigh the harm that I have identified.

## **Conclusion**

11. For the reasons given above, and taking into account the absence of objections from others, I conclude that the appeal should be dismissed.

*Gary Deane*

INSPECTOR

## **BACKGROUND PAPERS**

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

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

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

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