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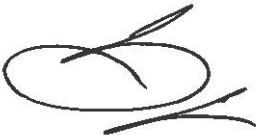
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30 September 2019

To: All Councillors

As a Member or Substitute of the **Planning Committee**, please treat this as your summons to attend a meeting on **Tuesday 08 October 2019 at 6.00pm** in the **Council Chamber, Town Hall, Matlock DE4 3NN**.

Yours sincerely



Sandra Lamb
Head of Corporate Services

AGENDA

SITE VISITS: The Committee is advised a coach will leave the Town Hall, Matlock at 4.00pm 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 of any apologies for absence and substitute arrangements.

2. APPROVAL OF THE MINUTES OF THE PREVIOUS MEETING

Planning Committee – 10 September 2019

3. INTERESTS

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

4. APPLICATIONS FOR DETERMINATION

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

PUBLIC PARTICIPATION

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

	Page No.
4.1 APPLICATION NO. 19/00712/FUL (Site Visit)	05 – 27
Erection of 5 no. industrial and commercial buildings with associated new access and landscaping at Land West of Blackrocks Business Park, Porter Lane, Wirksworth.	
4.2 APPLICATION NO. 19/00455/OUT	28 – 54
Outline planning application for a residential development of 12 dwellings with approval being sought for access at Land off Millers Green, Wirksworth.	
4.3 APPLICATION NO. 19/00760/FUL	55 – 60
Use of land for personal equestrian use, erection of 4 stables, hay barn and associated concrete yard at Snelston House, Sides Lane, Snelston.	
5. INFORMATION ON ACTIVE AND CLOSED ENFORCEMENT INVESTIGATIONS	61 – 79
6. APPEALS PROGRESS REPORT	80 - 100
To consider a status report on appeals made to the Planning Inspectorate.	

Members of the Committee

Councillors Jason Atkin (Chairman), Richard Bright (Vice Chairman)

Robert Archer, Matthew Buckler, Sue Bull, Sue Burfoot, Tom Donnelly, Richard FitzHerbert, David Hughes, Stuart Lees, Joyce Pawley, Garry Purdy and Peter Slack.

Nominated Substitute Members

Jacqueline Allison, Martin Burfoot, Paul Cruise, Helen Froggatt, Chris Furness, Susan Hobson, Michele Morley, Tony Morley, Peter O'Brien, Mike Ratcliffe, Mark Salt, Steve Wain and Mark Wakeman.

PUBLIC PARTICIPATION

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

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

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

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

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

SITE VISITS

Members will leave the Town Hall, Matlock at **4.00pm prompt** for the following site visits:

	Page No.
4.15pm APPLICATION NO. 19/00712/FUL	05 - 27
LAND WEST OF BLACKROCKS BUSINESS PARK, PORTER LANE, WIRKSWORTH	
At the request of Officers to allow Members to view the impact on the surrounding area.	
5.00pm RETURN TO TOWN HALL, MATLOCK.	

COMMITTEE SITE MEETING PROCEDURE

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

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

APPLICATION NUMBER		19/00712/FUL	
SITE ADDRESS:		Land West Of Blackrocks Business Park, Porter Lane, Wirksworth	
DESCRIPTION OF DEVELOPMENT		Erection of 5no. industrial and commercial buildings with associated new access and landscaping	
CASE OFFICER	Mr. G. A. Griffiths	APPLICANT	Mr A Millward
TOWN	Wirksworth	AGENT	Planning Design Practice Ltd
WARD MEMBERS	Cllr. E. McDonagh Cllr. M. Ratcliffe Cllr. P. Slack	DETERMINATION TARGET	19 th September 2019
REASON FOR DETERMINATION BY COMMITTEE	Major Application	REASON FOR SITE VISIT (IF APPLICABLE)	To assess the development proposal in its context

MATERIAL PLANNING ISSUES
<ul style="list-style-type: none"> • Principle of Development • Impact on the character and appearance of the Area and the Derwent Valley Mills World Heritage Site Buffer Zone • Landscaping • Highway Safety • Public Rights of Way • Site Contamination • Land Drainage • Impact on Wildlife • Impact on Archaeology

RECOMMENDATION
Approval

1. THE SITE AND SURROUNDINGS

- 1.1 The site is a field set to the north of Porter Lane and to the west of existing industrial units, the one accessed off Porter Lane being the applicant's premises. To the north of the site is an area of open land which is designated as a Local Wildlife Reserve. Beyond this, and Dark Lane, to the north and west is the Gang Mine Nature Reserve which is within a Geological Site (RIGS) and is a Special Area of Conservation (SAC) and Site of Special Scientific Interest (SSSI). To the south, and on the opposite side of Porter Lane, is the Mount Cook Adventure Centre set within substantive grounds. Beyond this is the High Peak Trail leading to Black Rocks, which are tourist/recreation areas, and the cemetery off Cromford Hill from where the application site can be viewed.
- 1.2 The site is also within the Derwent Valley Mills World Heritage Site Buffer Zone, the boundary of which runs along part of the High Peak Trail, along Old Porter Lane and past the south west corner of the application site and across the SSSI.
- 1.3 Whilst the site is currently open countryside, it is designated under Policy EC2(h) of the Adopted Derbyshire Dales Local Plan (2017) as a site for strategic employment development.





2. DETAILS OF THE APPLICATION

- 2.1 Full planning permission is sought for the development of 5 industrial and commercial buildings, with associated access and landscaping. The buildings are proposed comprise three buildings measuring 25m x 15m and 6m high (Phase I) and two measuring 30m x 18 m and 6.3m in height (Phase II). It is proposed that Phase I would be constructed to the west of the proposed access and Phase II to the east. It is also proposed that Phase II area will be used for the storage of vehicles associated with the applicant's vehicles and plant.
- 2.2 The buildings in Phase I are proposed to be constructed with stone plinths, timber and grey, metal profile cladding for the walls and with light grey, metal profile roofs. It is proposed that the elevations facing Mount Cook will be of timber cladding. The buildings in Phase II are proposed to be constructed with stone plinths and grey, metal profile cladding for the walls and with light grey, metal profile roofs. Whilst the elevations show first floor windows, the applicant has confirmed that they are only applying at this stage for ground floor accommodation. Whilst these have the potential to be adapted later to incorporate first floors, this would be subject to the consideration of a further planning application.

2.3 The applicant has submitted the following documents in support of the application:

Planning, Design and Access Statement

2.4 This advises that Black Rocks Business Park houses three companies:

- Millward Plant – specialising in civil engineering , groundworks, industrial installations and plant hire
- Derbyshire Concrete – supply ready-mixed concrete to client’s specification. Currently have three trucks but are running at full capacity and are turning down orders – expect to double staff numbers in the next 2-3 years.
- Intelligent Vending – unit mainly used for research and software development for fully pc controlled vending machines. Jobs are very highly skilled and company requires further spec to expand and, primarily, require an office and showroom.

2.5 It is advised that two of the smaller units have confirmed users, for the likely expansion of Derbyshire Concrete and Intelligent Vending, and the applicant considers another high skilled company would fit well within the third unit. The other two buildings would be built out as Phase II and the applicant advises that local companies have shown interest. These larger units also have the potential for subdivision.

2.6 In terms of the impact of the development in the landscape, the applicant advises that the site has a slope of some 1:12 and there will need to be some excavation work to provide the flattened areas for the size of the buildings proposed. The cutting out of material to create the flattened areas will serve to drop the buildings in the landscape and thus have better screening. It is advised that the three upper level units will be designed in a manner where they will blend in with views of Mount Cook Adventure Centre on the opposite side of Porter Lane.

2.7 In terms of landscaping, it is proposed to retain the existing hedgerows and to supplement these where gaps are present. To address the site levels, there are proposed to be retaining walls with hedges planted along them to seek to blend the development into the landscape. A bund is also proposed to the eastern edge of the site to screen the development from views from public rights of way.

2.8 The applicant appreciates that some of the buildings will be visible and there will be an impact in the streetscene with the removal of existing hedge to from the access but advises that this will be read contextually with the access to the existing commercial site. The applicant considers that the site will be read contextually with other commercial premises at the Palin’s site to the north, where there are several buildings and planning permission has been previously granted for further buildings on that site.

2.9 In addition, the field to the north of the Palins site is allocated under Policy EC2(g) for further commercial development and is currently being considered by the District Council for outline planning permission for such (ref: 19/00102/OUT). The site would also be viewed contextually with Mount Cook and Dean Quarry, particularly in views from Black Rocks to the east. As such, the applicant considers that the site is set within a varied landscape and that an extension to the existing commercial site would not appear out of place.

Flood Risk Assessment (FRA)

2.10 It is advised by the applicant’s consultant that residual flood risks of the site can be mitigated through appropriate site layout, levels and drainage design and that less vulnerable development, as proposed, is appropriate for the site. It is advised that a sustainable drainage system will ensure the drainage hierarchy is followed and that the soil is expected

to be suitable for infiltration to ensure no increase in surface water runoff from the site and, consequently, no flood risk elsewhere.

Site Access Appraisal

- 2.11 The applicant has commissioned consultants to undertake a site appraisal of the access. It is recommended that the site access should comprise the following:
- access located at the preferable location to achieve the required visibility splays in a vertical and horizontal plane;
 - a 7.3m wide carriageway;
 - a 0.5m wide verge at the western edge of the access road;
 - a 2m wide verge at the eastern edge of the access road to continue along the northern edge of Porter Lane connecting into the existing footway (or an option to connect between the two business parks); and
 - a 10m wide radii kerb.

On this basis, the applicant's consultant advises that the access can be delivered to meet local and national guidance.

Site Contamination Phase I Desk Study

- 2.12 This raises potential issues for site remediation but advises that this can be addressed through proposed Phase II exploratory works to include the following:
- a programme of exploratory holes across the site to provide an initial inspection of the ground conditions for geotechnical and environmental purposes;
 - geotechnical and environmental soil analysis;
 - a robust programme of ground gas and water level monitoring;
 - a contaminated land risk assessment; and
 - a revision of the conceptual site model.

Preliminary Ecological Appraisal (Including Great Crested Newt and Reptile Surveys)

- 2.13 The area to the north of the site is a Local Wildlife Site (LWS): DD336 Dark Lane Spoil Heaps South and falls within the applicant's ownership. It is not proposed to build on this area and the hedgerow and stone wall along the northern boundary are proposed to be retained and enhanced. The applicant advises that these measures will act as protection of the LWS and the planting of native tree and shrub species will promote bat and other wildlife habitat. The reptile survey and GCN survey identified no species on the site although precautionary measures are recommended.
- 2.14 The applicant acknowledges that the landscape will change through the creation of built form but considers that this will have a minor-negligible impact and does not consider that this outweighs the benefit of the addition of high quality units to the District Council's employment land supply, therefore providing a public benefit, in line with Paragraph 196 of the National Planning Policy Framework.

3. PLANNING POLICY AND LEGISLATIVE FRAMEWORK

- 3.1 Adopted Derbyshire Dales Local Plan (2017)
- | | |
|-----|--|
| S1 | Sustainable Development Principles |
| S4 | Development in the Countryside |
| S6 | Strategic Employment Development |
| S7 | Matlock/Wirksworth/Darley Dale Development Area Strategy |
| PD1 | Design and Place Making |
| PD2 | Protecting the Historic Environment |
| PD3 | Biodiversity and the Natural Environment |
| PD5 | Landscape Character |
| PD6 | Trees, Hedgerows and Woodlands |
| PD7 | Climate Change |

PD8	Flood Risk Management and Water Quality
PD9	Pollution Control and Unstable Land
HC19	Accessibility and Transport
HC20	Managing Travel Demand
HC21	Car Parking Standards
EC1	New Employment Development
EC2	Employment Land Allocations

3.2 National Planning Policy Framework

3.3 National Planning Practice Guidance.

4. RELEVANT PLANNING HISTORY

None.

5. CONSULTATION RESPONSES

Cromford Parish Council

5.1 - no objection.

Wirksworth Town Council

5.2 - no comment.

Environment Agency

5.3 - the previous use of the proposed development site as a lead mine presents a high risk of contamination that could be mobilised during construction to pollute controlled waters
 - controlled waters are particularly sensitive in this location because the proposed development site is within source protection zone 1 (Meerbrook Sough) and is located upon a principal aquifer associated with the Eyam Limestone
 - applicant's Phase 1 Desk Study demonstrates that it will be possible to manage the risks posed to controlled waters by this development but further detailed information will be required before built development is undertaken
 - considered that it would place an unreasonable burden on the developer to ask for more detailed information prior to the granting of planning permission but respect that this is a decision for the Local Planning Authority.

Local Highway Authority (Derbyshire County Council)

5.4 - proposed footpath along Porter Lane to the bus stop not shown on the submitted plans
 - parking provision acceptable but would want it more evenly distributed across the site
 - adequate visibility splays to the access can be achieved.

Peak and Northern Footpaths Society

5.5 - no objection provided the full width of Footpath 15 (Cromford), which abuts the northern boundary of the site, remains unobstructed at all times
 - the proposals to use planting to screen the view of the site from development are welcome.

Derbyshire Dales Group of Ramblers

5.6 - no objection providing that: Cromford FP 15 east off Dark Lane and Cromford FP 16 NW, off the junction of Dark Lane and Porter Lane, are not affected during development nor afterwards
 - there is an old notice of an Order dated March 2018 on a nearby post for a Restricted Byway along Dark Lane - this Order should be checked with PRow to see if it is still pending or has progressed

- would support the Order for a RB along Dark Lane to ensure safety for walkers, cyclists and horse riders
- note the police comments on security and a RB can only add to the security of the proposed site
- Dark Lane should remain open and accessible both during and after development as it is essential to access RoWs off it
- the landscaping proposals are welcome.

Natural England

- 5.7 - initially advise:
- o objection as no assessment has been provided of the potential impacts that the proposal will have on the Gang Mine Special Area of Conservation (SAC)
 - o insufficient information for the Local Planning Authority to undertake a Habitats Regulation Assessment of the proposed development
 - o advise obtaining an appropriate Ecological Assessment of the SAC, as this currently only refers to the SSSI with no reference to this being a European Designated Site
 - o the SAC is approximately 10m from the proposed construction site which could be impacted upon through air quality impacts such as dust and potential water quality effects from construction activities
 - o note that are not seeking further information on the other aspects of the natural environment, although may make comments on other issues in final response.
- further to submission of further information from the applicant with regards to Natural England's comments on the nearby proposed commercial site at land between Dark Lane and Cromford Hill (ref: 19/00102/OUT) advise:
- o no objection subject to appropriate mitigation being secured with respect to a scheme of surface water drainage and dust management which details how the Gang Mine SAC and the SSSI will be protected from dust during construction.

Derbyshire Wildlife Trust

- 5.8 - The application site includes part of Dark Lane Spoil Heaps South Local Wildlife Site (DD336) and the development boundary is within 5–10 metres of Gang Mine Site of Special Scientific Interest and Special Area of Conservation - this site is managed by Derbyshire Wildlife Trust as a nature reserve on behalf of Tarmac Ltd.
- the preliminary ecological survey that only provides a broad impression of the habitats present at the site. The report has undertaken a desk top study, but has not acknowledged the presence of a Special Area of Conservation (as well as SSSI). The presence of the Gang Mine SAC was included in the data provided by Derbyshire Biological Records Centre, but does not appear in the report
 - the ecological report does not provide an assessment of the potential impact on the adjacent SAC and as such Natural England's request for an assessment should be taken on board (NE consultation letter 24th July 2019)
 - the report lacks sufficient detail and has not identified a wide range of plant species that occur within the development site. Most notably the survey does not distinguish between the area of the development site that falls within the LWS and the area that falls outside of the LWS. The survey does not therefore adequately assess the impact on the LWS.
 - the site layout design illustrated on the proposed block plan and the detailed planting plan indicate that there would be an adverse impact on the LWS and a subsequent loss of biodiversity
 - estimate that around 0.2 ha of the LWS could be directly impacted which is almost one-third of the entire LWS
 - a site visit has confirmed that the area of the LWS likely to be affected still supports floristically rich vegetation. During the visit by DWT 21 grassland indicator species used in the selection of Local Wildlife Sites were recorded. This includes at least one Nationally Scarce plant species spring sandwort (*Minuartia verna*) - a full list is appended
 - the grassland vegetation is part of the larger LWS that includes the UK BAP priority habitat types Lowland Calcareous Grassland and Calaminarian Grassland. The ecology

report does not identify the presence of this diverse area of grassland and did not record most of the 21 indicator species that are present

- with respect to the proposed block plan the edge of the development will be immediately adjacent to the edge of the LWS and there is no provision for a buffer to the LWS
- hard to envisage how the development could be constructed without there being an impact on the LWS, but the extent of this impact remains unclear
- it is likely that there will be longer term indirect impacts resulting from the change in land-use and change in environmental conditions (especially light levels as the buildings will cast shade)
- of equal or greater concern are the proposed landscaping plans that include planting of shrubs, trees and a hedgerow for the purposes of screening the development and seeding of a rough grassland mix onto the areas of the LWS of greatest floristic value - seems unlikely that much of the original interest of the LWS would survive this treatment
- at the western end of the development close to Dark Lane, Unit 3 does not allow for a sufficient buffer between the development and the wall - this western part of the site is also relatively floristically diverse and the wall along Dark Lane supports a diverse flora and fauna
- the UK BAP priority butterfly *Lasiomatta megera* was observed during the visit which is now largely confined to a few colonies in the White Peak. Gang Mine and Rose End Meadows are one of the strongholds for this species. It is considered highly likely that some parts of this site are also used by other UK BAP priority butterflies
- ensuring there is a buffer between the development and the existing wall boundary is essential if this habitat and the associated species are to be protected. Furthermore current proposals for landscaping would be equally damaging in this area
- if implemented in its current form, including the landscaping, the proposals will have a significant negative impact on biodiversity resulting in the loss of part of a Local Wildlife Site (DD336), areas of UK BAP priority habitat and loss of habitat for UK BAP priority species
- the landscaping proposals would result in the loss of most of the LWS habitat through inappropriate planting of trees and shrubs and the establishment of a hedgerow on top of the grassland and the landscaping is equally damaging in the west where the existing open grassland habitat would be affected by hedgerow planting and bund creation
- there will also be an additional impact on the existing hedgerow that runs alongside Porter Lane as the proposed access will require a section of this hedge to be removed and this impact is not quantified in the ecology report and it is unclear how a net loss is going to be avoided, especially given that the proposed hedgerow around the edge of the site will result in an adverse impact on grassland habitat
- note that there has also been a reptile survey and that this did not find any reptiles using the site - consider the survey to have been undertaken to a reasonable standard and the recommendations made in the report should be followed
- also note that there the great crested newt survey of nearby waterbodies did not record any GCNs. However, there is an additional waterbody within 500m with a GCN record (2006) - therefore a possibility that GCN could use the site as terrestrial habitat and as such precautionary measures would be needed during site clearance and construction
- strongly recommend that the layout of the proposed development is revised and the number of units is reduced to 3 or 4 to reduce the impact on biodiversity
- at the moment there is little flexibility regarding buffering the LWS and with the layout an adverse impact is unavoidable
- the landscape proposals are, in their current form, unacceptable and would result in the loss of most of the LWS and the habitat used by wall butterfly and potentially other UK BAP priority species and species of principal importance under Section 41 of the NERC Act in England
- the development as it stands would result in a net loss in Biodiversity and be contrary to national and local planning policies as set out in NPPF and the DDDC Local Plan

- would advise that in the first instance the layout is amended to try and reduce and minimise impacts on biodiversity and that it incorporates a buffer to the boundary of the LWS and a buffer to the edge of Dark Lane
- advise that Natural England's comments regarding the lack of assessment of potential impacts on the Gang Mine SAC also need to be addressed
- if the footprint of the application can be altered and the landscaping schemes changed to enhance the affected areas of the existing LWS rather than its destruction, it should be possible to avoid a significant loss of biodiversity.

Derwent Valley Mills World Heritage Site Panel

- 5.9
- object
 - site forms part of World Heritage Site's (WHS) arrested rural landscape setting as a relatively unaltered green field
 - site is surrounded by many historic built features such as the Cromford and High Peak railway, lime kilns, field barns, etc. which contribute to the immediate setting of the WHS
 - also likely that the site and surrounding landscape will be host to a variety of associated archaeology which contributes to the WHS narrative.
 - whilst previous development has been allowed, in the form of industrial units, on land directly opposite the proposed development site, any further development would have a harmful negative impact on the setting of the WHS and subsequently its outstanding universal value (OUV).

Development Control Archaeologist (Derbyshire County Council)

- 5.10
- Dovegang Mine was identified in the 2004 *Inventory of Regionally and Nationally Important Lead Mining Sites in the Peak District* (produced by the Peak District National Park Authority)
 - site was identified as of 'high priority' in relation to preservation of hillocks and the presence of documented early mining evidence. This establishes the site as a whole as of regional or national importance
 - site is clearly an 'undesigned heritage asset' *sensu* NPPF chapter 16, and at the higher end of importance within the class of undesigned assets. NPPF para 189 therefore requires that the applicant submits sufficient information to allow the significance of the heritage asset to be understood and the impact of the proposed development thereon established
 - the applicant submitted photographic evidence of when the site was previously stripped and lead mine shafts were capped in 1994 and when material from the Black Rocks Business Park was tipped on the site in 2004
 - there appears to be no remaining archaeological potential with regard to above-ground earthworks or to shaft tops/ginging, etc and associated mining structures and therefore no further archaeological information is required

Economic Development Manager (Derbyshire Dales District Council)

- 5.11
- support the Council's objectives to address the shortage of new B Class employment floorspace within the district
 - in response to Economic Development officer comments at pre-app stage, the proposed scheme comprises a denser development in terms of employment floorspace, including better utilisation of the site frontage
 - scheme also includes a range of unit sizes comprising part workshop space/part office and incorporates roller shutter doors for van access and additional yard space reflecting local need
 - information provided indicates the option for mezzanine floors to accommodate additional upper floor office space and opportunity to sub-divide the two larger units proposed although the proposed internal layout may need to be reviewed to accommodate this

- noted that delivery of the scheme is proposed in two phases - as Phase 1 predominantly serves the needs of identified users, including the applicant's business, further details of the anticipated delivery programme for Phase 2 should be sought
- from an economic development perspective, subject to the comments above, the application is supported.

Designing Out Crime Officer (Derbyshire Constabulary)

- 5.12 - note that there are no boundaries detailed for the site other than soft landscaping
- appreciating the setting, and aspect of adjacent commercial buildings, understand that this may not have been considered, but as the site will be screened from wider view by boundary hedging, a perimeter fence and gating to secure the site when unoccupied would be a benefit from the perspective of reducing crime
 - also note that where bin stores are allocated, they are very close to building elevations and believe that a separation distance of ideally 5m, but no less than 3m, is seen as adequate to guard against the risk of bin store fires spreading to main buildings.

Environmental Health (Derbyshire Dales District Council)

- 5.13 - request a condition that a Phase II assessment is submitted as per the recommendations of the Phase I study, including gas monitoring followed by a validation report.

6. REPRESENTATIONS RECEIVED

- 6.1 None.

7. OFFICER APPRAISAL

Principle of Development

- 7.1 The principle of development has been established with the site being allocated for employment development under Policy EC2(h) of the Adopted Derbyshire Dales Local Plan (2017). The matters below relate to detailed proposals and the impact of the development on the area. In this regard, an assessment has to be made as to whether the harm caused to the open countryside and specific area designations, such as the Derwent Valley Mills World Heritage Site Buffer Zone, the Special Area of Conservation, Gang Mine SSSI and RIGS, and the Local Wildlife Site designations is outweighed by any public benefit of the proposals site specific development proposals are to be considered acceptable.

Impact on the Character and Appearance of the Area and Derwent Valley Mills World Heritage Site Buffer Zone

- 7.2 The site forms part of World Heritage Site's (WHS) arrested rural landscape setting as a relatively unaltered green field within what is largely open countryside. In this area, there are many historic built features such as the Cromford and High Peak railway, lime kilns, field barns, etc. which contribute to the immediate setting of the WHS. The Derwent Valley Mills World Heritage Panel raise concern with regard to the impact this prominent site will have within this environment. However, as the Panel note, previous development has been allowed in the form of modern industrial units on land adjacent to the proposed development site. The Panel are of the view that any further development would have a harmful negative impact on the setting of the WHS and subsequently its outstanding universal value (OUV) and consider this to be substantial harm in their reference to Paragraph 195 of the National Planning Policy Framework.
- 7.3 The first point for consideration is the proximity of the existing industrial estate and that this is one of the sites envisaged and allocated for commercial development adjacent to that site. It is therefore considered that it is the form, scale and design of the specific development scheme that should be appraised with regard to the impact of the development on the outstanding universal value of the WHS.

- 7.4 The buildings are proposed to reflect upon the scale and appearance of the existing commercial site. However, rather than using the green cladding with yellow detail, and the silver cladding with blue detail, they proposed the use of materials of a subdued, dark grey colour. The use of stone for the plinths will elevate the buildings more than those neighbouring units and the use of timber facings on parts of the buildings will serve to visually integrate the Phase I buildings with the complex at Mount Cook. The development will therefore present a transition from the utilitarian, metal panelled buildings currently in situ, and as proposed in Phase II of the development, up the slope to Phase I and beyond to the 'softer' face of development at Mount Cook.
- 7.5 As well as built form, hard landscaping in the form of retaining walls, accesses, parking and manoeuvring spaces, and storage areas will step up the site and, even with the proposed excavation of the sloping ground and the introduction of soft landscaping, this will be apparent and will cause harm to the character and appearance of the open countryside.
- 7.6 Given the above, there will be a negative impact on the open countryside and the WHS. However, this impact is on the Buffer Zone of the WHS and the development site is not apparent in views from the WHS itself. It is therefore considered, in this instance, that the World Heritage Site Panel have set the bar high in terms of referring to Paragraph 195 of the National Planning Policy Framework and essentially stating that the development will be of substantial harm to the heritage asset. It is the view of Officers that the harm must be considered as less than substantial harm to the heritage asset as it will not in itself obliterate a heritage asset but will, moreso, have an impact upon it. In this respect, development can cause an element of harm where that harm is outweighed by public benefits, and securing its optimum viable use, as set out in Paragraph 196 of the National Planning Policy Framework.
- 7.7 In this regard, the site is allocated for employment development in the Adopted Local Plan (2017) and this is a significant, material consideration. It is considered that the development reflects upon the type of buildings that have been approved previously at the adjacent commercial sites and Mount Cook and that in their modernity of design and use of materials provide a transition between the two places. Whilst the development will cause harm to the setting of the WHS, this has to be balanced with the need to provide for adequate employment opportunities to serve and expand the economic base of the District. Whilst there will be harm caused by the development, this has been designed to integrate with the development which exists and that which is proposed in this locality. However, further assessment is needed of the proposals in the landscape and how these impact existing landscape and wildlife designations.
- 7.8 It should be noted that the applicant seeks to develop the site in two phases. Phase I is proposed to provide Units 1-3 which are set away from the existing development; this would not normally be an appropriate manner in which to extend the existing commercial area. However, Phase I is proposed to provide for units to serve other businesses and the applicant intends to relocate from his existing premises to Phase II once income has been derived from those initial units. It is expected that all the regrading of the land will be undertaken, and the utilities provided as part of Phase I across the whole site, as the access has to be provided once the land has been regraded.
- 7.9 It is expected that for a period of time while Phase I is being developed that the Phase II site would provide a storage area for the applicant's plant and equipment and an area for the storage of the necessary materials, contractors parking, facilities, etc. required during the construction process. Once the Phase I units are occupied, it is likely that Phase II will commence within a reasonable period of time thereafter. Officers would monitor this and, if Phase II were not to materialise, it would be appropriate to require the applicant to cease usage of the Phase II site for the storage of his plant and equipment until such time as the site was developed through. To this end, it is considered that once works commence, that

there will be a reasonable likelihood that the site will be fully developed out within a reasonable time period.

Impact on Wildlife, the Gang Mine Special Area of Conservation, the Site of Special Scientific Interest and the Dark Lane Spoil Heaps South Local Wildlife Site

- 7.10 Natural England initially objected to the application as no assessment has been provided of the potential impacts that the proposal will have on the Gang Mine Special Area of Conservation (SAC) which is a site of European significance and which is also a Site of Special scientific Interest (SSSI). They initially advised that there was insufficient information for the Local Planning Authority to undertake a Habitats Regulation Assessment of the proposed development. To this end, Natural England advised obtaining an appropriate Ecological Assessment of the SAC which is approximately 10m from the proposed construction site. As a result, the site could be impacted upon through air quality impacts such as dust and potential water quality effects from construction activities.
- 7.11 However, this concern has been reviewed given that no in principle objections were raised with respect to the site adjacent to the existing industrial estate which is itself being currently considered for outline planning permission. To this end, Natural England has requested a condition be attached to seek to ensure appropriate measures are in place during the construction of the development to ensure no harm is caused to the SAC/SSSI.
- 7.12 Derbyshire Wildlife has considered the proposals and advised that they will impact upon the Dark Lane Spoil Heaps South Local Wildlife Site. The field to the north of the application site supports a mosaic of lead spoil vegetation and species rich calcareous grassland with areas of rough neutral grassland and taller herbaceous vegetation stands. The areas of lead spoil are characterised by patches of spring sandwort with wild thyme, sheep's sorrel and alpine penny-cress. The more established calcareous grasslands are composed of red and sheep's fescue, quaking grass, false oat-grass and occasional crested hair grass. There is a diverse array of herbaceous plant species including small scabious, fairy flax, lady's bedstraw, common knapweed, limestone bedstraw, common rock-rose, rough hawkbit, smooth hawk's-beard and oxeye daisy. The site supports several insects of note including the UK BAP priority butterfly species wall and dingy skipper (both species of principal importance under S41 of the NERC Act 2006). The locally rare spined mason bee (*Osmia spinulosa*) which is at the northern extent of its current range in Derbyshire is also recorded from the site.
- 7.13 On the basis of these concerns, Officers have negotiated amendments to the proposals to set the proposed northern boundary hedge to the site at the edge of the development and not adjacent to the public footpath which crosses the LWS outside of the development site; this will retain more of the meadow area and LWS around the footpath. Whilst the comments on the amended plans have not been received from Derbyshire Wildlife Trust at the point of preparing this report, Officers consider that the applicant has proposed appropriate measures to address the concerns raised and yet to allow for reasonable development of the site to come forward to meet the strategic employment needs of the District.

Landscaping

- 7.14 The applicant has sought to mitigate the impact of the development in its surroundings and proposes to introduce landscaping on the boundary of the site and within it to seek to soften the impact of the development. However, the planting proposals initially submitted did not specifically reflect the local character of the natural existing vegetation of the surrounding area. This area is dominated by hawthorn as trees and hedgerows and as a grazed SSSI/nature reserve with abundant wild flowering herbs typical of limestone upland and former mining sites.
- 7.15 To this end, low level planting should be in the form of broad swathes of rough grass areas running through the site, containing appropriate species of wild flowering herbs

typical of unimproved calcareous grassland. The grass areas, all of which should contain locally occurring wild flowering herbs, would comprise species currently found at the site to recreate areas of natural meadow. Inspiration may be drawn from the flora present in the adjacent nature reserve (Dark Lane Spoil Heaps South) and SSSI (Gang Mine ideally, the grass areas should be protected during development so that they are not disturbed and thus the naturally occurring flora (and fauna) assemblage is retained.

- 7.16 Therefore, it is considered that a current species make-up will need to be determined by a suitably qualified/experienced plant ecologist to inform a planting scheme and that this be a requirement of a condition on any grant of planning permission. Topsoil from the site should be retained and used in the landscaped areas because of its likely content of appropriate seeds for the site conditions and particular characteristics appropriate to the location and its historical use as a lead mine.

Impact on Highway Safety

- 7.17 The Local Highway Authority has advised that the development is acceptable in principle subject to amendments to the parking layout and the provision of a footpath along Porter Lane to the bus stop. These have been provided on the amended drawings and Officers expect this to address the points raised by the Local Highway Authority. The comments and any conditions to be attached to any planning permission will be reported to Members prior to determining the application. It will be necessary for permitted development rights to be removed for the insertion of first floors/mezzanines as this will have potential implications on the adequacy of the provision of car parking facilities.

Impact on Public Rights of Way

- 7.18 Peak and Northern Footpaths Society, and the Derbyshire Group of Ramblers, have raised no objection to the proposals in the context of public footpaths which run to the north and west of the application site. The initial proposals to use planting to screen the view of the site from development were considered welcome. However, given that Derbyshire Wildlife Trust would prefer to see the LWS to be retained as far as possible, it is considered reasonable to relocate the proposed hawthorn hedge towards the buildings. Whilst this would not screen the buildings entirely, it would serve to screen parts of them, also taking account of the levels difference, and it would screen some of the parking and manoeuvring areas. It would allow for the footpath to also cross through the 'meadow' rather than appear as a path at the edge of it. It also has to be appreciated that, at this point on the footpath, you are either starting to leave, or enter, an existing industrial estate. To this end, this proposal is considered a reasonable compromise in safeguarding the alignment and amenity of the footpath and yet allowing for the LWS to be retained as much as possible.

Site Contamination

- 7.19 The Environment Agency has considered the proposals. It is advised that the previous use of the proposed development site as a lead mine presents a high risk of contamination that could be mobilised during construction to pollute controlled waters. Controlled waters are particularly sensitive in this location because the proposed development site is within source protection zone 1 (Meerbrook Sough) and is located upon a principal aquifer associated with the Eyam Limestone.
- 7.20 The applicant's Phase 1 Desk Study demonstrates that it will be possible to manage the risks posed to controlled waters by this development. However, further detailed information will be required before built development is undertaken. It is considered that it would place an unreasonable burden on the developer to ask for more detailed information prior to the granting of planning permission but respect that this is a decision for the Local Planning Authority.
- 7.21 In light of the above, the Environment Agency has advised that the proposed development will be acceptable if planning conditions are included requiring the submission of a

remediation strategy. The District Council's Environmental Health Section has also assessed the Phase I site contamination survey submitted with the planning application and advise, on the basis of this submission, that a condition be attached to any grant of planning permission that a Phase II assessment is submitted as per the recommendations of the Phase I study, including gas monitoring followed by a validation report.

Land Drainage

- 7.22 The Lead Local Flood Authority (LLFA) have noted that the proposed surface water discharge destination is to infiltration. The applicant has considered a range of SuDS features (permeable paving, swales, filter drains and rain gardens) and incorporation of any proposed SuDS features will need to be finalised at the detailed design stage. However, no ground investigations have been carried out, albeit it is noted that the applicant intendeds this to be undertaken at detailed design stage. Therefore, the applicant has not undertaken an appropriate ground investigation to support and inform the application and cannot demonstrate the runoff destination hierarchy as set out paragraph 80 of the planning practice guidance. Therefore, should infiltration prove not to be feasible, the applicant is proposing to connect to a public sewer.
- 7.23 As highlighted in the submitted Flood Risk Assessment, Severn Trent Water (STW) have previously advised that the existing sewers in the area, and the treatment works, are running at full capacity and that disposal of surface water runoff to the sewer system should be a last resort. Any connection to the public sewer would therefore need to be agreed with STW. To this end, the LLFA has advised of the need to attach conditions to any grant of planning permission.

Impact on Archaeology

- 7.24 The Dovegang Mine was identified in the 2004 *Inventory of Regionally and Nationally Important Lead Mining Sites in the Peak District* (produced by the Peak District National Park Authority). The site was identified as of 'high priority' in relation to preservation of hillocks and the presence of documented early mining evidence. This establishes the site as a whole as of regional or national importance, although the contribution of the current proposal site to this significance is not yet established.
- 7.25 The site is clearly therefore an 'undesigned heritage asset' as defined in Chapter 16 of the NPPF and at the higher end of importance within the class of undesigned assets. Paragraph 189 of the NPPF therefore requires that the applicant submits sufficient information to allow the significance of the heritage asset to be understood and the impact of the proposed development thereon established. Therefore, there were initial concerns raised by the County Archaeologist with regard to no heritage information being submitted with the application.
- 7.26 The applicant submitted photographic evidence of when the site was previous stripped and lead mine shafts were capped in 1994 and when material from the Black Rocks Business Park was tipped on the site in 2004. On the basis of this, the County Archaeologist advises that there appears to be no remaining archaeological potential with regard to above-ground earthworks or to shaft tops/ginging, etc and associated mining structures and therefore no further archaeological information is required.

Conclusion

- 7.27 It is appreciated that the site is on the outer extent of the Derwent Valley Mills World Heritage Site Buffer Zone but this must be read contextually with existing development at the existing industrial estate and Mount Cook and that the site is allocated for employment development which will also be read contextually with the allocated site for employment development to the north of the existing industrial estate which is currently being considered for outline planning permission. To this end, there will be some harm to the heritage asset but it is

considered by Officers that the harm caused is less than substantial and the development, and the employment potential, as a public benefit, in this case outweighs that harm.

7.28 It is appreciated that the development has the potential to cause harm, particularly during construction to the European designated Special Area for Conservation and the SSSI at Gang Mine. However, it is considered that with appropriate measures, secured through a planning condition, such concerns can be mitigated and Natural England has withdrawn its initial objection on this basis.

7.29 The proposals have been amended during the consideration of the application to reasonably address, in the view of Officers, the concerns initially raised by Derbyshire Wildlife Trust with respect to the impact of on the Local Wildlife Site. Whilst at the point of preparing the report the comments on the amended plans have not been received from Derbyshire Wildlife Trust, Officers consider that the applicant has proposed appropriate proposals to address the concerns raised and yet to allow for reasonable development of the site to come forward to meet the strategic employment needs of the District. Given the above, it is recommended that planning permission be granted subject to appropriate conditions to secure the satisfactory appearance of the development and to take into account the comments of statutory consultees.

8. RECOMMENDATION

That planning permission be granted subject to the following conditions:

1. Condition ST02A Time Limit on Full

Reason:

Reason ST02A

2. The development hereby approved shall be carried out in accordance with the Amended Drawing Nos. 2329-001A, 005H, 007C and 008C received on 27th September 2019 and except insofar as may otherwise be required by other conditions to which this permission is subject.

Reason:

To define the permission for the avoidance of doubt.

3. No development approved by this planning permission shall commence until a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted, has been submitted to, and approved in writing by, the Local Planning Authority. This strategy will include the following components:

(i) a preliminary risk assessment which has identified:

- all previous uses
- potential contaminants associated with those uses
- a conceptual model of the site indicating sources, pathways and receptors
- potentially unacceptable risks arising from contamination at the site

(ii) a site investigation scheme, based on (i) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.

(iii) The results of the site investigation and the detailed risk assessment referred to in (ii) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

(iv) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (iii) are

complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the written consent of the Local Planning Authority. The scheme shall be implemented as approved.

Reason:

To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution in line with paragraph 170 of the National Planning Policy Framework and to comply with Policy PD9 of the Adopted Derbyshire Dales Local Plan (2017).

4. Prior to any part of the permitted development being brought into use, a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

Reason:

To ensure that the site does not pose any further risk to human health or the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete. This is in line with paragraph 170 of the National Planning Policy Framework and to comply with Policies PD8 and PD9 of the Adopted Derbyshire Dales Local Plan (2017).

5. No drainage systems for the infiltration of surface water to the ground are permitted other than with the written consent of the Local Planning Authority. Any proposals for such systems must be supported by an assessment of the risks to controlled waters. The development shall be carried out in accordance with the approved details.

Reason:

To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants. This is in line with paragraph 170 of the National Planning Policy Framework and to comply with Policies PD8 and PD9 of the Adopted Derbyshire Dales Local Plan (2017).

6. Prior to the commencement of development a Phase II assessment as per the recommendations of the Phase I study, including gas monitoring followed by a validation report, shall be submitted to and approved in writing by the Local Planning Authority. This shall include:
 - (i) a Phase II intrusive investigation report detailing all investigative works and sampling on site, together with the results of the analysis, undertaken in accordance with BS 10175:2011 Investigation of Potentially Contaminated Sites ' Code of Practice. The report shall include a detailed quantitative human health and environmental risk assessment;
 - (ii) a remediation scheme detailing how the remediation will be undertaken, what methods will be used and what is to be achieved. A clear end point of the remediation shall be stated, and how this will be validated. Any ongoing monitoring shall also be determined.
 - (iii) if during the works contamination is encountered which has not previously been identified, then the additional contamination shall be fully assessed in an

appropriate remediation scheme which shall be submitted to and approved in writing by the Local Planning Authority.

- (iv) a validation report detailing the proposed remediation works and quality assurance certificates to show that the works have been carried out in full accordance with the approved methodology shall be submitted prior to [first occupation of the development/the development being brought into use]. Details of any post-remedial sampling and analysis to demonstrate that the site has achieved the required clean-up criteria shall be included, together with the necessary documentation detailing what waste materials have been removed from the site.

- 7. Before any of the buildings are first brought into use, schemes shall be submitted to and agreed in writing by the Local Planning Authority that specifies the provisions that will be implemented for the control of noise and light emanating from the site. The noise and lighting mitigation schemes shall be maintained for the life of the approved development and shall not be altered without the prior written approval of the Local Planning Authority.

Reason:

To safeguard the amenity of the locality and to comply with Policies S1, S4, PD1 and PD9 of the Adopted Derbyshire Dales Local Plan (2017).

- 8. Before the development commences, details shall be submitted to the Local Planning Authority for dust management and the development shall thereafter be carried out fully in compliance with the approved details.

Reason:

To ensure there are no detrimental impacts on the nearby Gang Mine Special Area of Conservation and Site of Special Scientific Interest and the Dark Lane Spoil Heaps South Local Wildlife Site to comply with Policies S1, PD3 and PD9 of the Adopted Derbyshire Dales Local Plan (2017).

- 9. The development hereby approved shall be carried out fully in accordance with the recommendations set out in the Great Crested Newt Survey, the Reptile Survey and the Preliminary Ecological Appraisal received on 19th June 2019 and the Phase 1 Habitat Survey received on 27th August 2019 unless as required by other conditions to which this permission is subject and/or unless otherwise agreed in writing by the Local Authority.

Reason:

To ensure there are no detrimental impacts on protected species to comply with Policies S1 and PD3 of the Adopted Derbyshire Dales Local Plan (2017).

- 10. Before the buildings are erected, details of all facing materials and windows and doors (to include their depth of recess) to the buildings shall be submitted to and approved in writing by the Local Planning Authority and the development shall thereafter be provided in accordance with the approved details.

Reason:

To ensure the satisfactory appearance of the development to comply with Policies S1, S4, S7, PD1 and PD2 of the Adopted Derbyshire Dales Local Plan (2017).

- 11. A scheme of hard and soft landscaping shall be submitted to and approved in writing by the Local Planning Authority within 56 days of the commencement of development, the details of which shall include :-
 - a) indications of all existing trees, hedgerows and other vegetation on the land;

- b) all vegetation to be retained including details of the canopy spread of all trees and hedgerows within or overhanging the site, in relation to the proposed buildings, roads, and other works;
- c) measures for the protection of retained vegetation during the course of development;
- d) soil preparation, cultivation and improvement;
- e) all plant species, planting sizes, planting densities, the number of each species to be planted and plant protection;
- f) grass seed mixes and sowing rates;
- g) finished site levels and contours;
- h) means of enclosure;
- i) car park layouts;
- j) other vehicle and pedestrian access and circulation areas;
- k) hard surfacing materials;
- l) minor artefacts and structures (e.g. furniture, play equipment, refuse and other storage units, signs, lighting, etc); and
- m) proposed and existing functional services above and below ground (e.g. drainage, power, communications, cables, pipelines etc indicating lines, manholes, supports etc);

Reason:

To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features in accordance with Policies S1, S4, S7, PD1, PD2 and PD3 of the Adopted Derbyshire Dales Local Plan (2017).

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

Reason:

To ensure a satisfactory standard of landscaping in the interests of amenity in accordance with Policies S1, S4, S7, PD1, PD2 and PD3 of the Adopted Derbyshire Dales Local Plan (2017).

13. A schedule of landscape maintenance shall be submitted to and approved in writing by the Local Planning Authority prior to first use of any of the buildings hereby approved. The schedule shall include details of the arrangements for its implementation. Landscape maintenance shall be carried out in accordance with the approved schedule.

Reason:

To ensure proper maintenance of the landscaped areas in the interests of amenity in accordance with Policies S1, S4, S7, PD1, PD2 and PD3 of the Adopted Derbyshire Dales Local Plan (2017).

14. Before the buildings are erected, details of the phasing of the development shall be submitted to and approved in writing by the Local Planning Authority and shall thereafter be carried out in accordance with the agreed details.

Reason:

To ensure the satisfactory development of the site in accordance with Policies S1, S4, S7, PD1, PD2 and PD3 of the Adopted Derbyshire Dales Local Plan (2017).

15. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending that Order with or without modification), no mezzanine or other form of internal floor to create a first floor level shall be constructed in the development hereby permitted.

Reason:

To ensure the provision of adequate parking facilities to comply with Policy HC21 of the Adopted Derbyshire Dales Local Plan (2017).

Highway safety related conditions to be advised and attached

Ecology related conditions to be advised and attached

NOTES TO APPLICANT:

1. The Lead Local Flood Authority advises the following:
 - A. The County Council does not adopt any SuDS schemes at present (although may consider ones which are served by highway drainage only). As such, it should be confirmed prior to commencement of works who will be responsible for SuDS maintenance/management once the development is completed.
 - B. Any works in or nearby an ordinary watercourse may require consent under the Land Drainage Act (1991) from the County Council. For further advice, or to make an application please contact Flood.Team@derbyshire.gov.uk.
 - C. No part of the proposed development shall be constructed within 3-8m of an ordinary watercourse and a minimum 3 m for a culverted watercourse (increases with size of culvert). It should be noted that DCC have an anti-culverting policy.
 - D. The applicant should be mindful to obtain all the relevant information pertaining to proposed discharge in land that is not within their control, which is fundamental to allow the drainage of the proposed development site.
 - E. The applicant should demonstrate, to the satisfaction of the Local Planning Authority, the appropriate level of treatment stages from the resultant surface water discharge, in line with Table 4.3 of the CIRIA SuDS Manual C753.
 - F. The County Council would prefer the applicant to utilise existing landform to manage surface water in mini/sub-catchments. The applicant is advised to contact the County Council's Flood Risk Management team should any guidance on the drainage strategy for the proposed development be required.
 - G. Surface water drainage plans should include the following:
 - Rainwater pipes, gullies and drainage channels including cover levels.
 - Inspection chambers, manholes and silt traps including cover and invert levels.

- Pipe sizes, pipe materials, gradients and flow directions and pipe numbers.
- Soakaways, including size and material.
- Typical inspection chamber / soakaway / silt trap and SW attenuation details.
- Site ground levels and finished floor levels.

H. On Site Surface Water Management;

- The site is required to accommodate rainfall volumes up to 1 in 100 year return period (plus climate change) whilst ensuring no flooding to buildings or adjacent land.
- The applicant will need to provide details and calculations including any below ground storage, overflow paths (flood routes), surface detention and infiltration areas, etc, to demonstrate how the 100 year + 30% Climate Change rainfall volumes will be controlled and accommodated, also incorporating a sensitivity test to 40% Climate change. In addition an appropriate allowance should be made for urban creep throughout the lifetime of the development as per 'BS 8582:2013 Code of Practice for Surface Water Management for Developed Sites' (to be agreed with the LLFA).
- Production of a plan showing above ground flood pathways (where relevant) for events in excess of 1 in 100 year rainfall, to ensure exceedance routes can be safety managed.
- A plan detailing the impermeable area attributed to each drainage asset (pipes, swales, etc).

Peak Flow Control

- For greenfield developments, the peak run-off rate from the development to any highway drain, sewer or surface water body for the 1 in 1 year rainfall event and the 1 in 100 year rainfall event, should never exceed the peak greenfield run-off rate for the same event.
- For developments which were previously developed, the peak run-off rate from the development to any drain, sewer or surface water body for the 1 in 1 year rainfall event and the 1 in 100 year rainfall event must be as close as reasonably practicable to the greenfield run-off rate from the development for the same rainfall event, but should never exceed the rate of discharge from the development, prior to redevelopment for that event.

Volume Control

- For greenfield developments, the runoff volume from the development to any highway drain, sewer or surface water body in the 1 in 100 year, 6 hour rainfall event must not exceed the greenfield runoff volume for the same event.
- For developments which have been previously developed, the runoff volume from the development to any highway drain, sewer or surface water body in the 1 in 100 year, 6 hour rainfall event must be constrained to a value as close as is reasonably practicable to the greenfield runoff volume for the same event, but must not exceed the runoff volume for the development site prior to redevelopment for that event.

Note: If the greenfield run-off for a site is calculated at less than 2 l/s, then a minimum of 2 l/s could be used (subject to approval from the LLFA).

- Details of how the on-site surface water drainage systems shall be maintained and managed after completion and for the lifetime of the development to ensure the features remain functional.
 - Where cellular storage is proposed and is within areas where it may be susceptible to damage by excavation by other utility contractors, warning signage should be provided to inform of its presence. Cellular storage and infiltration systems should not be positioned within the highway.
 - Guidance on flood pathways can be found in BS EN 752.
 - The Greenfield runoff rate which is to be used for assessing the requirements for limiting discharge flow rates and attenuation storage for a site should be calculated for the whole development area (paved and pervious surfaces – houses, gardens, roads, and other open space) that is within the area served by the drainage network whatever size of the site and type of drainage system. Significant green areas such as recreation parks, general public open space etc., which are not served by the drainage system and do not play a part in the runoff management for the site, and which can be assumed to have a runoff response which is similar to that prior to the development taking place, may be excluded from the greenfield analysis.
- I. If infiltration systems are to be used for surface water disposal, the following information must be provided:
- Ground percolation tests to BRE 365.
 - Ground water levels records. Minimum 1m clearance from maximum seasonal groundwater level to base of infiltration compound. This should include assessment of relevant groundwater borehole records, maps and on-site monitoring in wells.
 - Soil / rock descriptions in accordance with BS EN ISO 14688-1:2002 or BS EN ISO 14689-1:2003.
 - Volume design calculations to 1 in 100 year rainfall + 30% climate change standard. An appropriate factor of safety should be applied to the design in accordance with CIRIA C753 – Table 25.2.
 - Location plans indicating position (soakaways serving more than one property must be located in an accessible position for maintenance). Soakaways should not be used within 5m of buildings or the highway or any other structure.
 - Drawing details including sizes and material.
 - Details of a sedimentation chamber (silt trap) upstream of the inlet should be included.

Soakaway detailed design guidance is given in CIRIA Report 753, CIRIA Report 156 and BRE Digest 365.

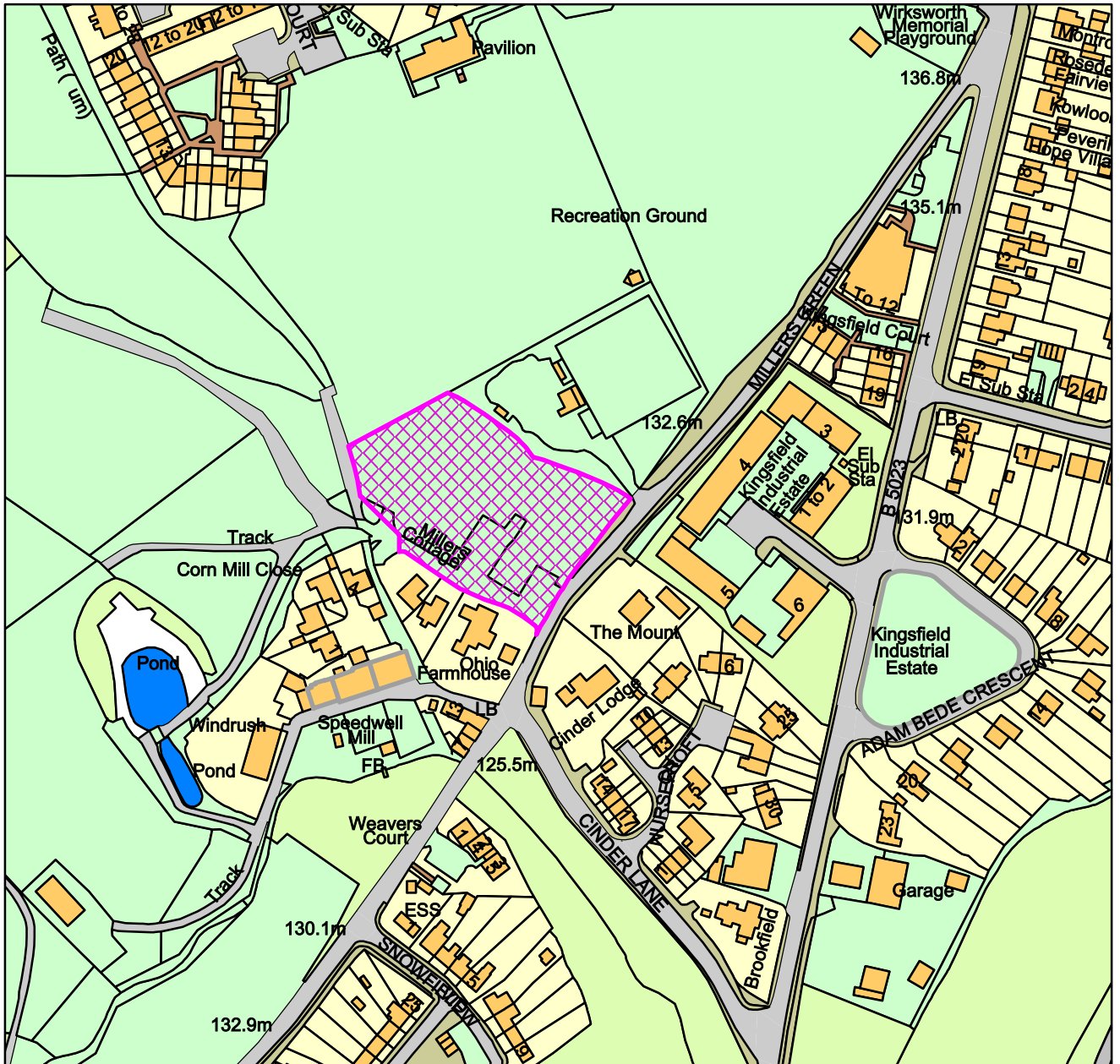
- J. All Micro Drainage calculations and results must be submitted in .MDX format, to the Local Planning Authority (other methods of drainage calculations are acceptable).
- K. The applicant should submit a comprehensive management plan detailing how surface water shall be managed on site during the construction phase of the development ensuring there is no increase in flood risk off site or to occupied buildings within the development.
- 1 The County Council holds a suite of information that can inform site development across Derbyshire. The information within this document has been interpreted and provided by an officer from the Flood Risk Management Team.
- Historical data has been collated from a range of sources and is anecdotal. The provision of this data is suggested to act as a guide only.
 - Fluvial data has been provided by the Environment Agency however the applicant is advised to contact the Environment Agency for further information should the site lie within the floodplain of a Main River.
 - The County Council holds British Geological Survey data under a licenced agreement and therefore are not licenced to reproduce this information into the public domain.
 - Further information regarding the Water Framework Directive, ecology and biodiversity should be obtained from the Environment Agency and Natural England.
2. Natural England advises that, should the developer wish to discuss with them the detail of measures to mitigate the effects described above, it is recommended that advice is sought through their Discretionary Advice Service.
3. The Town and Country Planning (Fees for Applications, Deemed Applications and Site Visits) (England) Regulations 2012 as amended stipulate that a fee will henceforth be payable where a written request is received in accordance with Article 27 of the Development Management Procedure Order 2015 for the discharge of conditions attached to any planning permission. Where written confirmation is required that one or more conditions imposed on the same permission have been complied with, the fee chargeable by the Authority is £116 per request. The fee must be paid when the request is made and cannot be required retrospectively.
4. The Local Planning Authority prior to the submission of the application, and during its consideration, engaged in a positive and proactive dialogue with the applicant which resulted in a scheme that overcame initial concerns relating to the layout of the site, archaeological matters and drainage matters.
5. This decision notice relates to the following documents:
Amended Drawing Nos. 2329-001A, 005H, 007C and 008C received on 27th September 2019
Planning, Design and Access Statement received on 19th June 2019
Preliminary Ecological Appraisal (Absolute Ecology) received on 19th June 2019
Great Crested Newt Survey (Absolute Ecology) received on 19th June 2019
Reptile Survey (Absolute Ecology) received on 19th June 2019
Site Access Appraisal (Bancroft Consulting) received on 19th June 2019
Flood Risk Assessment (GeoDyne Ltd) received on 19th June 2019
Additional information received on 2nd August 2019 and 27th August 2019.

APPLICATION NUMBER		19/00455/OUT	
SITE ADDRESS:		Land Off Millers Green, Wirksworth	
DESCRIPTION OF DEVELOPMENT		Outline planning application for a residential development of 12 dwellings with approval being sought for access	
CASE OFFICER	Mr. G. A. Griffiths	APPLICANT	Ben Cooild Ltd
TOWN	Wirksworth	AGENT	Planning and Design Practice Ltd
WARD MEMBERS	Cllr. M. Ratcliffe Cllr. P. Slack	DETERMINATION TARGET	17 th July 2019
REASON FOR DETERMINATION BY COMMITTEE	Major Application	REASON FOR SITE VISIT (IF APPLICABLE)	N/A – Members visited the site on 13 th August 2019

MATERIAL PLANNING ISSUES
<ul style="list-style-type: none"> • Principle of development • Impact on the character and appearance of the area • Impact on residents’ amenity • Affordable housing provision • Open space provision • Community infrastructure provision • Highway matters • Flooding and drainage • Site contamination • Arboricultural matters • Ecology

RECOMMENDATION
Approval

19/00455/OUT - Land Off Millers Green, Wirksworth



Derbyshire Dales DC

1:2,500

Date: 01/08/2019

100019785

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

1. THE SITE AND SURROUNDINGS

- 1.1 The site comprises 0.25ha of land immediately to the west of Millers Green which used to contain plant hire workshops, storage, offices and vehicle parking. These have now been cleared as the site has been granted planning permission for residential development which has become an extant permission since 2011. The application site also includes an area of greenfield, paddock land to the west of some 0.29ha giving a site area of some 0.54ha
- 1.2 The site lies between the residential property of Ohio Farmhouse on Millers Green to the south and recreational land which is set behind a mix of hedging and trees to the north. The site is within the Settlement Boundary for Wirksworth.





2. DETAILS OF THE APPLICATION

- 2.1 This application is being re-presented to the Planning Committee having been withdrawn from the Agenda at the request of the applicant prior to the Committee Meeting on 13th August 2019 to address the adoptability of the access road with the Local Highway Authority.
- 2.2 Outline Planning Permission is sought for the erection of 12 dwellinghouses on the site. Details of access onto the site has been submitted but appearance, landscaping, layout and scale are reserved matters. However, the applicant has submitted indicative proposals for five dwellinghouses to the front of the site and seven bungalows (two of which would be affordable bungalows) set beyond this. It is proposed that vehicle access to the properties would be via a centrally located road on the site frontage off Millers Green. This would continue through the site to provide access to the fields beyond. An existing access to the south of the site, adjacent to Ohio Farmhouse, is proposed to be removed and turned over to domestic curtilage.

2.3 The applicant has submitted the following documents with the application:

- Design and Access Statement (April 2019)
- Flood Risk Assessment and Drainage Strategy (June 2019)
- GeoEnvironmental Investigation (August 2016)
- Arboricultural Report (June 2019)
- Preliminary Ecological Appraisal (June 2019)
- Reptile Method Statement (June 2019)

3. PLANNING POLICY AND LEGISLATIVE FRAMEWORK

3.1 Adopted Derbyshire Dales Local Plan (2017)

- S1 Sustainable Development Principles
- S2 Settlement Hierarchy
- S3 Development within Defined Settlement Boundaries
- S7 Matlock/Wirksworth/Darley Dale Development Area Strategy
- S10 Local Infrastructure Provision and Developer Contributions
- PD1 Design and Place Making
- PD2 Protecting the Historic Environment
- PD3 Biodiversity and the Natural Environment
- PD5 Landscape Character
- PD6 Trees, Hedgerows and Woodlands
- PD8 Flood Risk Management and Water Quality
- PD9 Pollution Control and Unstable Land
- HC1 Location of Housing Development
- HC4 Affordable Housing Provision
- HC14 Open Space, Sports and Recreation Facilities
- HC15 Community Facilities and Services
- HC21 Car Parking Standards

3.2 Wirksworth Neighbourhood Development Plan (2015-2028)

- NP1 Setting and Shape of the Settlement
- NP2 Quality and Character of Development within the Settlement
- NP4 Size of New Homes and Space Standards
- NP5 Principal Residence Homes
- NP6 Quality of Residential Development

3.3 National Planning Policy Framework

3.4 National Planning Practice Guidance

4. RELEVANT PLANNING HISTORY

- 16/00704/OUT Outline application for residential development of up to 50 dwellings – Refused
- 11/00229/EXF Extension of Time Limit - Redevelopment of site to provide 5 no. detached dwellings, 5 no. residential apartments, associated access and landscaping – Granted
- 08/00286/FUL Redevelopment of site to provide 5 no. detached dwellings, 5 no. residential apartments and associated access road and landscaping – Granted

07/00874/FUL	Redevelopment of site to provide 5 no. detached dwellings, 5 no. residential apartments and associated access road and landscaping – Withdrawn
06/00742/REM	Erection of 10 no. residential dwellings and associated access (approval of reserved matters) – Withdrawn
06/00461/REM	Erection of 10 no. dwellings (approval of reserved matters) – Withdrawn
03/02/0120	Residential development (Outline) – Granted
02/03/0225	Extension of sports field – Granted but planning permission subsequently rescinded by legal agreement with the District Council
02/03/0224	Residential development (outline) - Refused

5. CONSULTATION RESPONSES

Town Council

- 5.1 - object
- whilst it is recognised that the overall site sits within the settlement boundary, the application represents scope creep with the applicant seeking to encroach on land previously agreed by the owners (via S106) to be retained as green space
 - the proposed road layout is not required in the current form if the application is to be limited to the existing development site and is therefore seeking to create a gateway for further development by forming an access road
 - site has a history of flooding and the introduction of hard landscaping to this greenspace (especially that covered by S106 agreement) will exacerbate the existing issues with a consequential impact of properties further down the slope
 - gradients of the existing site do not appear to be adequately addressed in the plans, including the impact and creation of potential accessibility issues for accommodation (especially given that the properties such as the affordable housing stock will be single storey in order to be accessible).

Head of Housing (Derbyshire Dales District Council)

- 5.2 - recent affordable housing in Wirksworth has focused on family housing and general needs flats
- recommend that affordable housing provision should be two, 3 bed roomed bungalows to M4 (3) wheelchair user standard
 - development offers the opportunity to meet need not just from within Wirksworth but also the surrounding villages where such provision is harder to achieve.

Strategic Planning (Derbyshire County Council)

- 5.3 - require financial contribution of £78,139.81 towards the provision of two secondary school and one post 16 place at Anthony Gell School towards Project B: additional teaching and support space
- request an advisory note be attached to encourage providing access to high speed broadband facilities.

Environment Agency

- 5.4 - no comment as there are no environmental constraints associated with the site which fall within their remit.

Lead Local Flood Authority (Derbyshire County Council)

- 5.5
- applicant has not undertaken a thorough ground investigation therefore the application cannot demonstrate the runoff destination hierarchy as paragraph 80 of the planning practice guidance
 - should Infiltration testing demonstrate soakaways are not viable, the submitted Flood Risk Assessment (FRA) for the proposed development is to dispose of surface water to the ordinary watercourse 70 m south of the proposed site via a restricted flow control device
 - will need to see that an appropriate survey of the watercourse is undertaken at the proposed point of discharge to ensure there is capacity for the additional flows and the integrity of the highway bridge is maintained
 - discharge rate will be restricted by a Hydrobrake flow control to the 1 in 1 year storm event of 2.3 l/s for the proposed greenfield site of 0.53 Ha. A required attenuation storage of 201 m³ has been estimated based on the 1% annual rainfall event plus 40% climate change
 - anticipate that an allowance for 10% urban creep will be incorporated
 - request conditions and footnotes be granted to any grant of permission.

Local Highway Authority (Derbyshire County Council)

- 5.6
- make the following comments in relation to the initial submitted scheme
 - o as this application is outline with all matters reserved except for access, the Local Highway Authority is not providing any detailed comments regarding the proposed internal layout of the residential site but, judging from the indicative layout, it seems 12 dwellings with appropriate infrastructure can be accommodated within the site
 - o recommend that 2.4m x 59m visibility splays be provided when emerging onto Millers Green, preferably measured to the nearside carriageway edge
 - o guidance also recommends a forward visibility sightline of 59m be available to and from right turning vehicles
 - o considered acceptable access arrangements to the site could be provided to Millers Green, meeting current safe minimum criteria
 - o would be desirable if the section of Millers Green fronting the application site could be widened to a minimum of 5.5m wide to improve the manoeuvres for turning traffic to and from the development and to reduce any potential conflict with vehicles travelling along Millers Green (the new residential access road is also likely to be required to be laid out with this geometry)
 - o recommend a footway is provided across the roadside frontage
 - o a Public Right of Way crosses the site, which will need to be maintained on its lawful alignment, unless formally diverted by Order - details will be required where any new estate street bisects the existing route to ensure the safety of highway users are not prejudiced by the works
 - on clarification from the applicant that the access is proposed to be adopted, have commented with respect to the amended layout drawings submitted:
 - o the revised drawing is now an adoptable layout
 - o the main revisions include an acceptable turning head at the end of the cul-de-sac, a 3m wide private access driveway off the cul-de-sac via a dropped kerb and a 2m wide grass verge to be adopted which extends adjacent to Plot 3 up to the end of the cul-de-sac
 - o it is noted on the revised plan that retaining walls are now proposed and full details and structural calculations for these walls will need to be submitted for approval prior to any works commencing
 - o recommend conditions.

Peak and Northern Footpaths Society

- 5.7
- no objection in principle
 - confused by the paragraph 3.11 in the Design and Access Statement that states that the road is designed as a through road rather than a cul-de-sac and incorporates a turning head that is fully functional based on standard 'Y' turning head access road. A 12m radius

curve at the northern end is proposed to minimise the curvature of the road, to maintain access to Millers Cottages and The Chalet - cannot see how this relates to the location of Footpath 59

- the full width of this path along its whole length must remain unobstructed and safe for walkers to use
- if this is not the case, the plans must be amended to ensure that public safety and enjoyment of the use of the path is not reduced.

Derbyshire Wildlife Trust

- 5.8 - further to the initial Preliminary Ecological Appraisal report (Ecus Ltd, June 2019), eDNA sampling has been undertaken for GCN and confirmed absence in all ponds within 500 m of the application area - no further survey work or mitigation is required with respect to this species.
- a precautionary Reptile Method Statement provides clear guidance to be followed during the initial site strip and should be implemented in full
 - advise that conditions are attached with respect implementing the Reptile Method Statement, the submission of a Biodiversity Enhancement Plan and protection of nesting birds.

Arboricultural and Landscape (Derbyshire Dales District Council)

- 5.9 - numerous mature trees and hedgerows bordering and surrounding the site of the proposed development which could be negatively affected by the works that would be needed to facilitate it
- the loss of some trees and hedges would be acceptable if several mixed native trees and at least 45m of mixed native hedgerow are planted within the development
 - all trees to remain and will need to be protected during construction activity
 - should be no ground level changes in Root Protection Areas (RPAs) and underground services should not pass through RPAs
 - foundation design should take account of potential future root growth and should be a condition of any permission
 - majority of retained trees outside the application site could potentially cause problems as they grow over time and restrict view out of the development
 - suggestions for ecological and biodiversity protection/enhancements have been made
 - grasscrete could perhaps be used to improve the visual impact of large areas of car parking and private driveways
 - features reflecting the local landscape within the design and finishing of the houses and their landscaping would be welcome
 - connection with the surrounding landscape should be incorporated into the development via a pedestrian link through the site boundary to the existing footpath bordering the western edge of the site.

Environmental Health (Derbyshire Dales District Council)

- 5.10 - recommend land contamination remediation conditions.

6. REPRESENTATIONS RECEIVED

- 6.1 Residents of Wirksworth have submitted letters of objection to the proposals which are summarised as follows:

- greenfield land is subject to a Section 106 planning agreement from 17th September 2003 which stipulates it shall only be used for agriculture
- Plots 5-9 cannot be used for dwellings as they are located on protected agricultural land and Plots 4 and 10 are marginal as car parks are within the agricultural land
- extension of development into the greenfield land is inappropriate and unnecessary

- plenty of other brownfield sites which could be developed
- landowner has removed hedges and mature trees to eliminate constraints so the land can be developed with total disregard to ecology
- four trees have been removed which were protected with the previous planning permission
- much of the proposed development land was used as a tip from the early 1980's until 2011 which has disturbed natural drainage
- gates at the end of the new road will obstruct access to neighbour's property at 2 Millers Green
- new road does not afford proper access to neighbour's driveway and does not take into account the sloped nature of the area or two established oak trees at the end of the drive which stand in the way of the proposed access
- Plot 5 obstructs neighbour's drive
- access arrangement suggest further planning permission will be sought to develop on the large field behind Cornmill Close
- access to The Chalet is via Speedwell Mill and gravel track is only for ad hoc large delivery vehicles, farm machinery, etc. – the term 'future development' is strange as previous application for residential development was refused
- concerns raised with regard to access road crossing public right of way
- a cul-de-sac for the brownfield site development would suffice, connected to the current access to existing, adjacent properties
- removal of native species hedge along the current access road would mean loss of habitat for birds and hedgehogs that live in it
- will present a further obstacle to the ease of access to property on top of the deviated and lengthened route to Millers Green
- suggestion that development would suit the elderly or those in wheelchairs is ridiculous as there is a difference of over 20ft from the back to the front of the site
- 15-20 minute walk to shops – the pavements are too narrow and the bus stop too far away on Derby Road and requires crossing the road twice as there are no pavements and the road junction at Cinder Lane is dangerous
- Hannage Brook Medical Centre would not be easily accessible and not really suitable for target resident
- loss of privacy from Plots 4 and 5
- approved scheme for 10 dwellings has an impact but much less of an impact than the proposed development of 12 dwellings
- proposed route is over undulating ground of varying heights – will the development seek to make good these grounds variations and thus enable a smooth transition from the end of the road to neighbour's drive
- amended site drawing is a slight improvement to access to 2 Millers Green
- proposed hedge on border of property to replace established 1.5m wide, 3m high hedgerow will take time to develop - any replacement needs to be of mature, large specimens from the outset otherwise privacy will be seriously compromised, particularly as site is on land 1m higher than neighbour's property
- the rooflines of the bungalows should be subservient to the height of 2 Millers Green when viewed from adjacent land as this property, and Ohio Farmhouse, are of historic interest having been built nearly 300 years ago
- drainage problems with old mine workings
- much of the proposed development land was used as a tip, typically in excess of 1.5m deep, from the early 1980's until 2011 which acts as a dam has disturbed natural drainage
- good to see that the proposed attenuation has increased but the analysis in the report takes no account of water flowing from the recreational grounds onto the eastern part of the site – report only focuses on changes caused by the proposed hardstanding and the proposed attenuation storage will quickly be overpowered

- Plots 1, 2 and 3 are most at risk from flooding the car park to the rear will not provide attenuation
- concern that garage at Ohio Farmhouse will be flooded
- local residents know what really happens on the ground far better than any consultant
- during heavy rain, a river of water comes off the site and onto the road – the road drainage cannot deal with the volume of water and has caused flood risk to 14 Millers Green and have had to unblock drains to prevent this
- application does not address existing issue of surface water coming from the site
- little information about the nature of the affordable housing to Plots 1 or 2 – statement says will be 3 bedroomed townhouses which suggests they will be 3 or more storeys high creating massive gable wall on Plot 1, 2.5m away from the domestic driveway to Ohio Farmhouse
- not in keeping with the streetscene on Millers Green highway
- suggest Plots 1-3 moved nearer to the access road and planting provided between Plot 1 and Ohio Farmhouse
- any windows on south elevation would look into the two bedroom window facing the site from Ohio Farmhouse and the covered deck
- latest car parking proposal is closer to Ohio farmhouse and less screened
- ask about the possibility of changing the address of 2 Millers Green if the proposed development is approved
- brownfield part is an eyesore and needs rectifying and development be restricted to this area.

6.2 Two residents of Wirksworth have submitted letters in support of the proposals which are summarised as follows:

- bungalows specifically designed for disabled people or people with limited mobility
- currently on a waiting list for a house and one of the three bedroomed townhouses would be perfect
- the location is ideal next to the recreation ground, close to the post office and shop and the bus stop at the end of Cinder Lane
- would be closer to bus stop than where currently live and rely on bus as can no longer drive
- suggestion that road through the site is not required – it is needed to access The Chalet at rear of Cornmill Close and 2 Miller Green and for large vehicles and agricultural machinery which cannot gain access from any other route to the fields
- a turning head is required for refuse collection
- bemused as to why residents of Cornmill Close suggest this access should be cut off as they have used the track to have large or bulky items delivered to the rear of their properties
- development is well thought out, carefully and sympathetically designed
- it does not interfere with Cornmill Close or the footpath and the development boundary stops to the west of the present footpath.

6.3 A resident of Wirksworth has made comment on the application which is summarised as follows:

- Wirksworth FP 59 needs to be kept both open and safe for pedestrians and walkers both during and after development
- unclear why a through road is needed for 12 dwellings
- area marked tarmac/gravel as part of the development even though it is outside the plan footprint.

- 6.4 Wirksworth and Middleton Rugby Club have commented on the proposals:
- recreation ground has existed since at least 1849 and provides an excellent facility
 - no objection in principle to housing but clearly the development would significantly change the environment in which the Club currently operates
 - possibility of neighbour disputes would arise related to fouling of the playing area by dogs, misuse of the land by cyclist and other damage that has to be repaired by volunteers – these problems currently exist but are concerned about these being exacerbated
 - raise concern with regard to proximity of Plots 6, 7 and 8 to the outfield of the cricket pitch – have had to retrieve cricket balls from this field on occasions
 - if Council is minded to grant permission, it should be an obligation that the developer erects and maintains a suitably high fence along the immediate boundary with the outfield defined by the cricket club's hedge
 - should consider a financial contribution to support the voluntary efforts of the Recreation Ground Trustees to improve facilities for cricket, football, bowls and play area which are a drain on the Trustees limited resources.

7. OFFICER APPRAISAL

Principle of Development

- 7.1 Almost half of the site has an extant planning permission for the erection of five dwellinghouses and five flats. This is on the previously developed land immediately to the west of Millers Green. However, the paddock to the north west of the previously developed site has no such permission and, whilst it is within the Settlement Boundary for Wirksworth, this area is nevertheless a greenfield site.
- 7.2 The land is within the Settlement Boundary for Wirksworth. The Adopted Local Plan (2017) has allocated sites that will make up much of its housing land supply going forward. However, this does not cover fully the objectively assessed need for housing land supply going forward and there is some reliance on windfall sites also coming forward in the Local Plan period until 2033. Policy HC1 of the Adopted Local Plan (2017) supports residential development on unallocated sites where the development accords with Policy S2 which sets out the settlement hierarchy and approach to future development. As such, it is considered that the element of the site which is previously undeveloped can be developed as a windfall site in this sustainable, Tier 1 settlement.
- 7.3 In order for the development to comply with the requirements of Policy NP5 of the Wirksworth Neighbourhood Plan (2015-2028) the dwellings will need to principal residence homes. It could be argued that the site has an extant permission to the front that is not bound by such a requirements. As such, it is only considered reasonable to attach such a constraint to those dwellinghouses outside of the site of the planning permission granted in 2011, and excluding the affordable houses, if outline planning permission is granted. It is appreciated that the site layout may change and therefore, a condition would need to be attached to any outline planning permission requiring four of the dwellings, excluding the affordable housing, being used only as principal residences, and not be utilised as a second home or for holiday accommodation, in accordance with details that will need to be agreed in writing.

Impact on the Character and Appearance of the Area

- 7.4 The development is only indicative at this stage. It is a rather unimaginative layout with houses and bungalows sat aside a linear, central access into the site. Nevertheless, this is only an indicative layout which can be reconsidered with the reserved matters. It is considered that, with the constraints associated with the site, which include proximity to neighbouring residential properties, the access gradient and peripheral landscaping, that a development of 12 dwellings is possible on the site. It is also considered reasonable that those on the upper level of the site where the paddock is, be of single storey to reduce their

impact in the landscape in the more elevated section of the site. In developing the site, it is expected that features reflecting the local landscape, within the design and finishes of the houses and the landscaping of the site, will need to be carefully considered.

Impact on Residents' Amenity

- 7.5 The site abuts the gardens to three dwellinghouses. Whilst the layout of the site is indicative, it is considered that the proposed development can be accommodated without significantly harming the light, outlook and privacy enjoyed by the neighbouring residents. There would be a minimum distance of 17m between Plots 4 and 5 and the existing houses of 2 and 4 Millers Green. This is considered acceptable in privacy terms as the dwellings are proposed to be bungalows. There will need to be a replanting of the boundary hedge and temporary fencing may be required in the short term to prevent looking directly into the neighbouring properties.
- 7.6 The bungalows are proposed to the north east of the existing properties and, therefore, there should be no impact with respect to a loss of light or overshadowing. Whilst the hedge could restrict outlook to some extent, a 2m high close boarded fence or hedge could be provided along the boundary by the applicant in any event.
- 7.7 Ohio Farmhouse is set side onto the site and the nearest dwellinghouse (Plot 3) would be set approximately 8m from that dwellinghouse. Again, being set to the north east of Ohio Farmhouse, the development is unlikely to significantly impact on the light to that property. In terms of outlook, there would be some encroachment on this but in a normal 45° outlook from the front of that dwellinghouse, this would be onto the front part of the side of Plot 1 at a distance of some 12m away. There are side facing windows overlooking the site but it is considered unreasonable for the applicant to have significant constraints placed on the development of their property because of the neighbouring property already overlooking it. Nevertheless, this will need to be assessed in more detail with the submission of the reserved matters. Given the above, it is considered unreasonable to refuse outline planning permission on amenity grounds and these will ultimately need to be fully assessed with the reserved matters application.

Open Space Provision

- 7.8 The site is relatively modest for the inclusion of on-site open space or a children's play area within it. To this end, each property has reasonable garden amenity space. There is also a nearby children's play area to the north adjacent to the recreation ground. Whilst this has received a financial contribution from the Kingsfield residential development in relatively recent times, it is considered reasonable for this facility to receive further funding of £6,000 (£500 per dwelling) or, if this is not required, a payment towards upgrading and maintaining other play space areas within the town which will also be likely to benefit potential residents of the site. This will need to be provided by way inclusion in the Section 106 Legal Agreement.

Community Infrastructure Provision

- 7.9 Derbyshire County Council has advised that it requires a financial contribution of £78,139.81 towards the provision of two secondary school and one post 16 place at Anthony Gell School towards Project B: additional teaching and support space. This will again need to be provided by way inclusion in the Section 106 Legal Agreement.

Affordable Housing Provision

- 7.10 The District Council's Head of Housing has advised that recent affordable housing in Wirksworth has focused on family housing and general needs flats. As such, it is recommend that affordable housing provision should be two, 3 bedroomed bungalows to M4(3) wheelchair user standard. This is less than the 30% provision required by Policy HC4 of the Adopted Local Plan. Therefore, further to the deferral of the planning application from

the Committee Meeting on 13th August 2019, and given some expressed concern about compliance with Policy, Officers have reappraised the above..

- 7.11 The applicant advises that part of this site already has an extant planning consent for 10 dwellings (five detached houses and five apartments) and that this approval had no affordable housing requirement and no tariff payments. The applicant is concerned that, in addition to providing two, 3 bedroom affordable bungalows, that they are also required to pay £78,139.81 towards education in the District and £6,000 towards off site play space. It is the view of the applicant that this should be seen in the context that the planning system is not a level playing field, with developments below 11 dwellings not requiring affordable housing or tariff payments. It is considered by the applicant that currently, within Derbyshire Dales, the system creates a cliff edge when housing numbers exceed 10 with no transition arrangements for housing numbers in the range of 11-15 dwellings. However, notwithstanding the applicants view, this is based on the requirements set out in national planning guidance.
- 7.12 Nevertheless, the Policy requirement is for a minimum of 30% affordable housing provision. To this end, the applicant has offered as an alternative the possible provision of three dwellinghouses as affordable dwellinghouses, at Plots 1-3, with an off-site financial contribution based on the remaining 0.6% of a dwelling. This proposal was considered by Officers and discussed with the Head of Housing.
- 7.13 Having considered this revised offer, the Head of Housing has advised that the bungalows are needed to meet the current requirements of the District. Furthermore, the provision of bungalows can be viewed as taking up the land for the equivalent of three dwellings such that the applicant is being penalised by such a requirement. In this respect, the financial contribution could be reasonably justified to be limited to the 0.6 of a dwelling to meet the 30% requirement based on the land uptake for three dwellings. The affordable housing would therefore be justified by the site delivering two affordable bungalows and ten open market dwellings, with a financial contribution based on 0.6 of a dwelling (£15,270), instead of three affordable dwellinghouses and nine open market dwellings, with the same financial contribution. It is recommended by Officers and the Head of Housing that this is the most appropriate approach to delivering the affordable housing needed in this instance, which is considered to reasonably align with Policy HC4 – this has been agreed by the applicant..

Highway Matters

- 7.14 The Local Highway Authority has assessed the revised proposals further to the applicant requesting deferral of the application to address matters of the adoptability of the access road. The main revisions include an acceptable turning head at the end of the cul-de-sac, a 3m wide private access driveway off the cul-de-sac via a dropped kerb and a 2m wide grass verge to be adopted which extends adjacent to Plot 3 up to the end of the cul-de-sac. It is noted on the revised plan that retaining walls are now proposed and full details and structural calculations for these walls will need to be submitted for approval.
- 7.15 A Public Right of Way crosses the site, which will need to be formally diverted by Order. Details will be required where any new estate street bisects the existing route to ensure the safety of highway users are not prejudiced by the works. However, this is a matter that would be dealt with as part of any reserved matters or subsequent full planning application for this site. Therefore, the Local Highway Authority raises no objection subject to conditions.

Flooding and Drainage

- 7.16 The Lead Local Flood Authority (LLFA) has assessed the application and sought further information from the applicant. It has been advised that the applicant has not undertaken a thorough ground investigation and, therefore, the application cannot demonstrate the runoff destination hierarchy as paragraph 80 of the National Planning Practice Guidance.

7.17 It is advised that, should Infiltration testing demonstrate soakaways are not viable, the submitted Flood Risk Assessment (FRA) proposes to dispose of surface water to the ordinary watercourse 70 m south of the proposed site via a restricted flow control device. It is advised by the LLFA that it will need to see that an appropriate survey of the watercourse is undertaken at the proposed point of discharge to ensure there is capacity for the additional flows and the integrity of the highway bridge is maintained. It is advised that the discharge rate will be restricted by a Hydrobrake flow control to the 1 in 1 year storm event of 2.3 l/s for the proposed greenfield site of 0.53 Ha.

7.18 A required attenuation storage of 201m³ has been estimated based on the 1% annual rainfall event plus 40% climate change and it is anticipated that an allowance for 10% urban creep will need to be incorporated. On this basis, the LLFA has advised of a number of conditions to ensure that drainage matters are fully addressed and such information may have to form part of the detailed scheme to be presented as reserved matters should outline planning permission be granted.

Site Contamination

7.19 The applicant has submitted a GeoEnvironmental Investigation. This has been assessed by the District Council's Environmental Health Section which has recommended conditions with respect to remediation measures.

Arboricultural Matters

7.20 It has been noted that there are numerous mature trees and hedgerows bordering and surrounding the site of the proposed development which could be negatively affected by the works that would be needed to facilitate it. The arboricultural report advises the following will need to be removed:

- a mature 8m tall ash tree (classified as category C – low quality) would need to be removed to make way for Plot 6
- a 4m high goat willow with poor form
- 40m long hedgerow to make an entrance for the development and from the rear gardens of Plots 4 and 5 – this is moderate quality
- approximately 5m length of hedgerow to be removed to make way for Plot 12

7.21 It is considered that these losses would be acceptable if several mixed native trees and at least 45m of mixed native hedgerow are planted within the development. All other trees are to remain and will need to be protected during construction activity. To this end, the applicant will need to devise suitable root protection measures for the root protection areas (RPAs) of retained trees at Plots 6 and 12 and there should be no ground level changes in RPAs and underground services should not pass through RPAs. The District Council's Arboriculture and Landscape Officer advises that the foundation design should take account of potential future root growth and should be a condition of any permission

7.22 The majority of retained trees outside the application site could potentially cause problems as they grow over time and restrict view out of the development. However, those trees to existing residential properties are likely to be managed in any event and the trees to the north of the site are unlikely to overshadow the nearest proposed dwellinghouse or their gardens to such an extent that they would be likely to face significant pressure for their removal.

Ecology

7.23 The applicant has submitted a Preliminary Ecological Appraisal and a Reptile Method Statement which have been assessed by Derbyshire Wildlife Trust (DWT). It is advised that the precautionary Reptile Method Statement provides clear guidance to be followed during the initial site strip and should be implemented in full. It is also advised, should outline

planning permission be granted, that conditions be attached with respect to a biodiversity enhancement scheme and the protection of birds during the nesting season.

Other matters

- 7.24 The greenfield land to the western half of the application site, and beyond, is subject to a Section 106 planning agreement from 17th September 2003 which stipulates it shall only be used for agriculture and all goods, vehicles and machinery on the site were to be permanently removed within 28 days of the agreement. This legal agreement was linked with the granting of residential development of the previously developed land at the former Chequers Farm site (ref: (03/02/0120) and was aimed at dealing with unauthorised tipping on the site.
- 7.25 It should be noted that this was later varied by a legal agreement of 29th March 2004 allowing for the land to be also used as an extension of the sports field in accordance with planning permission (ref: 02/03/0225). This legal agreement was also presented with planning application 08/00286/FUL when permission was granted for the residential development of the site on the previously developed land of the former Chequers Farm site. The land to the west of the application site, as contained in the legal agreement, now forms part of the Recreation Ground.
- 7.26 To this end, the greenfield part of the application site is still subject to the legal agreement that it shall remain as agricultural land. As such, if planning permission is granted for the current proposals, permission will need to be sought to now rescind that Section 106 Agreement in its entirety. It is considered, having due regards to the change in circumstances over time, that the legal agreement would no longer serve a useful purpose if the site is deemed otherwise acceptable for residential development.
- 7.27 Concern has been raised with regard to the proximity of the cricket pitch to the site and the potential for cricket balls to land on the site. Whilst this is a potential hazard, the applicant has sought to address this in part by proposing a chain link fence along the 40m perimeter, supplemented with hedge planting. This may not address cricket balls being hit into the gardens in all eventualities but will have the potential to stop some.

Conclusion

- 7.28 The criteria for including land within the Settlement Boundary is set out within paragraph 4.24 of the Local Plan. To this end, it is considered that the site meets criteria (iii) as there is the presence of clearly defined physical features round the site and a clear interrelationship of this land to the site which has the extant planning permission. In this respect, the principle of development is considered acceptable.
- 7.29 It is appreciated that a legal agreement restricts use of part of the site to remain as agricultural land. However, this initially related to a much larger area of land, the main part of which has since become part of the Recreation Ground. The remaining area of land offers little benefit to agriculture and, as stated above, relates more to the previously developed site than to the other surrounding land. To this extent, the legal agreement is considered to have outlived its usefulness and could be subject to amendment as part of the Section 106 Agreement required for the site to deliver affordable housing and financial contributions to play space and education facilities.
- 7.30 Whilst the details of the development may be open to change as part of considering the reserved matters, the proposals as submitted will be of benefit in providing seven accessible bungalows, two of which would be affordable dwellings. This is considered a benefit to the town with the potential to address the needs of an ageing population and the development will also be required to make a contribution to educational facilities to meet the potential increase in school places generated by the development. In accordance with Policy NP4 of the Wirksworth Neighbourhood Plan, but having regard to the extant permission, four of

these properties, excluding the affordable dwellings, will have to be primary residences which would need to be a condition of any outline planning permission.

7.31 Whilst there are issues with regard to land drainage, the Lead Local Flood Authority has advised that this can be addressed with conditions and this may also inform the nature and layout of the development at the reserved matters stage.

7.32 It is considered that a development can be provided on the site which addresses the concerns of proximity to neighbours and the cricket pitch. It is also considered that access can be provided to the properties that currently benefit from the existing access arrangements. Appropriate boundary planting can also be provided for the benefit of character and appearance, neighbour amenity and ecological benefit.

7.33 Given the above, it is considered that the proposals will make a beneficial re-use of this site and it is recommended that outline planning permission be granted subject to the requirements detailed above with respect to a Section 106 Legal Agreement.

8. RECOMMENDATION

That subject to the applicant entering into a Section 106 legal agreement to amend/rescind the legal agreement of 17th September 2003, to ensure on-site affordable housing provision and financial contributions of £15,270 towards off-site affordable housing provision, £78,139.81 towards education facilities and £6,000 towards the provision/maintenance of off-site children's play space, that outline planning permission be granted subject to the following conditions:

1. Condition ST03a Submission of Certain Reserved Matters
(delete d – details of access arrangements)

Reason:

Reason ST03a

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

Reason:

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

3. Prior to building works commencing above foundation level, a Biodiversity Enhancement Plan shall be submitted to and approved in writing by the Local Planning Authority to achieve a net gain in biodiversity. Such approved measures shall be implemented in full and maintained thereafter. Measures may include:
 - details of integrated bat boxes will be clearly shown on a plan (positions/specification/numbers)
 - details of bird boxes will be clearly shown on a plan (positions/specification/numbers).

- details of insect bricks will be clearly shown on a plan (positions/specification /numbers).
- measures to maintain connectivity for hedgehogs shall be clearly shown on a plan (fencing gaps 130 mm x 130 mm and/or railings and/or hedgerows).
- a summary of ecologically beneficial landscaping (full details to be provided in Landscape Plans).

Reason:

To achieve a net gain in biodiversity in accordance with the National Planning Policy Framework (2019) and to comply with Policies S1 and PD3 of the Adopted Derbyshire Dales Local Plan (2017).

4. During the initial site strip, the Reptile Method Statement (Ecus Ltd., June 2019) shall be implemented in full and a short statement of compliance submitted to the Local Planning Authority upon completion of works.

Reason:

To safeguard protected species to comply with the National Planning Policy Framework (2019) and to comply with Policies S1 and PD3 of the Adopted Derbyshire Dales Local Plan (2017).

5. No vegetation clearance shall take place between 1st March and 31st August inclusive, unless preceded by a nesting bird survey undertaken by a competent ecologist. If nesting birds are present, an appropriate exclusion zone will be implemented and monitored until the chicks have fledged. No works shall be undertaken within exclusion zones whilst nesting birds are present.

Reason:

To safeguard nesting birds to comply with Policy PD3 of the Adopted Derbyshire Dales Local Plan (2017).

6. The development shall not be commenced until a scheme to identify and control any contamination of land, or pollution of controlled waters, has been submitted to, and approved in writing by the Local Planning Authority; and until the measures approved in that scheme have been implemented. The scheme shall include all of the following measures unless the Local Planning Authority dispenses with any such requirement in writing:

(i) Desk-top study /phase I

A desk-top study shall be carried out to identify and evaluate all potential sources of contamination and the impacts on land and/or controlled waters, relevant to the site. The desk-top study shall establish a 'conceptual site model' and identify all plausible pollutant linkages. Furthermore, the assessment shall set objectives for intrusive site investigation works/Quantitative Risk Assessment (or state if none are required). Two full copies of the desk-top study and a non-technical summary shall be submitted to the Local Planning Authority without delay upon completion.

(ii) Intrusive Site Investigation /phase II

If identified as being required following the completion of the desk-top study, an intrusive site investigation shall be carried out to fully and effectively characterise the nature and extent of any land contamination and/or pollution of controlled waters. This shall be based on the desk-top study and it shall specifically include a risk assessment that adopts the Source-Pathway-Receptor principle, in order that any potential risks are adequately assessed taking into account the existing status of the site and proposed new use. Where samples are taken they shall be analysed in a laboratory that is accredited under the MCERTS Chemical

testing of Soil Scheme, for all parameters requested (where this is available). Two full copies of the site investigation and findings shall be forwarded to the Local Planning Authority without delay upon completion.

(iii) Remediation method statement /phase III

A written method statement containing an options appraisal and detailing the remediation requirements for land contamination and/or pollution of controlled waters affecting the site shall be submitted and approved by the Local Planning Authority. All requirements contained in the remediation method statement shall be implemented and completed to the satisfaction of the Local Planning Authority. No deviation shall be made from this scheme without the express written agreement of the Local Planning Authority.

If during the development, or remediation, any contamination is identified that has not been considered in the Remediation Method Statement, then additional remediation proposals for this material shall be submitted to the Local planning Authority for written approval. Any approved proposals shall thereafter form part of the Remediation Method Statement.

Reason:

To protect human health and the wider environment from hazards that may arise from the previous use of the site, which might be brought to light by development of the land in accordance with Policy PD9 of the Adopted Derbyshire Dales Local Plan (2017).

7. Prior to occupation of the development (or parts thereof) an independent validation report must be submitted demonstrating that the works have been carried out satisfactorily, and remediation targets have been achieved (pursuant to 5ii and 5iii above only). This report shall be produced by a suitably qualified and accredited independent body (independent of the developer).

The report shall provide verification that the remediation works have been carried out in accordance with the approved Method Statement(s). If identified as being required, the report shall identify and detail any requirements for longer-term monitoring of pollution linkages, maintenance and arrangements for contingency action.

Reason:

To protect human health and the wider environment from hazards that may arise from the previous use of the site, which might be brought to light by development of the land in accordance with Policy PD9 of the Adopted Derbyshire Dales Local Plan (2017).

8. In the event it is proposed to import soil onto site in connection with the development the proposed soil shall be sampled at source and analysed in a laboratory that is accredited under the MCERTS Chemical testing of Soil Scheme, for all parameters requested (where this is available). The results of the analysis, and an interpretation, shall be submitted to the LPA for consideration. Imported topsoil shall comply with British Standard 3882:2007 - Specification for topsoil and requirements for use. Only the soil approved in writing by the Local Planning Authority shall be used on site.

Reason:

To protect human health and the wider environment from hazards that may arise from the previous use of the site, which might be brought to light by development of the land in accordance with Policy PD9 of the Adopted Derbyshire Dales Local Plan (2017).

9. Construction of the dwellinghouses approved by this permission shall not be commenced unless the method for piling foundations has been submitted to and approved in writing by the Local Planning Authority. The piling shall thereafter be undertaken only in accordance with the approved detail.

Reason:

To protect human health and the wider environment from hazards that may arise from the previous use of the site, which might be brought to light by development of the land in accordance with Policy PD9 of the Adopted Derbyshire Dales Local Plan (2017).

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

Reason:

In the interests of highway safety.

11. As part of any subsequent reserved matters or full application for this site detailed designs shall be provided of the layout and treatment, (including pedestrian crossing facilities) of the existing public right of way where it crosses the development site and internal estate street. The works being laid out and constructed in accordance with the approved details, in a timescale to be agreed in writing with the Local Planning Authority prior to works commencing on site. For the avoidance of doubt the developer will be required to enter into a Highways Act 1980 Agreement (Section 278) with the Highway Authority in order to comply with the requirements of this condition.

Reason:

In the interests of highway safety.

12. No dwelling shall be occupied until a new estate street junction has been formed to Millers Green in accordance with drawing number 2350-003I, laid out, constructed to base level and provided with 2.4m x 59m visibility splays in either direction, the area in advance of the sightlines being levelled, constructed as footway or verge and not being included in any plot or other sub-division of the site and including the widening of Millers Green to achieve a carriageway width of at least 5.5m together the provision of a minimum 2m wide footway across the entire controlled site frontage to Millers Green.

Reason:

In the interests of highway safety.

13. The works approved under condition 12 above shall be laid out in a timescale to be agreed with the Local Planning Authority in advance of works commencing on site or prior to occupation of the first dwelling on site, whichever the sooner. For the

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

Reason:

In the interests of highway safety.

14. No development shall be commenced until a temporary access for construction purposes has been provided to Millers Green in accordance with detailed designs to be submitted to the Local Planning Authority for written approval. The access shall be laid out and constructed to accommodate construction vehicles, laid out at least 6.5m wide and provided with a minimum 2.4m x 59m visibility splay in both directions; the area in advance of the sightlines remaining free from any obstructions to visibility over 1m high, relative to the nearside carriageway channel level. The temporary access arrangements shall be retained in accordance with the approved scheme throughout the construction period, or until such time as the permanent access is taken into use.

Reason:

In the interests of highway safety.

15. Notwithstanding the submitted information a subsequent reserved matters or full application shall include design of the internal layout of the site in accordance with the guidance contained in the "Manual for Streets" document issued by the Departments for Transport and Communities and Local Government and the County Council's own design guide, the Delivering Streets and Places document.

Reason:

In the interests of highway safety.

16. No development shall take place until construction details of the residential estate streets and footways (including layout, levels, gradients, surfacing and means of surface water drainage) have been submitted to and approved in writing by the Local Planning Authority.

Reason:

In the interests of highway safety.

17. The carriageways and footways of the proposed estate streets shall be constructed in accordance with Condition 16 above, up to and including at least road base level, prior to the commencement of the erection of any dwelling intended to take access from that street. The carriageways and footways shall be constructed up to and including base course surfacing to ensure that each dwelling prior to occupation has a properly consolidated and surfaced carriageway and footway, between the dwelling and the existing highway. Until final surfacing is completed, the footway base course shall be provided in a manner to avoid any upstands to gullies, covers, kerbs or other such obstructions within or abutting the footway. The carriageways, footways and footpaths in front of each dwelling shall be completed with final surface course within twelve months (or three months in the case of a shared surface road) from the occupation of such dwelling, unless otherwise agreed in writing by the Local Planning Authority.

Reason:

In the interests of highway safety.

18. Within 21 days of the permanent access being taken into use, any existing or temporary construction access shall be completely removed and the highway margin re-instated, in a manner to be agreed with the Local Planning Authority in consultation with the Local Highway Authority.

Reason:

In the interests of highway safety.

19. The frontage boundary treatment to the estate street shall be restricted in height to no more than 1m, measured relative to the nearside carriageway channel level, to ensure 2.4m x 17m minimum visibility sightlines are maintained to the estate street, in each direction, from individual driveway access points.

Reason:

In the interests of highway safety.

20. As part of any reserved matters or full application for this site, details of arrangements for the storage of bins and collection of waste shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details and the facilities retained for the designated purposes at all times thereafter.

Reason:

In the interests of highway safety.

21. The proposed access driveways to the estate street shall be no steeper than 1 in 14 for the first 5m from the nearside highway boundary and 1 in 10 thereafter.

Reason:

In the interests of highway safety.

22. As part of any subsequent reserved matters or full planning application for this site a scheme for the parking and manoeuvring of residents, visitors, service and delivery vehicles shall be provided. The scheme shall be implemented in accordance with the approved details prior to occupation of the dwellings and maintained throughout life of the development free from any impediment to its designated use.

Reason:

In the interests of highway safety.

23. As part of any subsequent reserved matters or full planning application for this site a scheme for the disposal of highway surface water shall be provided. The scheme shall be implemented in accordance with the approved details prior to occupation of the dwellings and retained accordingly thereafter.

Reason:

In the interests of highway safety.

24. No development shall take place until details and structural calculations of the proposed retaining walls have been submitted to and been approved in writing by the Local Planning Authority in consultation with the Highway Authority.

Reason:

In the interests of highway safety.

25. No development shall take place until a detailed design and associated management and maintenance plan of the surface water drainage for the site, in accordance with the principles outlined within:
- a. Millers Green, Wirksworth Flood Risk Assessment & Drainage Strategy, Second Issue (July 2019 by Waterco) and including any subsequent amendments or updates to those documents as approved by the Flood Risk Management Team,
 - b. and DEFRA's Non-statutory technical standards for sustainable drainage systems (March 2015), have been submitted to and approved in writing by the Local Planning Authority. The approved drainage system shall be implemented in accordance with the approved detailed design, prior to the use of the building commencing.

Reason:

To ensure that the proposed development does not increase flood risk and that the principles of sustainable drainage are incorporated into this proposal, and sufficient detail of the construction, operation and maintenance/management of the sustainable drainage systems are provided to the Local Planning Authority, in advance of full planning consent being granted to comply with Policy PD8 of the Adopted Derbyshire Dales Local Plan (2017).

26. No development shall take place until a detailed assessment has been provided to and approved in writing by the Local Planning Authority, to demonstrate that the proposed destination for surface water accords with the drainage hierarchy as set out in paragraph 80 reference ID: 7-080-20150323 of the planning practice guidance. The assessment should demonstrate with appropriate evidence that surface water runoff is discharged as high up as reasonably practicable in the following hierarchy:
- i) into the ground (infiltration);
 - ii) to a surface water body;
 - iii) to a surface water sewer, highway drain, or another drainage system;
 - iv) to a combined sewer.

Reason:

To ensure that surface water from the development is directed towards the most appropriate waterbody in terms of flood risk and practicality by utilising the highest possible priority destination on the hierarchy of drainage options to comply with Policy PD PD8 of the Adopted Derbyshire Dales Local Plan (2017).

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

Reason:

To ensure surface water is managed appropriately during the construction phase of the development, so as not to increase the flood risk to adjacent land/properties or occupied properties within the development to comply with Policy PD8 of the Adopted Derbyshire Dales Local Plan (2017).

28. Four of the dwellings hereby approved, excluding the affordable housing, shall only be occupied as a primary residences and shall not be utilised as a second home or for holiday accommodation in accordance with details to be agreed in writing by the Local Planning Authority.

Reason:

To protect local housing stock to comply with the requirements of Policy NP5 of the Wirksworth Neighbourhood Development Plan (2015-2028).

NOTES TO APPLICANT:

1. The applicant's attention is drawn to the following comments of the Local Highway Authority:
 - A. Pursuant to Section 38 and the Advance Payments Code of the Highways Act 1980, the proposed new estate roads should be laid out and constructed to adoptable standards and financially secured. Advice regarding the technical, financial, legal and administrative processes involved in achieving adoption of new residential roads may be obtained from the Strategic Director of the Economy, Transport and Communities Department at County Hall, Matlock. The applicant is advised to allow approximately 16 weeks in any programme of works to obtain a Section 38 Agreement.
 - B. Pursuant to Sections 149 and 151 of the Highways Act 1980, the applicant must take all necessary steps to ensure that mud or other extraneous material is not carried out of the site and deposited on the public highway. Should such deposits occur, it is the applicant's responsibility to ensure that all reasonable steps (e.g. street sweeping) are taken to maintain the roads in the vicinity of the site to a satisfactory level of cleanliness.
 - C. Pursuant to Section 184 of the Highways Act 1980 and Section 86(4) of the New Roads and Streetworks Act 1991 prior notification shall be given to the Strategic Director of the Economy, Transport and Communities Department at County Hall, Matlock regarding access works within the highway. Information, and relevant application forms, regarding the undertaking of access works within highway limits is available via the County Council's website http://www.derbyshire.gov.uk/transport_roads/roads_traffic/development_control/vehicular_access/default.asp,
Email – highways.hub@derbyshire.gov.uk
 - D. Pursuant to Sections 219/220 of the Highways Act 1980, relating to the Advance Payments Code, where development takes place fronting new estate streets the Highway Authority is obliged to serve notice on the developer, under the provisions of the Act, to financially secure the cost of bringing up the estate streets up to adoptable standards at some future date. This normally takes the form of a cash deposit equal to the calculated construction costs of the street and may be held indefinitely. The developer normally discharges his obligations under this Act by producing a layout suitable for adoption and entering into an Agreement under Section 38 of the Highways Act 1980.
 - E. Pursuant to Section 278 of the Highways Act 1980 and the provisions of the Traffic Management Act 2004, no works may commence within the limits of the public highway without the formal written Agreement of the County Council as Highway Authority and the works being covered by the appropriate legal Agreement. It must be ensured that public transport services in the vicinity of the site are not adversely affected by the development works. Advice regarding the technical, legal, administrative and financial processes involved in Section 278 Agreements may be obtained from the Strategic Director of the Economy, Transport and Communities Department at County Hall, Matlock. The applicant is advised to allow approximately 16 weeks in any programme of works to obtain a Section 278 Agreement.

- F. Pursuant to Section 50 (Schedule 3) of the New Roads and Street Works Act 1991, before any excavation works are commenced within the limits of the public highway (including public Rights of Way), at least 6 weeks prior notification should be given to the Strategic Director of the Economy, Transport and Communities Department at County Hall, Matlock (telephone: 01629 533190 and ask for the New Roads and Street Works Section).
 - G. Construction works are likely to require Traffic Management and advice regarding procedures should be sought from David Nicholson, Traffic Management - telephone 01629 538685.
 - H. Under the provisions of the New Roads and Street Works Act 1991 and the Traffic Management Act 2004, all works that involve breaking up, resurfacing and / or reducing the width of the carriageway require a notice to be submitted to Derbyshire County Council. Works that involve road closures and / or are for a duration of more than 11 days require a three month notice; developers' works will generally fall into this category. Developers and Utility companies (for associated services) should prepare programmes for all works that are required for the development, such that these can be approved through the coordination, noticing and licencing processes. This will require developers and Utility companies to work to agreed programmes and booked slots for each part of the works. Discussions should therefore take place with Derbyshire County Council's Highway Noticing Section, at County Hall, Matlock at the earliest stage possible.
 - I. Highway surface water shall be disposed of via a positive, gravity fed system (i.e. not pumped) discharging to an approved point of 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.
 - J. The application site is affected by a Public Right of Way (Footpath/ number 59, Wirksworth on the Derbyshire Definitive Map). The route must remain unobstructed on its legal alignment at all times and the safety of the public using it must not be prejudiced either during or after development works take place. Further advice can be obtained by calling 01629 533190 and asking for the Rights of Way Duty Officer. Please note that the granting of planning permission is not consent to divert or obstruct a public right of way. If it is necessary to temporarily obstruct a right of way to undertake development works then a temporary closure is obtainable from the County Council. Please contact 08456 058 058 for further information and an application form. If a right of way is required to be permanently diverted then the Council that determines the planning application (The Planning Authority) has the necessary powers to make a diversion order.
2. The Local Lead Flood Authority has requested the attention of the applicant be brought to the following:
- A. The County Council does not adopt any SuDS schemes at present (although may consider ones which are served by highway drainage only). As such, it should be confirmed prior to commencement of works who will be responsible for SuDS maintenance/management once the development is completed.
 - B. Any works in or nearby an ordinary watercourse may require consent under the Land Drainage Act (1991) from the County Council. For further advice, or to make an application please contact Flood.Team@derbyshire.gov.uk.

- C. No part of the proposed development shall be constructed within 3-8m of an ordinary watercourse and a minimum 3 m for a culverted watercourse (increases with size of culvert). It should be noted that DCC have an anti-culverting policy.
- D. The applicant should be mindful to obtain all the relevant information pertaining to proposed discharge in land that is not within their control, which is fundamental to allow the drainage of the proposed development site.
- E. The applicant should demonstrate, to the satisfaction of the Local Planning Authority, the appropriate level of treatment stages from the resultant surface water discharge, in line with Table 4.3 of the CIRIA SuDS Manual C753.
- F. The County Council would prefer the applicant to utilise existing landform to manage surface water in mini/sub-catchments. The applicant is advised to contact the County Council's Flood Risk Management team should any guidance on the drainage strategy for the proposed development be required.
- G. Flood resilience should be duly considered in the design of the new building/s or renovation. Guidance may be found in BRE Digest 532 Parts 1 and 2, 2012 and BRE Good Building Guide 84.
- H. Surface water drainage plans should include the following:
 - rainwater pipes, gullies and drainage channels including cover levels
 - inspection chambers, manholes and silt traps including cover and invert levels
 - pipe sizes, pipe materials, gradients and flow directions and pipe numbers
 - soakaways, including size and material
 - typical inspection chamber/soakaway/silt trap and SW attenuation details
 - site ground levels and finished floor levels.
- I. On Site Surface Water Management;
 - the site is required to accommodate rainfall volumes up to 1 in 100 year return period (plus climate change) whilst ensuring no flooding to buildings or adjacent land
 - the applicant will need to provide details and calculations including any below ground storage, overflow paths (flood routes), surface detention and infiltration areas, etc., to demonstrate how the 100 year + 40% Climate Change rainfall volumes will be controlled and accommodated, also incorporating a sensitivity test to 40% Climate change. In addition an appropriate allowance should be made for urban creep throughout the lifetime of the development (to be agreed with the LLFA)
 - production of a plan showing above ground flood pathways (where relevant) for events in excess of 1 in 100 year rainfall, to ensure exceedance routes can be safely managed
 - a plan detailing the impermeable area attributed to each drainage asset (pipes, swales, etc.).

Peak Flow Control

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

Volume Control

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

Note:- If the greenfield run-off for a site is calculated at less than 2 l/s, then a minimum of 2 l/s could be used (subject to approval from the LLFA).

- details of how the on-site surface water drainage systems shall be maintained and managed after completion and for the lifetime of the development to ensure the features remain functional.
 - where cellular storage is proposed and is within areas where it may be susceptible to damage by excavation by other utility contractors, warning signage should be provided to inform of its presence. Cellular storage and infiltration systems should not be positioned within the highway
 - guidance on flood pathways can be found in BS EN 752.
 - the Greenfield runoff rate which is to be used for assessing the requirements for limiting discharge flow rates and attenuation storage for a site should be calculated for the whole development area (paved and pervious surfaces - houses, gardens, roads, and other open space) that is within the area served by the drainage network whatever size of the site and type of drainage system. Significant green areas such as recreation parks, general public open space etc., which are not served by the drainage system and do not play a part in the runoff management for the site, and which can be assumed to have a runoff response which is similar to that prior to the development taking place, may be excluded from the greenfield analysis.
- J. If infiltration systems are to be used for surface water disposal, the following information must be provided:
- ground percolation tests to BRE 365
 - ground water levels records. Minimum 1m clearance from maximum seasonal groundwater level to base of infiltration compound. This should include assessment of relevant groundwater borehole records, maps and on-site monitoring in wells
 - soil/rock descriptions in accordance with BS EN ISO 14688-1:2002 or BS EN ISO 14689-1:2003
 - volume design calculations to 1 in 100 year rainfall + 30% climate change standard. An appropriate factor of safety should be applied to the design in accordance with CIRIA C753 – Table 25.2
 - location plans indicating position (soakaways serving more than one property must be located in an accessible position for maintenance). Soakaways should not be used within 5m of buildings or the highway or any other structure
 - drawing details including sizes and material
 - details of a sedimentation chamber (silt trap) upstream of the inlet should be included.

Soakaway detailed design guidance is given in CIRIA Report 753, CIRIA Report 156 and BRE Digest 365.

- K. All Micro Drainage calculations and results must be submitted in .MDX format, to the LPA. (Other methods of drainage calculations are acceptable.)
- L. The applicant should submit a comprehensive management plan detailing how surface water shall be managed on site during the construction phase of the

development ensuring there is no increase in flood risk off site or to occupied buildings within the development.

3. The Town and Country Planning (Fees for Applications, Deemed Applications and Site Visits) (England) Regulations 2012 as amended stipulate that a fee will henceforth be payable where a written request is received in accordance with Article 27 of the Development Management Procedure Order 2015 for the discharge of conditions attached to any planning permission. Where written confirmation is required that one or more conditions imposed on the same permission have been complied with, the fee chargeable by the Authority is £116 per request. The fee must be paid when the request is made and cannot be required retrospectively.
4. The Local Planning Authority prior to the submission of the application, and during its consideration, engaged in a positive and proactive dialogue with the applicant which resulted in the submission of a scheme that overcame initial concerns relating to affordable housing provision and matters of flood risk, wildlife, arboricultural and site contamination.
5. This decision notice relates to the following documents:

Drawing Nos. 2350-001 Rev. A and 002 received on 17th April 2019
Amended Indicative Site Plan 2350-003003 Rev. I received on 6th September 2019
Design and Access Statement received on 17th April 2019
Preliminary Ecological Appraisal received on 17th April 2019
Geo- Environmental Investigation received on 17th April 2019
Amended Flood Risk Assessment Drainage Strategy received on 3rd July 2019
Arboricultural Report received on 25th June 2019
Preliminary Ecological Appraisal received on 21st June 2019
Reptile Method Statement received on 21st June 2019.

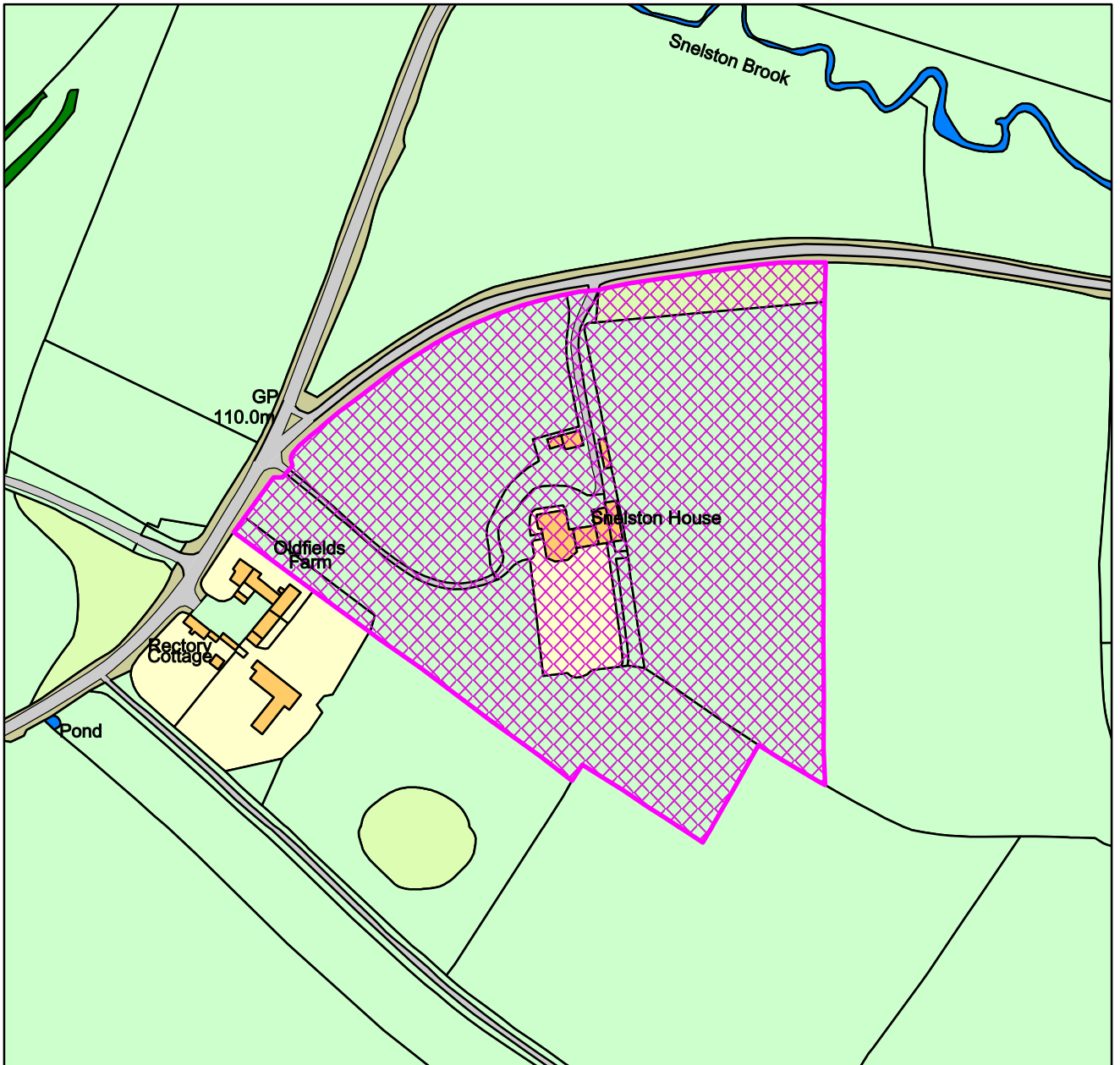
APPLICATION NUMBER		19/00760/FUL	
SITE ADDRESS:		Snelston House, Sides Lane, Snelston	
DESCRIPTION OF DEVELOPMENT		Use of land for personal equestrian use, erection of 4 stables, haybarn and associated concrete yard.	
CASE OFFICER	Sarah Arbon	APPLICANT	Mr and Mrs P Winfield
PARISH/TOWN	Snelston	AGENT	Mrs J Allen
WARD MEMBER(S)	Cllr A Shirley	DETERMINATION TARGET	22/10/19
REASON FOR DETERMINATION BY COMMITTEE	Major application	REASON FOR SITE VISIT (IF APPLICABLE)	

MATERIAL PLANNING ISSUES
<ul style="list-style-type: none"> - Principle of development - Impact upon landscape character - Highway safety

RECOMMENDATION
Approval

19/00760/FUL

Snelston House, Sides Lane, Snelston



Derbyshire Dales DC

1:2,500

Date: 27/09/2019

100019785

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

1 THE SITE AND SURROUNDINGS

- 1.1 Snelston House is located west of the village of Snelston with the River Dove to the north west. The property sits on higher land facing west above the Sides Lane road level accessed from a long driveway and surrounded by fields. The rear access to the property is from Oldfields Lane which is a tree lined single track road.



2 DETAILS OF THE APPLICATION

- 2.1 Planning permission is sought for the use of the fields surrounding Snelston House for equestrian use together with the erection of a stable block and haybarn to the east of the dwelling within the field. The proposed building would be 'C' shaped measuring 11.9m x 13.8m of a height of 2.2m to eaves and 3.2m to the ridge. The building would comprise of 4 stables and a haybarn, creating a central enclosed yard area. The existing rear access to the property would be utilised and a new 24m long track within the eastern field would be created to access the building with a small hardstanding area to the front.

3 PLANNING POLICY AND LEGISLATIVE FRAMEWORK

1. Adopted Derbyshire Dales Local Plan (2017)
 - S4: Development in the Countryside
 - PD1: Design and Place Making
 - PD5: Landscape Character
 - PD6: Trees, Hedgerows and Woodlands
 - PD7: Climate Change
 - HC17: Promoting Sport, Leisure and Recreation
 - HC19: Accessibility and Transport

2. National Planning Policy Framework
National Planning Practice Guidance

4 RELEVANT PLANNING HISTORY:

18/00777/FUL - Single/two storey extension and alterations to dwelling, Granted 7/9/18

5 CONSULTATION RESPONSES

Parish Meeting

5.1 No comments received.

Environment Agency

5.2 No comments to make.

Derbyshire County Council (Highways)

5.3 No objections subject to all use remaining private and ancillary to Snelston House.

Derbyshire County Council (Archaeologist)

5.4 No archaeological impact.

Derbyshire County Council (Flood Team)

5.5 No formal comment due to the nature of the application.

Natural England

5.6 No comments to make.

Landscape Design Officer (Derbyshire Dales)

5.7 There is no objection to the scale and design of the building, however, the siting is a concern. A revised location nearer the dwelling or field boundaries should be considered that would reduce its landscape impact. External materials should be dark brown or green and control over the intensification of the equestrian use should be considered to reduce the landscape character impact.

Environmental Health (Derbyshire Dales)

5.8 No objection.

6 REPRESENTATIONS RECEIVED

6.1 No representations have been received.

7 OFFICER APPRAISAL

The following material planning issues are relevant to this application:

- Principle of development
- Impact on landscape character
- Highway safety

Principle of development

The site is located within the open countryside and Local Plan Policy S4 seeks to protect and enhance the landscape's intrinsic character and distinctiveness whilst also facilitating sustainable rural community needs. It states that planning permission will be granted for equestrian development provided it does not have adverse impact upon the character of the area. Both Local Plan Policy HC17 and NPPF paragraph 83 support leisure uses which respect the character of the countryside. The proposed use of equestrian grazing of 8.5 acres surrounding the dwelling for the owner's three horses and the associated stable and hay barn building is therefore considered acceptable in principle in accordance with Policy S4.

Impact on landscape character

The proposed building is required to replace the existing haybarn and stables to the west of the rear access that have been demolished and the existing stables built in 1970s accessed directly off the steep driveway. The proposed location would provide sufficient facilities for the horses and access and turning for the associated vehicles. Whilst, it is acknowledged that on plan the location of the proposed stables is set within the field rather than adjacent to the house or boundaries, as the land rises to the south and views from Oldfield Lane are limited to those from an existing field gate due to mature trees providing screening from the north, east and south field boundaries, the impact on the landscape character is not considered significant. The main aspect of the dwelling faces west towards Sides Lane and the proposed building would be to the rear of the dwelling and viewed in context with this large two storey dwelling set on higher land and screened from Oldfield Lane by mature trees.

The proposed location of the building with access where the existing stables are located would not result in the loss of any existing trees or hedgerow which not only complies with Local Plan Policy PD6 but ensures its assimilation into the landscape. Level information is being produced for the building which shall be updated verbally at committee and an additional condition may be recommended at that time. Equestrian uses do not enjoy permitted development rights therefore any further building in association with the use would require permission and moveable elements such as jumps and trailers would not constitute development. On this basis and provided that the colour of the shiplap timber boarding and roof material is controlled by condition, the impact on of the building on landscape character is not considered to be significant in accordance with Policies PD1 and PD5.

Highway Safety

Local Plan Policy S4 seeks to ensure development can be safely accessed and Policy HC19 seeks to ensure development would not lead to an increase in on-street parking to the detriment of the safe and efficient operation of the highway network. The Highways Authority have no objection to the proposal subject to the building being ancillary to Snelston House and this can be controlled by condition. The proposal would result in an improvement of the access and turning facilities for horse related vehicles and as such the proposal is considered to comply with the above policies.

In conclusion, the proposed use of the land for private equestrian use and the associated building would not have a significant adverse impact on the landscape character of the area and safe and suitable access can be achieved.

8 RECOMMENDATION

That planning permission be granted subject to the following conditions.

1. This permission relates to the following plans:-

Plan No's JABD/222/001 and JABD/222/003 received on the 23rd July 2009 and JABD/222/002 Rev C and JABD/222/004 Rev B received on the 20th September 2019.

Reason

For the avoidance of doubt.

2. Details of the finish to all external timber, including any paint or stain to be used on the external walls and window joinery and RAL colour of the roof sheeting shall be submitted to and approved in writing by the Local Planning Authority prior to their incorporation in to the building. The development shall thereafter be carried out in accordance with the approved details prior to the development being first brought into use.

Reason:

In the interests of visual amenity and the character and appearance of the area in accordance with Adopted Local Plan Policies PD1 and PD5.

3. The stables and haybarn hereby permitted shall be used only for equestrian uses for the occupants of Snelson House and shall not be used for any trade or business purposes.

Reason:

In the interests of highway safety in accordance with Adopted Local Plan Policy HC19.

9 NOTES TO APPLICANT:

The Local Planning Authority prior to and during the consideration of the application engaged in a positive and proactive dialogue with the applicant which resulted in the submission of a scheme that overcame initial concerns relating to land level and groundworks.

The Town and Country Planning (Fees for Applications and Deemed Applications, Requests and Site Visits) (England) Regulations 2012 (SI 2012/2920) stipulate that a fee will henceforth be payable where a written request is received in accordance with Article 30 of the Town and Country Planning (Development Management Procedure) Order 2010. Where written confirmation is required that one or more Conditions imposed on the same permission have been complied with, the fee chargeable by the Authority is £97 per request. The fee must be paid when the request is made and cannot be required retrospectively. Further advice in regard to these provisions is contained in DCLG Circular 04/2008.

This decision notice relates to the following plans and documents:

Plan No's JABD/222/001 and JABD/222/003 received on the 23rd July 2009 and JABD/222/002 Rev C and JABD/222/004 Rev B received on the 20th September 2019.

Design and Access Statement and Supporting Statement received on 20th September 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/17/00094	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	Notice Issued
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/18/00137	Erection of salon building in rear garden	91 Park Avenue Ashbourne Derbyshire DE6 1GB	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
ENF/19/00082	Siting of caravan and alterations to associated access track	Land To The Rear Of Woodcock Delph And Adjacent To Herdsman Close Farm Ashbourne Road Fenny Bentley Derbyshire	Pending Consideration
ENF/19/00088	Signage scheme to Grade II Listed Building	Drink Zone Plus Ground Floor 5B St John Street Ashbourne Derbyshire DE6 1GP	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	Notice Issued
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
ENF/19/00046	Breach of Condition 4 (working hours) of planning permission 17/00250/REM	Land South Of Leys Farm Wyaston Road Ashbourne Derbyshire	Notice Issued

ENF/19/00114	Provision of traffic regulation order and markings to restrict parking secured via section 106 agreement not yet in place, landscaping/ damaged fencing on site and unauthorised signage (banner sign and advanced sign) for local housing site being displayed. Related planning approval 18/00180/FUL	Unit 6 Blenheim Road Airfield Industrial Estate Ashbourne Derbyshire	Pending Consideration
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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/18/00129	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/18/00193	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	Notice Issued
ENF/19/00056	Engineering works	Ednaston Park Painters Lane Ednaston Derbyshire DE6 3FA	Pending Consideration
ENF/19/00062	Creation of new fishing lake	Birch House Fishing Lake Derby Lane Ednaston Derbyshire	Pending Consideration
ENF/19/00063	Unauthorised building of hay store. Building in different location to that approved under 16/00946/AGR.	Land North Of Willow Croft New Road Mercaston Derbyshire	Pending Consideration
ENF/19/00095	Has access road been built to correct width and planting on verge (related planning permissions - 16/00567/OUT (outline) and 18/00397/REM and 19/00467/REM (reserved matters))	Land Off Main Road Brailsford Derbyshire	Pending Consideration

ENF/19/00130	Breach of Condition 10 (Construction Management) of Planning Permission 16/00567/OUT - Mud and debris on roads and parking of vehicles on and around the site	Land Off Main Road Brailsford Derbyshire	Pending Consideration
ENF/19/00136	Unauthorised engineering works to rear of property, including the raising of inspection chamber.	10 Ednaston Court Ednaston Derbyshire DE6 3BA	Pending Consideration

Carsington Water

ENF/16/00034	Unauthorised erection of Dog kennels	Four Lane Ends Farm Gibfield Lane Hulland Ward Derbyshire DE6 3EJ	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/18/00013	Building not built in accordance with approved plans	Mulino Lodge Agnes Meadow Lane Kniveton Derbyshire DE6 1JR	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	Notice Issued
ENF/18/00175	UNAUTHORISED ERECTION OF A NEW TWO STOREY BUILDING AT BARN 2, WALLANDS FARM, ASHBOURNE ROAD, BRASSINGTON, DERBYSHIRE, DE4 4DB	Wallands Farm Brassington Derbyshire DE4 4DB	Notice Issued
ENF/18/00179	Unauthorised engineering works to facilitate a standing area for farm machinery and produce.	Land And Buildings Off Wester Lane Ashbourne Road Brassington Derbyshire	Pending Consideration
ENF/18/00196	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/19/00066	Breach of Condition 2 (Time Limit for siting of chalet) of planning permission 13/00158/EXF	Mulino Lodge Agnes Meadow Lane Kniveton Derbyshire DE6 1JR	Notice Issued
ENF/19/00067	Unauthorised engineering works to create a raised platform base for the approved building, and a new access and access track onto land off Manystones Lane, Brassington.	Land North Of Wirksworth Dale Brassington Derbyshire	Pending Consideration

ENF/19/00089	Creation of dog play park	Four Lane Ends Farm Gibfield Lane Hulland Ward Derbyshire DE6 3EJ	Pending Consideration
ENF/19/00096	Unauthorised change of use of the building known as Shaws Barn, from B8 (Limited storage and distribution) use, to a use including the sale of alcohol.	Shaws Barn Winn Lane Atlow Derbyshire DE6 1NS	Pending Consideration
ENF/19/00122	Unauthorised change of use of land (front and side of 8 Greenway, Brassington) for the storage of a large shipping container.	8 Greenway Brassington Derbyshire DE4 4HD	Pending Consideration

Clifton And Bradley

ENF/18/00015	Unauthorised use of land for wood processing facility	Duke Of York Filling Station Mayfield Road Mayfield Ashbourne Derbyshire DE6 2BN	Pending Consideration
ENF/18/00047	Use of agricultural building as a lorry shed and creation of hardstanding	Wyaston House Farm Orchard Lane Wyaston Derbyshire DE6 2DR	Pending Consideration
ENF/19/00065	Erection of solar panel array on boundary	8 Cross Side Clifton Derbyshire DE6 2GJ	Pending Consideration
ENF/19/00132	Unauthorised siting of a caravan on land outside of the permitted area	Ashbourne Camping And Caravanning Club Site Hulland Ward Derbyshire DE6 3EN	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/18/00160	The material change of use of the land, edged blue on the attached plan, for the stationing of a shepherds hut for the purposes of human habitation as holiday accommodation with associated hard surfacing and siting of hot tub	Oakstone Farm Old Hackney Lane Hackney Derbyshire DE4 2QJ	Pending Consideration
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/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
ENF/19/00068	Dwelling not being built in accordance with planning permission 17/00809/FUL	Rear Of Sunnyside Terrace Farley Hill Matlock Derbyshire	Pending Consideration
ENF/19/00097	Siting of a marquee and untidy land	The Plough Inn Wheatley Road Two Dales Derbyshire DE4 2FF	Pending Consideration
ENF/19/00102	Continued siting of mobile home (Breach of Condition 1 of Appeal Decision APP/P1045/C/15/3131891)	Woodside Farm Back Lane Darley Moor Matlock Derbyshire DE4 5LP	Pending Consideration
ENF/19/00127	Car Sales and Scrapyard businesses operating from site	Morfu Farley Hill Matlock Derbyshire DE4 5LT	Pending Consideration

ENF/19/00131	Dwelling not built in accordance with approved planning permission 15/00718/FUL (Demolition of existing dwelling and barn and erection of replacement dwelling and swimming pool building)	Bent Farm Farley Hill Farley Derbyshire DE4 5LT	Pending Consideration
ENF/19/00134	Alteration to access and creation of hardstanding area on agricultural land.	Land South West Of Bent Farm Ameycroft Lane Hackney Derbyshire	Pending Consideration
ENF/19/00137	Re-surfacing of parking area with tarmac	Fig Tree Cottage Holt Road Hackney Derbyshire DE4 2QD	Pending Consideration
ENF/19/00142	Unauthorised erection of ANPR cameras and associated parking notices, unauthorised erection of CCTV cameras on various parts of the building.	The Whitworth Centre Dale Road North Darley Dale Derbyshire DE4 2EQ	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
ENF/19/00073	Siting of 40+ containers for rental	Ash Tree Farm Spend Lane Sandybrook Ashbourne Derbyshire DE6 2AR	Notice Issued

Doveridge And Sudbury

ENF/18/00165	Unauthorised change of use of agricultural building to use as dog kennels and associated building operations	Victory Farm 10 Marston Lane Doveridge Derbyshire DE6 5JS	Notice Issued
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	Notice Issued
ENF/17/00064	Unauthorised change of use of land to create a horse riding Manege' on land West side of Broadway, Kirk Ireton	Caravan At Valley View Broad Way Kirk Ireton Derbyshire	Pending Consideration
ENF/17/00109	Use as a collection point for County Council vehicles	Wheel Plant Ltd Winney Hill Farm Hob Lane Kirk Ireton Derbyshire DE6 3LG	Pending Consideration
ENF/18/00087	Unauthorised building works. Buildings not in accordance with approved plans - 17/00309/FUL - Erection of 2 no. dwellings	The Smithy Main Road Hulland Ward Derbyshire DE6 3EF	Pending Consideration
ENF/18/00110	Breach of Condition 3 (Lighting Details) and Condition 5 (Restricted Use) of 17/00159/FUL	Common End Farm Bradley Derbyshire DE6 1PL	Pending Consideration
ENF/18/00111	Breach of Condition 9 (Events Management) of 12/00581/FUL	Land Off A517 North Of Hough Park Farm Brunwood Lane Hulland Ward Derbyshire DE6 3EN	Pending Consideration
ENF/18/00112	Unauthorised use of buildings for storage of mowers in connection to an off site business	Hough Park Farm Brunwood Lane Hulland Ward Derbyshire DE6 3EN	Pending Consideration
ENF/18/00151	Non compliance with condition 3 of planning permission 06/00204/VCOND - Affordable housing to be provided onsite in perpetuity	High Meadow Hulland Ward Derbyshire DE6 3EE	Pending Consideration
ENF/18/00155	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/19/00048	Breach of Condition 3 (building to be incidental/ connected to existing farmhouse) of planning permission 15/00538/FUL	Outbuilding At Blackbrook Farm Intakes Lane Turnditch Derbyshire DE56 2LU	Pending Consideration
ENF/19/00069	Dependent relative accommodation not being built in accordance with planning permission 17/00661/FUL - Installation of skylight	Penfold Lodge Penfold Farm Hulland Village Derbyshire DE6 3EQ	Pending Consideration
ENF/19/00093	Use of outbuilding as a dwelling	Mukkibruk Farm Intakes Lane Turnditch Derbyshire DE56 2LU	Pending Consideration
ENF/19/00105	Works to Apple Store building - Installation of flue and use of log burner and erection of timber shelter.	Land To The East Of Innisfree Nether Lane Biggin Ashbourne Derbyshire	Pending Consideration
ENF/19/00106	Unauthorised engineering works including the creation and extension of a new access, the re-surfacing of an access track and the excavation of new footings around the existing hay barn, on land opposite Hulland Grange, Upper Lane, Hulland Ward.	Land Opposite Hulland Grange Upper Lane Hulland Ward Derbyshire	Pending Consideration
ENF/19/00117	Removal of chimney stack and breach of condition 12 (vegetation clearance) of planning permission 19/00287/FUL	Birches Cottage Hoon Well Lane Biggin Ashbourne Derbyshire DE6 3FJ	Pending Consideration
ENF/19/00124	Development not being built in accordance with approved elevation plans of planning permission 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
ENF/19/00126	Widening/ alterations to access onto a classified road (Intakes Lane)	Halter Devil Farm Intakes Lane Turnditch Derbyshire DE56 2LU	Pending Consideration

Masson

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/17/00022	Erection of two wooden sheds.	The Cottage Puddle Hill Bonsall Derbyshire DE4 2BA	Notice Issued

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/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/18/00077	Unauthorised change of use of buildings from to fully self contained holiday cottage.	The Carriage House Building 24 Cromford Mill Mill Road Cromford Derbyshire DE4 3RQ	Pending Consideration
ENF/18/00078	The painting of the shopfront with a paint colour that is not approved under the Matlock Bath Conservation Area Article 4 Direction	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/18/00136	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/18/00210	Erection of terraces to provide seating area	The Tors Cafe Derby Road Cromford Derbyshire DE4 3RP	Pending Consideration
ENF/19/00014	Erection of advertisement hoardings	Cromford Hill Hand Car Wash 161 The Hill Cromford Derbyshire DE4 3QU	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	Formation of raised platform and associated retaining walls	21 Castle View Drive Cromford Derbyshire DE4 3RL	Pending Consideration
ENF/19/00070	Installation of chimney	The Barn Bonsall Lane Bonsall Derbyshire DE4 2AT	Pending Consideration
ENF/19/00076	Use of flat above public house as a holiday let accommodation	Barley Mow The Dale Bonsall Derbyshire DE4 2AY	Pending Consideration
ENF/19/00084	Tipping of limestone chippings on former tennis court at The Rock House, Cromford.	The Mews Derby Road Cromford Derbyshire DE4 3RP	Notice Issued

ENF/19/00086	Breach of condition 16 (paint finish and colour of all external joinery) of planning permission DDD/0697/0381/C - Repainting of premises without prior consent to variation	Unit 5 The Riverside South Parade Matlock Bath Derbyshire DE4 3NR	Pending Consideration
ENF/19/00098	Demolition of wall	13/14/15/16 Alabaster Lane Cromford Derbyshire DE4 3QJ	Pending Consideration
ENF/19/00135	Unauthorised alteration to access onto classified road, including widening and the building of new retaining structure.	14 The Hill Cromford Derbyshire DE4 3QL	Pending Consideration
ENF/19/00138	Siting of shipping containers that are being used as hotel accommodation	Gullivers Kingdom Temple Road Matlock Bath Derbyshire DE4 3PG	Pending Consideration
ENF/19/00139	Breach of Conditions - Use of premises as a hotel without compliance with conditions 2, 4, 6 and 7 of planning permission 17/01012/FUL and conditions 2, 3, 6, 7 and 8 of listed building consent 17/01013/LBALT	Cromford Court Derby Road Matlock Bath Derbyshire DE4 3PY	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	Notice Issued
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	Notice Issued
ENF/19/00078	Use of premises as therapeutic centre	The Old Sunday School Bank Road Matlock Derbyshire DE4 3GL	Pending Consideration

ENF/19/00091	Alleged change of use of Band Hall to business/domestic storage facility	Hall Jackson Road Matlock Derbyshire	Notice Issued
ENF/19/00109	Loft conversion	242 Smedley Street Matlock Derbyshire DE4 3JD	Pending Consideration
ENF/19/00113	Potential breach of conditions 9 (approved and retained landscaping scheme), 10 (soft landscaping replacement within 5 year period), 11 (replacement of retained trees and tree protection) and 12 (landscape management plan) of approved planning permission 14/00847/FUL	Buckley Drive Matlock Derbyshire	Pending Consideration

Matlock St Giles

ENF/13/00084	Unauthorised erection of workshop	Phillips Woodware Smuse Lane Matlock Derbyshire DE4 5EY	Notice Issued
ENF/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/18/00074	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/18/00093	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/18/00099	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/18/00162	Unauthorised tipping of materials/stone	Land Adjacent To 9 Oak Tree Gardens Tansley Derbyshire	Notice Issued
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/18/00213	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/19/00026	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/19/00041	Garage building being used as a dwelling	Three Lane Ends Whitelea Lane Tansley Derbyshire	Notice Issued
ENF/19/00050	Unauthorised use of residential outbuilding	Kubong-Sa High Tor Road Matlock Derbyshire DE4 3DG	Notice Issued
ENF/19/00080	Engineering works and changes to land levels	64 Tor Rise Matlock Derbyshire DE4 3DL	Pending Consideration
ENF/19/00083	Excavation works and removal of trees	Derwent Treescapes Limited Deep Carr Lane Matlock Derbyshire DE4 3NQ	Pending Consideration
ENF/19/00099	Removal of dry stone wall and creation of paths at Bull Lane in connection to residential development approved under 14/00089/OUT, 17/00025/REM and 18/01297/FUL	Land At Asker Lane Matlock Derbyshire	Pending Consideration
ENF/19/00129	Development not lawfully commenced - Failure to discharge pre-commencement conditions of planning permission 13/00067/FUL (Redevelopment of site to provide extended car parking area)	The Old Mill Nottingham Road Tansley Matlock Derbyshire DE4 5FD	Pending Consideration

Norbury

ENF/14/00030	Change of use of land from use for Microlight flying to use for the flying of Biplane aircraft.	Airways Airsports Darley Moor Airfield Darley Moor Ashbourne Derbyshire DE6 2ET	Pending Consideration
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ENF/17/00056	Unauthorised engineering works to facilitate access at Old House Farm, Can Alley, Roston, Derbyshire	Old House Farm Can Alley Roston Derbyshire DE6 2EF	Pending Consideration
ENF/17/00137	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	Notice Issued
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	Notice Issued
ENF/19/00060	Breach of Condition 21 (Great Crested Newt mitigation and monitoring) of planning permission 16/00587/FUL	Mushroom Farm Rodsley Lane Yeaveley Derbyshire DE6 2DT	Pending Consideration
ENF/19/00079	Breach of condition 11 of planning permission 16/00587/FUL - 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.		Pending Consideration
ENF/19/00081	Formation of pond/ lake and installation of ground sourced heating to site	Woodhay Farm Marston Common Marston Montgomery Derbyshire DE6 2EJ	Pending Consideration

ENF/19/00107	Breach of condition 2 (use restriction) of planning permission 18/00807/FUL - Use of workshop/ store building for HGV repairs	Woolliscroft (Garage Services) Former Abattoir Green Lane Norbury Derbyshire DE6 2EL	Pending Consideration
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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/18/00192	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

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/17/00106	Erection of Fence	8 New Road Bolehill Derbyshire DE4 4GL	Pending Consideration
ENF/17/00127	Engineering operations	11A Little Bolehill Bolehill Derbyshire DE4 4GR	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/18/00023	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 to front of property	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/19/00029	Internal works to listed building	4 St John Street Wirksworth Derbyshire DE4 4DR	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
ENF/19/00059	Siting of a static caravan	Land To East Of Kings Lot Wood Longway Bank Whatstandwell Derbyshire	Notice Issued
ENF/19/00072	Rear timber window to rear replaced with UPVC window	9 Baileycroft Mews Cemetery Lane Wirksworth Derbyshire DE4 4FZ	Pending Consideration
ENF/19/00074	Erection of 2m high boundary fence	The Old Tape Works Speedwell Mill Millers Green Wirksworth Derbyshire DE4 4BL	Pending Consideration
ENF/19/00092	Untidy Land	High Peak Trail Near Intake Quarry (Disused) Middleton By Wirksworth Derbyshire	Pending Consideration
ENF/19/00104	Internal works to Grade II Listed Building	16 North End Wirksworth Derbyshire DE4 4FG	Pending Consideration

Total Open Cases

212

Enforcement Investigations Closed

In the Month Prior to 27/09/2019



Ashbourne North

ENF/19/00125	Breach of conditions of original planning permissions (Outline Planning Ref. WED/1191/0894, Reserved Matters Ref. WED/0195/0049/C) - Removal of boundary hedge to be kept in perpetuity	2 Catherine Court Ashbourne Derbyshire DE6 1ET	Complaint Unfounded	17/09/2019
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Brailsford

ENF/19/00141	Alleged unauthorised erection of fence in rear garden and creation of hardstanding.	Milverton Main Street Longford Derbyshire DE6 3DR	Complaint Unfounded	26/09/2019
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Clifton And Bradley

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	Notice complied with	02/09/2019
ENF/19/00002	Erection of shed in field	Land Between The A517 And Rear Of Kennels Cottages Yew Tree Lane Bradley Derbyshire	Complied Voluntarily	24/09/2019

Hulland

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	Not in the Public interest to pursue	25/09/2019
ENF/19/00077	Siting of 2no. shipping containers	Penfold Farm Hulland Village Derbyshire DE6 3EQ	Complaint Unfounded	20/09/2019

Masson

ENF/18/00071	Unauthorised works to provide walls and doors to atrium	Cromford Court Derby Road Matlock Bath Derbyshire DE4 3PY	Transferred to new case	10/09/2019
ENF/19/00038	External re-painting of premises and change of use to A3 use (Cafes and Restaurants)	192 South Parade Matlock Bath Derbyshire DE4 3NR	Not in the Public interest to pursue	03/09/2019
ENF/19/00071	Display of flag advertisements	Surf Shack 20 North Parade Matlock Bath Derbyshire DE4 3NS	Complied Voluntarily	17/09/2019
ENF/19/00112	Unauthorised internal works to listed building	19 North Street Cromford Derbyshire DE4 3RG	Complied Voluntarily	30/08/2019

Matlock St Giles

ENF/18/00063	Unauthorised banner sign	Matlock Cricket Club Causeway Lane Matlock Derbyshire DE4 3AR	Complied Voluntarily	03/09/2019
ENF/18/00191	Erection of shed structure	Land To The Rear Of White Leas Oaksedge Lane Tansley Derbyshire DE4 5FQ	Complaint Unfounded	12/09/2019
ENF/19/00128	Unauthorised engineering works to facilitate a large retaining wall in the rear garden of the property.	Park House Matlock Green Matlock Derbyshire DE4 3BX	Complied Voluntarily	23/09/2019

Stanton

ENF/18/00180	Illuminated signage	Unit 10 Unity Complex Dale Road North Darley Dale Derbyshire DE4 2HX	Not in the Public interest to pursue	02/09/2019
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Wirksworth

ENF/17/00104	Non compliance with planting condition	Land Adjacent To 11A Little Bolehill Bolehill Derbyshire DE4 4GR	Complied Voluntarily	26/09/2019
ENF/19/00104	Internal works to Grade II Listed Building	16 North End Wirksworth Derbyshire DE4 4FG	Complied Voluntarily	27/09/2019

Total Closed Cases **16**

NOT CONFIDENTIAL - For public release

PLANNING COMMITTEE – 08th October 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
18/00662/LBALT	Brook Cottage, Pethills Lane, Kniveton	WR	Appeal being processed
18/00696/FUL	Norman House, Painters Lane, Brailsford	WR	Appeal being processed
18/00859/FUL	1 Union Street, Ashbourne	WR	Appeal being processed
18/01433/FUL	Newlands Farm, Longford, Ashbourne	WR	Appeal being processed
19/00086/FUL	Land Between 1 - 2 Beresford Avenue Ashbourne	WR	Appeal dismissed – a copy of the appeal decision is attached
19/00043/LBALT	Barn At Waldley Manor Waldley Lane Waldley	WR	Appeal dismissed – a copy of the appeal decision is attached
19/00031/OUT	1 Park Avenue, Ashbourne	WR	Appeal dismissed – a copy of the appeal decision is attached
18/01345/FUL	Agricultural Land off Kniveton Lane, Offcote	WR	Appeal being processed
18/01361/VCOND	Penfold Farm, Hulland Village	WR	Appeal withdrawn
18/01180/FUL	Waldley Manor Farm, Waldley Lane, Doveridge	WR	Appeal being processed
18/00973/CLEUD	The Knockerdown Inn, Knockerdown, Ashbourne	WR	Appeal being processed
Central			
18/00547/REM	North Park Farm, Whitworth Road, Darley Dale	WR	Appeal being processed

19/00148/OUT	Penzer House, Dale Road South, Matlock	WR	Appeal being processed
18/01328/FUL	Bent Farm, Farley Hill, Matlock	WR	Appeal being processed
18/00910/LBALT	Old Coach House Gatehouse Drive Wirksworth	WR	Appeal dismissed – a copy of the appeal decision is attached
18/01011/FUL	Rock House, Derby Road, Cromford	WR	Appeal dismissed – a copy of the appeal decision is attached
19/00318/FUL	Between 12 and 14 Water Lane, Wirksworth	WR	Appeal being processed
18/00687/CLPUD	Building at Back Lane, Two Dales, Matlock, DE4 5LP	WR	Appeal being processed
ENF/18/00160	Oakstone Farm Old Hackney Lane Hackney	HEAR	Appeal being processed
ENF/18/00078	196-198 South Parade, Matlock Bath	WR	Appeal being processed
19/00723/PDA	Grey Spindles Farm, Longload Lane, Middleton	WR	Appeal being processed

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

OFFICER RECOMMENDATION:

That the report be noted.



Appeal Decision

Site visit made on 14 August 2019

by R Morgan MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 September 2019

Appeal Ref: APP/P1045/W/19/3230145

Land between 1-2 Beresford Avenue, Ashbourne DE6 1FW

- 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 Ms Jill Tomlinson against the decision of Derbyshire Dales District Council.
 - The application Ref 19/00086/FUL, dated 18 January 2019, was refused by notice dated 1 April 2019.
 - The development proposed is a dwellinghouse.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

3. The proposed development is located in a residential area on the edge of Ashbourne which is characterised by semi-detached and terraced brick houses of a similar simple style, set back from the road with relatively long back gardens. The appeal site is located at the turning head of a cul-de-sac on land that formerly formed part of the garden of 71 Park Avenue.
4. The proposed development is for a detached two storey dwelling. It follows a previous application for a similar development which was refused planning permission by the Council and was subsequently dismissed on appeal on 9 May 2018 (appeal ref APP/P1045/W/17/3191082). In this revised scheme the appellants have sought to address the previous Inspector's findings through a change in the design and height of the proposed house.
5. One of the previous Inspector's main concerns was that the smaller plot size, including frontage and depth, would contribute to the proposed development having a cramped appearance. The appellant has not sought to amend the scheme in response to this although I note their comment that the proposed house would sit in a 24 metre wide undeveloped plot between 1 and 2 Beresford Avenue (No 1 and No 2). I accept that the footprint of the proposed house is comparable with others around and that gaps would be retained between it and the neighbouring properties. However the presence of the large trees on the boundary with No 2 together with the need for the proposed house

- to be cut into the plot due to the level change would nonetheless contribute to the proposed house appearing cramped within the plot frontage.
6. The plot depth of the appeal site is significantly less than that of the majority of houses in the area. The proposed house would be set back which, as noted by the previous Inspector, would provide some relief when viewed from the street. However the drop in level from Park Avenue down towards Beresford Avenue means that the proposed dwelling would be viewed against the backdrop of the higher houses at the rear which, given the limited plot depth, would appear cramped. This would be out of character with the surrounding area which has a sense of spaciousness as recognised by the previous Inspector. I note also the Council's comments about the layout of the 'Park Estate' with an appropriate balance of buildings and open areas. I consider that the proposed development, which reflects those around it in terms of scale and footprint but is located on a significantly smaller plot would cause harm to the character of the area.
 7. The previous Inspector described the development then proposed as having a squat appearance and found that it would be distinctly at odds with the character and appearance of neighbouring dwellings. The appellants have sought to address these concerns by increasing the ridge height, providing a larger, less foreshortened roof plane and substituting the small first floor window over the front door with a larger one which matches the other first floor window in height.
 8. I agree that these changes would improve the proportions of the proposed house, reducing the strong horizontal emphasis and squat appearance identified by the previous Inspector. The ridge and eaves heights of the proposed development would now be consistent with No 1, although in part this would be due to the raised ground level, as the floor to ridge height would still be less. The overall ridge height would still be lower than No 2 which, as noted by the previous Inspector, has a prominent role in the street. However, the harm previously identified would be reduced by the changes proposed to the scheme including the increased ridge height. Overall, I consider that whilst the proposed house would still appear somewhat squat compared with the surrounding houses, its appearance compared with others in the street would now be acceptable.
 9. Notwithstanding the improvements to the appearance of the house, I conclude that the proposed development would still appear cramped and, for the reasons given, would cause harm to the character and appearance of the area. The proposal would fail to comply with Policy S3 a) of the Derbyshire Dales Local Plan 2017, which requires development to be compatible with local character, appearance and amenity. It also fails to comply with the requirements for design and layout set out in Policy PD1 and section 12 of the National Planning Policy Framework.
 10. For the reasons set out above the appeal is dismissed.

Rosie Morgan

INSPECTOR



Appeal Decision

Site visit made on 27 August 2019

by A J Mageean BA (Hons) BPI PhD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 September 2019

Appeal Ref: APP/P1045/Y/19/3227125

Listed barn at Waldley Manor, Waldley Lane, Waldley, Doveridge DE6 5LR

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Mr Christopher Parkes against the decision of Derbyshire Dales District Council.
 - The application Ref 19/00043/LBALT, dated 14 January 2019, was refused by notice dated 12 March 2019.
 - The works proposed are to enlarge an existing window opening to west elevation of original barn.
-

Decision

1. The appeal is dismissed.

Preliminary matters

2. I have used a shortened version of the description of the works in the interests of clarity.
3. In 2015 planning permission and listed building consent were granted for the residential change of use of the barn, including demolition of an attached 20th C cow shed, alterations and an extension connected to the northern elevation. I was able to see on my site visit that these works and development have been substantially completed.
4. I was also able to see that the appeal works, that is the enlargement of the window on the western elevation, has already taken place.

Main Issue

5. The main issue is whether the proposed works would preserve the listed building or any features of architectural or historic interest that it possesses.

Reasons

6. The appeal building is Grade II listed and is a former barn constructed as an outbuilding to Waldley Manor, located directly to the south of the building. Waldley Manor is also Grade II listed. The former barn dates from the 17th Century and is a timber framed and brick building with an asymmetrical roof. The western gable, which has brick work on a stone plinth, is thought to date from this period. This elevation has stone coped gable and moulded stone kneelers. It also has a high level 'taking in' hatch, possibly to a hayloft. On the northern side of this opening are two stone blocks, characteristic features

which provided housing for the hinges to the timber hatch cover. On its southern side is the single block which housed the latch keep. This opening also had a broad timber lintel and base plate.

7. Whilst the approved works include a substantial extension to the north, they also sought to repair and protect the existing character and significant elements of the building. This included the filling in of the original taking-in hatch with a plain and simply detailed glazed window frame. Additionally, it included the restoration of the timber framed eastern gable which relates closely in visual terms to Waldley Manor, as well as the two cart openings on the southern elevation which have been retained though glazed. I also understand that an original timber first floor has been retained within the new floor.
8. Overall the significance and special interest of the building relates to the integrity of the structure, including the extent of original fabric. It can also clearly be seen as an ancillary building to the adjacent Waldley Manor.

Impact of the works

9. The original approval for this opening retained the basic form and character of the taking in hatch, which was closely associated with its former agricultural use. Its basic attributes could therefore continue to be appreciated.
10. The alteration has involved the removal of the timber lintel and base plate and the dropping of the window sill by some seven courses to increase the depth of the opening. This has noticeably altered the shape of the original opening, distorting this feature and the way that it previously aligned to the stone blocks. These works have therefore undermined the ability to appreciate the previous form and character of this opening.
11. The new window frame has a fixed upper section and opening lower section. I could see that the frame is set close to the level of the gable wall, that there is a projecting wooden sill, and that the previously apparent timber lintel and base plate have been removed. Two courses of brickwork have been inserted in place of the timber lintel. This design is not in accordance with what I understand to be the approved the detailed drawing (EKV01306-301). I appreciate that the enlarged window may have the same sub frame timber and glazing as the original window, and that the glazing may comply with the original consent condition 16, though such details are not before me. However, overall the details of the new frame do not accord with the simple qualities previously characterising this opening.
12. I was also able to see that the metal hinge pin and latch keep, which were visible in the Council's photograph dated 2013, have been removed. Their retention would have supported an appreciation of the former function of this opening. This is therefore an unfortunate omission, further eroding the appreciation of the former function of the taking-in hatch. Whilst the previous drawing (EKV01306-211) did not include these fittings, neither did it specify their removal. Such elements are usually protected by the listed status and on this basis by default should be protected. Furthermore, the fact that their retention was not required by condition does not indicate that their removal was either authorised or acceptable.

13. The works undertaken have significantly altered a surviving original architectural element of the building. This has resulted in harm to the integrity of the fabric of the building, an element of its special interest and significance. The appellant has suggested that a new timber oak lintel, base plate and hinges could be required by condition. However in the absence of specific details I cannot be confident that this would address the harm identified.

Consideration

14. Having identified harm to a designated heritage asset, I am required to consider the magnitude of that harm. In this case I conclude that this would be less than substantial when considered in the context of the significance of the designated heritage asset overall. In these circumstances paragraph 196 of the National Planning Policy Framework (the Framework) requires that any identified harm is weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
15. During the conversion works the appellant faced issues with securing suitable and safe means of escape from the first floor bedroom of the original barn. In this regard the alterations to the window opening have enabled a larger lower opening window light to provide an emergency escape option. I appreciate the importance of fire safety, and also that this issue emerged during the building works. Email evidence indicates that this was discussed with the Council's Building Control Manager, with his view that the appeal works represented 'a good solution' to a safety matter. However, the same email refers to the fact that planning and building control professionals must try to accommodate each other's views. On this point there is no evidence before me to indicate that any attempt was made to engage with planning and heritage interests to seek alternative, less harmful, ways of addressing this matter. I therefore give such considerations limited weight.
16. In this case the appeal building has had the benefit of planning permission and listed building consent for its change of use, alteration and extension to provide a family dwelling. In this sense these previous approvals have engaged the principle of securing the future of a designated heritage asset by identifying its optimum viable use. The appellant argues that the appeal works have resulted in a habitable bedroom, thereby providing a public benefit. Additionally, it is suggested that without this the scheme of conversion and extension would not be economically viable. Specifically, it is suggested that this would result in only two habitable bedrooms.
17. However, there is no evidence to indicate that without the use of this room as a bedroom the development as a whole would not be viable. Further, whilst full plans of the permitted scheme are not before me, on my site visit I was able to see that, in addition to a bathroom, there are three separate rooms in the extended portion of the building. Finally, whilst I appreciate that an additional safe and habitable bedroom space is clearly desirable for the appellant, this would be a private benefit which does not weigh significantly in the balance.
18. There is limited visibility of the appeal works from public vantage points, though this elevation is glimpsed from Waldley Lane. I am aware that there are clearer views from the public footpath to the east, though this was not accessible at the time of my site visit. However, the lack of general visibility does not negate the harm caused to the intrinsic interest of the listed structure.

Conclusion

19. I have found harm to the special interest of the listed building, contrary to the duty in the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires that special regard be had to preserving any features of architectural or historic interest. This would also be contrary to paragraph 193 of the Framework which states that when considering the impact of a proposal on the significance of a designated heritage asset, great weight should be given to its conservation.
20. Whilst the harm caused is less than substantial, I have not identified any public benefit or other considerations which serves to outweigh that harm. I therefore conclude that the appeal should be dismissed.

AJ Mageean

INSPECTOR



Appeal Decision

Site visit made on 16 September 2019

by Conor Rafferty LLB (Hons), AIEMA, Solicitor (Non-practising)

Decision by Ahsan U Ghafoor BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 September 2019

Appeal Ref: APP/P1045/W/19/3225995

1 Park Avenue, Ashbourne, DE6 1GA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Chris Hainsworth against the decision of Derbyshire Dales District Council.
 - The application Ref 19/00031/OUT dated 3 January 2019, was refused by notice dated 13 March 2019.
 - The development proposed is the erection of a one and a half storey dwelling and private parking and amenity space.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Procedural Matters

3. The application submitted was for outline planning permission with all matters except for access reserved for future consideration. However, a drawing showing the site layout and the scale of the proposed development were submitted with the application. Regard has been had to this plan in this recommendation, which is considered as being indicative only.

Main Issues

4. These are as follows: (1) the effect of the proposed development on the character and appearance of the surrounding area, and (2) the effect of the proposal upon the living conditions of the occupants of the neighbouring dwellings regarding privacy and the potential for noise and disturbance.

Reasons for the Recommendation - *Character and Appearance*

5. The appeal site is situated in a residential area and comprises the rear garden to the semi-detached dwelling at 1 Park Avenue. To one side the property is neighboured by a complex of two and three storey apartment buildings. Travelling along Park Avenue in the other direction, the street is characterised by a long, linear stretch of primarily semi-detached dwellings which vary in style and character but retain a consistency in terms of settlement pattern. The

- rear of the appeal site provides access to public green space surrounding Henmore Brook.
6. The proposal relates to the installation of a 1.5 storey dwelling with amenity space and parking. It is proposed that access would be created by extending the current driveway of 1 Park Avenue, and demolishing the garage that current adjoins the house. A 1.8m high fence would abut this extended driveway.
 7. The proposal would increase the amount of development present at 1 Park Avenue. While the site is bounded at one side by the relatively high density development of the apartment complex, the appeal property marks the beginning of the less densely developed plots which continue along Park Avenue for some distance. The proposal would therefore represent an incongruous addition in the immediate context.
 8. Views of the proposed dwelling would be limited from Park Avenue due to the distance of the property from the street frontage. Similarly, views from the public right of way to the rear of the appeal site would be reduced due to the screening present. However, the proposal nonetheless would upset the rhythm of the settlement pattern present along the street and as such would represent a change in the character of the immediate surroundings.
 9. The demolition of the garage adjoining 1 Park Avenue in order to extend the current driveway would also be inconsistent with the wider character of the area. The majority of dwellings along Park Avenue adjoin either a garage or porch on the side elevation and driveways running adjacent to the properties is not a common feature of the immediate section of the street. Furthermore, a driveway of the length proposed would be a particularly alien feature in the surrounds.
 10. For the reasons given above I find that the proposed development would have a materially harmful impact on the character and appearance of the surrounding area. It would therefore be contrary to Policies S1, S3, PD1 and PD5 of the Adopted Derbyshire Dales Local Plan (2017).

Living conditions

11. As evidenced by the submitted plans, various elements of the proposal would be located in proximity to residential dwellings, to include the neighbouring apartment complex, 1 Park Avenue, and 3 Park Avenue.
12. With regards to the apartment complex, the buildings therein would be located directly adjacent to the boundary of the proposed access, turning circle and parking spaces. Furthermore, although set back from the boundary with the appeal site, one apartment building would also be in line with the dwelling.
13. These apartment buildings are a range of two and three storey dwellings which tower above the hedge running along the boundary with the rear garden of 1 Park Avenue. They benefit from various large windows on the rear and side elevations which offer views of the appeal site. While the proposed dwelling would, at 1.5 storeys, be smaller in height than these neighbouring buildings, it would nonetheless impact on the privacy of occupiers.
14. The presence of a driveway, parking spaces and residential dwelling at the appeal site will lead to increased use of the space when compared with its

- current function as a rear garden. Due to its positioning, residents of the proposed dwelling would be offered clear views into the large windows of the adjoining apartments running along the boundary between the properties, from both the dwelling itself and along the length of the proposed driveway.
15. With regards to the 1 Park Avenue, the proposal will be located directly behind the current dwelling. However, due to the proposed distance between the two properties and the installation of a 1.8 metre high boarded fence along the boundary, it is not considered that the proposal would have any impact on the privacy of the occupiers of 1 Park Avenue.
 16. Similarly it is not considered that the proposal would have an impact on the privacy of the residents of 3 Park Avenue due to the positioning of the proposal, its distance from the property and the screening currently present along the boundary. Furthermore, the 1.8 metre high fence to be installed along the boundary between the proposed dwelling and 1 Park Avenue would offer additional screening to the residents of 3 Park Avenue.
 17. With regards to the possibility for noise and disturbance as a result of the proposal, the position of the dwelling, driveway, turning circle and parking spaces has the potential to impact on the living conditions of occupants of the neighbouring dwellings identified above. This is particularly the case for occupants of the apartment complex buildings due to the proximity of these buildings to the vehicular elements of the proposal.
 18. However, while there will certainly be an increase in noise levels as a result of the proposal, I do not consider that the extent of the noise and disturbance based on one dwelling and its associated likely traffic movements would be sufficiently high to cause harm to the living conditions of neighbouring occupants.
 19. For the reasons given above I find that the proposed development would have a materially harmful effect upon the living conditions of the occupants of the neighbouring apartment complex with regards to privacy. The proposal would therefore be contrary to Policy PD1 of the Adopted Derbyshire Dales Local Plan (2017).

Other considerations

20. The appellant has referred to the fact that an outbuilding of similar dimensions to the proposed dwelling could be erected under permitted development rights. However, no evidence has been submitted as to the likelihood of such an outbuilding being built, such that there is no greater than a theoretical possibility that the development might take place. Limited weight is therefore attached to this fallback position.
21. Reference has been made by the appellant to other properties within the vicinity as having similar features to the proposal. However, limited information has been provided on the nature of these developments or their comparability to the current proposal. In any event, this proposal should be assessed on its own site-specific circumstances.
22. The appellant has also stated that the proposal represents the optimum use of the land, in a sustainable location. While this is acknowledged, the identification of these benefits does not outweigh the harm identified above.

23. The personal circumstances of the appellant are also acknowledged, whereby the garden associated with the current property is becoming increasingly hard to maintain and is too large for the family's needs. However, such circumstances can be afforded little weight in planning terms, and do not override the other considerations identified in this recommendation.

Conclusion and Recommendation

24. For the reasons given above, and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

C Rafferty

APPEAL PLANNING OFFICER

Inspector's Decision

25. I have considered all the submitted evidence and the Appeal Planning Officer's report, and, on that basis, I too agree that the appeal should be dismissed.

A U Ghafoor

INSPECTOR



Appeal Decision

Site visit made on 27 August 2019

by A J Mageean BA (Hons) BPI PhD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 September 2019

Appeal Ref: APP/P1045/Y/19/3225711

The Old Coach House, Gatehouse Drive, Wirksworth DE4 4DL

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Mr Jeremy Colin against the decision of Derbyshire Dales District Council.
 - The application Ref 18/00910/LBALT, dated 15 August 2018, was refused by notice dated 11 October 2018.
 - The works proposed are renovations and extensions including some demolition and re-building of existing structure.
-

Decision

1. The appeal is dismissed.

Procedural matter

2. The scheme proposed includes both building operations and internal works. As such, in accordance with Sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act), both planning permission and listed building consent are required to authorise the alterations proposed. Whilst I understand that the appellant applied to the Council for planning permission, that decision is not before me. Therefore, in determining this appeal I have considered the works which require listed building consent only. Should this appeal be successful, it would additionally be necessary to obtain planning permission for alterations which affect the external appearance of the building for the scheme to be fully authorised.

Main Issue

3. The main issue is whether the proposed works would preserve the listed building or any features of architectural or historic interest that it possesses.

Reasons

Is this a curtilage building?

4. The Old Coach House forms part of a series of former service buildings attached to the rear of the property known as The Gatehouse. This is a significantly sized Georgian rebuilding of a former 16thC property. It was listed Grade II* in October 1950. The main property and its service buildings have undergone significant change and conversion, particularly since the 1950's, with the complex now divided into a number of separate dwellings and gardens.

5. The appellant questions whether The Old Coach House should in fact be regarded as a curtilage listed building. The curtilage of a principal listed building is, in general terms, any area of land and other buildings that are around and associated with that principal building. This could mean that considerably more may be protected by the listing than is obvious from the list entry alone, and there can often be considerable uncertainty as to what is covered. Statute indicates¹ that unless the list entry explicitly says otherwise, the listed building also includes any ancillary object or structure within the curtilage of the building, which forms part of the land and has done so since before 1st July, 1948. However, the law that refers to curtilage only came into effect on 1 January 1969. As such there is some ambiguity relating to the position of buildings listed before that date.
6. Historic England Guidance on this point² suggests that for such buildings curtilage protection could be from 1 January 1969. Although there is no case law to confirm this matter, the guidance sets out that the most logical way of dealing with buildings listed before 1969 would be to consider the position at 1 January, 1969, and apply a three-part assessment of the facts to that situation. These are: 'the physical layout of the listed building and the structure; their ownership, both historically and at the date of listing; and the use or function of the relevant buildings, again both historically and at the date of listing'.
7. Map evidence from 1835 and 1849 indicates that the Gate House was physically separate from the building range to the west, with a separate curtilage. By the time of the map of 1880 the range was physically connected to the Gatehouse, indicating that the additional buildings, including those forming what is now the Old Coach House, were constructed between 1849 and 1880. It is likely that the Old Coach House was constructed as a stable block to the principle house. Also by this time, the curtilage area appears to have been extended to the west to include these buildings with the area to the south of the range laid out as formal gardens.
8. This arrangement of the Gatehouse with its large curtilage appeared to remain until at least the time that the 1955 map was produced. The situation had changed by the time of the 1968 map when the westernmost section of the range, adjacent to the Old Coach House, appears to have been redeveloped with a separate garden, and sub-divisions of the Gatehouse itself were evident. At some point the Old Coach House was converted to garages with four bays. Some further changes with sub-divisions of the Gatehouse and part of the curtilage are visible on the 1968 and 1992 maps.
9. In relation to the key factors in identifying curtilage buildings, specifically historical relationships and the situation at the date of listing, the map evidence indicates that historically there has been a strong physical and functional relationship between the Old Coach House and the Gatehouse. It also suggests that in 1950 the Gatehouse and its large garden area appeared to be intact, and it is likely that the principle building and its curtilage area remained in single ownership.
10. However, the exact point at which the estate began to be divided is unclear. Type written notes on the listing description indicate that permission to convert the Gatehouse into 5 flats was granted in July 1953. The appellant has also

¹ Section 1(5) of the Planning (Listed Buildings and Conservation Areas) Act 1990

² *Listed Buildings and Curtilage* Historic England Advice Note 10, 2018

provided a land registry document from March 1951, which indicates that the eastern portion of the Gatehouse was registered in separate ownership. The appellant speculates that this split could have happened at the same time as the building was listed, on the basis that there could have been a delay in registering the charge. Whilst the evidence on this point is not conclusive, the historical relationship between these buildings is not disputed. I therefore conclude that the Old Coach House should be treated as part of the listed building.

Significance

11. As a single storey structure at the end of a range which drops down from the impressive three storey and three bay Gatehouse, and the connected three then two storey service buildings, the Old Coach House is a subservient structure. It's physical form and function have evolved over time to reflect changing requirements. Indeed, the appellant's evidence suggests that it could have been a taller structure. Whilst this evidence also indicates that the rear elevation incorporates stone quoin detailing from an earlier Georgian range, it is also clear that parts of the building have undergone considerable rebuilding.
12. The conversion of the building to residential use in the late 1980's/early 1990's involved substantial internal alterations, such that its original floorplan is largely illegible. Of the external alterations, the most visible additions are the full height arched windows which replaced the former garage doors on the northern elevation facing onto the driveway. Some openings were also made in the rear southern elevation, including patio type windows on the 'outshut', or lean-to element. This elevation would have been onto the private gardens of the Gatehouse. As such opportunities for viewing this area from service buildings would have been restricted.
13. Whilst much altered the converted structure has retained a relative plain appearance, modesty and blankness to the southern elevation. The ability to appreciate the relationship of the appeal building with the primary listed structure has been undermined by the subdivision of the former garden area. However, the inherent deference of the Old Coach House to the Gatehouse in terms of scale and appearance remains and is of significance.
14. Overall therefore, the Old Coach House retains its appearance as a modest structure, and it is still possible to appreciate its physical and functional subservience to the Gatehouse. As such, whilst it is of modest value when considered in the context of the Grade II* structure, it does contribute to the special interest and significance of the complex of structures connected to the Gatehouse.
15. The site is also located within the Wirksworth Conservation Area, and its roof is partly visible from the Meadows, a key remaining open area in the town.

Impact of the works

16. The appeal scheme would involve significant alterations to the rear southern elevation. This would include the removal of a large area of what appears to be original rear wall, and the dropping of the sill of the window on the eastern outshut wall to enable the living area to open into the steel framed glazed extension. Whilst this box-like addition would be lightweight, the expanse of

- glazing would be an alien addition, and incompatible with the efforts to retain the modest form of this elevation.
17. Two dormer windows would be added to the rear roofslope. The design of these additions appears to have some resemblance to the single dormer previously present and removed as part of the previous conversion. However, they would be more substantial structures, and therefore comparatively intrusive additions, appearing prominent in the otherwise largely plain roof area. The eastern doorway would also be widened, though this would be somewhat masked by the use of a brick slip sliding screen.
 18. Further alterations would also be made to the front elevation, including the replacement of the garage door with further fixed timber frame glazing, and two roof lights.
 19. The appeal scheme would also involve extensive internal alterations including the removal of internal walls, many of which are non-original, to create an open plan living/kitchen and dining area. This would include the lowering of the floor on the western side, which may result in the western and outshut walls, some of which contain surviving original fabric, becoming unstable and having to be demolished. The appellant acknowledges that this would have a negative impact on the building, though it is suggested that underpinning may be viable.
 20. I acknowledge that the proposals contain provision for some areas of historic fabric to be better appreciated. This includes the use of the surviving brick and stone pier as a central feature of the main living area, and the suggestion that the currently enclosed king post truss could be revealed. However, overall the effect of the scheme would be to further erode the integrity of the southern elevation which would be harmful to the special interest and significance of the building.

Consideration and balancing

21. Section 16(2) of the Act requires that when considering whether to grant listed building consent for any works affecting a listed building or its setting, special regard must be had to the desirability of preserving or enhancing the building or its setting, or any features of architectural or historic interest it possesses. Paragraph 193 of the National Planning Policy Framework (the Framework) states that when considering the impact of a proposal on the significance of a designated heritage asset, great weight should be given to its conservation.
22. Applications for listed building consent are not required to be determined in accordance with the development plan, though relevant policies can be material considerations. A number of those policies referred to by the appellant relate to general design and sustainable development principles and are not directly relevant to this case. However, Policy PD2 of the Derbyshire Dales Development Plan 2017 (Development Plan) is of relevance as it refers to the need to conserve heritage assets in a manner appropriate to their significance.
23. In accordance with the Framework, having identified harm to a designated heritage asset, I am required to consider the magnitude of that harm. In this case I conclude that this would be less than substantial when considered in the context of the significance of the asset overall. In these circumstances paragraph 196 of the Framework requires that any identified harm is weighed

- against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
24. The appellant refers to the previous conversion to residential use being of poor quality and not fit for purpose. It is also suggested that the scheme was not completed in accordance with the approval for conversion, and that in its current form it does not comply with Building Regulations, with particular reference to emergency escape. Whilst it is suggested that the dormer additions might address this point, it is not clear whether alternative means of addressing any deficiencies have been explored.
 25. Whilst it is clear that the size and configuration of the building places restrictions on its adaptation, I understand that it has been occupied in its current form for some 20 years. I saw on my site visit that in more recent times it has fallen into disrepair. As such, it is perhaps unsurprising that the appellant's building survey, which appears to have been associated with the purchase of the property, identifies the need for repairs and further investigations, though no very serious defects.
 26. Overall, whilst the appellant may prefer the alterations proposed, there is no evidence before me to indicate that the current internal configuration could not be adapted, nor that it is unviable. As such the appellant's argument that the currently proposed scheme would secure its long term optimum viable use does not gain traction. This significantly limits the weight that can be afforded to this consideration in support of the appeal.
 27. I am required, as a statutory consideration, to have regard to the effect of the proposed works on the character or appearance of the conservation area when determining the appeal. My view is that whilst the visibility of the appeal building from the Meadows is limited as it is greatly restricted by intervening vegetation, there would be some minor harm to views from what the Conservation Area Appraisal 2001 describes as an extremely important historic public open area. Whilst the magnitude of harm in this regard may be at the lower end of the less than substantial spectrum in the context of the conservation area as a whole, it would nonetheless fail to preserve it, and so be in conflict with Section 72 of the Act.
 28. Whilst in terms of both the listed building and the conservation area I have found the harm to be less than substantial, this should not be equated with a less than substantial objection, particularly where the statutory duties to preserve the listed building and conservation area have not been met. Furthermore, in the absence of meaningful public benefits the identified harm would not be outweighed.
 29. The appellant refers to a range of building activity close by, the most recent of which relates to the site known as the 'Hot House', a contemporary development of two properties within the former kitchen garden area of the principle listed building, and abutting a section of the original wall. However, the officer report refers to the fact that the site previously housed a number of workshop buildings which were not considered to enhance their surroundings. Therefore, the circumstances of this case are not comparable to the present appeal.
 30. Other additions and alterations to the principle listed building are referred to which, the appellant suggests, demonstrate that this asset and its setting have

been compromised. An Inspector in a previous planning appeal³ relating to the construction of a dwelling in the grounds of the Gatehouse confirmed this view.

31. The full circumstances of the erosion of the setting of the listed building are not fully clear. However, in more recent times, whilst the Council has supported the alteration and adaptation of the wider site, this has for the most part been carefully considered in an effort to retain the special interest and significance of the building and its setting. For example, the appeal referred to above was dismissed on the basis that the addition of a dwelling, along with its domestic paraphernalia, would have a harmful effect on the setting of the listed building, even though the development would have a limited effect on public vantage points.
32. Given the current circumstances of the listed building, and the considerations required by statute and policy, the case for protection and careful consideration of future changes is clearly made. My conclusions are drawn accordingly.

Conclusion

33. The proposed works would fail to preserve the special interest of the listed building, causing less than substantial harm. In the absence of any public benefits to outweigh this harm, I conclude that the works would conflict with the Framework and, insofar as it is relevant to this appeal for listed building consent, Policy PD2 of the Development Plan. Therefore, the appeal is dismissed.

AJ Mageean

INSPECTOR

³ APP/P1045/A/11/2161783/NWF



Appeal Decision

Site visit made on 16 September 2019

by Conor Rafferty LLB (Hons), AIEMA, Solicitor (Non-practising)

Decision by A U Ghafoor BSc (Hons) MA MRTPI

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

Decision date: 26 September 2019

Appeal Ref: APP/P1045/W/19/3225891

Rock House, Derby Road, Cromford, DE4 3RP

- 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 D Potter against the decision of Derbyshire Dales District Council.
 - The application Ref 18/01011/FUL dated 7 September 2018 was refused by notice dated 5 December 2018.
 - The development proposed is a dwelling.
-

Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issues

3. The main issues are the effect of the proposal on the setting of the Rock House Grade II Listed Building, the character and appearance of the Derwent Valley Mills World Heritage Site and, linked to that, whether the proposal would preserve or enhance the character or appearance of the Cromford Conservation Area; and the amenity value of the nearby protected trees.

Reasons for the Recommendation - Heritage Assets

4. The appeal site is located in the Cromford Conservation Area (the CA) and Derwent Valley Mills World Heritage Site (WHS). It comprises a disused tennis court incorporated in the grounds of the Rock House Grade II Listed Building.
5. The surrounding part of the CA is characterised by its residential nature and the mix of traditional buildings such as Rock House with a more modern 20th Century housing development. These more modern dwellings vary in size and design but retain an overall consistency in terms of architecture and character. Throughout the grounds of Rock House the residential dwellings are interspersed by areas of open lawns. The location contributes positively to the CA by virtue of the Listed Building, which is a prominent feature in the immediate setting.
6. The style of Rock House is typical of the wider historic character of the CA. Its elevated position marks it as a having been one of the houses of high status

when it was built which, in accordance with the Conservation Area Appraisal, were placed carefully and deliberately to make the most of the surrounding views. It is complemented by the former stable block and coach house which contribute further to the character of the CA, and consequently to the setting of the Listed Building. While more modern dwellings are located in the immediate area, the overall setting contributes positively to the significance of Rock House from both a visual and historic perspective.

7. The appeal site also falls within the WHS, which defines the area as being of outstanding universal value. While no Statement of Outstanding Universal Value or Management Plan has been submitted with regards to the WHS, its designation indicates that the site is of the highest significance as a heritage asset and account has will be taken of the guidance set out in the National Planning Policy Framework and in the Planning Practice Guidance with regard to development within its setting.
8. The proposal involves the erection of a modern style dwelling at the appeal site. By virtue of its positioning, the proposal would be in proximity to both Rock House and the surrounding housing development. While screening would be in place due to the planting of hedges and the pre-existing trees on site, the proposal would nonetheless be experienced alongside both Rock House and the housing development from certain vantage points. In these contexts, it would appear as an incongruous addition due to its overtly modern design. Despite the mixture of styles in the immediate locality, the proposal would stand out against both the 20th Century style of the dwellings and, more particularly, the traditional architecture of Rock House. It would introduce a new style to the immediate surroundings of the CA and WHS which would not be in keeping with the character and appearance, detracting further from the historic feeling of these grounds.
9. The proposal would cause visual harm to designated heritage assets. However, it does not impact the fabric of the Listed Building itself and would only be visible from a limited section of the CA and WHS, which already contain a mix of development styles. Furthermore, the proposal is only one storey tall and there would be hedgerow screening in place. As such, this would equate to 'less than substantial' harm in accordance with the National Planning Policy Framework (the Framework). Nonetheless this harm must still be given considerable importance and weight.
10. Paragraph 196 of the Framework specifies that where a development will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. From the information provided there are limited public benefits to the proposed development. It is acknowledged, however, that it would make a contribution to the Council's five-year housing land supply, albeit a minimal one. While the harm to the significance of the heritage assets would be less than substantial, the benefits identified are not sufficient to outweigh that harm, particularly when considering the weight to be given to the conservation of these assets.
11. On the main issue, I find that the development would fail to preserve or enhance the character or appearance of the CA and would harm the setting of the Listed Building and the WHS. Accordingly, it would fail to comply with Policies S1, S3, PD1 and PD2 of the Adopted Derbyshire Dales Local Plan (2017).

Trees

12. The trees which are located at the appeal site are covered by a Tree Preservation Order. In accordance with the appellant's submitted Arboricultural Report, those trees closest to the proposed location of the dwelling fall in Retention Categories B and C. While the retention of those in Category C should not impose a constraint on development in accordance with British Standard 5837:2012 'Trees in Relation to Design, Demolition and Construction – Recommendations', Category B trees are deemed to be of moderate quality and value, including public visual amenity value.
13. The proposal would not require the removal of any of the trees on site. However, a group of Category B trees would be in proximity to the proposed location of the dining room, living room and two bedrooms, each of which has a glazed area looking out to the trees. With their canopy spread, these trees could result in heavy shading to these rooms and have an impact on the occupiers' outlook. As a consequence, this would be likely to result in future pressures from the occupiers for the trees to be lopped, topped or felled. This would substantially reduce their amenity value.
14. I conclude the proposal would have an unacceptable effect on the amenity value of the protected trees. As such, it would not comply, in this regard, with Policy PD6 of the Adopted Derbyshire Dales Local Plan (2017).

Conclusion and Recommendation

15. Having had regard to all matters raised, I recommend that the appeal should be dismissed.

C Rafferty

APPEAL PLANNING OFFICER

Inspector's Decision

16. I have considered all the submitted evidence and the Appeal Planning Officer's report, and, on that basis, I too agree that the appeal should be dismissed.

A U Ghafoor

INSPECTOR

BACKGROUND PAPERS

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

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

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

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

BACK TO AGENDA